

# Preliminary Decision Memo

## Black Crater Fire Roadside Danger Tree Removal

USDA Forest Service  
Sisters Ranger District, Deschutes National Forest  
Deschutes County, Oregon  
T15S, R09W, Sections 2, 4, 11, 14, 19, 20, 21, 22, 25, and 30. W.M.

### BACKGROUND

#### Existing Condition and Need for Action

On July 24, 2006 a fire started in the Three Sisters Wilderness. The fire subsequently burned to the east, escaping the wilderness. At the time of control the fire had burned about 9,407 acres, including 4,827 acres of National Forest lands. The fire impacted the Forest Road system, resulting in numerous dead trees immediately adjacent to roads. These trees have the potential to fall into the road right-of way and are a potential hazard to Forest users and Forest Service personal. The roads access the Whispering Pines Campground, Millican Trailhead, and dispersed recreation areas.

Roads under consideration in this project are managed under the Deschutes National Forest Land and Resource Management Plan, as amended by the Record of Decision for Amendments to the Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl (Northwest Forest Plan). Management allocations for the project area include Late Successional Reserve, Matrix, Scenic View: Retention Foreground (MA-9), and Scenic Views: Partial Retention Foreground (MA-9).

#### Purpose and Need for Action

The *purpose* of the project is to provide for long-term public and employee safety, particularly in those places of relatively high public use or concentrated administrative use by Forest Service employees. The area is now exposed to an elevated risk from numerous fire killed trees that exist along road ways.

There is a *need* to reduce risk through the felling of danger trees.

There is also an opportunity for the removal and utilization of danger trees as timber products from areas where management direction would allow removal to be done in an environmentally responsible manner.

#### Proposed Action

The project would provide for improved public and employee safety by felling danger trees located along Forest Roads 15, 1512, 1510, 1520, 1018, and 1024. These Forest Roads are considered primary routes for public and administrative access in the Black Crater fire area. Felled danger trees may be removed or left in place depending on the standards and guidelines

for the Management Allocation in which they are located and the associated environmental effects. About 8.9 miles of road will be treated.

Previously dead or fire killed trees that have the potential to fall onto the roadway would be felled. No tree will be felled unless it meets the danger tree guidelines described below.

Some roads are located along the perimeter of the fire area. Along these roads danger trees will be felled on both sides of the road. No new road construction will take place.

Activity fuels will be piled and burned and/or lopped and scattered after danger tree felling operations are completed. It will be important to treat fuels in foreground areas on lands allocated to Scenic Views.

The following table gives the Forest Road number, miles of road that would be treated, and the Management Allocation for each road segment.

<b>Forest Road</b>	<b>Miles of Road</b>	<b>Management Allocation</b>
15	1.7	MA-9 (Partial Retention)
1510	2.0	MA-9 (Retention)
1512	0.9	MA-9 (Partial Retention)
1520	1.4	LSR-Riparian Reserve
1018	1.4	Matrix-Riparian Reserve
1024	1.5	LSR
<b>Total</b>	<b>8.9 miles</b>	

## **Danger Trees**

Dead fire killed trees will be evaluated and rated for danger levels and risk according to the guidelines in “Long-Range Planning for Developed Sites in the Pacific Northwest: The Context of Hazard Tree Management” by Harvey and Hessburg (1992) and “Field Guide for Danger Tree Identification and Response” by Toupin and Barger (2005). Danger trees will be designated for harvest or felling-only by certified individuals.

## **DECISION**

I have decided to implement the Proposed Action. My decision will increase public safety by felling fire killed danger trees adjacent to Forest Roads within the Black Crater fire area. My decision also allows for the harvest of merchantable danger trees in management allocations where removal is allowed. About 150 thousand board feet of fire killed ponderosa pine and white fir would be available for removal. Ground-based logging equipment will be used to skid logs to the road for loading. The number of passes of logging equipment will be minimized to the extent practical to avoid detrimental effects to soils. Activity fuels will be hand-piled and/or lopped and scattered and burned where fuel concentrations and visual quality objectives are a concern.

Danger trees will be removed and/or left in place across a total of about eight acres. Danger trees are found either singularly or in small groups. Along some roads there are only a few danger

trees in areas that experienced mixed fire severity. This project does not involve any large clear-cut swaths adjacent to roads.

Other fire killed trees will be felled and not removed in Riparian Reserves and in areas that still meet northern spotted owl nesting, roosting, and foraging habitat (NRF). Some incidental activity fuels will remain after harvest in areas immediately adjacent to the road; this will help meet some down woody requirements while not being an immediate fire hazard.

A large number of non-merchantable (< 8 inches diameter at breast height) fire killed trees will be felled and it will necessary to remove them from road ditches and piled and burned and/or lopped and scattered.

In the Riparian Reserve adjacent to Trout Creek, danger trees will be felled in such a way to avoid unwanted fuel concentrations, limbed, and the limbs piled more than 50 feet from Trout Creek for burning to avoid impacts to riparian values. Tree boles will remain on site to provide coarse woody debris for Riparian Reserve and stream complexity. Felled fire killed trees will provide long term benefits for fish habitat. Any short-term impacts will be negligible.

An environmental assessment or environmental impact statement will not be prepared. I have reviewed project effects to extraordinary circumstances (see below) and have determined that the project, as designed, will have little to no effect relative to the natural or human environment.

The project meets the requirements found at **FSH 1909.15 - 31.12 Categories Established by the Chief**. Specifically, the project meets category **31.12 (4). Repair and maintenance of roads, trails, and landlines.** This category best meets the Purpose and Need for the project.

### **Extraordinary Circumstances**

In determining the appropriateness of using a categorical exclusion, a determination of the potential impact to the resource conditions (extraordinary circumstances) identified in FSH 1909.15 Section 30.3(2) must be made. The following is a list of the potential effects to the resource conditions in or near the project area.

#### **1) Federally listed threatened, endangered or sensitive (TES) species or designated habitat or species proposed for Federal listing or proposed critical habitat.**

##### Botanical Species

- There will be **No Adverse Impacts** to Threatened, Endangered, and Sensitive (TES) species or Survey and Manage plant populations, or to their potential habitats. A small Peck's penstemon population is located adjacent to Forest Road 1510 but will not be impacted by project activities.

##### Wildlife Species

- There will be **No Effect** to Bald Eagle, Canada Lynx, Western Sage Grouse, or Oregon spotted frog. In addition, there will be **No Impact** to California Wolverine, Pacific Fisher, or the Crater Lake Tightcoil.
- There will be a "**May Effect, but not likely to Adversely Effect**" determination for northern spotted owl and their Critical Habitat Unit (CHU).

## Aquatic Species

- There will be **No Effect** to Chinook salmon or Columbia River Bull Trout.
- The project “**May Impact Individuals or Habitat**” in the short term (felling trees into Trout Creek) for redband trout, a Forest Service Sensitive Species, but will have a Beneficial Effect by providing improved fish habitat over the long-term. **No Impact** to redband trout populations or their habitats is expected in areas outside Riparian Reserves where danger trees are removed and/or felled and left in place.

## 2) Flood plains, wetlands, or municipal watersheds.

Floodplains: Executive Order 11988 provides direction to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “. . . the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.”

- There are no floodplains within the project area.

Wetlands: Executive Order 11990 was promulgated to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “. . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

- There are no wetlands within the project area.

## Municipal Watersheds

- There are no municipal watersheds within the project area.

## 3) Congressionally designated areas such as wilderness, wild and scenic rivers, or national recreation areas.

- The project is not located within a wilderness, a wild and scenic river, or national recreation area.

## 4) Inventoried Roadless Areas.

- There are no Inventoried Roadless Areas in the project area. The project would not construct any permanent or temporary roads.

## 5) Research Natural Areas.

- There are no existing or proposed Research Natural Areas in the project area.

## **6) American Indian and Alaska Native religious or cultural sites. Archaeological sites, or historic properties or areas.**

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items.

- This decision complies with the cited Acts.

Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. A ‘no properties affected’ determination was made. One prehistoric site was located but is outside any area of impact.

- No cultural resource sites will be impacted by the project.

## **Review of Effects Determinations**

There are no adverse effects to any federally listed or endangered botanical species or their habitats or Heritage resources. Formal consultation with the State Historic Preservation Office (SHPO) or U.S. Fish and Wildlife is not required.

## **Redband Trout**

There will be a “**May Impact Individuals or Habitat**” determination for redband trout, a Forest Service Sensitive Species. This determination applies to the Riparian Reserve immediately adjacent to Trout Creek. There will be a negligible short-term effect due to felling danger trees which have the ability to strike Trout Creek. The duration and intensity of this effect are negligible and felled trees will have a long-term **Beneficial Effect** to the Riparian Reserve by increasing habitat roughness, trapping sediment, increasing woody debris, and improving fish habitat. There will be **No Impact** to redband trout in areas outside the Riparian Reserve where danger trees will be removed and/or felled and left in place.

## **Northern Spotted Owl**

I have carefully considered project effects relative to northern spotted owl, a Federally listed Threatened wildlife species. (For a more detailed discussion see the Biological Evaluation of Threatened, Endangered, and Sensitive Wildlife Report in the project analysis file). The following points are germane to the project:

- A small portion of the project area (0.7 miles of road) occurs on the outer edge of the home range of the Trout Creek Swamp northern spotted owl territory. The pair was

discovered in 1989 and was found again in 1990, 1991, and 1992. In 1993 only one bird was heard. No birds have been located within the home range since 1993. Surveys were conducted in 2001 and again in 2006 according to the Region Six protocol within the Trout Creek Swamp historic territory and the Black Crater Fire area. No birds were located.

- Approximately 3.25 miles of roads identified for danger tree removal is located within the Cache/Trout Late-Successional Reserve and two miles of roads within Matrix.
- Approximately 3.25 miles of roads identified for danger tree removal occurs within Critical Habitat Unit (CHU) OR-5. CHU's were designated to develop and maintain essential nesting, roosting, and foraging habitat (NRF) and help support the dispersal of owls along the eastern slope of the Oregon Cascades. OR-5 is important for maintaining the eastern extent of the subspecies range within the Eastern Cascades province.
- Nesting, roosting, and foraging habitat (NRF) is an important habitat constituent. Areas within mixed mortality, underburned, or unburned that were identified as NRF were ground truthed by Monty Gregg and Kris Hennings (Sisters Ranger District Wildlife Biologists). There is a total of six acres of suitable habitat (NRF) identified within the danger tree project area.

## **Discussion**

There are no known nest sites or activity centers within ¼ mile of the project area. Most danger trees are located in stands that experienced stand replacement fire, which is not considered suitable habitat.

In areas still identified as NRF danger trees will be felled and left. Structure will remain on site but will change from vertical structure to horizontal. Live canopy cover will not be altered by this project and will remain in small isolated patches. Only a small portion of NRF (six acres) will be treated.

CHU OR-5 is within the danger tree project area. Danger trees located in suitable habitat within the CHU (current NRF) will be felled and left in place; structure will remain on site but change from horizontal to vertical. In the CHU, areas that experienced stand replacement fire no longer function as critical habitat, therefore fire killed danger trees can be removed. Removal of danger trees will not reduce canopy cover, the average diameter at breast height (dbh) of the stand, availability of nesting structures and sites, connectivity, or the abundance of available prey species.

Insect and disease outbreaks in the Black Crater area along with the Black Crater Fire have produced ample down wood to meet Forest standards and guidelines for down wood in the area-trees not located within NRF habitat can be removed. In areas identified as suitable habitat (current NRF) danger trees will be felled and left in place to provide down wood.

Danger tree removal activities are usually concentrated along roads and around primarily high use areas. This activity has minimal impacts to suitable spotted owl habitat. Where this activity occurs within suitable habitat, most danger trees will be felled and left in place to provide additional structure. Habitat structure will change from vertical to horizontal but will still be present on site.

Given the analysis contained in the wildlife report I have determined that abatement of danger trees “**May Effect, but is not likely to Adversely Effect**” the northern spotted owl or their habitat due to potential felling of danger trees within NRF habitat. However, all trees felled within NRF will stay on site to provide down wood. This determination follows the use of the Project Design Criteria (PDC) dichotomous key for effects determination for project proposals (Joint Aquatic and Terrestrial Programmatic Biological Assessment, August 2006-August 2009). The project complies with all relevant PDC.

Additionally, there will be **No Effect** to wildlife Management Indicator Species (MIS), Species of Concern, Survey and Manage Species (S&M), or Neotropical birds.

## Hydrology

I also considered water quality and hydrologic issues. Specifically the project:

- Will have no measurable effect on sedimentation because there will be no significant ground disturbance near streams.
- Will not affect water temperature.
- Will have a negligible effect on the Trout Creek channel in the short-term and a beneficial effect over the long-term.
- Will not incrementally add to cumulative effects for water quantity and quality because no effects to water quality parameters are predicated.

## Mitigation Measures

The following mitigations will be incorporated in project design (see Specialists Reports located in the project file):

## Habitats

- Danger trees will be felled but not removed in areas that experienced mixed tree mortality or were underburned in nesting, roosting, and foraging (NRF) habitat for northern spotted owl.
- Danger trees in Riparian Reserves will be felled but not removed. No equipment will be allowed in Riparian Reserves. Felled trees will be limbed and the limbs piled at least 50 feet from the edge of Trout Creek. The piles will later be burned.

## Wildlife

- Danger trees within NRF habitat should be felled prior to March 1, 2007 to avoid the seasonal restriction period on working within NRF habitat that has not been called for two consecutive years.

## Botanical Species

- Danger trees will be felled but not removed in the Peck’s Penstemon population located along Forest Road 1510. The object is to minimize further ground disturbance within Peck’s penstemon habitat.

## **Invasive Plant Species**

- Use timber sale contract clauses to prevent the inadvertent introduction of invasive plant species by contractors.
- Minimize soil disturbance to the extent possible, consistent with project objectives.

## **Visual Quality**

Applicable for all Foreground landscape areas (0-½ mi.) located along Forest Roads 15, 1512, 1510, 1520, 1018, and 1024 within the Black Crater Fire area.

- Activity fuels disposal for Foreground areas along scenic and travel corridors should be completed within two years (Deschutes National Forest LRMP, MA 9-8). A Forest Plan amendment would be necessary if the time frame for post-harvest treatment activities cannot be met.
- Minimize ground disturbance in Foreground areas as seen from recreation sites, access, and travel corridors.
- Approximately 80% of the activity fuels generated in the treatment areas should be removed from the immediate Foreground area and slash piles should be small and not obvious to the casual forest visitor following post treatment activities.
- Slash clean up should be completed by a low impact techniques such as pile and burn and/or lop and scatter. This recommendation applies within the immediate Foreground area (0-300 feet).
- Stumps visible from scenic corridors should be cut to 8” or lower within the immediate Foreground area. Special consideration is given, on a case by case basis, to cover for areas where erosion control strategy may require a stump height taller than 8”.
- Where possible, design and locate skid trails and landing areas at least 300 feet away from recreation sites, access and travel corridors. Use parallel (to a travel corridor) skid trails to help reduce a “shot gun” visual effect.
- Where possible, use cut tree marking (blue paint) to minimize the amount of tree marking paint visible from recreation sites, scenic and travel corridors

## **Recreation**

- The Metolius Windigo Trail parallels the southern edge of the Forest Road 1510 road for approximately 1 mile. Avoid activities or actions which interfere with the trail. Adverse impacts might include slash piles, log deck locations, leaving excessive debris, or skidding across the trail
- Millican Crater Trailhead is located near the end of the Forest Road 1024. Avoid impacts to the trailhead parking lot such as log decks and/or slash piles.
- Several popular dispersed camp sites exist along the Forest Road 1018 road near Trout Creek. Avoid impacts similar to those described above

## **Hydrology**

- Fell and leave trees that will cause excessive resource damage. For example:
  - Trees in Riparian Reserves, and



- Trees on unstable, steep (>30%) slopes that will not cause a safety or resource risk if left.
- Fell trees into the stream in riparian areas.
- Do not deck trees or create landings in Riparian Reserves.
- Ground-based machinery will not travel off of existing skid trails or roads on slopes over 30% or within Riparian Reserves.
- Boom-mounted harvest, yarding or processing equipment will operate primarily on existing roads and designated skid trails. Designated skid trails are existing skid trails and skid trails created parallel to the road corridor to focus impacts away from sensitive areas.
- Exceptions are single, out and back off-trail passes to reach material for cutting or yarding, Cable yarding will occur with single-end suspension of material.
- Yarding with rubber-tired skidders will occur only on existing skid trails.
- All new skid trails will be designated, lay parallel to the primary road, and emanate from arterial spurs of the primary road.

### **Recommendations**

- Use existing road and skid trail infrastructure where possible.
- The implementation of a new skid trail should occur only where other harvest and yarding options are not viable or will cause unacceptable resource damage. The use of these trails will be primarily to yard material away from unstable cutbanks or ditches that could drain to streams.
- The use of mobile cable yarders is recommended to move material in situations where machine traffic will incur unacceptable resource damage. Yarding uphill on sloped areas exceeding 30%, the use of tongs cabled from the end of an excavator boom, cutting logs to shorter lengths should all be assessed as possible mechanisms for removing material.

### **Soils**

- Follow Best Management Practices (BMP) to avoid adverse impacts to soils.

### **Northwest Forest Plan (NWFP) Standards and Guidelines**

The following NWFP standard and guideline allows for the mitigation and removal, if necessary, of danger trees in Late Successional Reserves.

Northwest Forest Plan, Late Successional Reserve Standards and Guidelines, Guidelines for Salvage, C:13 – C:16:

(6) Removal of snags and logs may be necessary to reduce hazards to humans along roads and trails, and in or adjacent to campgrounds. Where materials must be removed from the site, as in a campground or on a road, a salvage sale is appropriate. In other areas, such as along roads, leaving material on site should be considered.

## **PUBLIC INVOLVEMENT**

The Black Crater Fire Danger Tree Removal Project public scoping letter was mailed on September 11, 2006 to over 90 people, including the Confederated Tribes of Warm Springs Reservation of Oregon. Twelve replies were received; seven from individuals and five from various organizations, including the U.S Fish and Wildlife Service, Cascadia Wildlands Project, Oregon Wild, American Forest Council, and the Sierra Club, Oregon Chapter. The majority of comments were in favor of the Proposed Action. Comments were reviewed to identify any significant issues. No significant issues were identified but comments relative to the Proposed Action were incorporated into project design and mitigations.

## **FINDINGS REQUIRED BY OTHER LAWS**

My decision is consistent with the Deschutes National Forest Land and Resource Management Plan, as amended by the Record of Decision for Amendments to the Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl (Northwest Forest Plan).

## **IMPLEMENTATION DATE**

This Preliminary Decision Memo is subject to a 30-day comment period. Comments and a Response to Comments will be incorporated into a Final Decision Memo. The Final Decision Memo will then be subject to a 45-day appeal period. If there are no appeals, the project can be implemented five business days after the appeal period ends.

## **ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This decision is subject to public notice, comment, and appeal pursuant to 36 CFR 215.5. You are invited to comment on this Preliminary Decision Memo. Your comments will be reviewed and addressed in a Response to Comments section in the Final Decision Memo. There is a 30-day comment period. Please submit your written comments by December 4, 2006.

Submit your written comments to Black Crater Fire Roadside Danger Tree Removal Project, Project Manager, Michael Keown, Post Office Box 249, Sisters, Oregon 97759; FAX (541) 549-7746. E-mails comments should be sent to [comments-pacificnorthwest-deschutes-sisters@fs.fed.us](mailto:comments-pacificnorthwest-deschutes-sisters@fs.fed.us)

Those submitting electronic copies must do so only to the email address listed above, must put the project name in the subject line, and must either submit comments as part of the e-mail message or as an attachment only in one of the following three formats: Microsoft Word, rich text format (rtf) or Adobe Portable Document Format (pdf).

## CONTACT PERSON

For additional information concerning this Preliminary Decision Memo or any other questions please contact Michael Keown, Environmental Coordinator, Sisters Ranger District, 541-549-7735.

/s/ William Anthony

October 26, 2006

**WILLIAM ANTHONY**  
District Ranger

**Date**

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