



Decision Memo

Ochoco Valley Project

**USDA Forest Service
Ochoco National Forest
Lookout Mountain Ranger District
Crook County, Oregon
Townships 13 and 14 South, Range 19 East, WM**

Decision to be Implemented

I have decided to implement the use of prescribed fire on approximately 2,500 acres and noncommercial mechanical thinning on approximately 600 acres within the Upper Ochoco Creek Watershed on the Lookout Mountain Ranger District of the Ochoco National Forest. All activities will occur within the wildland-urban interface (WUI) identified in the 2005 Crook County Community Wildfire Protection Plan. The location of the project is approximately 22 air miles east of Prineville, Oregon.

Prescribed fire activities include low intensity underburns and burning of hand piles. Hand-built fire line or existing features like roads will be used to keep prescribed fire within treatment units. Noncommercial thinning activities will remove small trees to a specified density based on site conditions and resource objectives. Hand tools such as chainsaws will be used. Generally trees less than 9 inches in diameter at breast height (dbh) will be cut; western juniper up to 12 inches dbh will be cut. Slash produced from thinning will be hand piled or lopped (cut into small pieces) and then burned. Slash may be made available as personal-use firewood where it is accessible by existing roads.

No heavy machinery, such as grapple pilers or bulldozers, will be used to implement any of the activities. Vehicle use in Riparian Habitat Conservation Areas (RHCAs) will be restricted to existing roads. No road construction will occur.

The purposes of these activities are to: 1) reduce hazardous fuel loadings and break up the continuity of fuels in areas of high fire risk, 2) maintain existing low hazard conditions, and 3) decrease tree density to improve tree vigor. Hazardous fuels consist of combustible vegetation (live or dead); such as grass, ground litter, shrubs, and trees that contribute to the threat of ignition and high fire intensity and/or high rate of spread. The reduction of hazardous fuels will lessen the potential damage from intense wildfire and create conditions where firefighters can more safely and effectively control wildfires. Maintaining areas of currently low hazard will prevent them from becoming high hazard areas in the future. Improving tree vigor will reduce the incidence of insects and disease and improve tree growth.

The proposed activities were developed through a collaborative framework as described in “*A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, 10-Year Comprehensive Strategy.*” The proposed activities were presented to the Crook County Natural Resources Planning Committee and members of the Committee visited the area on a

field trip. Meetings have also been held with local landowners in the area and their input has been incorporated into the project.

My decision includes the following design criteria:

1. Activities in Units 197, 230, 232, and 234 will be seasonally restricted from March 1 to September 30 to reduce potential effects to goshawk. This restriction may be waived if surveys determine the nests are not being used.

2. Activities within the General Forest Winter Range allocation will be seasonally restricted from December 1 to May 1 to reduce potential effects to wintering deer and elk.

3. Fire will not be ignited within 100 feet of known infestations of noxious weeds in Units 144 and 210 to reduce the potential spread of weeds.

4. Thinning slash within 50 feet of the Champion Mine will be pulled away and handpiled to protect the historic features associated with the mine.

5. Fire will not be ignited within 50 feet of stream channels or wetlands, except in Unit 392 east of the fence line on Duncan Creek.

6. Fire will not be ignited within 100 feet of the east fork of Metal Creek in Units 144, 187, and 999.

7. Spot ignitions within RHCAs will be focused on areas where the highest densities of small diameter conifers occur; however, fire will not be ignited in areas where large woody debris in or near a stream is likely to be consumed by fire.

8. A filter strip of unburned vegetation will be retained between burned areas and stream channels.

9. Natural fuel breaks will be used to reduce hand line construction in Class IV RHCAs. If hand line is necessary, it will be constructed at least 10 feet from Class IV streams.

10. No hand line is needed within Class I, II, and III RHCAs.

11. Within Class I, II, and III RHCAs, thinning will not occur within 25 feet of the active stream channel in order to maintain shade and bank stability. Exceptions will be in Units 144, 187, and 999.

12. No thinning will occur within the 300-foot RHCA on the south side of Blevins Creek in Unit 373.1.

13. Thinning will not occur within 5 feet of Class IV streams.

14. All trees felled (including hazard trees) within RHCAs will be left on site. Thinned trees less than 9 inches dbh will be lopped and underburned (except in units 253.1, 231, and 405 where hand piling would occur).

15. Hand piles will be placed a minimum of 50 feet from streams.

16. Contractor camps will not be located within RHCAs.

17. No ground based machinery use or ATV use is allowed in RHCAs for thinning or burning activities, except on existing roads, existing stream crossings, or other areas determined by the District Hydrologist to not contribute to fine sediment delivery to streams.

18. Low stump heights (less than 8 inches) will be required in visual corridors (units 258.1, 405.1, and 231). Hand piling of slash will also be required to reduce crown scorching and the amount of ground cover affected by burning.

Further information on this project can be found in the project file located at the Lookout Mountain Ranger District Office.

Categorical Exclusion

On June 22, 2006 a decision was made to implement this proposal under the Hazardous Fuel Reduction Categorical Exclusion (HFRCE) as identified FSH 1909.15 Chapter 30, Section 31.2(10). On December 5, 2007 the U.S. Ninth Circuit Court of Appeals declared this category invalid. Based on the Court's decision the Chief of the Forest Service directed all National Forests to refrain from implementing decisions approved under the HFRCE. As a result, the Ochoco National Forest reinitiated the analysis and decision making process for this project using a different authority.

This proposal falls within a category of actions identified in FSH 1909.15 Chapter 30, Section 31.2(6) that may be categorically excluded from documentation in an environmental assessment or environmental impact statement. I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment because it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. The project occurs entirely within a wildland-urban interface and is consistent with the Ochoco National Forest Land and Resource Management Plan. My conclusion is based on information presented in this document and the entirety of the project record.

Extraordinary Circumstances

In determining the appropriateness of using the categorical exclusion, a determination of the potential impact to the identified resource conditions identified in FSH 1909.15 Section 30.3(2) was made. The following section describes the potential effects to the resource conditions from the project activities.

Federally listed threatened or endangered species or designated habitat or species proposed for federal listing or proposed critical habitat

No federally listed threatened or endangered plant or aquatic species occur within the project area

Forest Service sensitive species

Plant species: Fourteen sensitive plant species are known to occur or have potential habitat within the project area. A determination of *No impact* was reached for two species and a determination of *May impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species* was reached for the other twelve. More information is contained in the April 18, 2006, Botany Report.

Aquatic Species: Two sensitive aquatic species (redband trout and Columbia spotted frog) are known to occur or have potential habitat within the project area. A determination of *May impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species* was reached for both species. More information is contained in the March 7, 2006, Biological Evaluation for Aquatic Species.

Wildlife Species: One sensitive species (bald eagle) has been sighted in the past within the project area, likely from foraging activity or eagles passing through the area. There are no known eagle nests or roost sites within the project area. A determination of *May impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species* was reached for bald eagle. The project area contains a limited amount of potential habitat for two other sensitive wildlife species (California wolverine and gray flycatcher). A determination of *May impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species* was reached for California wolverine and gray flycatcher. More information is contained in the April 6, 2006, Biological Evaluation for Wildlife.

Floodplains, wetlands, or municipal watersheds

Floodplains: There would be no significant effects to floodplains because proposed activities that would occur on floodplains have been designed to enhance vegetative conditions based on riparian management objectives. None of the proposed activities would reduce floodplain storage capacities.

Wetlands: There are no wetlands identified within the project area.

Municipal Watersheds: There are no municipal watersheds within the project area.

Congressionally designated areas such as wilderness, wild and scenic rivers, and national recreation areas

There are no congressionally designated areas within the project area. Mill Creek Wilderness Area is approximately 6 miles to the northeast of the project area.

Inventoried Roadless Areas

This project includes underburning (271 acres), thinning/underburning (25 acres), and thinning/hand piling (78 acres) in the 10,918 acre Lookout Mountain Roadless Area. These activities would not affect the roadless character of this area because no heavy equipment would be used, no roads would be constructed, and only smaller understory trees would be cut. These activities would help preserve the natural-appearing character of the landscape and lessen the risk of loss in the event of a wildfire.

Research Natural Areas

There are no existing or proposed Research Natural Areas in the project area. Ochoco Divide RNA is approximately seven miles north of the project area.

American Indian and Alaska Native religious or cultural sites, archaeological sites, or historic properties of areas

Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. Three sites (Ochoco Ranger Station Compound, CCC Camp Mill Creek area, and Champion Mine) are located within the project area. Underburning and thinning activities in and near these sites have specifically been designed to protect the features that make them eligible for inclusion in the National Register of Historic Places, while at the same time reducing risk of loss due to wildfire. This project would not affect historic properties. Consultation on this finding occurred with the State Historic Preservation Office.

Findings Required by Other Laws

National Environmental Policy Act. NEPA establishes the format and content requirements of environmental analysis and documentation. This environmental analysis was undertaken to comply with NEPA.

National Forest Management Act. I have reviewed this proposal for consistency with Forest Plan direction. This proposal is consistent with the Forest Plan, as amended, as required by the National Forest Management Act. I have also reviewed this proposal for consistency with 16 USC (United States Code) 1604(g)(3) and find that it is consistent.

The prescribed fire and thinning activities occur within several land allocations, including MA-F11 Lookout Mountain Recreation Area, MA-F13 Developed Recreation, MA-F21 General Forest Winter Range, MA-F22 General Forest, MA-F26 Visual Management Corridors, and MA-F28 Facilities. These activities are allowed in these land allocations.

Visual quality - About 145 acres of treatment will occur within visual management corridors associated with County road 23 and Forest roads 22 and 42. This includes thinning/hand piling (51 acres), thinning/underburning (39 acres), and underburning alone (55 acres). To meet visual quality objectives the project includes design elements such as requiring low stumps heights and treatment of thinning slash within 1 year. Hand piling of slash is prescribed, in part, to reduce crown and bole scorch on the remaining trees and limit the amount of ground cover affected by burning.

This project was designed to comply with Forest Plan standards and guidelines. Approximately 1,800 acres of treatment would occur within the General Forest Winter Range allocation. Because this project will reduce the overall amount of cover by 325 acres, an HEI (Habitat Effectiveness Index) analysis was completed. The April 7, 2006, Wildlife Report indicates that the current HEI for this area is 45, well above the Forest Plan goal of 4. Even though the project will reduce cover, it is not predicted to affect the current HEI values. Thinning and burning will reduce tree density, stimulate shrub sprouting, and improve palatability of forage. Overall, this project would result in improved forage conditions.

Pileated Woodpecker and other Management Indicator Species (MIS). The majority of the project area, all but 160 acres, does not contain habitat suitable for the pileated woodpecker. The proposed activities would remove smaller trees and is not expected to reduce the amount of pileated woodpecker habitat. Pileated woodpeckers are expected to continue utilizing the small amount of foraging habitat. The proposed activities will not reduce the area currently dominated by late and old structure trees and would decrease the time required for large trees to develop. The northern flicker is the MIS for old-growth juniper. The project area contains about 110 acres of juniper woodlands. The proposed activities would not change the old-growth juniper habitat in the project area.

The Forest Plan was amended in November 2005 by the Record of Decision (ROD) for the Pacific Northwest Region Invasive Plant Program. The ROD directs that prevention of invasive plant introduction, establishment, and spread will be addressed in vegetation management plans. This vegetation management project addresses invasive plants. Pre-project surveys were completed and populations of invasive plants are known to occur within the project area. Unit boundaries were designed to avoid known populations, and restrictions on ignitions in proximity to known populations are prescribed to reduce potential spread.

National Historic Preservation Act. A cultural resource inventory has been completed for the proposed action. On February 13, 2006, the Ochoco National Forest completed the "Project Review for Heritage Resources under the Terms of the 2004 Programmatic Agreement" with the Oregon State Historic Preservation Officer (SHPO). Project activities have been designed to have No Effect to cultural resource sites through avoidance.

Endangered Species Act. Biological evaluations have been prepared to document the effects of project activities on threatened and endangered species in the project area. There are no endangered species known or suspected to occur on the Ochoco National Forest. Threatened species that are known or suspected to occur on the Ochoco National Forest include bull trout, mid-Columbia River steelhead trout, and Canada lynx. Potential effects to these species were analyzed (see April 4, 2006, Biological Evaluation for Wildlife species and the March 7, 2006, Biological Evaluation for aquatic species). The analysis documents that there will be no effect to bull trout or mid-Columbia River steelhead trout. The project may affect, but is not likely to adversely affect Canada lynx. Consultation with the U.S. Fish and Wildlife Service has been completed.

Clean Air Act. Any burning activities will be coordinated with the Oregon State Department of Environmental Quality and Department of Forestry. This project will comply with the Clean Air Act.

Clean Water Act. Project activities will comply with the Clean Water Act. Ochoco Creek is listed on the 2002 303(d) list of Water Quality Limited Water Bodies as temperature impaired. Ochoco Creek and Canyon Creek are on the draft 2004 303(d) list for summer water temperature. The Ochoco National Forest has requested that Canyon Creek be removed from the final list when it is issued due to improper placement of the temperature monitoring device. Treatment activities will have no effect on stream temperature because the amount of stream shade will not be changed. No measurable increase in water temperature or increase in fine sediment is anticipated from the project. More detailed information is contained in the February 25, 2006, Water Quality Report. Large woody material will not be removed from riparian areas. Reducing wildfire risk will help protect existing shade in the event that a wildfire does occur.

Executive Order 13186 - Responsibilities of Federal Agencies to Protect Migratory Birds. The focal species identified in the Partners In Flight Bird Conservation Plan were utilized to evaluate the effects of the treatment activities on migratory birds. The April 7, 2006, Wildlife Report describes the focal species for the Blue Mountains Province, priority habitats, and the effects to focal species. Only dry forest habitats have the potential to be affected by the proposed activities. Analysis of the watershed indicates that habitat for those species associated with dense forest conditions is within the desired range of abundance; while habitat for species associated with open forests and large forest structure is below desired levels. The proposed activities will promote retention of open forest conditions, while favoring the development of additional large structure. Habitat conditions will be maintained or increased.

Public Involvement

This proposal has been listed in the quarterly Schedule of Proposed Actions since Spring 2005. The proposal was presented to the Crook County Natural Resources Planning Committee on April 19, 2005, and a field trip was taken to the area on May 23, 2005. Meetings were also held with adjacent land and timber owners. Thirty-six scoping letters were sent to members of the public, adjacent landowners, and other agencies for comment on September 14, 2005.

The following tribal governments were contacted by telephone and/or letter: Confederated Tribes of the Warm Springs Reservation, Burns Paiute Tribe, the Klamath Executive Committee, and Confederated Tribes of the Umatilla Indian Reservation.

Three letters and two e-mails were received in response to scoping. While generally supportive of the proposal, the following concerns were raised:

Two comments were received concerning the need to protect fences between private lands and Forest Service managed lands. One commenter was concerned that constructing fire lines along the boundary fences could encourage off-road vehicle use and potentially result in trespass onto private holdings. As a result, the interdisciplinary team took several field trips to the area and looked at existing features along fences which could be used as burn boundaries (i.e. fire line) with minimal, if any, improvement. These include existing game/livestock trails, natural openings, and old skid trails from previous harvest activities. These features will be utilized when burning activities are implemented.

One commenter was concerned that the project would eliminate cover for elk during the winter. Habitat quality for elk was analyzed using the Habitat Effectiveness Index (HEI) model which considers the amount and quality of cover as well as open road density. The proposed project would reduce the overall amount of cover on about 325 acres. The HEI would be maintained well above the Forest Plan goal. Additionally, the project design includes the retention of 15 percent of each treatment unit in an untreated condition, which will retain patches of hiding cover throughout the area.

One commenter questioned the need to burn in the area north of Hawkins Butte, specifically Unit 390, because there is not enough fuel to warrant treatment. The interdisciplinary team visited this stand on April 20, 2005. The stand was thinned in the past and does not need to be thinned at this time. However, an understory layer of small trees, particularly western juniper, is becoming established and there is 15+ years of needle and litter accumulation on the ground. After field review, the proposed activities in this stand were changed from thinning/underburning to underburning only. Underburning objectives are to maintain the open character of this stand and reduce the understory while it is still small and susceptible to low-intensity fire.

A notice announcing the opportunity to comment was published in *The Bulletin* newspaper, Bend Oregon on May 12, 2006. In addition, letters were mailed to 32 potentially interested and affected persons and organizations notifying them of the opportunity to comment. No comments were received during that comment period.

Public involvement was reinitiated in 2007 by mailing invitations to comment on the preliminary decision to 30 members of the public, interested organizations, and adjacent landowners. In addition, contact was also made with the following tribal governments: Confederated Tribes of the Warm Springs Reservation, Burns Paiute Tribe, the Klamath Executive Committee, and Confederated Tribes of the Umatilla Indian Reservation. A notice announcing the opportunity to comment on the decision was published in *The Bulletin* newspaper, Bend, Oregon, on April 11, 2008. No comments were received during this most recent comment period.

Implementation

My decision may be implemented immediately.

Administrative Review or Appeal Opportunities

My decision is not subject to administrative review (appeal) pursuant to 36 CFR 215.12 because no comments were received during the comment period.

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Robert Rawlings, Project Leader, at the Lookout Mountain Ranger District, 3160 NE Third Street, Prineville, OR 97754 or at (541) 416-6500.

/s/ Kevin Keown

KEVIN KEOWN

Acting District Ranger

May 19, 2008

Date

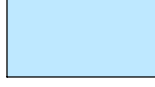



Ochoco Valley 2008

Ochoco Ranger Station

Legend

 Forest Boundary

Proposed Activities

-  Thin/handpile
-  Thin/underburn
-  Underburn
-  Underburn/thin

To Prineville 20 miles

3/05/2008

0 0.4 0.8 Miles

