

Decision Memo

Monument Fire Salvage Recovery Project

Heppner Ranger District, Umatilla National Forest Grant County, Oregon

Township 7 South, Range 27 East, Sections 1, 2, 4, 5, 8, 9, 17, 20, 29, and 32
Township 8 South, Range 27 East, Section 5
Willamette Meridian surveyed.

BACKGROUND

The lightning caused Monument Complex fires began as several smaller fires (Red Hill Fire, Wall Creek Fire, and Fire #111) on July 12, 2007 near the southern boundary of the Heppner Ranger District. They eventually merged into one large fire. In the early stages of the fire, high winds, hot temperatures, and low humidity fanned the flames and by July 31, the fire had grown to 53,548 acres. On August 8, 2007 the fire was declared controlled. The Monument Complex burned approximately 21,393 acres on Bureau of Land Management land, 12,364 acres on private land, 30 acres on Oregon State land, and approximately 19,761 acres on National Forest System land.

Monument Complex fires spread across approximately 20,000 acres of the Heppner Ranger District. Fire effects varied widely from a light underburn in some areas to areas of intense fire activity where almost all trees were killed. In the fall of 2007, Heppner Ranger District personnel evaluated the burned landscape and identified 234 acres of the area for salvage.

After a tree dies, it begins to deteriorate and lose economic value. Wood deterioration can refer to changes in wood strength or appearance that render wood unsuitable for traditional or general uses such as lumber products and this rate varies by species. Weather is often a major contributor to the rate of deterioration. Past experience from other fire salvage recovery projects on the Umatilla National Forest showed that by late summer of the following year a significant amount of volume and value from this area could be lost (approximately 65 percent).

There is a need to salvage harvest as rapidly as practicable before decay and other wood deterioration occurs to maximize potential economic benefits. Harvesting dead and dying trees could provide direct and indirect benefits to the local and regional economy.

DECISION

After careful review and consideration of public comments made, and analyses by resource specialists disclosed in the project record, I have decided to implement the Monument Fire Salvage Recovery Project. As part of my decision I will implement project-specific design features, including best management practices (BMPs) listed in the project record, because they are expected to minimize the effects of management activities. The following table summarizes some outcomes of my decision.

Table 1 – Summary of Project Activities

Activity	
Total salvage harvest*	186 acres**
Danger trees removed along haul routes	7 miles
Danger trees removed that could affect landings	Yes
Danger trees felled in Riparian Habitat Conservation Areas (RHCAs) and left on the ground	Yes
Temporary roads (no more than ½ mile in total): Additional short spurs Roads decommissioned after use	2 roads Yes Yes
Activity Fuel Treatment	Activity fuels will be scattered throughout treatment units. Piles at landings will be either burned or chipped.
*Harvest prescriptions will salvage dead trees (trees without green needles) greater than or equal to 21 inches diameter at breast height (dbh). Dead and dying trees less than 21 inches dbh will also be removed using the probability of survival determined by the protocol described in <i>Factors Affecting Survival of Fire Injured Trees: A Rating System For Determining Relative Probability of Survival of Conifers in the Blue and Wallowa Mountains by Scott et al.</i> , also known as the Scott Guidelines. To provide for habitat needs of cavity dependent species, approximately five snags (three large snags and two additional snags) per acre will be left and additional green replacement trees will include trees greater than 21 inches dbh with green needles and green trees with a high probability of survival that are less than 21 inches.	
** acres, feet, and miles are approximate, but not to exceed 250 acres of harvest	

My decision to implement this project is consistent with the scale of effects disclosed within the list of categories of actions established by the Chief of the Forest Service which do not individually or cumulatively have a significant effect on the human environment and therefore normally do not require further analysis in either an environmental impact statement (EIS) or an environmental assessment (EA). The category is listed in the Forest Service NEPA Handbook (FSH) FSH 1909.15-2006-1, Chapter 30, Section 31.2, Category 13 (*Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than ½ mile of temporary road construction*).

I selected Category 13 because the Forest Service did a post-implementation review of similar projects along with past, present, and reasonably foreseeable future actions, and the responsible officials found that the individual and cumulative effects of the projects reviewed were not significant in the NEPA context. The Forest Service, therefore, concluded that the activities described in categories (12, 13, and 14) do not individually or cumulatively have a significant effect on the human environment (see Federal Register, July 29, 2003, Vol. 68, No. 145, page 44599).

Extraordinary Circumstances:

Based on interdisciplinary team review I find that the project is consistent with agency policy concerning extraordinary circumstances (Forest Service Handbook 1909.15-2006-1, Chapter 30, Section 30.3 (2) (a)-(g)). A summary of this review is listed below:

- ***Federally listed threatened or endangered species or designated critical habitat, species proposed for federal listing, or Forest Service sensitive species***
As required by the Endangered Species Act (ESA), potential effects of this project on listed species have been analyzed and documented in Biological Evaluations (BE) for wildlife, aquatic, and plant species. In accordance with Section 7(c) of the Endangered Species Act, the wildlife biologist, fish biologist, and botanist checked for the presence of listed and proposed threatened and endangered species or their habitats, and species on the Regional Forester's (Region 6) sensitive species list that

may be present. Cumulative effects were analyzed when making ESA determinations (Project Record – Fish BE, Terrestrial Wildlife BE, and Botany BE).

See the following table for a list of threatened, endangered and sensitive species that may be present in the project area and the biological determinations for these species.

Table 3 – Effect Determinations for Listed and Sensitive Species or habitat that may occur within the project area.

Species	Status	Determination
<i>Silene spaldingii</i>	Threatened	NE
Bolander’s spikerush	Sensitive	NI
Gray wolf	Endangered	NE
California wolverine	Sensitive	NI
Lewis’ Woodpecker	Sensitive	MIIH
White-headed Woodpecker	Sensitive	MIIH
Mid-Columbia steelhead	Threatened	NLAA
Redband trout	Sensitive	MIIH
NE – No effect on a proposed or listed species or critical habitat NLAA – May affect, but not likely to adversely affect a listed species, its critical habitat, or essential fish habitat. NI – No impact to Region 6 sensitive or proposed sensitive species individuals, populations, or their habitat. MIIH – 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.		

On February 19, 2008, a letter of concurrence was received from NOAA Fisheries completing consultation. They concluded that the action as proposed for the Monument Fire Salvage timber sale, is not likely to adversely affect Mid-Columbia steelhead and their designated critical habitat. The letter also concludes that the project avoids, minimizes, or otherwise offsets potential effects to designated essential fish habitat and fulfills the requirements under the Magnuson-Stevens Act.

- Floodplains, wetlands, or municipal watersheds***
 The project would not have any effect on floodplains or wetlands and would be consistent with Executive Order (EO) 11988 and Executive Order 11990. There are no de-facto or designated municipal watersheds in project activity units (Project Record - Hydrology Report).
- Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas***
 Project activity units are not located within any congressionally designated wilderness, wilderness study areas, or national recreation areas (Final EIS, Umatilla National Forest Land and Resource Management Plan, Appendix C).
- Inventoried roadless areas***
 Project activity units are not located within any inventoried roadless areas (Final EIS, Umatilla National Forest Land and Resource Management Plan, Appendix C).
- Research natural areas***
 Project activity units are not located within any research natural areas (Final EIS, Umatilla National Forest Land and Resource Management Plan, p. 4-31).

- ***American Indians and Alaska Native religious or cultural sites***
Project activity units are within American Indian's ceded lands. Consultation with appropriate tribes has occurred. No religious or cultural sites would be affected by the project.
- ***Archeological sites, or historic properties or areas***
All known sites will be avoided. Should any additional sites be identified during ground disturbance activities, contract provisions will provide protection and the Forest Archeologist will immediately be notified.

FINDINGS REQUIRED BY OTHER LAWS

This project is consistent with the Umatilla's Land and Resource Management Plan (Forest Plan) and all subsequent amendments, as required by the National Forest Management Act. The project was designed in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidelines. The project is in compliance with the Endangered Species Act of 1973, as amended, Magnuson-Stevens Fishery Conservation and Management Act (MSA) of 2000, Clean Water Act, Safe Drinking Water Act, Clean Air Act, Executive Order 11988, and Executive Order 11990 as discussed in this document.

There is no prime farmland, rangeland, or forestland within project activity units. Activities for this project are consistent with the *Managing Competing and Unwanted Vegetation FEIS*, its *Mediated Agreement*, and *1988 Record of Decision* and incorporates the invasive plant prevention measures of the *Pacific Northwest Region FEIS for the Invasive Plant Program*, and *2005 Record of Decision*. This project does not address interim methods of rapid response to invasive plant spread beyond what was analyzed in the *1995 Umatilla Noxious Weed EA*.

Implementation of this project is not expected to have any disproportional effects on consumers, civil rights, minority groups, women, or low income people because there will be no change in the long-term use of the area for these populations (Executive Order 12898). The project will not have unusual energy requirements. The project will improve public health and safety by removing danger trees along haul routes and landings.

The following resource narratives demonstrate consistency with Forest Plan direction described for both the Management Area and Forest-wide standards and guidelines and applicable federal and state laws.

- **Timber** – The units identified for project activity are located within the C3 – Big Game Winter Range Management Area. Salvage of mortality is permitted consistent with meeting objectives of providing high quality forage and low disturbance during the winter use period (Project File – Wildlife Report).
- **Hydrology** – The Forest Service's responsibilities under the Clean Water Act are defined in a November 2002 Memorandum of Understanding (MOU) between Oregon Department of Environmental Quality and the Forest Service. The MOU designates the Forest Service as the management agency responsible for meeting the Clean Water Act on National Forest System lands and recognizes best management practices (BMPs) as the primary mechanism to control nonpoint source pollution on National Forest System lands. It further recognizes that BMPs are developed by the Forest Service as part of the planning process and includes a commitment by the Forest Service to meet or exceed water quality standards. This project incorporates site-specific BMPs for water and soil resources and a process to monitor BMP implementation and effectiveness (Project File - Hydrology Report).

Project activities will not detrimentally affect beneficial uses and the proposed salvage harvest has been designed to prevent damage to Riparian Habitat Conservation Areas (RHCAs). Riparian and channel components that protect water quality will be maintained and recovery will proceed at natural rates. Other project design criteria and BMPs will control disturbance that could lead to erosion and

sedimentation. Effects of the proposed action will not adversely or measurably affect water temperature or sedimentation; the criteria for which streams in and around project activity units (Big Wall Creek and Indian Creek) are 303d listed as impaired for these criteria. The proposed project is in compliance with the Clean Water Act, Clean Drinking Water Act, and Forest Plan (Project File-Hydrology Report).

- **Recreation** – The area in and around project activity units provides a wide range of recreation activities, experiences, and opportunities, including but not limited to: developed and dispersed camping; sightseeing; off-highway vehicle (OHV) use; hunting; mushroom and berry picking; and snowmobiling. The salvage operation is not expected to impact long-term availability of recreation opportunities. There are no developed or undeveloped campgrounds, trails or groomed snowmobile routes within the vicinity of the activity units. Implementation of project design criteria and management requirements provide for visitor safety, and help protect recreation opportunities (Project File - Recreation Report).
- **Scenery** – Visually this landscape will be in transition for the next 10 years as trees continue to die and the understory continues to grow. Salvage harvesting and subsequent regeneration will lead these affected areas towards a more diverse visual character. This project would comply with Forest Plan standards and guidelines for visuals in Management Area, C3-Big Game Winter Range (Project File – Recreation Report).
- **Undeveloped Areas** – Project activity units are located along or near existing roads at the fringes of two unroaded areas identified by an environmental group as Turner Mountain and Happy Jack. Salvage will occur on 29 acres of the Happy Jack area and 32 acres of the Turner Mountain area. Temporary roads will be used to salvage unit 31 (Happy Jack) and unit 33 (Turner Mountain). The temporary road to unit 33 is an existing road bed. The temporary road into unit 31 connects into an old road bed which will require some reconstruction. Both temporary roads would be obliterated at the end of this project. Project activities will impact the areas solitude and feeling of remoteness during implementation. Because these areas have preexisting roads, including County Road 670, grazing, camping, and ATV use the reduced feeling of naturalness will remain following completion of the project (Project File – Recreation Report).
- **Soils** – Design of logging system, contractual controls, and erosion control measures, including site-specific BMPs, will limit detrimental levels of soil disturbance, will maintain effective ground cover, and retain organic matter for long-term site productivity (Project File – Soil Report).
- **Fuels** – The majority of activity fuels will be scattered throughout the salvage units consistent with forest plan standards. Some activity fuels would be piled at landings and will either be burned or chipped (Project File – Fuels Report).
- **Air Quality** – All fuels management burning will adhere to Oregon State and federal air quality regulations. Project activities will be in compliance with the Clean Air Act and Oregon Smoke Management Plan as administered by the Oregon Department of Environmental Quality.

There is a Class I airshed 57 miles southeast of the project area (Strawberry Mountain Wilderness) and another Class I airshed 100 miles east of the project area (Eagle Caps Wilderness) (Project Record – Fuel Report). The Oregon smoke management plan would be followed and no burning would take place if restricted or forecasted by the plan (Project File – Fuels Report).

- **Wildlife** – Specific design criteria for wildlife protection have been incorporated into this project (Project File – Wildlife Report). Plant and animal diversity and population viability are not diminished with implementation of the project. Effects to management indicator species (MIS) such

as elk, marten, pileated woodpecker, northern three-toed woodpecker, white-headed woodpecker, and a number of primary cavity excavators are as follows:

Elk – Road project activities will not result in a net increase of open road densities. Temporary roads used for harvest would be decommissioned after all treatments are completed. Any road disturbance to big game will be short in duration and outside of the winter use period of December 1 thru April 15. No areas that are currently classified as satisfactory or marginal cover will be changed to a forage conditions because of project activities. Security areas will be provided by the adjacent roadless area. Effects to satisfactory and marginal cover, forage, and screening vegetation are all consistent with Forest Plan standards and guidelines.

American marten – Some marten habitat is present in the area where the Monument Complex Fire burned, but salvage harvest is not proposed in these areas. Salvage in project activity units will have no impact to marten habitat or to individuals.

Pileated woodpecker – Stands proposed for salvage harvest do not contain suitable pileated woodpecker habitat due to the level of mortality to the overstory trees. Since only dead trees and trees less than 21” dbh that are likely to die due to fire impacts will be salvaged, and all large trees ≥ 21 ” dbh with green needles will be retained. The removal of dead and dying trees on 184 will not deter use of the general area by pileated woodpeckers.

Northern three-toed woodpecker – Impact to the species is expected to be minor. Moderately to severely burned areas, resulting from the wildfire, would be available for foraging and breeding. The harvest area composes less than three percent of this newly developed habitat on Heppner Ranger District.

Cavity excavator species – An abundance of dead wood habitat would be available for cavity excavator species. This salvage project of 186 acres is less than two percent of the total burned area on Heppner Ranger District.

The Monument Fire Salvage Recovery Project is consistent with the Umatilla National Forest Plan Amendment #11 which established interim riparian, ecosystem, and wildlife standards for timber sales (the Eastside Screens) (USDA 1995). The project is consistent with the wildlife standard because there would be no harvest of any green trees greater than or equal to 21” in diameter at breast height (dbh). (Project File– Wildlife Report).

The project is consistent with the 1918 Migratory Bird Treaty Act (MBTA) and the Migratory Bird Executive Order 13186. The Conservation Strategy for Landbirds (Altman 2000) and the U.S. Fish and Wildlife Service’s Birds of Conservation Concern (USDI 2002) were reviewed to determine potential effects. Design criteria such as retention of adequate snags and down logs, retention of live trees, spatial distribution and size of treatment units, and avoidance of riparian areas will minimize take of migratory birds and meet the intent of current management direction (Project File – Wildlife Report).

Riparian/Fish – This decision is consistent with PACFISH Riparian Management Objectives and protects riparian and fish resources and habitat with implementation of specific design criteria and management requirements (Project File – Aquatic Species Biological Evaluation).

PUBLIC INVOLVEMENT

Scoping letters were mailed on January 11, 2008 to 115 interested individuals, organizations, tribes, state, local, and federal agencies. Five letters were received in response to our scoping letter and one additional letter was received several months later in regards to the project. In compliance with the 30 day notice and comment period, letters describing the project and analysis and requesting comments were mailed on April 29, 2008 to approximately 128 interested individuals, organizations, tribes, state, local, and federal

agencies. A legal notice requesting comments appeared in the East Oregonian (newspaper of record) on April 30, 2008. Six letters and one telephone call responding to our request for comments during the 30-day notice and comment period were received. I reviewed all comments and considered them before making my final decision.

APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR Part 215. Only individuals or organizations that submitted comments or expressed an interest in the project during the comment period may appeal. Any appeal of this decision must be in writing and fully consistent with content requirements described in 36 CFR 215.14. A written appeal must be filed with Appeal Deciding Officer: Kevin Martin, Forest Supervisor.

Mail appeals to:

USDA, Forest Service,
Umatilla National Forest,
ATTN: Kevin Martin, Forest Supervisor,
2517 S.W. Hailey Avenue,
Pendleton, Oregon 97801

The notice of appeal may alternatively be faxed to:

USDA, Forest Service,
Umatilla National Forest,
ATTN: Kevin Martin, Forest Supervisor,
(541) 278-3730

Or delivered by hand to:

Umatilla Forest Supervisor's Office in Pendleton, Oregon
from 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays

By electronic mail at:

appeals-pacificnorthwest-umatilla@fs.fed.us

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word, rich text format or portable document format only. E-mails submitted to e-mail addresses other than the one listed above or in other formats than those listed or containing viruses will be rejected. Any written appeal, including attachments, must be postmarked or received (via regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) within 45 days of the date of publication of this legal notice. The publication date of this legal notice in the East Oregonian newspaper is the exclusive means for calculating the time to file an appeal (§215.5 (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

For further information regarding these appeal procedures, contact the Forest Environmental Coordinator, Janel McCurdy at (541) 278-3869.

EMERGENCY SITUATION DETERMINATION

On June 17, 2008 Chief Abigail Kimbell found that an emergency situation existed. An emergency situation is defined in 36 CFR 215.2 as "A situation on National Forest System (NFS) lands for which immediate implementation of all or part of a decision is necessary for relief from hazards threatening human health and safety or natural resources on NFS or adjacent lands; or that will result in substantial loss of economic value to the federal government if implantation of the decision were delayed."

The determination that an emergency situation exists does not exempt an activity from appeal. The determination only eliminates the automatic stays built into the appeal review process. The Chief has

determined that failure to act quickly will result in substantial economic loss to the Federal Government. Implementation for the Monument Salvage Timber Sale, determined to be an emergency, may proceed immediately.

IMPLEMENTATION

Implementation of this decision, determined to be an emergency, may proceed immediately (36 CFR 215.10).

CONTACT PERSON

This Decision Memo and associated project file may be reviewed at the Heppner Ranger District, 117 South Main Street, Heppner, Oregon. For further information contact:

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THOMAS E. MAFERA
District Ranger

Date

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