

**USDA Forest Service
Deschutes National Forest
Crescent Ranger District
Klamath County, OR**

**Decision Notice
and
Finding of No Significant Impact (FONSI)**

**Baja 58 Project
(Fiscal Year 2002 Portion in Northern Spotted Owl Range)**

Location

The Baja 58 project area is located approximately 50 miles south of Bend, Oregon, encompassing the southern third of the District. (T23S, T24S, T25S, T26S, R5 1/2E, R6E, R6 1/2E, R7E, R8E, R9E. Refer to the attached 1998 decision notice for Map DN-1 that depicts the project vicinity and Map DN-2 for project area boundaries and local reference points.

The project area includes 175,750 acres, of which 151,100 acres are national forest system lands. The project area contains six subwatersheds: Walker Ridge, Upper Little Deschutes, Hemlock, Big Marsh, Middle Little Deschutes, and Crescent Lake.

Decision

In September 1998, a decision was made to proceed with Alternative 3 as modified by the decision notice. As discussed in that decision notice, not all of the vegetation management activities included in Alternative 3 were made part of that decision because of the need to complete necessary sensitive plant survey work. That work has been completed, and the information added to the project record.

Since 1998, revised direction for the Survey and Manage elements of the Northwest Forest Plan have been adopted. This decision has considered this most recent direction. In addition, the impacts of this project to the Canada lynx (listed as threatened in April 2000) have been analyzed and considered.

Based on the analysis documented in the environmental assessment (EA), which has been supplemented by the plant survey result, and by an amended biological assessment, I have decided to implement the

remaining portions of the modified Alternative 3 within the range of the northern spotted owl (Refer to Map 1, and Selected Unit Table). This decision comprises the following actions:

- *Understory thin approximately 810 acres. Approximately 100 acres of this thinning aim to create single-storied stands, and approximately 710 acres aim to create multi-storied stands through commercial timber sale opportunities. Portions of these units may not be viable for commercial timber sales, but they have been included in this decision in order to provide for an opportunity to reduce risk through a non-commercial means, such as mechanical fuels treatment or underburning, depending on conditions.*
- *Create early seral lodgepole stands using either commercial harvest (Unit 160 is about 250 acres) or prescribed fire (Units 275, 285, 290 and 295 total about 610 acres). The intent of these treatments is to provide future habitat for species such as black-backed woodpecker in a large even-aged block lodgepole. This treatment type provides a diversity of habitats across this landscape. The commercial treatment is located outside of the Oregon Cascade Recreation Area in General Forest/Matrix. The prescribed fire treatments are located within the OCRA. A previously closed road will be partially brushed out to provide better access to the OCRA burn units by ATV, but otherwise this road will not be brought up to standards to allow for vehicle use*
- *Harvest total volume of approximately 2.5 million board feet (MMBF), or about 5,050 hundred cubic feet (CCF).*

Some treatment units analyzed in Alternative 3 propose thinning in vegetation types that currently provide spotted owl nesting, roosting and foraging habitat (NRF). Because thinning in owl NRF habitat will have a short-term adverse impact to owls that use the project area, a separate level of consultation with the US Fish and Wildlife Service is required. Legal action against the USFWS is pending, which has resulted in delays to consultation requests. Although this situation is not expected to continue indefinitely, no date has been set for resolution.

In order to proceed with the portions of the project that do not impact NRF, this decision will defer treatment in Unit 20 and Unit 180. Field review indicates that these units have mostly NRF habitat within them. In the remaining units, either no NRF exists, or a small portion of the unit is considered NRF. Where that is the case, the NRF will be avoided. Deferring treatment in the NRF keeps this habitat at high risk so that its function as NRF is expected to be short lived. However, the treatments of surrounding areas will provide some level of protection. Future planning efforts should reconsider these stands when practical and evaluate the effectiveness of thinning to achieve large-tree protection objectives.

In addition to the changes for NRF, the boundary for Unit 280 will be reduced to exclude the portion that lies east of Road 60. When the benefits of treating this portion of the unit are weighed against the road reconstruction needed, I do not believe entry at this time is justified.

This decision does not change other decisions made in September 1998 regarding vegetation treatments, road closures, riparian reserve boundaries and other actions.

This decision also updates the EA by removing a mitigation measure that is no longer applicable. In the 1998 EA (page E-8), several protection measures for *Mimulus jepsonii* were included with the caveat that *Mimulus jepsonii* had been recommended for removal from the regional sensitive plant list. Interim management guidelines were included for Baja 58, but these measures no longer need to be applied because this species was in fact removed from the sensitive plant list in May 1999.

Rationale

I have chosen to include these treatments along with the portions of Alternative 3 selected in September 1998 in order to meet the intent and objectives for that alternative. Some benefits of Alternative 3 would still be realized if the additional areas included as part of this decision were not implemented, but the strategic effectiveness of Alternative 3 would be diminished.

Alternative 3 as a whole treats more high-risk stands than Alternative 2, responding more completely to the need to reduce fuel loads and reduce stand densities. Similarly Alternative 3 moves the project area towards forest conditions that are more resistant to insect and disease, and stand-replacement fires, which will in turn take a larger step toward creating a more resilient landscape. This more resilient landscape provides long-term, stable habitat for a range of wildlife species.

I believe that the treatments provide a substantial benefit to wildlife by beginning the process of reducing risk of large-scale habitat loss. Treatments are also designed to provide for short-term and long-term habitat needs for key wildlife species in certain areas. At the same time, I recognized that one of the main issues that arose during the analysis focused on cumulative adverse impacts to wildlife habitat. Public comment had particular concern with the cumulative impacts of Alternative 3. The modification to Alternative 3 outlined in the 1998 decision respond directly to that concern so that after modification, alternative 3 has avoided the areas of greatest concern to wildlife habitat, especially those areas currently needed to provide wildlife habitat for a variety of species that could be adversely impacted by cumulative impacts of this project when considered with other projects.

As discussed in the 1998 Decision Notice, concerns were raised regarding impacts of Alternative 3 to project area resources. On the other hand, concerns were also raised that Alternative 3 did not go far enough fast enough to provide the risk reduction that we seek. I have considered both the benefits and the impacts of the selected alternative and believe that it finds the needed balance. I believe that the selected alternative focuses on those areas most in need of treatment that will reduce risk, thus resulting in long term important benefits to these resources. By reducing the amount of treatment in certain locations (especially in the Beales Butte area), I believe the greatest benefit will occur, while reducing potential impacts.

Alternatives Considered

The environmental assessment describes three alternatives in detail:

- *Alternative 1 (No Action) proposes no management activities. The forest conditions would change according to natural disturbance processes such as insect and disease outbreaks and*

wildfire. Vegetation trends would continue to shift from stands dominated by large pine and Douglas fir to very dense stands dominated by poles and small diameter true fir. No merchantable wood products would be utilized. This alternative was not selected because it would not meet the objectives of reducing the risk of insects, disease, or large-scale fire. Densely stocked stands and those with high loadings of natural fuels would not be treated and these areas would continue to be at risk to insects, disease, and fire.

- *Alternative 2 would implement various vegetation treatments on approximately 11,631 acres. The emphasis with Alternative 2 is to reduce the risk of insect, disease, and wildfire damage by treating as much of the high risk stands as possible while keeping the rate of change at a low to moderate level. This alternative avoids areas that are considered more sensitive to cumulative impacts to wildlife habitat, either because of recent harvests in the area, or because of the more sensitive nature of the proposed treatment areas. Also, this alternative attempts to provide a sustainable supply of timber products. The probable timber harvest is approximately 18.4 million board feet. This alternative was not selected because it avoids treating in several high-priority areas.*
- *Alternative 3 would implement similar vegetation treatments as Alternative 2, but over more area (15,245 acres). The emphasis of this alternative is to move the forest towards sustainable conditions and to more aggressively reduce the risk of insect, disease, and wildfire. The goal of salvage is also to utilize as much material as possible while it retains commercial value. More acres of lodgepole salvage would also be treated under this alternative. The probable timber harvest is approximately 26.7 million board feet.*

The selected alternative modifies Alternative 3 by removing specific areas of concern with regard to cumulative effects to wildlife. Refer to the 1998 Decision Notice for further discussion.

Public Involvement

Public involvement for this Environmental Assessment originally began with Public Scoping in the Spring of 1997. Copies of a Proposed Action and maps were mailed in November 1997 to interested individuals and groups with the intent of soliciting informational issues and concerns about the management proposals. The Proposed Action was also listed in the *Schedule of Projects for the Ochoco and Deschutes National Forests and the Prineville District of the Bureau of Land Management*. Four comments were received as a result of public scoping. No alternative-driving issues were identified as a result of these comments.

In August 1998, the project's environmental assessment was made available for public review. A public notice was published in the *Bend Bulletin* on August 12, 1998. The comment period lasted until September 11, 1998. Four comment letters were received, as well as two phone calls. Details of the comments received and specific response to the comments is found in the environmental assessment, Appendix C. Modifications to environmental assessment are also described in that appendix. Since September 1998 no substantial changes have been made to the Environmental Assessment and so no additional formal public involvement took place

In February 2000, I made a decision to implement portions of the Baja 58 project outside the range of the northern spotted owl. Less than a month later, a final rule was published in the Federal Register listing the Canada lynx as threatened under the Endangered Species Act. My February 2000 decision was appealed, calling attention to the need to conduct additional analysis to determine impacts of this project to the Canada lynx. The February 2000 decision was withdrawn in June 2000 in order to provide time for the necessary analysis. That analysis has been completed and added to the project record. Based on the latest direction from the Programmatic BA with the US Fish and Wildlife Service (April 2001), our biological conclusion is that these actions may affect Canada lynx, but are not likely to adversely affect the species. No changes in units resulted from this additional review and so no further public involvement was sought.

A new decision on the Baja 58 Project outside the range of the northern spotted owl was made in February of 2001. This decision notice documents the final decision of the series, which will implement Alternative 3, as modified by the 1998 decision notice, except for the treatments that have been specifically deferred by this decision.

Finding of No Significant Impact

I have determined that implementing these additional areas of Alternative 3 (as modified) is not a major Federal action that would significantly affect the quality of the human environment; therefore an Environmental Impact Statement will not be prepared. This determination is based on the site-specific environmental analysis documented in the Environmental Assessment and supporting documents (e.g. the biological evaluation, biological assessment and USFWS biological opinion), which describe direct, indirect and cumulative impacts of this decision. This determination is also made with consideration of past, present, and reasonably foreseeable future actions on National Forest land and other ownership's within potentially affected areas that could have a cumulatively significant effect on the quality of the human environment.

I have found the context of the environmental impacts of this decision is limited to the local area and is not significant. I have also determined the severity of these impacts is not significant, considering the following factors of intensity:

- 1. The analysis considered both beneficial and adverse effects (EA Chapter 3 pp. 3-1 to 3-43).*
- 2. There are no known adverse impacts to public safety (EA Ch. 3 pp. 3-38, 3-39, 3-40; App E p. E-10). Prescribed burning will affect air quality for a short period in the immediate vicinity of the activity. Timber haul will be regulated and conform to Deschutes Road Use rules. Treatments in recreation sites will be regulated to minimize conflicts.*
- 3. No unique characteristics of the geographic area such as cultural resources and wetlands will be adversely affected (EA Chapter 3 pp. 3-1 to 3-43).*
- 4. The effects on the quality of the human environment are not likely to be highly controversial (EA Chapter 3 pp. 3-1 to 3-43).*
- 5. The degree of possible effects on the human environment are not highly uncertain, nor are there unique or unknown risks involved (EA Chapter 3 pp. 3-1 to 3-43).*

6. *The actions should not set a precedent for future actions which may have significant effects, nor do these actions represent a decision in principle about a future consideration (EA Chapter 3 pp. 3-1 to 3-43).*
7. *These actions are not related to other actions that, when combined, will have significant impacts (EA Chapter 3 pp. 3-1 to 3-43).*
8. *The field surveys for sites, objects, etc., listed or eligible for listing in the National Register of Historic Places have been completed. All known sites have been identified and impacts to these sites will be mitigated through avoidance or by following appropriate procedures and consultation. Any new sites found during operation of the timber sales and related activities will also be protected through appropriate procedures (EA Chapter 3 p. 3-28; App. E p. E-10).*
9. *As described in the Environmental Assessment, Biological Assessment, and USFWS Biological Opinion, activities are not likely to adversely impact any threatened or endangered species of plant or animal. Actions to improved conditions in bald eagle habitat near Crescent Lake are expected to have a beneficial effect on bald eagles by reducing a trend in large-tree loss. Short term, the selected alternative may affect, but is not likely to adversely affect bald eagles. This decision may affect, but is not likely to adversely affect Canada lynx. This decision will have no effect to the northern spotted owl, or any other listed species. Surveys for sensitive plants that are thought to occur in the project area have been conducted for units included in this decision. Timber harvest and other ground disturbing activities have been designed to avoid adverse impacts to known species (EA Chapter 3 pp. 3-2 to 3-13, 3-22 to 3-26; App. E pp. E-1 to E-7; Programmatic BA, April 2001).*
10. *None of the actions implemented by this decision threatens a violation of the Federal, State, or local law, or requirements imposed for the protection of the environment. (For example, effects from this action will meet or exceed state water and air quality standards.) (EA Ch. 3 pp. 3-1 to 3-43)*

Other Findings

This decision is consistent with the Deschutes National Forest plan as amended by the Northwest Forest Plan (1994). Riparian reserve treatments are only proposed in units 55, 60, 90, 120 and 310, which lie within campgrounds. The intent of these treatments is to improve the vegetation condition in the riparian reserve (EA pp. 1-2, 1-6, 1-17). These treatments will be beneficial by making older trees less susceptible to insects, disease and fire. These treatments will therefore neither retard nor prevent attainment of Aquatic Conservation Strategy objectives (EA pp 3-20 and 3-21).

This project complies with the consistency standards of 36 CFR 219.10(e). No timber will be harvested from lands not suited for timber production as defined in 36 CFR 219.14. Based on research and experience, all lands being harvested can be adequately restocked within 5 years of final harvest. All manipulation of vegetation will comply with the seven requirements of 36 CFR 219.27 (b).

The harvest and post-harvest vegetation management activities are consistent with the strategy of prevention in accordance with the Pacific Northwest Region's Vegetation Management EIS (1988) and the mediated agreement (1989).

Where applicable, the vegetation management treatments will be consistent with direction found in the ROD/FEIS for managing Pacific yew.

Although the environmental assessment for this project was completed in 1998, I find that the analysis continues to reflect current conditions and circumstances, and that no changes are needed to address environmental concerns that have a bearing on the action or its impacts (FSH 1909.15, 18.4). New direction has been taken into account as appropriate. For example, Canada lynx has been listed as Threatened, per the Endangered Species Act, and is considered in a revised project BA, as well as the Programmatic BA. Also *Mimulus jepsonii* is no longer on the regional sensitive plant list. Changes in direction for Survey and Manage species (per NWFP) have been taken into account.

Implementation Date

Timber sales resulting from this decision are scheduled for implementation beginning in the Spring/Summer of 2002.

Administrative Review

This decision is subject to administrative review (appeal) pursuant to 36 CFR 215. Any written notice of appeal of this decision must be fully consistent with 36 CFR 215.14 and must include the reasons for the appeal. A written notice of appeal must be filed with the Reviewing Officer within 45 days of the date legal notice of this decision appears in the Bulletin (Bend Oregon). File notice of appeal with:

Harv Forsgren
Regional Forester/USDA Forest Service
PO Box 3623
Portland OR 97208
Attention: 1570 Appeals

For information contact:

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Responsible Official: /s/ Rebecca Heath

 Nov. 1, 2001

LESLIE A.C. WELDON

Date

Forest Supervisor

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[Deschutes and Ochoco National Forests Website](http://www.fs.fed.us/centraloregon/manageinfo/nepa/documents/crescent/baja/bajadn3.html)

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R.A. Jensen