

DECISION NOTICE  
And  
FINDING OF NO SIGNIFICANT IMPACT

Clackamas Fires Roadside Danger Tree Project

USDA FOREST SERVICE  
MT. HOOD NATIONAL FOREST  
CLACKAMAS RIVER RANGER DISTRICT  
CLACKAMAS, MARION, and JEFFERSON COUNTIES, OREGON

The Clackamas Fires Roadside Danger Tree Environmental Assessment (EA) and specialist reports contain in-depth discussions of the setting, ecological processes, resource conditions, the purpose and need for action, the proposed action designed to achieve the purpose and need, project design criteria, alternatives considered, and the effects or benefits of those alternatives.

All section (s.) number references are to sections of the EA unless specified otherwise. The EA and supporting specialist reports are incorporated by reference and can be found at the [Forest's website](#)<sup>1</sup>. Acres and miles represented throughout this Decision Notice (DN) and Finding of No Significant Impact (FONSI) are approximate because they are derived from various data sources including geospatial information systems. The Mt. Hood National Forest is referred to as 'the Forest' in this document. The Mt. Hood National Forest Land and Resource Management Plan (1990), as amended, is referred to as the 'Forest Plan' in this document.

## 1.0 Decision

I have reviewed the EA and the analyses and information<sup>2</sup> contained in the project file. I have also reviewed and considered the public comments submitted on this project. I have determined that there is adequate information to make a reasoned and informed decision. With this project, I have the discretion to determine the need for access and to manage an effective road system, therefore **I have decided to implement the proposed action as described, with minor changes described in 1.1 Details of the Decision.** The proposed actions are described in section (s.) 2.2 of the EA.

Forest Service Handbook 1909.15, Chapter 10, provides a process for making incremental changes. Ongoing interdisciplinary analysis and consideration of public comments did result in minor modifications compared to what was described in the draft environmental assessment. I believe these changes created a better proposal for fire-affected National Forest System (NFS) roads on the Clackamas River Ranger District (the District) and a better decision. I find that the changes have a relatively minor difference in resource benefits and impacts.

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<sup>1</sup> URL for this project on the Forest's project website: <https://www.fs.usda.gov/project/?project=61043>

<sup>2</sup> Specialist reports for the following resource areas and their supporting information: Hydrology, Climate Change, Botany and Invasive Non-Native Plants, Economics, Fisheries, Fuels and Air Quality, Heritage, Recreation, Silviculture, Soils, Transportation, Visuals, and Wildlife.

## 1.1 Details of the Decision

Table 1 - Summary of Decision for Danger Tree Management Actions

Purpose & Need	Decision	Miles
Minimize risk and restore access on fire-affected NFS roads.	Cut danger trees along NFS roads within the Riverside fire perimeter.	169
Minimize risk and restore access on fire-affected NFS roads.	Cut danger trees along NFS roads within the Lionshead fire perimeter.	46
Minimize risk and restore access on fire-affected NFS roads.	Cut danger trees along NFS roads within the Bull Complex fire perimeter.	18

Table 2 - Summary of Decision for Transportation System Management Actions

Purpose & Need	Decision	Miles
Manage the NFS road system to allow for safe passage of heavy equipment and hauling.	Maintain and repair (i.e., conduct road maintenance) on NFS roads with contract operations.	All roads where contract haul and heavy equipment operations occur.
Move closer to the Forest’s minimum road system.	Close roads: changing from current operational maintenance level (ML) to ML 1, closed status.	30
Move closer to the Forest’s minimum road system.	Decommission roads: changing from current operational ML to decommissioned status (no longer an NFS road).	9.0
Maintain an effective road system.	Change from operational ML 1 to ML 2.	3.5

In addition to the above, the proposed action includes the disposal and reuse of cut trees for restoration (infrastructure, aquatic, etc.) (s. 2.2.4), cutting danger trees and leaving them in riparian reserves (s. 3.8.3.1, 3.8.3.2), and managing excess slash and fuels build-up through a variety of means that include but are not limited to scattering, piling and burning, turning to biochar, chipping, or selling.

Project design criteria (PDC) are included in Appendix A of the final EA and are part of my decision to implement this project providing important resource protections. No significant impacts were found that would require further mitigation.

### 1.1.1 Minor Modifications to the Proposed Action

My decision includes two minor modifications to the proposed action:

1. Change to the miles of roads to be closed:
  - NFS Road 4635146 (approximately 0.5 miles) was originally proposed to have the entirety of the road changed to ML 1 (closed) status. After further interdisciplinary review it was determined that an official trailhead exists at the mid-point of this road for the Rimrock Trail (#704). To maintain alignment with the project’s purpose and need and our intent to ensure access to recreational infrastructure, it is my decision to keep open

- (maintain the current ML 2 status) the portion of this road up to the trailhead, (approximately 0.25 miles of the road) and to close the portion of the road beyond the trailhead (approximately 0.25 miles). Based on the position of burned area boundary and the junction of the trailhead, this change does not alter the area of consideration (AOC), or estimated miles of road proposed for danger tree cutting.
- NFS Road 4540140 was originally proposed to have the entirety of the road changed to ML 1 (closed) status. In response to objections filed and after further interdisciplinary review, I have decided to keep this road open. The end of this road accesses an unofficial hiking route to Memaloose Lake. My decision to keep this road open will allow for potential future discussion, planning, and opportunity around the management of this existing and popular access route. The official trailhead for the Memaloose Lake trail is located on NFS Road 4500000. This decision adds AOC acres and keeps approximately 0.82 miles of roads open as ML 2. Miles of road displayed in Table 1 and Table 2 reflect these minor modifications to the proposed action.
  - NFS Road 4540160 was originally proposed to have the entirety of the road changed to ML 1 (closed) status. In response to objections filed and after further interdisciplinary review, I have decided to keep this road open. The end of this road accesses the top of Dead Horse Butte, which is a popular dispersed destination area for forest visitors. While not an official viewpoint, it does afford some opportunities for views of mountain peaks. This decision adds AOC acres and keeps approximately 0.37 miles of road open as maintenance level 2. Miles of road displayed in Table 1 and Table 2 reflect these minor modifications to the proposed action.
  - NFS Road 4540150 was originally proposed to have the entirety of the road changed to ML 1 (closed) status. In response to objections filed and after further interdisciplinary review, I have decided to keep the road open to the 4540160 junction so that the 4540160 road can be accessed to support dispersed recreation opportunities. This decision adds AOC acres and keeps open approximately 0.38 miles of roads. The remaining one mile of road beyond the 4540160 junction would still be closed (changed to ML 1) as originally proposed. Miles of road displayed in Table 1 and Table 2 reflect these minor modifications to the proposed action.

I have discussed these modifications with the interdisciplinary team who conducted the effects analyses. These modifications are within the scope and range of the impacts disclosed in the EA. Based on those discussions, I find that these adjustments are inconsequential to the overall resource impacts outlined in the EA. The modifications do not change the overall environmental effects analyses and will better serve the public with access to recreational opportunities. Total added AOC as a result of these minor modifications along NFS roads 4540140, 4540150, and 4540160 is approximately 52 acres.

2. Acres of roadside danger tree cutting:

- I have decided to drop 25 acres of the AOC along NFS Road 4500000 that overlaps a portion of the “wild” segment of the South Fork Clackamas River Wild and Scenic River. The area is shown in the proposed action map that accompanies the final EA within township 4 south, range 5 east, section 29. After further interdisciplinary review and because access to viewer position is limited, there is uncertainty as to whether or not a project-level Forest Plan amendment for visual quality may be necessary in this location.

Therefore, I am not including this portion of the project in my decision until additional analysis can be conducted. There are no plans at this time to make travel management changes to this road. Since there is a need to maintain a safe road system, it is likely that a future planning effort would address the need to cut danger trees along this section of NFS Road 4500000. This area of NFS Road 4500000 has been analyzed as part of this project and I would expect the analysis to be incorporated into a possible future decision for this area. This project proposes no changes to the pre-Riverside Fire status of this section of NFS Road 4500000. This decision does not impact the pre-Riverside Fire access to the Memaloose Lake Trailhead (Trail #515) which was from the Hillockburn Road side of NFS Road 4500000. As such, access to the Memaloose Lake Trailhead (via Hillockburn Road) would be restored once danger trees have been managed on the rest of NFS Road 4500000 (s. 3.3.3.1).

## **1.2 Decision Rationale**

### **1.2.1 Danger Tree Cutting**

Post-fire danger tree cutting is necessary and prudent to ensure access on forest roads and to minimize risk to road users. Minimizing risks of danger trees on fire affected roads is critical to managing road infrastructure and reopening a large portion of the Forest to public and administrative access. Managing danger trees is an important first step in long-term fire recovery. It allows for minimized risk and increased access to road users who are visiting the Forest or who are conducting fire recovery work including revegetation, planting, erosion control, and culvert maintenance. Removal of danger trees from fire affected roads would also support the restoration of recreation opportunities that are important to local economies, the recreating public, and local individuals who benefit from gathering of firewood and other special forest products.

The need for the project (s.2.1) includes improving “the safety of the public, partners, permittees, Forest Service employees, and Tribes that use and depend on NFS roads for reliable access to their treasured landscapes.” This statement of need addresses many factors that fire-weakened trees along important road systems can affect. It is my decision to cut and remove (based on site-specific identification) danger trees from along roadsides, so that the risks from fallen or falling danger trees is minimized. Some of the following risks can seem less obvious, but nonetheless important. With my decision I aim to reduce risks that danger trees along roads can present which include, but are not limited to:

- damage to roadway infrastructure and integrity (s.2.4, and 3.2.2),
- accumulation of slash and fuels from fallen trees (s. 3.12),
- entrapment by fallen trees across the road (s.2.6.1., and 2.6.2),
- increased complications for land management activities such as post-fire reforestation (s. 3.1.2), watershed restoration, cultural resource management (s. 3.9.2), and ongoing future timber management activities, and
- lack of ingress and egress for search and rescue, emergency response, and firefighting operations (s. 2.6.2, and 3.12.1).

After project implementation, I envision a District where we can once again reliably access dispersed and developed recreation areas, favorite hunting grounds, forest products foraging locations, and important traditional and sacred places.

### 1.2.1.1 Comments related to danger tree cutting and additional decision rationale

Some public comments suggested that no trees should be cut and that snags and down wood are important ecosystem elements and that they should not be removed unless absolutely necessary. After the fires, snags and down logs are, and will continue to be, abundant on the landscape. The project's AOC involves about 6% of non-contiguous acres of the total burned area on the Clackamas River Ranger District. This leaves a vast landscape with high quantities of dead trees to provide for the species that rely on snags and down log habitat.

Comments were received that expressed the desire for the proposed action to only include the cutting of imminent and likely danger trees, to leave all Douglas-fir trees that are greater than 20 inches in diameter, to not cut any trees at all. Other comments suggested the Forest should act now to recover as much timber value as possible through the project. Lastly, comments stated that danger tree identification should rely on site-specific conditions and individual tree failure potential.

I agree that danger tree identification should be based on a tree-by-tree review and determination. This process is described in the EA s. 2.2.1.1 and s. 2.2.1.2, and the Silviculture Report Tables 5a through 5e. Further, striking distance would be determined in the field as well. The AOC “generally illustrates the variable striking distance along the road” (s. 3.0.2) and as such a final determination would be made in the field during implementation. For the purposes of gaining operational efficiencies as described in s. 2.2.1.3 of the EA and to minimize risk to the maximum extent practicable along the fire-affected roads, I am deciding to continue with the proposed action as described in s.2.2 to include danger trees that are classified as having a “low” failure potential, and to not restrict danger tree cutting to a diameter limit. Further choosing to implement the proposed action as described would allow more possibility to recover the already declining timber value that may be available. While the purpose and need of the project is not to commercially salvage fire-damaged trees, danger tree cutting could be implemented through a number of different contract mechanisms available to the Forest, including timber sale contracts where potential merchantability of burned timber is available. Given the amount of decay that has occurred since the fires, we can expect a diminishing return on the available timber value and unlikelihood to use timber sale contracts as time goes on (s. 3.13.2).

### **1.2.2 Striking Distance**

Striking distance is a variable measure along the fire affected forest roads. The Filip et. al. 2016 guide will be applied in determining the distance from the road a danger tree would be cut. This considers many factors such as a slide and roll area. The AOC (s. 3.0.2) has been illustrated on the proposed action maps in Appendix C of the final EA and it is a general illustration of the anticipated striking distance area where danger trees could be removed. I expect that during implementation, danger tree removal could deviate somewhat from the illustrated AOC through the site-specific review and application of the Filip et. al. 2016 guide and with an on-the-ground site-specific review.

### **1.2.3 Transportation System Management**

Appropriated road maintenance funds have declined dramatically over the years. Given that reality, I feel it is important to use the opportunity to gain operational efficiencies for addressing danger trees along roads, an activity that we know will far exceed the value of the cut trees, and have high road maintenance costs (s. 2.2.1.3, 2.2.2, 3.0.2, 3.2, 3.13). The interdisciplinary team reviewed each road proposed for closing (changing from the current ML to ML 1) and decommissioning. The team

reviewed the Forest Travel Analysis Report (2015) recommendations and considered long-term vegetation management needs as well as recreational opportunities of each road. Based on this thorough review of the fire-affected road system, I am deciding to move forward with the road-by-road proposed action as presented. Further, as a result of this decision, some roads in and around the Ripplebrook and Timber Lake Job Corps area will be changed from ML 1 to ML 2 status so that the management objective is commensurate to the need for and frequent use of the road (s. 3.0.2, and EA Appendix B pg. 1, 2, and 7).

Comments were received that requested more clarification around the Forest’s interpretation of low-use and high-use roads. I understand the need for clarification. The following information describes how I am applying the concepts of low-to-high use<sup>3</sup> as it relates to *traffic volume*, and low-to-high priority as it relates to *access needs*.

- Low, moderate, and high use roads (i.e., *traffic volume*):
  - The EA (s. 2.2.1.3) states that “lower traffic volume roads could be reopened with the danger to users mitigated by posting informative signage.” The same section goes on to describe that “[p]rofessional judgement of relative risk will be used to determine where route closures are necessary to mitigate hazards. These determinations shall be made by the District Ranger based on input from local resources and may include (but not be limited to) the following considerations: vegetative burn severity, presence of basal area mortality, recent tree fall observations, and anticipated traffic volume.”
  - Specific only to this project, I am considering all ML 3, 4, and 5 NFS Roads to have a relatively high level of use. This addresses approximately 26 miles of fire affected NFS roads within the three fire areas. The Forest conducted a review of all fire affected ML 2 roads to determine how the level of use should be defined on these roads. Approximately 88% of the road miles proposed for danger tree cutting are along ML 2 roads. In order to ensure a minimized risk to road users, defining a process to determine relative traffic volume on ML 2 roads during implementation will assist with ensuring operational efficiencies while roads are reopened to the maximum extent possible. An interdisciplinary team, which collectively has decades of experience on NFS roads within the District, developed a decision matrix to aid in defining whether or not a ML 2 road has a high level of use. This decision matrix would be used during implementation in tandem with a site-specific review of a road. The decision matrix is provided in this DN as Appendix A: Traffic Volume Decision Matrix. Comments were also received suggesting that danger tree cutting only occur along high use roads. I am deciding to implement the proposed action that includes danger tree cutting on the proposed roads in alignment with the purpose and need to minimize risk to travelers and ensure an effective road system. Focusing only on the few high use roads would not achieve the long-term objectives (s.2.2.1.3, s.2.6.2) of the project.
  - Following the policy provided in Forest Service Handbook 7709.59 Chapter 40, I intend to only temporarily close roads that are determined to have a high level of use/high traffic volume for the time necessary to complete danger tree cutting on them. As such, these roads would be prioritized first for implementation. All other roads not determined to have

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<sup>3</sup> For this project and this DN, “level of use” is synonymous with “traffic volume”.

a high level of use/high traffic volume could be reopened. Signs warning road users of the dangers associated a post-fire environment would be posted and visible at key road locations. It is unlikely that each road would have its own sign. Danger trees will still be cut along roads opened with signs as described in the Roads Table (EA Appendix B) and EA s. 2.2. Temporary closures that are routine and typical for road-related operations would be necessary on these roads during danger tree cutting and implementation only. Recommendations for which roads have a high level of use will be made to me by my staff who would be conducting the site-specific review, using the decision matrix, and applying their professional expertise to make informed recommendations.

- Very low to very high *priority access needs*:
  - The EA adopted the access need priority ranking from the work that the interdisciplinary team completed for the Clackamas Fires Roadside Danger Tree Abatement decision memo, 2021. These rankings were dependent on the need to cut danger trees on a particular road based on access to important recreation sites, infrastructure, and vegetation management. This ranking did not consider level of use/traffic volume. Access needs and level of use are not synonymous in every case.

Some comments suggested that system roads should not be closed or decommissioned for the sake of continuing access to areas throughout the District. The project includes changes to roads based on the recommendations from the Forest Travel Analysis Report (2015) for roads likely needed and not likely needed. This report was included in the road-by-road interdisciplinary team analysis for this project (EA Appendix B). The Roads Table (EA Appendix B) outlines the proposed action for each road. Of the total miles of fire affected roads that were analyzed for this project (approximately 372), there are approximately 327 miles (87%) that have no maintenance level changes associated with them.

My decision includes reversing a previous decision<sup>4</sup> to decommission NFS Roads 6370000 (4.7 miles), 6380120 (0.76 miles), and 6380130 (1.91 miles). Reversing the decision to decommission the roads within the Bull Complex Fire area and maintain them as ML 1 closed status would strategically benefit future wildland firefighting efforts (s. 2.2, 3.2.3, 3.12.3.1). In addition, this decision includes decommissioning approximately 9 miles of NFS roads identified in the Forest Travel Analysis Report as “likely needed” that are within the Roaring River Potential Wilderness area designated in the Omnibus Public Land Management Act of 2009. Decommissioning these roads would be a first step towards meeting the intent of the Roaring River Potential Wilderness designation for the area (s. 3.2.3, s. 4.4).

Some comments were received that requested clarification on how roads would be closed or decommissioned. PDC L1 through L10 provided in Appendix A of the EA have been developed to address road-closing and decommissioning and may also include the removal of ditch relief culverts, side cast pull back, de-compaction, and re-contouring the slope. This would allow for ripping of the surface or an alternating checkerboard pothole method for de-compaction. The actions would occur according to the PDC, the programmatic Aquatic Restoration Biological Opinion, and the Army Corps of Engineers Regional General Permit as described in PDC L3. The Roads Table (EA Appendix B) also

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<sup>4</sup> Clackamas Road Decommissioning for Habitat Restoration Increment II (2011).

provides some description for closing and decommissioning roads such as installing berms and storm proofing.

My team has conducted a sufficient project-level analysis of the transportation system and I find the resulting network of both open and closed system roads is the minimum necessary to manage the land. I have considered this road network in terms of the dispersed recreational opportunities, resource risks that each remaining road poses, the current and future need for land management access, and the minimization of road maintenance costs. I considered the comments received about the transportation system, and believe the proposed action is appropriate to provide access to areas on the District while minimizing resource impacts and cost. I examined the effects disclosed in the EA and found them to be minimal while the benefits are substantial (s. 3.2, 3.2.2, 3.2.3, 3.3.3, 3.13.2).

## 2.0 Public Involvement

The EA provides information about public involvement opportunities for this project and the results of the project's scoping period (s.2.5). Comments received during the scoping period (January 11, 2022 through February 6, 2022) are included in the analysis file and available publicly through the reading room on the project website<sup>5</sup>. A thorough consideration of comments from the scoping period is provided for in s.2.5 and s.2.6 of the EA.

I received a wide range of comments on the draft EA (April 28, 2022, through May 27, 2022). The comments on the draft EA are also included in the analysis file, and available publicly through the reading room on the project website. My consideration of these comments is provided in this DN: s. 1.2.1.1, 1.2.3, and in the project file. In addition, the changes to the proposed action (DN s. 1.1.1) are a result of my consideration of specific comments received.

I have considered our management direction and how it relates to the site-specific resource conditions and needs in the project area. I feel that we have appropriately balanced all of these multiple objectives (minimizing risk to road travelers, travel management, access to the Forest, resource protection, etc.) and a diversity of perspectives (internally and externally), while still meeting the goals and mission of the agency.

To summarize, I considered the comments received and I believe that this decision is both appropriate and consistent with relevant management plans (s. 2.3) and laws (s. 4.0) and that the environmental assessment and specialist reports clearly explain the effects and benefits. I find that the science used to develop the project and to assess the effects is current and valid. I believe that I have made a decision that balances the need for these actions against impacts to resources, and I have incorporated adequate project design criteria (EA Appendix A) to minimize impacts to resources and that those impacts have been thoroughly disclosed in the EA and specialist reports.

In the EA, 'No Action' is not described as an alternative. Taking no action, is discussed but not fully analyzed (s. 3.0, 2.4). No action would perpetuate the current condition. The current condition is the environmental baseline from which analyses determined effects. Taking no action would result in

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<sup>5</sup> URL for the reading room: <https://cara.fs2c.usda.gov/Public//ReadingRoom?Project=61043>



undesired conditions across the landscape and would not achieve the goals of the Forest Plan, as amended (s. 2.3.1).

The EA discusses comments that were received from the public suggesting the consideration of other alternatives. Details of the suggestions and responses are in the EA (s. 2.5) and in this DN (s. 1.2.1.1, 1.2.3, and 2.0). There were no additional alternatives considered as a result of public comments. I respect and appreciate the opinions and wishes of commenters. I do not consider the comments received to warrant the generation of additional fully-developed alternatives in the environmental assessment. The EA (s. 2.6) describes alternatives that were considered and the rationale for their elimination from detailed study.

#### **4.0 FINDING OF NO SIGNIFICANT IMPACT (40 CFR 1501.6)**

I have determined that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. This determination is based on the site-specific environmental analysis documented in the EA which considered the proposed action, connected actions, and project design criteria. In the case of a site-specific action such as this, significance depends on the effects in the local area (40 CFR 1501.3 (b)(1)). I also find that this is not a “mitigated FONSI” as described at 40 CFR 1501.6, and therefore there are no required monitoring elements to avoid significant impacts.

In assessing the degree of effects, I have considered both the short- and long-term effects, both beneficial and adverse effects, the effects on public health and safety, and consistency with laws protecting the environment (40 CFR 1501.3 (b)(2)).

- The analysis found no significant effects. When my staff conducted their analysis of effects for their resource, they included an analysis of reasonably foreseeable effects that have a reasonably close causal relationship to the proposed action. The analysis included short- and long-term impacts and benefits. Past, present, and foreseeable future projects have been included in the analysis. The analysis considered the proposed actions with project design criteria.

Effects are assessed in the EA: Silviculture (s. 3.1.2, 3.1.3, 3.1.3.1, 3.1.3.2, 3.1.3.3); Transportation (s. 3.2.2 and 3.2.3); Visuals (s. 3.4.2, 3.4.3, 3.4.3.1, 3.4.3.2, 3.4.3.3); Recreation (s. 3.3.2, s. 3.3.3, 3.3.3.1, 3.3.3.2); Visuals (s. 3.4.2, 3.4.3, 3.4.3.1, 3.4.3.2, 3.4.3.3); Spotted Owls (s. 3.5.3, 3.5.3.1); Snags and Down Wood (s. 3.5.3.13); Hydrology (s. 3.6.2, s. 3.6.3.1, s. 3.6.3.2); Soil Productivity (s. 3.7.2, 3.7.3.1, 3.7.3.2); Fisheries (s. 3.8.2, 3.8.3.1, 3.8.3.2); Cultural Resources (s. 3.9.2 and 3.9.3); Botanical and Invasive Species (s. 3.10.2, 3.10.3, 3.10.3.1, 3.10.3.2, 3.11.2, 3.11.3, 3.11.3.1, 3.11.3.2); Fuels and Air Quality (s. 3.12.2, s. 3.12.3, 3.12.3.1, 3.12.3.2); Economics (s. 3.13.1); and Climate Change (3.14.1.2 & s. 3.14.3).

The effects disclosed were found to be minimal because of the interdisciplinary team’s efforts to carefully develop the proposed action and identify project design criteria to be implemented to minimize impacts to resources. In some cases, minor short-term adverse impacts were found to be outweighed by longer-term beneficial effects, or were found to be minimal due to the limited scope and scale of the roadside danger tree and travel management actions (s. 3.5, 3.6)

- The project contains design features to protect public health and safety including the burning of slash piles when conditions are appropriate (s. 3.12.2, 3.12.3.1, 3.12.3.2). Roads that are deteriorating would be repaired to provide for user safety (s. 3.2.3). The purpose and need (s. 2.1) is tied to the Forest Service’s core value of safety<sup>6</sup> and aims to directly benefit public health and safety through the reduction risks to both humans and the environment associated with danger trees along roads (DN s. 1.2.1, and EA s. 2.5.2.1, 2.6.1, and 3.2). Reducing risks associated with danger trees along NFS roads would result in a greater assurance of access and egress for emergency and search and rescue operations when responding to needs on the District.
- My decision will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered (s. 4.0):
  - *Endangered Species Act (ESA)*: The northern spotted owl is the only ESA-listed species that would have habitat impacted from this decision. The wildlife analysis resulted in a *not likely to adversely affect* individual northern spotted owls, green dispersal and nesting/roosting/foraging habitat, and non-designated habitat. A *likely to adversely affect* determination has been made for impacts to post-fire foraging habitat (s. 3.5.2, 3.5.3.1). The project is consistent with programmatic consultation requirements (s. 5.0) outlined in the Biological Assessment for Timber Harvest and Routine Activities that are Likely to Adversely Affect Listed Species and Critical Habitat (2019) and subsequent Biological Opinion (2020), the Biological Assessment for Routine Land Management Activities with a Potential to Modify Habitat which are Not Likely to Adversely Affect Federally Listed Species within the Willamette Planning Province of Oregon (2018) for relative effects determinations, and the Revised Recovery Plan (RA 10 and RA 32) for the Northern Spotted Owl (USFWS 2011). The project includes PDC for observed owls, found nest sites, and the retention of snags and down wood (PDC H3 a-g). The wildlife analysis also included Considerations for Evaluating Effects of Post-Wildfire Conditions to Northern Spotted Owls and their Habitat (2020), which provides a summary of best available information related to northern spotted owl life history patterns in post-wildfire forest habitat condition. Although post-fire foraging habitat would be downgraded as a result of this decision, only four percent of available post-fire foraging habitat within the fire areas (1,943 acres) is present within the AOC and would be impacted by this decision. There are approximately 47,677 acres of post-fire foraging within the three fire areas (s. 3.5.1). Since the analysis for this project was completed, the US Fish and Wildlife Service updated the criteria definition of post-fire foraging habitat which resulted in a smaller area than what was analyzed for this project. For the proposed action, effects determinations for the northern spotted owl relied on the original definition of post-fire foraging habitat which included a larger area than the current definition. Ultimately this change would result in less habitat being impacted than the analysis conclusions. The impact to post-fire foraging habitat from this proposed action would not be significant under NEPA due to the small scale of area impacted and the mosaic nature of the proposed action across the landscape.

This decision is consistent with the Routine Actions and Maintenance Biological Opinion (RAMBO) from the National Marine Fisheries Service and US Fish and Wildlife Service (2018) (for danger tree falling within riparian reserves along roads) and the Aquatic Restoration

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<sup>6</sup> URL for This is Who We Are describing the mission of the Forest Service and the agency's values: <https://www.fs.usda.gov/about-agency/this-is-who-we-are>

Biological Opinion (ARBO II) from the National Marine Fisheries Service and US Fish and Wildlife Service (2013) (ARBO II) (for culvert work and road decommissioning); therefore, no additional consultation is required. The decision is *not likely to adversely affect* ESA-listed fish (s. 3.8.2). Given the *not likely to adversely affect* determination for ESA-listed fish and Listed Fish Habitat (s. 3.8.2), the project would not adversely affect Essential Fish Habitat as defined by the Magnuson-Stevens Fishery Conservation Management Act because the project has been designed to meet the conditions of ARBO II and RAMBO.

- *Clean Air Act*: My decision is consistent with the Clean Air Act. Burning would be scheduled in conjunction with the State of Oregon to comply with the Oregon Smoke Implementation Plan to minimize the adverse effects on air quality (s. 3.12.2).
- *Clean Water Act*: The EA (s. 3.6.1) discusses Category 5 streams or waterbodies that have criteria for listing under the Clean Water Act (303(d)). The proposed action would not exacerbate any of the water quality issues within the project area (s. 3.6.2). Implementation of my decision will incorporate best management practices and project design criteria (s. 3.6.4), which have been designed to protect and maintain water quality conditions. It is anticipated that widely scattered and small amounts of sediment would enter some streams as a result of implementation (s. 3.6.2, s. 3.6.3.1, and s. 3.6.3.2).
- *National Forest Management Act (NFMA)*: My decision is in full compliance with NFMA through consistency with the management objectives and standards and guidelines of the Forest Plan, as amended (s. 4.3). Other requirements are discussed in the Mt. Hood Forest Plan section below.
- *National Historic Preservation Act*: The Forest operates under a programmatic agreement between the Oregon State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation for consultation on project determination. Consultation with SHPO was completed for this project (s. 5.0). The action will have no historic properties affected. With application of the project design criteria the proposed action is expected to have no, or extremely minor, direct effects on cultural resources and areas of high archaeological potential (s. 3.9.2 and s. 3.9.4).
- *Wild and Scenic Rivers Act*: Some of the project's AOC is present within Wild and Scenic River corridors. This project does not occur within the bed and banks of any Wild and Scenic River. If during implementation along the Fish Creek Wild and Scenic River, it is determined a tree must fall into the river, then PDC B1.i must be followed. With the application of PDC, outstandingly remarkable values for the rivers that have overlapping AOC will be protected (s. 4.2). There are approximately 12 miles of AOC that overlap Wild and Scenic River corridors across the project.
- The project complies with Executive Order 12898 regarding environmental justice (s. 4.0). No disproportionately high adverse human or environmental effects on minorities and/or low-income populations were identified during the analysis or public involvement process.
- Region 6 Regional Forester's Sensitive Species: Through the application of PDC that require monitoring, avoidance, protection, or disturbance minimization, effects to botanical species will be minimized (s. 3.10.4). For aquatic sensitive species, the proposed action may impact

individuals or habitat, but would not likely contribute to a trend towards Federal listing or loss of viability to the population or species. In-water work is not a component of this proposed action; therefore, direct disturbance is unlikely (s. 3.8.2). For wildlife sensitive species, the proposed action may have short-term impacts that adversely impact some individuals; however, it would not likely result in the loss of viability nor cause a trend towards federal listing and there would be no long-term effects (s. 3.5.2).

## 5.0 Consistency with Mt. Hood Forest Plan

I find that the proposed action with minor modifications is consistent with direction found in the Forest Plan, as amended. It is consistent with Forest Plan goals and the standards and guidelines specific to the relevant management areas (s. 2.3, s. 2.3.1, and s. 2.3.2).

Documented consistency with the Forest Plan, as amended, is provided in respective specialist reports and in the EA (s. 2.3, 3.1.4, 3.2.4, 3.3.4, 3.4.4, 3.5.4, 3.6.4, 3.7.4, 3.8.4, 3.9.4, 3.10.4, 3.11.4, 3.12.4, 3.13.3, and 3.14.4).

A few key topics are highlighted below.

- **Aquatic Conservation Strategy** – The project will contribute to maintaining or restoring aquatic conditions and is consistent with the Aquatic Conservation Strategy objectives (s. 3.8.4). I find that the project design criteria (s. 3.8.2, and 3.8.3.1, and Appendix A of the EA), such as stream protection buffers, fall and leave requirements, and operating restrictions on ground-based machinery, will minimize impacts and maintain the function of key watershed indicators that make up elements of the Aquatic Conservation Strategy. These key indicators for water quality, flow, channel condition, and watershed condition will be maintained (s. 3.6.2 and s. 3.6.3). Managing danger trees (minimizing risk) on NFS system roads would assure access for future management actions related to aquatic restoration (s. 2.4).
- **Management Indicator Species** – I have considered the impacts to Forest Management Indicator Species (MIS) (s. 3.5.2 and s. 3.5.3). I find that the proposed action is consistent with the standards and guidelines pertaining to MIS, and that based on the limited effects to any MIS, the proposed action does not contribute toward a negative trend in viability on the Forest.
- **Invasive Plants** – I find that the proposed action is consistent with the Pacific Northwest Invasive Plant Program Preventing and Managing Invasive Plants Record of Decision issued in 2005 and the Site-Specific Invasive Plant Treatments for Mt. Hood National Forest Record of Decision issued in 2008 (s. 3.11.4). Design criteria are included to minimize the spread and establishment of invasive plants (s. 3.11.2).
- **Survey and Manage** – I find that the project is in compliance with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (s. 3.5.4, 3.8.2, 3.10.4). I have reviewed the relevant sections in the EA, and I find this decision to be consistent with the 2001 Record of Decision. Pre-disturbance surveys are not required because the existing condition of the areas within the AOC do not meet the criteria for habitat as a result of the fires, therefore the actions would not be habitat disturbing.

- **North Willamette Late Successional Reserve Assessment** – There are approximately 50 miles of existing road within late successional reserves where the AOC overlaps, and danger trees are proposed to be cut. Of the total AOC, approximately 27% overlaps or weaves through late successional reserve areas. This project is consistent with the North Willamette Late Successional Reserve Assessment which states that trees presenting a safety hazard along roads within the Late Successional Reserve “may be cut” (p. 6-33). The Assessment also provides specific recommendations which are supported through this project with the application of PDC for leaving at least 14 down logs that are greater than nine feet in length and greater than 20 inches in diameter within nesting, roosting and green foraging habitat (PDC H2 and H3 a-g). In addition, while 2 miles of road within late successional reserves are proposed to be changed to maintenance level 2, there are 17 miles proposed to be closed (i.e., changed to maintenance level 1), to the benefit of late successional reserve characteristics. (s. 2.3.2)

## 6.0 Predecisional Administrative Review Process

My decision was subject to predecisional administrative review pursuant to 36 CFR 218, Subpart B (also called the “objection process”). The rule can be found at the Forest Service website<sup>7</sup>. The legal notice for the opportunity to object was published in *The Oregonian* on July 15, 2022. Three objections were filed: Joel Philippi, #22-06-01-0001-218(B); Forest Service Employees for Environmental Ethics (FSEEE), #22-06-01-0002-218(B); and Molly McKnight. Issues raised included impacts to carbon storage; impacts to dispersed recreation sites; and the safety risk associated with dead and/or dying trees. The Objection Reviewing Official, Forest Supervisor Meta Loftsgaarden, met with Andy Stahl from FSEEE via phone to better understand their objection issues. While I appreciated the discussion with Mr. Stahl, no resolution was reached. I met with Molly McKnight via phone to discuss the concerns she raised in her objection. This conversation led to the minor modifications of the proposed action (addressed in section 1.1.1 of this decision), and as a result of these changes, Ms. McKnight withdrew her objection. No meeting was held with Joel Philippi. Objections are available in the project’s public [reading room](#)<sup>8</sup>.

The Objection Reviewing Official responded to objectors concluding the following:

- The draft decision described the actions to be taken in sufficient detail that the reader can easily understand how the actions will be implemented and the effects of taking action.
- The draft decision considered a range of alternatives that was adequate to respond to the purpose and need. The purpose and need and alternatives considered in the EA reflect a reasonable range of alternatives, and are consistent with law, regulation and policy.
- The draft decision was consistent with or moves toward attainment of Forest Plan standards and guidelines.
- The draft decision was consistent with all direction, regulation, and law, and the EA contains adequate evidence to support the decision. The record contains site-specific documentation regarding resource conditions, and the Responsible Official’s draft decision document is based on the record and reflects a reasonable conclusion.

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<sup>7</sup>URL to the USDA Forest Service website for objections information: [https://www.fs.fed.us/objections/objections\\_related.php](https://www.fs.fed.us/objections/objections_related.php). A PDF handout summarizing the pre-decisional administrative review process is available here: [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5442116.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5442116.pdf)

<sup>8</sup> URL to the project’s reading room <https://cara.fs2c.usda.gov/Public//ReadingRoom?Project=61043>

The draft decision notice is replaced by this final decision notice.

## 7.0 Implementation

A variety of contract mechanisms will be used to remove danger trees. While the Forest has received fire recovery funding, the Forest does not have sufficient funds to accomplish *all* of the danger tree removal work, as some funding has been allocated between other priority restoration needs, such as watershed restoration, recreation site repairs, and reforestation. Regardless of what contract method is used to address danger trees (following the project design criteria that are part of this decision), the Forest will determine on a site-specific basis which trees are to be cut (s. 2.2.1.1).

This project may be implemented as soon as practicable starting the date this decision is signed. It is my expectation that NFS Road 5700000 and roads identified as having a high-traffic volume are among the first roads to have danger trees cut under this decision. This would ensure the soonest possible access for our local communities to popular recreation areas that have not been easily accessible since the fires of 2020. In the meantime, roads with a high level of traffic volume (or high use) will remain closed until the danger tree removal work is completed on them.

For further information regarding this project, contact Amber Sprinkle by phone at 971-280-3520 or by email at [amber.sprinkle@usda.gov](mailto:amber.sprinkle@usda.gov). The EA, maps, and other supporting information for this project can be downloaded from the [Forest website](#)<sup>9</sup>.

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Curtis Booher  
District Ranger  
Clackamas River Ranger District  
Mt. Hood National Forest

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<sup>9</sup> URL to the Forest projects website: <https://www.fs.usda.gov/projects/mthood/landmanagement/projects>

## Decision Notice Appendix A: Traffic Volume Decision Matrix

### Introduction

This decision matrix is intended to be used as a tool providing a repeatable methodology for how a Mt. Hood National Forest maintenance level (ML) 2 road on the Clackamas River Ranger District could be qualitatively considered as having a high, moderate, or low level of traffic volume/level of use relative to other ML 2 roads.

### Assumptions

1. Traffic volume is synonymous for the level of use of a road. For this decision matrix, volume/use is based in peak season.
2. ML 3, 4, and 5 roads are considered to have a high traffic volume/high level use. This decision matrix is developed specifically for ML 2 roads within the planning area for the Clackamas Fires Roadside Danger Tree Environmental Assessment on the Clackamas River Ranger District.
3. Traffic volume for existing ML 1 roads, roads to dispersed recreation sites (even if infrastructure is present), roads to retired/non-maintained recreation sites, and roads behind gates (except for in and around Timber Lake Job Corps) are considered to have a low traffic volume/low use.
4. Traffic volume for roads proposed to be changed from ML 2 to ML 1 in the Clackamas Fires Roadside Danger Tree Environmental Assessment are considered to have a low traffic volume/low use.
5. Roads under road use agreements, lease agreement, or special use authorization are not considered in this exercise because they are managed and maintained by the lease or permit holder.
6. Only driving traffic is considered when assessing traffic volume/level of use on a road. This is particularly relevant when considering traffic volume on roads that lead to developed recreation sites. Vehicles known to park at a trailhead, campsite, or pull-off are not accounted for when determining traffic volume on a road.
7. Traffic volume determination applies to the entire road even though a segment of road may have more traffic volume than another segment. If parsing out segments is necessary, that could occur during implementation/contract development.
8. The need to use a road within five years includes the anticipated traffic volume associated with pre-analysis data collection and field review for both administrative purposes and collaboration.

### Definitions

Administrative Site: A facility that is owned and operated by the Forest Service.

Developed Recreation Site: This would be a managed campground with facilities and infrastructure, maintained trailhead, or maintained day use site. At a developed recreation site, we'd expect to encounter other forest visitors on a regular basis. Access to and from the site is common. The determination of whether a particular site is "widely known and popular" should be based on professional judgement and in-field experience.

High Volume: This is a road that has frequent and steady traffic during peak season. A driver can expect to encounter other drivers while driving on the road, as determined through the matrix and subject-matter expert recommendations.

Management Purposes: This includes a variety of land management objectives, such as vegetation management, wildlife enhancement projects, aquatic restoration, etc.

Road to a Special Use Permit Site: The Forest Service is responsible for the maintenance of the road.

Thoroughfare: A primary and well-known road that creates loop or through-travel opportunities. It does not dead end.

Acronyms in the matrix:

- SUP: special use permit.
- SFP: special forest products (i.e., berries, mushrooms, firewood, etc.).
- FERC: Federal Energy Regulatory Commission.
- TLJC: Timber Lake Job Corps.

### **Decision Matrix**

1. Is this a ML 2 road?
  - a. Yes – Continue to question 2.
  - b. No – This matrix does not apply.
2. Is the ML 2 road a thoroughfare?
  - a. Yes – This is a high traffic volume/high use ML 2 road.
  - b. No – Proceed to question 3.
3. Is the road used to access a widely known and popular developed recreation site?
  - a. Yes – This is a high traffic volume/high use ML 2 road.
  - b. No – Proceed to question 4.
4. Is the road regularly used for accessing an administrative site?
  - a. Yes – Is the road associated with Ripplebrook or TLJC?
    - i. Yes – This is a high traffic volume/high use ML 2 road.
    - ii. No – This is a moderate traffic volume/moderate use road.
  - b. No – Proceed to question 5.
5. Is the road regularly used to access a popular SFP area, SUP or FERC site?
  - a. Yes – This is a moderate traffic volume/moderate use road.
  - b. No – Proceed to the last question, question 6.
6. Is the road needed for management purposes within five years?
  - a. Yes – This is a moderate traffic volume/moderate use road.
  - b. No – This is a low traffic volume/low use road.