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DECISION NOTICE and FINDING OF NO SIGNIFICANT IMPACT

Murray Fire Salvage

USDA Forest Service
Paulina Ranger District, Ochoco National Forest
Crook, Wheeler, and Grant Counties, Oregon
 T. 16 S., R. 26 E., Sections 9 and 10



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We welcome your comments on our service and your suggestions for improvement.

Forest

Deschutes National Forest

1001 SW Emkay Drive
Bend, OR 97702

(541) 383-5300

Ochoco National Forest

3160 N.E. 3rd Street
Prineville, OR 97754

(541) 416-6500

Crooked River National Grassland

813 S.W. Hwy. 97
Madras, OR 97741

(541) 475-9272



Background

The Paulina Ranger District on the Ochoco National Forest has completed an Environmental Assessment (EA) that considered the recovery of the economic value of trees that were killed or are dying due to the Murray Fire. Planting conifers where natural seeding is not expected to occur in the foreseeable future was also considered.

Dry lightning ignited the Murray Fire during the afternoon of July 23, 2002. The fire spread quickly through stands of overstocked, small diameter ponderosa pine trees containing pockets of beetle-killed trees and down wood. These stand conditions contributed to the rapid spread of the fire through the dense tree canopies. The intense fire behavior resulted in the mortality of most of the trees in the 321-acre project area.

The [Murray Environmental Assessment \(EA\)](#) documents the analysis of three alternatives to meet the need to capture the economic value of the killed and dying trees and to reforest the burned area with conifers.

Decision

Based upon my review of all alternatives, I have decided to implement Alternative 3 with a modification for snag retention. In addition, all activities and Design Elements described under Alternative 3 are included in this decision and will be implemented (EA pgs. 19-22).

The decision to implement Alternative 3 will harvest approximately 577 MBF and plant approximately 157 acres with ponderosa pine. There are four units identified for salvage harvest activities under this alternative. Three of these units are generally the same as identified under Alternative 2 with additional small areas added. A fourth unit in the north part of the planning area was added under this alternative to address public comments. These changes resulted in an additional 18 acres added to respond in part to comments gathered during the public field trip concerning economics issues.

Trees will be harvested using a feller-buncher so that the number of passes on skid trails will be minimized to reduce soil disturbance. In addition, existing skid trails and landings will be used where possible to minimize additional impacts to soils. Tops and limbs will be left at the landing sites and burned after harvest activities. Any material that breaks during logging activities and remains in units will be lopped and scattered.

No harvest will occur within Riparian Habitat Conservation Areas (RHCA). No RHCA areas lie within units.

Scarification of approximately 2.7 acres will be completed after harvest activities. This activity will reduce detrimental soil conditions and meet Regional Soil Standards. Existing soil conditions for Units 2 and 3 are currently over Regional Standards due to past harvest activities. Soil restoration will have a net improvement in soil productivity for these units. Units 1 and 4 will remain under 20% detrimental soil conditions.

After harvest activities have been completed, a pre-plant survey will be conducted to determine the actual areas to plant with ponderosa pine. Planting will occur as soon after harvest as possible once trees are available from the nursery. If stocking or other surveys indicate animal damage is occurring above acceptable thresholds, protection measures such as gopher trapping or tubing will be performed to protect the seedlings.

I have decided to modify snag retention levels in this decision. Alternative 3 will be modified to incorporate a higher level of snags in order to provide sufficient snag habitat for species with the smallest home ranges (10 acres). This change will leave 63 snags in Unit 3 (EA pg. 68). This modification will utilize retention levels based on the latest science (Marcot et al., 2002) and analyzed under the EA. The estimated snag levels retained will be 24.7 snags per acre for trees greater than or equal to 10 inches in diameter at breast height (dbh) of which 1.2 trees per acre will be greater than or equal to 20 inches in dbh. The effect on species are that tolerance levels remain the same as originally analyzed under Alternative 3 as there is only a very slight change in overall density in the project area. The primary change is in meeting the distribution of snags for species whose range is 10 acres. These levels exceed Forest Plan Standards for primary cavity excavators.

A drift fence will be installed to prevent livestock from trailing thru or to force the animals to utilize a different area outside the burn. This temporary fence will consist of two-strands of electric wire and fiberglass stakes. The fences will be constructed around the 321 acre fire perimeter in 2004 and will be removed at the end of the grazing season. Monitoring will occur to determine if additional rest from grazing is needed beyond 2 years.

Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives. A comparison of these alternatives can be found in the EA on page 24, Table 3.

Alternative 1 (No Action)

Under the No Action alternative, no salvage or planting would occur within the project area. Current management practices would continue to guide management of the project area (i.e. road maintenance, fire suppression, personal use firewood cutting, grazing, etc.). Areas where current levels of detrimental soil conditions continue to exceed the Regional and Forest Plan standards of 20% would not be rehabilitated. Grazing would be limited to resting the burn area for the 2003 season as part of the Willow pasture's normal rest-rotation cycle. Under No Action, grazing activities would resume in the 2004 season within the Willow pasture (which includes the burn area) under the current Allotment Plan.

Activities under the Burned Area Emergency Rehabilitation Plan would continue to be implemented, as these activities are a separate action. These activities include hydrologically closing the 5800-551, 5800-575, 5800-573, and the 5800-245 roads which were used

during fire suppression.

Ongoing activities, such as road maintenance, treatment of noxious weeds, and recreation use, would continue. Access for public and administrative purposes would continue to be provided by the existing transportation system.

This alternative would not meet the purpose and need to recover the value of the fire killed timber or to reforest the area.

Alternative 2

Alternative 2 proposes to salvage harvest approximately 514 MBF and plant approximately 139 acres. Trees would be harvested using a feller-buncher to whole tree yarded. No harvest would occur in the RHCAs. No RHCAs are inside the units.

Soil scarification of approximately 2.5 acres would be completed after harvest activities to meet Regional and Forest Plan soil standards.

After salvage harvest and soil scarification activities are completed, the area would be planted with conifers.

Under this alternative, snags would be left in excess of the Forest Plan Standards levels to maintain habitat for the smallest home range for primary cavity excavators (10 acres). An estimated level of snags retained under this alternative for the planning area is 31.7 snags per acre greater than or equal to 10 inches in diameter at breast height (dbh: 4.5 feet in height) of which 1.2 snags per acre would be greater than or equal to 20 inches in dbh. Approximately 20% of the snags left within units would be retained as individuals, or in groups of one to three trees, positioned toward the upper one half of hill slopes. The remaining 80% of the retained snags within units would be in clumps from one quarter to one acre in size.

A drift fence would be installed to prevent livestock from trailing thru or to force the animals to utilize a different area outside the burn.

Other Alternatives Considered but Eliminated From Detailed Analysis

Restoration Only. Some public comments received during scoping asked for dropping all salvage harvest and to consider only restoration activities. A "Restoration Only" alternative would not meet the Purpose and Need. The Interdisciplinary Team discussed restoration activities appropriate to the Murray Fire project area. Immediately after the Murray Fire, a Burned Area Emergency Rehab (BAER) team was assembled by the Forest to evaluate the need for emergency actions to stabilize and rehabilitate the fire area. Several activities have already been implemented with additional activities still to occur during the next year or two (hydrologically closing roads used during fire suppression, EA pg. 38). The No Action Alternative with the management actions already initiated under both the BAER Plan and the fire rehabilitation activities was considered to closely resemble the actions requested by some of the public for a "Restoration Only Alternative". As the necessary restoration and stabilization activities were already occurring under post fire plans as

separate activities and are considered under cumulative effects for No Action, this was considered a reasonable approximation of a "Restoration Only" alternative and no additional alternative was developed to address this comment.

Helicopter Harvest. This alternative was discussed by the ID Team to mitigate potential impacts to the soil resource. A preliminary cruise of the post fire conditions and pre-fire stand exams allowed the District to estimate the size and amount of potential salvage material and determine an estimated value (See Chapter 3, Environmental Consequences) for the material. Based on past experience in determining helicopter rates and the value of the material to salvage, this salvage project is not considered to be economically viable for helicopter logging.

The ID Team also considered the past levels of existing skid trails and established landings that could be reused without further detrimental impacts, and decided the economic feasibility of using a more expensive helicopter system over utilizing the existing skidding and landing systems was impractical. In addition, Forest Plan standards require that under the action alternatives, including helicopter or logging over snow, soil restoration activities occur when thresholds of 20% are exceeded.

For the above reasons, this alternative was not considered further.

Over-Snow Harvest. This alternative was considered by the ID Team during alternative development and dismissed due to unpredictable winter snow conditions for this area. The past several winters have not received sufficient snow and prolonged periods of freezing temperatures to assure that the soil would be protected from logging activities. Requiring winter logging could prolong harvest for several years until there is little to no economic value to recover. The trees killed by fire will continue to lose economic value over the summer months due to insect activity, stain, drying, and decay. For the above reasons, the ID Team did not consider this alternative in further detail.

Rationale for the Decision

Using the decision framework identified in the EA pg. 5, implementing Alternative 3 will:

- More fully respond to the Purpose and Need to capture the economic value of the fire killed and dying trees utilizing salvage opportunities. Alternative 3 recovers a greater value, \$132,943 (EA pg. 59) by recovering more volume (577 MBF) than Alternative 2 (514 MBF) or No Action (0 MBF) (Table 1). Alternative 3 also reforests a greater area by planting 157 acres than the other alternatives (Table 1).
- Meet Region 6 and Forest Plan Soil standards in all units after harvest through implementation of soil restoration activities. Scarification of approximately 2.7 acres would be completed after harvest activities to meet Regional and Forest Plan soil standards. By implementing Alternative 3, additional soil restoration work will be completed which would reduce potential sediment yield

over levels in both the No Action and Alternative 2 (Table 1). No Action would not restore soil conditions to within the Regional and Forest Plan standards. Alternative 3 would have no adverse impact on the soil resources based on the EA analysis for short-term direct, indirect, and cumulative effects. Analysis indicates that more sediment is actually leaving the area under Alternative 1 (No Action) with an estimated total of 24.16 tons compared with 11.02 tons under Alternative 3 due to the existing levels of detrimental soil conditions. Soil rehabilitation measures required under the action alternatives would bring existing soil conditions in line with regional and forest plan standards thus aiding in soil productivity, vegetation recovery and reduction of the long-term trend in sediment yield (EA pg. 39-40). Alternative 3 brings a slightly larger area into compliance with Standards.

- There would be no measurable adverse effect on water quality or fish habitat from implementation of Alternative 3 from sedimentation or stream temperature (EA pg. 47, 48, 83, 85, 86). No harvest is being proposed inside the Class IV Riparian Habitat Conservation Areas (RHCA). No RHCA areas lie within units. The closest perennial stream to the Murray Fire Salvage Project Area is approximately 0.5 to 1 mile away, therefore, there is no fish habitat within the planning area. Harvest will occur on gentle terrain far removed from any live streams. With the application of Design Elements (best management practices), the risk of sedimentation is very low. Since there is no perennial flow within .5 to 1 mile of the project area and no harvest within RHCAs of the four Class IV drainages, there are no expected measurable adverse effects to water quality or fish habitat.

The cumulative effects of implementing Alternative 3 are not expected to be very different from Alternative 2 and No Action in respect to water quality and fish habitat. There would be a minimal increase in cumulative effects from Alternative 3 compared to No Action and Alternative 2. However, this project is small with the major effects being from the fire and not enough differences exist between the alternatives to show a measurable difference between alternatives at the watershed scale (EA pg. 52).

- Meets and exceeds Forest Plan Standards as amended by the Regional Forester's Forest Plan Amendment #2 (USDA Forest Service, ONF, 1997) for snag habitat. Modification of Alternative 3 will leave additional snags thereby providing more wood habitat for the smallest home range for primary cavity excavators. While Alternative 3 reduces the total number of snags on the site from No Action, Alternative 3 will provide sufficient snag habitat for species with the smallest home ranges (10 acres) based on the latest science (Marcot et al., 2002).

Beschta et al. (1995) suggested leaving at least 50% of all burned trees remaining on site for recovery of many ecosystem components including wildlife. This was a generic and coarse estimate of needs of different dead wood habitat users. Newer and more exact science is available through the recently released draft of the Decayed Wood Advisor (DecAID) by Marcot et al. (2002). This work is an advisory tool to help land managers evaluate effects of forest

conditions and existing or proposed management activities on organisms that use snags, down wood, and other wood decay elements. This publication relates the abundance of dead wood habitat for both snags and logs to the frequency of occurrence of various wildlife species that require dead wood habitat for some part of their life cycle. This publication also includes information on primary cavity excavators as well as a host of other organisms that use dead wood habitat.

My decision to modify the snags levels for Alternative 3 utilizes the best of the most recent science for wildlife species that require dead wood habitat for some part of their life cycle including primary cavity excavators and other organisms (EA pg. 66). Retention of additional snags is not expected to reduce the total estimated volume by more than 3 MBF from the levels estimated under Alternative 3. The effect on excavator species is that tolerance levels remain the same as originally analyzed under Alternative 3 as there is only a very slight change in overall density in the project area. This modification is within the range of effects analyzed in the three alternatives fully considered.

- Alternative 3 will reduce overall levels of snags from No Action and Alternative 2 but will leave all trees less than 9 inches in diameter on site in addition to dead trees 10 inches and greater (estimated at an additional 5366 dead trees in the analysis area, Table 1) under snag retention. These dead trees will not only offer some shade to the soil surface but will provide recruitment of down wood which is presently below Forest Plan Standards due to the fire (EA pg. 77). Levels of down wood are expected to meet Forest Plan Standards within the first decade (EA pg. 77).

Alternatives 2 and 3 would result in more down woody material being put in contact with the soil surface in the short term (EA pgs. 12, 35-36) than under the No Action where longer-term natural processes would bring down trees over time. Alternatives 2 and 3 would enhance nutrient recycling sooner. This action will not lower the current levels of down wood as no down wood is being harvested; only standing dead and dying trees are proposed for harvest. This strategy responds to Beschta concerns for soil moisture and nutrient recycling by leaving all trees less than 9 inches in diameter in addition to snags over 10 inches in diameter.

- Meet all Forest Plan Standards and Guidelines by implementation of activities described in the EA (EA pgs 18-22). Alternatives 2 and No Action will meet Forest Plan Standards and Guidelines with the exception of Standards for detrimental soil conditions. The No Action alternative will not restore current levels of detrimental soil conditions. Alternative 3 meets all Standards and Guidelines including soil Standards while best meeting the Purpose and Need to recover timber value and plant trees to reforest the burned area.
- Better responds to the Ochoco National Forest Land and Resource Management Plan's (Forest Plan) Social and Economic goals and objectives to manage the Forest in a way that supports the social and economic viability of local communities while maintaining consistency with the principles of multiple-use and sustained yield

(Land and Resource Management Plan, Ochoco National Forest, 1989). This alternative provides for communities to benefit through creation of jobs through salvage and reforestation activities at a slightly higher level (pgs. 60-62, summarized Table 21, pg. 62) than in Alternative 2 (Table 1) while still being sensitive to multiple resource management. The No Action Alternative does not support the social and economic viability of local communities as well as Alternative 2 and 3.

- Responds to Forest Service Manual 2435 (Salvage Sale Program) and Forest Plan Goals (pg. 4-31) by: 1) Responds quickly to potentially serious catastrophes such as wildfire...to avoid unnecessary loss of value and volume; 2) Provides for the removal of damaged or dead timber, as soon as practicable following a catastrophic event; 3) Assists in the restoration of the forest resource when a catastrophe causes damage.

Alternative 3 recovers the greater amount of value and volume than under Alternative 2 or the No Action Alternative while planting the most number of acres to restore the forest resource (Table 1).

Use of Best Science (Issues raised under Beschta Report)

My decision to implement Alternative 3 utilizes the best, most recent science. Some public comments requested the incorporation of the Beschta Report into the analysis. Beschta et. al. was considered as a part of the analysis by the Interdisciplinary Team. Beschta recommendations for issues such as detrimental soil conditions, sedimentation, snag habitat, grazing, natural seeding vs. planting, harvest systems impacts to soils, design of skid trails, roads and road building were considered. Discussion of Beschta recommendations can be found throughout the EA (EA pgs. 6,7,13,19,29,30,35,37,42,44,45,46,57-58,59,60,61,66,83,101 and Appendix B, Response to Public Comments). Resource specialists indicated in their analysis where activities proposed were either consistent with Beschta or when better, more site specific information and applicable science was used.

Soils. Soil and sedimentation concerns raised by Beschta are considered in the analysis. The selected harvest system of using a feller-buncher, using existing skid trails and protection of fragile soils respond to these concerns. The selection of the feller-buncher harvest system typically results in reduced levels of disturbance through fewer trips on skid trails, and through having an ability to reach for trees without moving off skid trails. Fragile soils have been identified and are not included in the units. Soil Design Elements #1 and 2 are consistent with Beschta recommendations to limiting activities by not allowing skidding off of skid trails, diagonal layout of any new skid trails to slopes and limiting activities to areas suitable for salvage logging (EA pg. 19, 29).

The Beschta Report (1995) also states, "Protect soils. No management activity should be undertaken which does not protect soil integrity." All post harvest units will meet Regional and Forest Plan Soil standards thru required soil restoration measures. Beschta

also states, "Salvage logging should be prohibited in sensitive areas." The ID team recognized the need to protect sensitive/fragile areas (identified as areas of concern such as shallow, rocky soils) and excluded them during the unit layout. Fragile areas include scablands (shallow soil areas), elk wallows, and other isolated soil areas which exhibit sensitivities that require special care (Ochoco LRMP 4-197, 1989) (EA pg 29).

Natural seeding and recovery. The Beschta Report recommends only allowing natural seeding to occur to reforest burned sites (EA pg. 60-61). Unlike the Beschta report, the Murray Fire Salvage EA contains a site specific analysis of existing conditions in the Murray fire area. The EA discusses the low annual precipitation for the area of 17-19 inches (EA pg. 40) and notes that a scarcity of moisture limits the establishment of trees (EA pg. 54). The EA goes on to describe conditions after the fire that "tree mortality occurred over 90% of the timbered area and that available seed trees are few" (EA pg. 60-61). As a result of low moisture for tree establishment and the scarcity of seed trees, planting "would shorten the successional pathway, and better meet the desired future condition as outlined in the Ochoco Land and Resource Management Plan." In addition, "native, locally adapted seedlings would be used." (EA pg. 60-61).

Roads. Beschta recommendations for roads are consistent with how activities are planned to be implemented. There is no road construction or reconstruction associated with the implementation of this alternative. The timber can be harvested from existing road systems. No new road construction is needed. This responds to concerns for soil disturbance and potential sedimentation by utilizing systems already in place.

Dead Wood Habitat. Beschta et al. (1995) suggested leaving at least 50% of all burned trees remaining on site for recovery of many ecosystem components including wildlife. This was a generic and coarse estimate of needs of different dead wood habitat users. Newer and more exact science is available through the recently released draft of the Decayed Wood Advisor (DecAID) by Marcot et al. (2002). Snag analysis for this EA uses this new science in DecAID. This work is an advisory tool to help land managers evaluate effects of forest conditions and existing or proposed management activities on organisms that use snags, down wood, and other wood decay elements. This publication relates the abundance of dead wood habitat both snags and logs, to the frequency of occurrence of various wildlife species that require dead wood habitat for some part of their life cycle. This publication also includes information on primary cavity excavators as well as a host of other organisms that use dead wood habitat. See EA and specialist's report for additional information on DecAID.

Grazing. The Beschta Report recommends "Do not take actions which impede natural recovery of disturbed systems." Alternative 3 incorporates this concern in resting the pasture for a minimum of two grazing seasons and monitoring to see if additional rest is necessary (EA pg. 107).

Reburn Potential. The issue has been brought forward, "that there is no evidence supporting the contention that leaving large dead woody material greatly increases the probability of reburn" (Beschta et al., 1995). The presence of high fuel loading does not increase the

probability of reburn, however, high fuel loading will affect flame length, fire intensity and destruction of resources (Everett, 1995; Ice, 1995). Surviving trees, regenerated trees, and recovered herbaceous vegetation would be at risk under this (Beschta) scenario (EA pg. 58). Alternative 3 would reduce the potential for future post-fire fuel loadings while balancing leaving additional snags for species that utilize dead wood. There would be fewer trees left to fall to the ground compared to Alternative 1 and Alternative 2. This would reduce the amount of fuel loading which would reduce the intensity of future fires.

Summary of Alternatives

The following table provides a summary of the effects of implementing each alternative.

Table 1.

	Alternative 1 No Action	Alternative 2 Proposed Action	Alternative 3
Acres of Salvage Harvest	0	139	157
Estimated Volume (MBF)	0	514	577
Acres Planted	0	139	157
Acres of Soil Rehabilitation	0	2.5	2.7
Estimated Soil Erosion (tons/acre)	0.43	0.57	0.07
Estimated Sediment Transport (tons/acre)	0.16	0.57	0.07
Soil Nutrients	All snags left to accumulate over time as down wood	All trees 1-9 inch in diameter plus 31.7snags/acre \geq 10 in. diameter	All trees 1-9 inch in diameter plus 24.7 snags/acre \geq 10 in. diameter
Stream Temperature	No Measurable Effect	No Measurable Effect	No Measurable Effect
EHA Measure (Threshold 25%)	17%	< 1% increase	< 1% increase
Estimate of Timber Volume Loss through Deterioration	802 MBF	288 MBF	222 MBF

Estimate of Jobs Created (Direct and Indirect)	0	17	19
Estimated Snag Levels left \geq 10" diameter	17,347 \geq 10"; or 83/acre	6,557 \geq 10"; or 31.7/acre	5,366 \geq 10"; or 24.7/acre

Public Involvement

As described in the background, the need for this action arose from a stand replacement fire event in July 23, 2002. A decision to analyze recovery of fire killed timber was made by the Forest Supervisor in late October. Due to the quarterly schedule of updating and printing the Schedule of Proposed Actions, the proposal to salvage dead timber and plant conifers was listed in the Schedule on January 1, 2003. However, the proposal was provided to the public and other agencies for comment from November 19 through December 18, 2002. As part of the public involvement process, additional public involvement was requested through news releases to Central Oregon newspapers on November 22, 2002 and through mailings to the District's Public Scoping list of individuals. County, State, Federal agencies and Tribes were notified of the Paulina Ranger District's proposal to analyze a fire salvage project. Several newspaper articles about the project appeared in the Blue Mountain Eagle and in the Central Oregonian in late November and early December describing the proposal to analyze recovery of timber and inviting interested publics to participate in a field trip to the project site. This public field trip was held on December 4, 2002 at the project area. Seven members of the public and eight Forest Service personnel participated in discussions in the field and later that day at the District office. Comments were received during the field trip and through mailings which were used by the Interdisciplinary Team to develop issues. All public comments were documented and made a part of the analysis file and are in the EA under Appendix A.

Using the scoping comments from the public and other agencies, the interdisciplinary team identified several issues regarding the effects of the proposed action. The key issues identified to evaluate the effects between the alternatives included soil productivity, hydrology/ water quality and economics (EA, pgs 6-7). Aspects of soil productivity used to evaluate the effects of the proposed actions were detrimental soil conditions, nutrient loss from fire effects combined with salvage activities and soil erosion and sedimentation. Hydrology and water quality compared changes to the hydrologic system and resultant water quality through measures of localized sediment flow and effects to stream temperatures. Economic issues were measured through evaluating timber volume loss through deterioration and jobs created by the activities proposed under each alternative.

A 30-day comment period on the EA began on April 23, 2003 and ended on May 30, 2003. Two letters were received on the EA. The comments were summarized and are included with this Decision Notice (and as Appendix B of the Murray Fire Salvage EA).

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action. Although Alternative 3 will have positive effects on improving the levels of detrimental soil conditions, create a small number of jobs, and reduce fire intensity of future fires, given the size and small scale of the project, this action is not significant.
2. There will be no significant effects on public health and safety (40 CFR 1508.27(b)(2)). This action reduces snag levels along roads and where recreating public may travel, thus reducing the risk from falling trees. Given the small scale and location of this project, dust and smoke from operations will be minimal.
3. There will be no significant effects on unique characteristics of the area, because there are no ecologically critical areas such as historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers such areas within the area to be affected (EA pgs. 89,90-91, 108, 109). The Murray Fire planning area is not located within or adjacent to any Wilderness Areas or Inventoried Roadless Areas.
4. Based on the involvement of forest resource specialists and members of the public, I do not expect the effects of the proposed actions on the quality of the human environment to be highly controversial in a scientific context. Some respondents disagree with the proposal to salvage fire-killed trees and to plant conifers. However, the opinions they expressed during scoping were considered in the EA and did not disclose any significant adverse effects that would result from the project on the quality of the human environment. (see EA pgs. 6, 108, 109 and Appendix A and B).
5. In reviewing the EA, there are no known effects to the human environment that are highly uncertain or involve unique or unknown risks from implementation of these activities. The Forest Service has considerable experience with salvage harvest, planting and the associated post-sale activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA pgs. 39,47,52,58-59,61-62).
6. The action is not likely to establish a precedent for future actions with significant effects, because salvage logging after fire and planting trees on public land is not without precedent and is within applicable law and Agency direction (EA pgs 2, 3). Effects associated with implementation of Alternative 3 are based on site

specific field data and analysis and do not pose uncertain or unknown risks. Public comments referencing the Beschta Report were considered in analysis. Some public disagrees with any actions short of total incorporation of all Bestcha recommendations, regardless of the given site conditions. Some recommendations from the report were incorporated into the alternatives when appropriate to actual site conditions. Where other, newer science was more applicable or site specific conditions did not harbor the risks discussed in the Bestcha Report, resource specialists discussed why Bestcha did not apply. Many of the recommendations from the Bestcha report are general in nature and do not give a "best fit" or are appropriate for all site specific situations. I base this finding on review of Chapter 3 of the EA.

7. The cumulative impacts are not significant (EA pages 36,52,61,63,66,69,73,75,78,81, 87, 91, 96-97,102, 105,107).

There will be no adverse cumulative effects to LOS and LOS connectivity from implementation of Alternative 3 (EA pg. 75).

Cumulative effects of fire suppression and fire rehabilitation activities such as building firelines, retardant drops, heavy vehicle traffic (potential for noxious weed spread) and future fire restoration activities such as rehabilitating firelines through ripping and seeding, placement of log erosion barriers, cleaning a culvert and removal of a road prism were considered with the effects of actions proposed under Alternative 3 (EA pages 37-38,51,86,97,101).

A total of 4 retardant drops (5,000 gallons) of Fire-Trol LCG-R Fire Retardant (Chemonics, Inc., Phoenix, AZ) were used during wildfire suppression activities on the Murray Fire (EA pg. 51). According to the suppression retardant's product Material Safety Data Sheet (MSDS), the main component is ammonium polyphosphate (a commonly used agricultural fertilizer), and minor amounts of attapulgite clay thickener, corrosion inhibitor, and iron oxide as a coloring agent.

All retardant drops were approximately 400-500 feet from dry Class IV channels and in the close proximity to the rehabilitated tractor lines. This product is not classified as a hazardous material by the U.S. Department of Transportation. Application of this retardant near streams has been shown to virtually have no impact on them, partly because there is a minimum of migration of chemicals from areas, even when as close as three meters from the edge of a stream (Norris, 1978). The nearest live stream was .5-1 mile away. Since there was no flow in these ephemeral Class IV channels until February of 2002, the retardant had 7 months to deteriorate. For these reasons, there are no measurable effects to the aquatic environment expected from this activity (EA pg. 86).

Noxious weeds were considered in the analysis of the selected alternative. A risk analysis was completed and prevention strategies were included in the Design Elements to be implemented with Alternative 3 (EA pg. 20-21). All of the alternatives rate as high risk for weed introduction and spread

based on the fire suppression activities (vehicles), the nearby presence of weeds as a seed source and the removal of ground vegetation by the fire (EA pg. 102-103). However, the weed risk for Alternatives 2 and 3 are only slightly higher than the risk of the no action alternative. Prevention techniques included as design elements and the current ongoing weed treatment program reduces the increased cumulative effects of the action alternatives over No Action.

There are no significant cumulative effects to air quality (EA pg. 81).

8. Two recent cultural surveys have taken place in the Murray planning area; one occurred in 2001 during survey work for Sunflower and more recently in 2002 after the fire. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because no such sites, structures or objects exist in the planning area (see EA pgs. 90-91). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because there are no known sites present in the project area (EA pg. 89).
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because the species listed in the EA either do not use the area or there is currently no habitat present within the planning area (EA pgs. 62, 88, 91, 97-98).
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment.

Findings Required by Other Laws and Regulations

I have reviewed the Ochoco National Forest Plan as amended by the Regional Forester's Amendment No. 2 for Eastside Forests and determined that this decision is consistent with the Forest Plan's goals and objectives listed on pages 4-1 to 4-37 for Management areas MA-F22, MA-F26 and MA-F15 and the Forest-wide Standards and Guidelines pages 4-119 to 4-265. I have also reviewed Chapter 4, Environmental Consequences, of the Final Environmental Impact Statement (FEIS) for the Forest Plan and conclude that the environmental effects associated with this project are consistent with those described in the FEIS. Furthermore, I have determined that these sites are suitable for timber management, have been designated for timber management (EA pg. 3,54,55-57, summary Table 18, pg. 57) and that salvage activities are consistent with CFR 219.14 and 219.27 (12)(c).

My decision to implement Alternative 3 is consistent with Riparian Management Objectives (RMOs), as established by PACFISH (1995). There are four Category 4 areas (defined by the Ochoco N.F. as Class IV streams) within the Murray Fire Salvage Project Area. These channels are located within a watershed that is not a Key Watershed. A Key Watershed is defined by PACFISH (1995) as a watershed that contains designated critical habitat for listed anadromous fish. The

four un-named, Class IV drainage systems located within the project area are defined as intermittent/ephemeral, non-fish bearing systems with a defined channel (EA pg. 41-42).

This decision is consistent with all applicable Acts and Regulations such as the National Forest Management Act (NFMA) of 1976, National Environmental Policy Act (NEPA) of 1969, Endangered Species Act (ESA) of 1973, Clean Water Act (CWA) of 1972 and section 319 of the 1987 CWA, Civil Rights Act (CR) of 1964, Title VI and Environmental Justice (EJ) Executive Orders 11988 and 11990.

Implementation Date

If no appeal is received, implementation of this decision may occur on, but not before, 5 business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to appeal in accordance with 36 CFR 215.7. A notice of appeal must be in writing and clearly state that it is a Notice of Appeal being filed pursuant to 36 CFR 215.7. Additionally, people holding written authorization to forest uses have the right to appeal under 36 CFR part 251. Any appeal must be in writing and filed with the Regional Forester, USDA Forest Service, Pacific Northwest Region, ATTN: 1570 Appeals, P.O. Box 3623, Portland, Oregon 97208-3623. Appeals must be filed within 45 days of the date that the legal notice appears in The Bulletin newspaper.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Neil Bosworth, Acting District Ranger, Paulina Ranger District, 7803 Beaver Creek Road, Paulina, Oregon 97751; or phone (541) 477-6900.

Neil Bosworth

Date

Acting District Ranger
Paulina Ranger District

NOTE: The Decision Notice was signed on 6/18/03, the Legal Notice was published in *The Bulletin* on 6/19/03, and the Appeal Period will end on 8/4/03.

Posted to web on 6/19/03

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