**DECISION NOTICE**
**and**
**FINDING OF NO SIGNIFICANT IMPACT**
for the
**Winter Fire Salvage Project Environmental Assessment**
**and**
**Fremont National Forest Land and Resource Management Plan Amendment #21**

USDA Forest Service Pacific Northwest Region
Fremont-Winema National Forests
Paisley Ranger District
Lake County, Oregon

## INTRODUCTION

The Winter Fire Salvage Project Environmental Assessment (EA) considers salvage of fire-killed timber and other activities within the Summer Lake watershed, on National Forest lands within the Paisley Ranger District of the Fremont-Winema National Forests. The project area lies west of Summer Lake and east of Winter Ridge beginning around Harvey Flat and ending just beyond the area known as the Punchbowl. The legal location is: T.32 S., R.16 E., Sections 3, 4, 9, 10, 15, 16, 22, 23, 26-28, 34, and 35 and within T.33 S., R.16 E., Sections 1, 2, 3, and 10-14, Willamette Meridian, Lake County, Oregon. The area is centered approximately 15 miles northwest of Paisley, Oregon. An interdisciplinary team completed an EA for this project in October 2003. A 30-day public comment period was provided during the period of November 13 through December 13 of 2003.

The EA primarily discusses proposals to salvage fire-killed trees from within approximately 3,000 acres of the approximately 34,000-acre Winter Fire of July 2002. The project analysis considers activities proposed in the area below the face of Winter Ridge, within the Summer Lake watershed, in primarily areas allocated to Management Area (MA) 1 - Mule Deer Winter Range and MA 5 - Timber and Range Forage Production by the Forest Plan. Several alternatives were considered. Some were eliminated from detailed analysis because they did not meet purposes of and needs for the project. Three alternatives (including No Action) were fully analyzed in the EA. The EA is available for review at the Paisley Ranger District office in Paisley, Oregon or on the Winema National Forest web site at http://www.fs.fed.us/r6/winema/management/analysis.

This document presents the decision of which alternative from the Winter Fire Salvage Project EA will be implemented and the rationale for the decision. In this decision document, the planning process will be summarized as needed to provide adequate context for fully describing the decision. This Decision Notice includes the following Appendix:

- Decision Notice Appendix E – Consideration of Comments

Appendix E contains substantive comments received during the public comment period for the EA, and responses to those comments. It is through Appendix E that the questions and concerns raised during the public comment period are addressed. The *Consideration of Comments Appendix* also becomes an appendix to the EA.

## PURPOSE AND NEED

The Forests propose salvage of fire-killed trees from approximately 3,000 acres and associated roadwork to meet the need for commercially valuable timber from the Winter Fire. The approximately 15.8 – 17.6 million board feet of fire-killed timber could potentially generate revenue estimated at between $126,000 and $216,000. There is a short-term opportunity to salvage fire-killed timber before decay depletes it of commercial value. Fire-killed timber begins drying, cracking, decaying, staining and becomes infested with insects shortly after a fire. The speed at which deterioration occurs depends on factors such as tree species and size. White fir is especially quick to dry, crack and decay, while ponderosa pine particularly susceptible to blue stain fungus and flathead woodborers. Smaller diameter trees lose commercial value as sawlog material more quickly than large diameter trees. For both white fir and ponderosa pine, about 50% of the volume will be decayed in fire-killed trees two years after a fire.

According to Steve Williams, Regional Economist, Workforce and Economic Research, Oregon Employment Department: "The local economy of Lake County could use a boost. The unemployment rate is still very high at 14 percent in February, and was 9.3 percent on average for all of 2002. The county saw no net job growth in 2002, as its population dropped by 50 people or 0.7 percent." (April 15, 2003: Steve Williams, Regional Economist, Workforce and Economic Research, Oregon Employment Department – Personal Communication) The proposed action is consistent with the goals and objectives of the Fremont National Forest Land and Resource Management Plan (Forest Plan) to contribute to the economic stability of the local communities within the Lakeview Federal Sustained Yield Unit.

The Forests propose to restock ponderosa pine species on 906 acres located within salvage harvest areas to meet the need for compliance with National Forest Management Act (NFMA) stocking standards on suitable lands. NFMA regulations at 36CFR219.27(c)(3), require "when trees are cut to achieve timber production objectives, the cuttings shall be made in such a way as to assure that the technology and knowledge exists to adequately restock the lands within 5 years after final harvest."

The Forests propose a non-significant Forest Plan amendment to the Fremont National Forest Land and Resource Management Plan, to meet the need for desired old-growth habitat conditions on the ground, as described in the Forest Plan, for lands allocated to Management Area 3 and 14. The Forest Plan assigned a 279-acre parcel in this project area to Management Area 3 (MA 3) – *Old-Growth Habitat for Dependent Species Above the Management Requirement Level.* This MA is allocated to provide additional areas of old-growth for better habitat distribution and quality. This MA 3 parcel managed for American marten (formerly pine marten) habitat, burned to a condition that no longer provides old-growth habitat. The Forest Plan also assigned a 64-acre parcel in this project area to MA 14 – *Old-Growth Dependent Species Habitat.* This MA 14 parcel of ponderosa pine old-growth specifically allocated for northern goshawk habitat, completely burned in the Winter Fire and no longer provides old-growth habitat. The Forest Plan on pages 139 and 197 states "Salvage operations will take place only when catastrophic events occur (such as wildfire, insect infestations, windthrow, etc.), and the affected old growth stand is no longer considered suitable old growth habitat. A new old growth stand should be delineated to replace the original habitat." This project not only delineates the new stand, but also implements the land allocation change for these lands by amending the Forest Plan.

While meeting the underlying needs for action, the Forests would like to meet the following purposes: support jobs in the local area, provide woodpecker habitat, rapidly regain a ponderosa pine forest, and achieve consistency with the Forest Plan.

## DECISION

Based on the results of the analysis documented in the EA, **it is my decision to implement Alternative 2. Alternative 2 includes a non-significant Forest Plan amendment.** The rationale for this selection is presented beginning on page 13 of this Decision Notice.

Implementation of this decision is consistent with the three goals identified in the *Policy Statement for the Lakeview Federal Sustained Yield Unit as Amended*: 1. Sustain and restore a healthy, diverse and resilient forest ecosystem that can accommodate human and natural disturbances; 2. Sustain and restore the land's capacity to absorb, store and distribute quality water; and 3. Provide opportunities for people to realize their material, spiritual and recreational values and relationships with the forest. Consistency of the project with these goals was evaluated and displayed in the environmental assessment (EA pages 136 to 144).

Monitoring to assess compliance with Forest Plan standards and guidelines will be implemented as required.

With implementation of Alternative 2 the following will occur (see maps following page 27):

- **Acres and Volume.** Fire-killed trees would be salvaged from within 16 units totaling approximately 2,997 acres with a potential estimated gross volume of about 15,766 Thousand Board Feet (MBF)*. See Table 2-1 below and map Figure 2-1. Hazard tree felling would be included in the salvage volume. The amount of hazard tree felling is typically difficult to accurately estimate. Within the fire area, primary hazard trees were identified and felled during fire mop-up operations. Additional hazard trees may be identified during harvest and may be felled for operational safety considerations, including along prescribed haul routes.

  **The salvage volumes displayed in the analysis and this decision document are estimates only. Actual volumes that will be offered through a salvage sale will be determined through implementation of the decision and could vary from those shown herein.*

- **Species Harvest Specifications.** Tree species would be primarily ponderosa pine and white fir. All merchantable dead trees designated for harvest would be salvaged. Ponderosa pine 30 inches dbh or less, that contain less than 20% live (green) crown, would be treated as dead. Ponderosa pine trees greater than 30 inches dbh with any green crown remaining will be retained within harvest units as potential seed sources and future snags. White fir containing less than 30% live (green) crown, or with more than one third of the bole with visible signs of heat, would be treated as dead. All trees with more than the minimum live crown, and less than the stated bole damage, would be retained as live trees.

- **Harvest Method.** Approximately 2,562 acres would be harvested with helicopters and 435 acres with ground-based logging systems. In all areas harvested, tops and limbs of salvaged trees would be left onsite within units. Landing piles would be disposed of by one of the following: chipping, utilization as firewood, or burning.

**Table 2-1. Harvest Method, Acres, and Volume by Unit for Alternative 2.**

| Harvest Unit # | Harvest Method | Estimated Harvest Acres | Estimated Harvest Volume (MBF) | Estimated Harvest Volume (CCF) |
|---|---|---|---|---|
| **1** | Helicopter | 41 | 281 | 554 |
| **2** | Helicopter | 31 | 246 | 485 |
| **3** | Helicopter | 142 | 587 | 1,160 |
| **4** | Helicopter | 24 | 78 | 153 |
| **5** | Helicopter | 155 | 224 | 442 |
| | Ground-based | 12 | 17 | 34 |
| **6** | Helicopter | 57 | 301 | 595 |
| | Ground-based | 15 | 79 | 156 |
| **7** | Helicopter | 198 | 926 | 1828 |
| | Ground-based | 29 | 136 | 268 |
| **8** | Helicopter | 1,368 | 7,630 | 15,157 |
| | Ground-based | 214 | 1,329 | 2,640 |
| **9** | Helicopter | 419 | 2,492 | 5026 |
| **10** | Helicopter | 10 | 60 | 117 |
| **11** | Helicopter | 29 | 142 | 281 |
| **12** | Helicopter | 77 | 377 | 745 |
| | Ground-based | 57 | 279 | 552 |
| **13** | Ground-based | 58 | 284 | 561 |
| **14** | Ground-based | 7 | 34 | 68 |
| **15** | Ground-based | 43 | 211 | 416 |
| **16** | Helicopter | 11 | 54 | 106 |
| **Total Helicopter** | | 2,562 | 13,396 | 21,954 |
| **Total Ground-based** | | 435 | 2,370 | 4,695 |
| **Grand Total** | | 2,997 | 15,766 | 26,649 |

- **Non-merchantable Trees.** All non-merchantable size trees would be retained in the salvage units. Some minor felling of non-merchantable trees would likely be necessary in order to comply with state worker safety rules for salvage and reforestation activities.

- **Land Reallocation.** Two parcels of MA 3 & 14 old-growth habitat totaling approximately 343 acres burned in the Winter Fire to the extent that these parcels no longer provide suitable functioning old-growth habitat due to loss of canopy.

Alternative 2 would reallocate approximately 100 acres to MA 5 and remaining 243 acres to MA 1. Three replacement parcels totaling approximately 403 acres have been identified as replacement old-growth habitat. They would be reallocated from MA 5 to either MA 3 or 14. For American marten (formerly pine marten), the replacement stands meet the minimum requirement of 160 acres as described in the Forest Plan, for establishing MA 3 areas managed for American marten. These stands were selected based on their ability to provide contiguous late-old structural (LOS) habitat in the shortest possible time. For goshawk, the replacement stand was selected because it contains an active nest. The replacement stand is expected to continue to function effectively as goshawk habitat into the future. This project not only delineates the new stand, but also implements the land allocation change for these lands by amending the Forest Plan. For more details refer to Table 2-2 below, map Figures 2-3 and 2-4 and the attached Forest Plan Amendment #21 after page 27 and the maps.

**Table 2-2. Proposed Forest Plan Land Reallocations.**

| Parcel # | Acres | Legal Description | Present Allocation | Proposed Reallocation |
|---|---|---|---|---|
| 1 | 279 | Sections 27 and 28, T32S, R16E | MA 3 (American marten) | 100 acres to MA 5 and 179 acres to MA 1 |
| 2 | 64 | Section 15 and 16, T32S, R16E | MA 14 (goshawk) | MA 1 |
| 3 | 165 | Sections 19 and 30, T33S, R17E | MA 5 | MA 3 (American marten) |
| 4 | 165 | Section 25, T33S, R17E and Section 30, T33S, R18E | MA 5 | MA 3 (American marten) |
| 5 | 73 | Section 27 and 28, T33S, R17 | MA 5 | MA 14 (goshawk) |

- **Snag Retention.** Specifically designated **no harvest** snag retention areas for woodpeckers totaling approximately 350 acres would be retained within the proposed salvage area (see map Figure 2-1). Cavity dependent species targeted would be Lewis' and black-backed woodpeckers. Strategy for black-backed woodpeckers would prohibit harvesting in three areas ranging in size from 42-96 acres, totaling 233 acres, and situated near existing habitat. Strategy for Lewis' woodpecker would also prohibit harvesting in three areas ranging from 17-72 acres in size, totaling 117 acres and situated near existing Lewis' habitat. These areas were identified to provide optimal blocks of habitat for which black-backed and Lewis' woodpeckers select (Saab et al., 2002).

  In addition to the identified optimal habitat described above, the remainder of the harvest area would be managed under the Forest Plan Standards and Guidelines, leaving a minimum of 4 snags per acre (3 per acre greater than 15 inches, preferably greater than 20 inches dbh if available; and 1 snag per acre greater than 10 inches, preferably greater than 12 inches dbh if available). The majority of these snags will be located in various sized wildlife leave clumps approximately 1 to 2 acres in size, containing 20-40 snags, aggregated on a 5-10 acre basis – frequent enough to provide well-distributed habitat, but not so frequent as to result in clumps too small to be effective. The wildlife clumps (where all trees will be retained) equal about 20% of the area within the harvest units.

Additionally, ponderosa pine trees greater than 30 inches dbh with any green crown remaining will be retained in the harvest units as large tree snag habitat. In the summer of 2003, there were estimated to be about 600 trees (approximately 1 tree/per 5 acres) that meet these criteria to be designated as reserve trees above the estimated number shown in Table 2-3.

Mapping for RHCAs was used in collaboration with harvest unit data to ensure that snag levels within the harvest units were properly distributed. Snags in RHCAs were not counted toward the target numbers for the harvest units.

In areas proposed for planting, remaining snags will be evaluated to determine if they are a hazard to planters. Where unavoidable, hazard snags will be felled prior to planting if determined to be a safety risk to workers. The primary reason for clumping snags is related to providing effective habitat, however an additional benefit of this design is that snags are less likely to become a safety concern.

**Table 2-3. Snag retention standards by alternative**

| Alternative | S&G for Snags | Estimated Total Snags Retained | Snags in Salvage Units | |
|---|---|---|---|---|
| | | | 12"-15" | >15" |
| **2** | Exceed | 22,421 | 10,385 | 12,036 |

The diameter classes displayed in the above chart are representative of those addressed in the Forest Plan Standards and Guidelines. Includes snags retained in special woodpecker areas.

- **Conifer Planting.** Approximately 906 acres within salvage harvest units would be planted with ponderosa pine seedlings. This would include about 762 acres of lands suitable for timber production and 144 acres of lands non-suitable for timber production within the salvage units. Suitable planting areas within the harvest units are shown on map Figure 2-5, the non-suitable areas are scattered throughout the units and are not displayed on the map. Planting would be accomplished to achieve desired stocking densities of approximately 100-150 trees per acre on suitable ground. On non-suitable ground trees would be planted to achieve desired stocking density of approximately 50 trees per acre. Over much of the ground, there is too much rock to try to plant on an even spacing scheme; instead planting spots will be selected where there is adequate soil to support trees. Associated with the reforestation effort, animal damage control methods such as, tubing, netting or use of Big Game Repellent (BGR) as appropriate, would be utilized to protect seedlings from deer browse.

**Table 2-4. Conifer Planting.**

| Unit Number | Acres Planted |
|---|---|
| **1** | 10 |
| **2** | 6 |
| **3** | 29 |
| **4** | 0 |
| **5** | 17 |
| **6** | 48 |

**Table 2-4. Conifer Planting. (Continued)**

| Unit Number | Acres Planted |
|---|---|
| **7** | 18 |
| **8** | 493 |
| **9** | 53 |
| **10** | 0 |
| **11** | 24 |
| **12** | 129 |
| **13** | 26 |
| **14** | 0 |
| **15** | 42 |
| **16** | 11 |
| **Total** | 906 |

- **Riparian Habitat Conservation Area.** There will be no salvage in RHCAs. All snags will be retained. RHCA widths for perennial streams will be equal to the height of two site-potential trees, or 300 feet slope distance on each side of the streams, which ever is greatest. For intermittent streams and wetlands less than 1 acre, the width will be a distance equal to the height of one-half site-potential tree, or 50 feet slope distance, which ever is greatest.

- **Large Woody Debris.** All existing down wood will be left on site at levels necessary to meet the Forest Plan Standards and Guidelines. This includes 100 to 140 lineal feet per acre in mixed conifer stands and 80 lineal feet per acre in ponderosa pine stands.

- **Roads.** No new specified or temporary roads will be constructed. Approximately 2.6 miles of Roads 3100014, 3100030, 3100041 and 3100314 will require some minor roadwork, which could include widening on corners, spot rocking, and minor drainage improvements. Approximately 2.63 miles of roads that were closed prior to the fire by rocks, down wood and brush, would be opened for use during salvage operations, and then returned to a closed condition following post-sale activities. Closures would be accomplished by use of rocks, guardrail barricades or earthen berms on Forest Service Roads 3100018, 3100021, 2900350, and 3100040 (see map Figure 2-6). Road-related activities will follow the direction contained in Fremont Road BMPs, which are included in Appendix B of the environmental assessment.

**Mitigation and Resource Protection Measures**

Soils and Water

1. Follow all provisions of the "Fremont National Forest Soil Productivity Guide" (Forest Service, 2000; updated 2002).

2. Utilize specific Best Management Practices (BMPs) Fremont National Forests Supplement for roads and timber activities (See Appendix B).

3. Where ground-based logging systems are prescribed, equipment use would be limited to slopes less than 30%.

4. To minimize soil disturbance and compaction, ground–based skidding equipment is restricted to designated skidtrails/roads, mechanical feller/bunchers will be restricted to designated cutting lanes and shall not have a PSI (pounds per square inch) rating greater than 7.5.

Botany

5. Pursuant to preventive measures and other direction in the Fremont National Forest 1998 Environmental Assessment for the Management of Noxious Weeds:
   a) Use timber sale contract provisions requiring all off-road logging and construction equipment to be free of noxious weeds when moving onto the sale area, and/or moving between units on the sale area that are known to contain noxious weeds. Specifically, use C(T)6.26: Equipment Cleaning (July 2001) or the latest available. This provision requires the purchaser to certify that his equipment is weed free and to identify measures taken to ensure that off-road equipment is free of noxious weeds. The Forest Service would reserve the right of inspections prior to use of the equipment and to verify that each piece operating in the forest is clean.
   b) Treat weeds on landings, skidtrails and helicopter service landing that are weed infested prior to logging activities.
   c) Treat weeds on roads used by timber sale purchasers.
   d) Monitor the burned and harvested area for the next three to five years to detect any invasion of noxious weeds. Any new infestations would be evaluated, a decision made and treated in accordance with the Fremont Noxious Weed Environmental Assessment.

   Known noxious weed populations occur within some of the proposed salvage units. In Unit #8 approximately four 1/10-acre sites of Canada thistle (*Cirsium arvense*) and a 1/10-acre site of diffuse knapweed (*Centaurea difussa*) are present, and in Unit #9 there are approximately two 1/10-acre sites of Canada thistle. These noxious weed sites are all in areas planned for helicopter logging, within the west half of section 22 in T32S, R16E. Additionally, Canada thistle sites have been found dispersed throughout Units #12, #13 and #15 totaling approximately 2 acres. These sites are within areas planned for ground-based logging, within the east half of section 11 in T33S, R16E. The sites will be identified on the ground and skidtrail and landing locations will be designed to avoid the sites. Avoidance of weed sites will minimize the potential of spreading seeds through the logging activities.

Wildlife

6. Recent monitoring observations by District biologists for returning bald eagles and golden eagles have observed the birds re-establishing nests in the project area. The new nest sites have been mapped with the use of GPS (Global Positioning System) and are located more than ¼ mile outside of any proposed salvage units, and are farther than ¼ mile from any planned haul roads. Helicopter flight paths will need to adhere to the buffer restriction in item c below.

Restrict activities during the bald eagle breeding season (January 15 through August 31) as follows:

a) 0.25 mile buffer around nest for visually disturbing activities (e.g. parking vehicles, tree marking, planting).
b) 0.25 mile buffer around nest for noise disturbing activities (e.g. falling, hauling, chainsaws, heavy equipment use).
c) 0.5 mile buffer around nest for helicopter use (e.g. flight paths, landings).
d) 1.0 mile buffer around nest for blasting activities.

If activities start in the vicinity of a buffered area during breeding season, the birds will be monitored for the first three days to determine whether or not the buffer distance is effective. If a buffer is not effective it will be extended based upon knowledge gained from the monitoring effort.

If a Forest Wildlife Biologist determines that an activity will not result in reproductive failure or cause adverse affects to nesting eagles for that year, it may be allowed on a case-by-case basis. The restrictions would reapply in the following year. Any activities allowed should occur as late in the breeding season as possible and after the eggs have hatched. Monitoring of the nest site must take place if an activity is allowed to determine if adverse effects to nesting eagles are occurring. If monitoring determines there are unacceptable effects to nesting eagles, the activity must be terminated immediately.

At the discretion of a wildlife biologist, if it is determined the eagles have not successfully nested by May 15 the restrictions may be lifted around the nest site for that year. The restrictions would reapply in the following year.

7. Any water use considered for dust abatement purposes will be in accordance with the Fremont-Winema Water Use Plan (2002). The Water Use Plan contains restrictions on use of Forest water resources and operational guidelines including discharge rates, minimum flow rates, requirement for screening intake hoses and more.

Cultural

8. All known cultural resource sites within harvest areas will be flagged on the ground so they can be avoided during activities.

9. If additional cultural resources are found during the implementation of proposed activities, project activity will stop in the immediate area while a plan to mitigate the effects is formulated. Once the mitigation work is completed and resources are protected, project activity could proceed.

Roads

10. A permit from the Forest Service would be required to allow access into the roads and units that are within an area-wide CFR road closure (Code of Federal Regulations – Occupancy and Use Order, Fremont National Forest, 3-18-1994). This applies to Roads 2900011, 2900335, 2900336, 2900337, 2900338, 2900339, and 2900387 that are within the Snow Cabin/Harvey Flat closure area. The closure would be posted on all roads leading into the area, but the gates would be left open during periods of activity.

## ALTERNATIVES

Other than Alternative 2, one other action alternative and a no-action alternative were analyzed in detail in the EA. The alternatives were designed to be fully compliant with Forest Plan Standards and Guidelines, as amended.

Issues provide focus and influence alternative development, including specific design features and development of mitigation measures. As a result of the overall scoping process, the following major issues were identified for the Winter Fire Salvage Project. Issues #1 and #2 were key in driving alternative development. The other two issues were not as relevant to the development of the variations between the two action alternatives; however, they did contribute to the development of design elements, mitigation measures, and/or management requirements that apply to both action alternatives.

The following issues were identified and tracked through the analysis process. Table 2-7 in the EA (pages 29-34) provides a summary comparison of the alternatives in regard to the issues and the purposes and needs.

1. Failure to utilize fire-killed timber in a timely manner could result in irretrievable resource loss through deterioration. This would not meet the intent of MA 5 to provide for the commercial production of sawtimber (Forest Plan, page 145), nor meet the intent of the Forest Plan, within the Lakeview Federal Sustained Yield Unit to contribute to the economic stability of the participating communities.

2. Wildlife habitat components and suitability, particularly large dead trees for cavity-dependent species or cover for mule deer, could potentially be negatively impacted by salvage operations.

3. Existing conditions may not produce a new forest stand that can attain the desired vegetative conditions outlined in the Forest Plan, as amended. Failure to reforest the burned areas with ponderosa pine could result in a future landscape lacking any significant forest stand structure.

4. Water quality and riparian habitat could potentially be negatively impacted by timber salvage operations.

Under the **No Action Alternative 1**, fire killed timber would not be salvaged and road-work associated with the logging would not occur. Planting of harvested units and reallocation of lands for old-growth habitat would not occur. Current ongoing management practices, such as livestock grazing, fire suppression, minimal road maintenance, personal-use firewood gathering and noxious weed surveys and treatment would continue.

**Alternatives 2 and 3** differ in approaches for snag retention habitat areas and the number of snags retained within harvest areas, and the potential amount of commercial timber recovered for forest products. The two action alternatives respond to the issues identified in Chapter 1 of the EA, and meet the underlying needs and to varying degrees the purposes for the proposed action.

Alternative 2 seeks to provide a balance between snag habitat retention and recovery of commercial timber value. Alternative 2 was designed to: 1) Stratify potential key habitat areas for black-backed and Lewis' woodpeckers: 2) Designate specific key habitat areas that would be preferred by black-backed and Lewis' woodpeckers, and: 3) Retain all snags within selected retention areas while providing the minimum requirements of the Forest Plan Standards and Guidelines within the remaining portions of harvest areas. Alternative 3 would maintain a quantity and distribution of snags for cavity dependent species that would meet the minimum requirements of Forest Plan Standards and Guidelines. Alternative 3 emphasizes recovery of commercial timber value. The design of Alternative 3 is driven by Issue #1 - regarding failure to utilize fire-killed timber in a timely manner could result in irretrievable resource loss through deterioration, and thereby constitute a failure to meet the intent and objectives of the Forest Plan and contribute to the economic stability of communities within the Lakeview Federal Sustained Yield Unit.

It is estimated that Alternative 2 will result in harvest of approximately 2,997 acres with a potential estimated gross volume of about 15,766 mbf, while Alternative 3 would result in harvest of approximately 3,347 acres with a potential estimated gross volume of about 17,554 mbf.

Both of the action alternatives include the same activities as described on pages 3-7 in regard to:

- Species Harvest Specifications
- Hazard Tree Felling
- Ground-Based Logging Areas
- Non-merchantable Tree Retention
- Land Reallocation to Identify Replacement Old-Growth Stands
- Conifer Planting
- Riparian Habitat Conservation Areas Protection
- Large Woody Debris Retention
- Road Work

**Alternatives Considered, But Eliminated from Detailed Study.**

Only alternatives or specific design elements that were responsive to the needs and purposes were fully developed and analyzed. Alternatives or design elements that were considered but not fully developed are discussed below and on pages 15-18 of the Winter Fire Salvage Project EA.

*A. The Proposed Action as Presented During the Scoping Period*

The original proposed action was not fully developed and analyzed in this EA, rather, the basic premise of the initial proposed action to salvage fire-killed timber and reforest areas of the burn was later revised by refining the list of activities and acres associated with salvage logging and incorporated into what is described as Alternative 2 in the Winter Fire Salvage Project EA.

*B. Salvage Logging Exclusively by Helicopter System*

An alternative designed to accomplish salvage logging by using exclusively helicopters was suggested in comments received by the public expressing concerns about the effects of mechanized equipment on burned soils. The Interdisciplinary Team considered an alternative that would utilize helicopter to log the approximately 435 acres that are designated as ground-based logging in Alternatives 2 and 3.

The Forest soils scientist's conclusion was that ground-based logging would result in no discernable effect on soil compaction, gullying, rilling, or other erosion, and that ground-based logging was appropriate on these sites, meeting Forest standards for protecting soils. Existing roads already access these areas, and the Interdisciplinary Team identified no adverse effects. Utilizing helicopters to accomplish logging of the 435 acres that are designated for ground-based logging would result in increased yarding costs because of the longer flight distances to landings. Areas with low volume per-acre, where it would not be possible to retrieve a full turn of logs in the yarding cycle, also result in higher costs. Overall, the increased yarding costs result in a projected revenue return that is estimated to be *negative* (Forest Service Response to Requests to Modify Alternatives). Furthermore, utilizing exclusively helicopter systems would further limit the local jobs involved in the logging process. Consequently, an alternative to harvest felled timber by helicopter only was eliminated from subsequent analysis.

*C. Restoration Alternative, Based on the Beschta Report*

An alternative comprised of only restoration activities was suggested in an October 21, 2002 letter from the Oregon Natural Resources Council. This alternative was not fully developed because it would not meet the underlying needs and purposes for the project in regard to recovery of commercially valuable timber from the Winter Fire, contributing to local jobs and economy and consistency with the Forest Plan. Appendix A of the Winter Fire Salvage Project EA contains an in-depth discussion of issues relating to Beschta et. al. (1995).

The Beschta recommendation to replant only after several years of evidence that natural regeneration has not occurred would not be consistent with Forest Service policy to apply the National Forest Management Act (NFMA) five-year regeneration requirement to salvage situations (Pacific Northwest Region letter of direction 11-19-2002, Reforestation Requirements following Salvage Sales).

The environmental assessment discusses (beginning on page 50 of Chapter 3) the expected successional vegetation development pathways that would likely occur without the planting of ponderosa pine seedlings. The conclusion is that natural regeneration would not result in the establishment of the desired first step in the long-term development of a sustainable ponderosa pine stand in the burned area.

*D. Salvage a Portion of Management Area 9 (Semi-Primitive Motorized Recreation)*

This alternative is in response to a recommendation that salvage should be considered in a portion of MA 9 (Salt Bench area above the 24 Ranch headquarters) to protect the reforestation efforts on private property from potential future large fires.

This alternative was considered, but eliminated from detailed study for two reasons. First, commercial salvage would be inconsistent with the Forest Plan Standards and Guidelines for MA 9. Timber harvest is prohibited within this management area unless the activity would maintain or enhance the semi-primitive motorized setting (Forest Plan, pages 167 and 168).

Second, an evaluation of current and predicted fuel conditions/fire behavior (through use of the BEHAVE fuel model for predicting fire behavior) under a harvest/no-harvest scenario, found that removing commercial size timber (> 10 inches) would have a minor benefit on reducing the difficulty suppression resources would encounter containing a fire in the Salt Bench area. While this reduction would have a limited benefit establishing control lines, it would not significantly reduce the fire characteristics that directly result in large, fast moving and moderately intense events. Development of a dense brush cover appears to be the most critical fuel element that directly influences fire characteristics which result in a fast moving fire and burn intensity that restricts suppression resources ability to effectively attack and successfully control a fire before it becomes large in size.

## DECISION RATIONALE

Based on the analysis documented in the Winter Fire Salvage Project EA, **I have selected for implementation Alternative 2**. I have reviewed the EA and have determined that there is sufficient information to provide a reasoned decision. In making my decision, I considered information related to the needs and purposes for action, the key issues identified during scoping, Forest Plan direction, conditions in the project area and comments from the public, the Winema and Fremont Resource Advisory Committee (RAC) and the Interdisciplinary Team.

I have selected Alternative 2 because I believe it provides for the best combination of prospective results in regard to stated needs and purposes for action, the issues and comments.

Alternatives 2 and 3 both meet the identified needs for commercially valuable timber from the Winter Fire, compliance with National Forest Management Act (NFMA) stocking standards on suitable lands and desired old-growth habitat conditions on the ground, as described in the Forest Plan, for lands allocated to Management Area 3 and 14.

The project achieves recovery of an economic value of trees killed by the Winter Fire, providing wood products to the local economy and creates or supports timber-related jobs. Recovering the economic value of fire-killed trees through harvesting contributes to the socioeconomic needs of the local community and meets the intent of the Forest Plan to contribute to the economic stability of local communities, within the Lakeview Federal Sustained Yield Unit.

Planting the harvested areas is expected to result in successful reforestation of suitable timber ground in compliance with National Forest Management Act (NFMA) stocking standards. Implementing reforestation activities will accelerate restoration and development of desirable late and old ponderosa pine stands.

My decision includes a non-significant Forest Plan amendment to the Fremont National Forest Land and Resource Management Plan to provide for old-growth habitat conditions on the ground, as described in the Forest Plan (pages 137-139 and 196-198 and EA Appendix C), for lands allocated to Management Areas 3 and 14. The decision was already made in the Forest Plan to relocate non-

functional old-growth stands, with the effects analyzed in its supporting FEIS. The decision here goes beyond the Forest Plan requirement to delineate replacement acres and implements the land allocation change for these lands by amending the Forest Plan. Implementation of Alternative 2 provides for consistency with the Forest Plan by designating replacement habitat for old-growth stands that were burned during the Winter Fire.

I have determined that this change to the Forest Plan is not significant, based on NFMA planning requirements (36 CFR 219.10(f)). I considered the following factors (Forest Service Handbook (FSH) 1909.12, 5.32) in reaching this conclusion:

*Timing: A change is less likely to result in a significant plan amendment if the change is likely to take place after the plan period (the first decade).* This plan amendment is being made immediately and is outside the first decade.

*Location and size: The smaller the area affected, the less likely the change is to be a significant change to the Forest Plan.* The Winter Fire impacted approximately 34,000 acres, or two percent of the Fremont National Forest. The amendment only affects MA 3 (279 acres), MA 5 (403 acres), and MA 14 (64 acres) for a total of 746 acres or 0.04 percent of the National Forest.

*Goals, objectives and outputs: An action is more likely to be a significant amendment if it alters the long-term relationship between the levels of goods and services projected by the Forest Plan and particularly if it would forego the opportunity to achieve an output in later years.* The amendment is a part of my decision to accelerate recovery of the fire area, and in doing so increase the likelyhood that future outputs and conditions (wildlife habitat, water quality, desired vegetation conditions and timber production) will be as projected in the Forest Plan.

*Management prescription: A change is more likely to require a significant amendment if it would apply to future decisions throughout the planning area.* The amendment associated with Alternative 2 is only for the site-specific situation in this project and does not apply to a larger management area or change management activities within the specific MA.

Both Alternative 2 and 3 address the purposes of rapidly regaining a ponderosa pine forest, and achieving consistency with the Forest Plan. The real differences between Alternative 2 and 3 are related to the purposes of supporting jobs in the local area and providing woodpecker habitat. Both action alternatives include snag retention designs that are in compliance with Forest Plan Standards and Guidelines for cavity dependent species habitat. However, Alternative 2 best implements our understanding of optimal habitat for black-backed and Lewis' woodpeckers in a post-fire environment. Recent science, represented by DecAid (or the "Decayed Wood Advisor for Managing Snags, Partially Dead Trees, and Down Wood for Biodiversity in Washington and Oregon" Mellen, 2002), and work conducted by Victoria Saab and others was used to design the specific woodpecker habitat retention areas of Alternative 2.

While the analysis shows Alternative 2 would result in fewer jobs supported than with Alternative 3 (due to retention of snag areas for woodpeckers), I believe Alternative 2 achieves a balance, in regard to the purposes of supporting jobs in the local area and providing woodpecker habitat. I believe Alternative 2 provides the best overall response to the issues of utilization of fire-killed timber for commercial products and snag dependent species habitat of any of the alternatives.

Alternative 2 will result in the potential harvest of an estimated 15,766 mbf of fire-killed timber, which is less than the potential harvest estimate of 17,554 mbf for Alternative 3, however Alternative 2 is expected to result in a greater economic return based upon the logging design. The design of Alternative 2 is responsive to meeting the need for commercially valuable timber from the Winter Fire, while also meeting the purposes of supporting jobs in the local area and providing woodpecker habitat.

The woodpecker snag retention design of Alternative 2 of the Winter Fire Salvage Project is unlike previous snag retention strategies developed for past salvage projects on the Fremont National Forest. Implementation of Alternative 2 will provide woodpecker habitat that can be used as a comparison in a monitoring study that has been developed by the Fremont-Winema National Forests northeast zone Wildlife Biologist. Results of the study, *Monitoring the Effectiveness of Salvage Logging Prescriptions Designed to Maintain Habitat for Sensitive Woodpecker Species*, will help managers evaluate the effectiveness of varying salvage logging prescriptions for maintaining habitat for sensitive woodpecker species. Results will also help in assessing the ecological trade-offs associated with salvage logging, such as potential conflicts among sensitive species of woodpeckers and the removal of commercial material.

It is my determination that Alternative 2 is best at meeting the purpose and need, addressing the key issues and is responsive to public comments. I believe the analysis has shown that Alternative 2 can be implemented without significant impacts to the environment.

Alternative 1 (No Action) was not selected because it does not meet stated purposes and needs for this project. Taking no action would result in an irretrievable loss of the timber resource for use in the production of a commercial timber product from the Winter Fire area. There would be no job creation or support and no benefits to the local economy. Taking no action would likely delay the development of desired late successional ponderosa pine forest characteristics by at least a century in the project area. It would not provide for meeting the desired old-growth habitat conditions on the ground, as described in the Forest Plan, for lands allocated to Management Area 3 and 14.

**PUBLIC INVOLVEMENT**

The Forest Service initially contacted The Klamath Tribes regarding the proposed action at a meeting on August 8, 2002. On October 25, 2002 the Forest Service sent The Klamath Tribes a letter requesting comments on the project. The Klamath Tribes Natural Resource Department responded on November 5, 2002, noting that they had no interest in the project at this time.

The Forest Service mailed the proposed action to the public and agencies for comment on October 25, 2002. The packet was sent to area post offices, adjacent landowners, government agencies at all levels, conservation and environmental organizations, livestock and timber industry representatives, and other private individuals listed on the Paisley Ranger District NEPA mailing list. The proposal was listed on the World Wide Web (www) on October 28, 2002 and in the Fremont-Winema 2002 Fall Schedule of Proposed Actions (distributed on September 1, 2002).

Early in the process of developing the proposed action for the Winter Fire Salvage Project, the Paisley District Ranger chose to actively involve the Winema and Fremont Resource Advisory Committee (RAC) in the scoping process for the Winter Fire Salvage Project. The Forest Service conducted a field trip to the project area with members of the RAC on October 9, 2002 (Oregonian

11/13/02 article via Associated Press). Twenty-three individuals from the RAC, Forest Service, and other agencies or groups were present at the field trip. The RAC and Forest Service resource specialists met after the field trip to further explain and develop issues and alternatives (Winema and Fremont Resource Advisory Committee, Minutes for November 14, 2002 meeting).

The project is within the Lakeview Federal Sustained Yield Unit and was developed to incorporate the stewardship goals of the unit. The Lakeview Stewardship Group, an informal collaborative partnership that includes representatives from The Wilderness Society, Defenders of Wildlife, Collins Pine Companies, Sustainable Northwest, Lake County Resource Initiative, Concerned Friends of the Winema and other interested individuals closely watched the development of the project to insure that the stewardship goals would be met.

This phase of the public involvement process produced written responses from:

- Dennis and Mollie O'Leary, Business Owners
- Will E. Hatcher, The Klamath Tribes
- Mark Gaffney, Private Citizen
- Mary Jo Hedrick, State of Oregon Department of Fish and Wildlife
- Gary L. Johnson, Fremont Sawmill
- Leeanne Siart, Oregon Natural Resource Council
- Michael Anderson, The Wilderness Society
- Dan Napier, Private Citizen

The EA of March 2003 was presented to the public for comments during the period of April 2, 2003 to May 1, 2003. Copies of the EA were distributed to all parties who provided input or expressed interest or concern about the project. The EA was available on the Winema National Forest website during the comment period. The following respondents provided comments on the EA of March 2003:

- Gary L. Johnson of Fremont Sawmill
- Marty Demaris of the Woodworkers Local Lodge W12
- James K Walls (Executive Director) of the Lake County Resources Initiative
- Clair Thomas (Chair) of the Lake County Resources Initiative
- Frank Purdy of the High Desert Trail Riders Back Country Horsemen of Klamath Falls
- Kyle Haines of the Klamath Forest Alliance, Klamath Siskiyou Wildlands Center, and Sierra Club
- Doug Heiken of Oregon Natural Resources Council
- Rick Brown of Defenders of Wildlife
- Michael Anderson and Michele Crist of The Wilderness Society
- Mary Jo Hedrick of the Oregon Department of Fish and Wildlife
- Gerald Keck of DR Johnson Lumber
- Jay Lininger for the American Land Alliance, the Blue Mountains Biodiversity Project, the Northwest Ecosystem Defense Center, and the Klamath-Siskiyou Wildlands Center

Fremont–Winema National Forests Supervisor, Karen Shimamoto, made a decision to implement a modified Alternative 2 of the Winter Fire Salvage and Rehabilitation Project on May 29, 2003. That decision was administratively appealed and the decision was withdrawn. A new EA was written to clarify the project and incorporate information that the first EA document was lacking.

The new Winter Fire Salvage Project EA of October 2003 was presented to the public for comments during the period of November 13, 2003 to December 13, 2003. Copies of the EA were distributed to all parties who provided input or expressed interest or concern about the project. The legal advertisement announcing the availability of the EA for comment was published in the Klamath Falls Herald and News on November 13, 2003. The EA was available on the Winema National Forest website during the comment period. Comments on the EA of October 2003 were provided by: Jay Lininger on behalf of American Lands Alliance, Blue Mountains Biodiversity Project, Northwest Ecosystem Defense Center and Klamath-Siskiyou Wildlands Center; Doug Heiken of Oregon Natural Resources Council (ONRC); Gary Johnson of Fremont Sawmill; and Mary Jo Hedrick of the Oregon Department of Fish and Wildlife. Substantive comments, and responses to these comments, are attached as Decision Notice Appendix E – *Consideration of Comments*.

**FINDING OF NO SIGNIFICANT IMPACT**

Sufficient information has been disclosed in the analysis to make a reasoned choice among alternatives. No significant impacts on the quality of the human environment have been identified. Information available from past actions of similar context and intensity in this area also indicates that no significant impacts would be anticipated. I have determined that implementation of the actions described in Alternative 2 of the Winter Fire Salvage Project EA are not a major federal action, individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination is based on the mitigation and resource protection measures designed into the selected alternative (EA pages 27-29 or pages 7-9 of this Decision Notice) and the following factors:

1. Beneficial and adverse direct, indirect and cumulative environmental impacts discussed in the Environmental Assessment have been disclosed within the appropriate context and intensity. There will be no significant direct, indirect or cumulative effects to the various resources of the local area or other components of the environment based upon the following:

   Removing dead trees reduces habitat for cavity dependent species, including black-backed woodpeckers and Lewis' woodpeckers, however this project action affects 2,647 (2997 acres total, minus 350 acres set aside for woodpeckers) acres out of the 23,915 acres of National Forest in the total burned area (11%), and even within the 2,647 acres to be salvage logged Forest Plan standards for snags and large down wood will be exceeded. Primary excavators and cavity nesting species will experience a short-term (15-30 year) increase in population, due to increased habitat. Overall snag habitat within the project area would exceed Forest Plan standards and guidelines by approximately 293%. While this increase in habitat is substantial, the duration of the effect would be up to 30 years. (EA pages 45-48, 107-110)

   Large down wood will be left on site at levels necessary to meet Forest Plan standards and guidelines. The large snags being retained will begin to decay and eventually fall, providing for recruitment of additional large down wood in the future. Future levels of large down wood will greatly exceed Forest Plan standards and historic levels. (EA pages 46-47)

Mule deer population levels are expected to remain stable, but distribution and use in the local area may change as a result of the fire. Road closures after salvage would result in a small beneficial change to mule deer habitat effectiveness of winter and summer/transition range. (EA pages 47, and 104-106)

Conifer planting to fire resistant seral species will accelerate the time taken to restore a late old structure forest by at least a century. Given that the reforestation efforts focus on both suitable and unsuitable sites within the project area, broad structural gains across the landscape would occur sooner than taking no action. (EA pages 51-54, and 89-91)

There are no streams listed as Water Quality Limited for any parameter on the Oregon State Department of Environmental Quality (DEQ) 303 (d) list of Impaired or Threatened Waterbodies. No salvage or road construction will occur within riparian habitat conservation areas (RHCAs). Use of Fremont National Forest Best Management Practices (BMPs) for roads, skidtrails and harvesting would minimize the potential amount of erosion and result in negligible sediment to streams from the harvest activities. Any sediment resulting from the activities would have an immeasurable effect on the Summer Lake watershed. By reforesting the harvest units, completing harvest related roadwork and road closures, effects at the project area and watershed level would be positive. The project area and watershed would improve over the long-term for channel conditions and aquatic habitat as down wood debris from fire-killed trees becomes incorporated into the channels and floodplains and as vegetation recovers to occupy the sites. (EA pages 55, 59-63, and 123-124)

There are no inventoried roadless areas within the Winter Fire Project area. No new construction of system roads or temporary roads is proposed. The open road density of 1.4 miles per square mile in the overall project area is below the Forest-wide standard and guideline of a maximum 2.5 miles per square mile. The 2.6 miles of minor roadwork will occur on system roads used historically to access various portions of the project area. Implementation of the project will result in some beneficial effects of improved road conditions overall, reduced risk of hazard trees along system roads and reduced hydrologic effects of the road system on soils and streams in the local project area. (EA pages 64-66, and Appendix E)

Salvaging and planting addresses future fire hazards by reducing the potential fire intensity associated with high fuel concentrations and shorten the overall duration of shrub conditions expected if no action is taken. Potential fire occurrence will not change, however the effects of this project will be lower overall fire intensity conditions in the limited treatment area, and any negative effects on the natural resources in the area from fire would be minimized compared to the conditions under the no action alternative. (EA pages 67-68 and Appendix E)

Salvage logging by helicopter on eighty-five percent of the harvest area would create very little ground disturbance, minimizing the potential of expanding noxious weed infestations. The Forest's weed control program with increased efforts for post-fire recovery, and the designed mitigation and resource protection measures included in the project will significantly minimize the potential for spread and establishment of noxious weeds. The project activities are not expected to contribute to the spread of noxious weeds in the salvage units, project area or to other adjacent areas. (EA pages 69-70)

Native grasses and shrubs survived the fire and began to naturally re-vegetate the burned area within two weeks of control of the wildfire in 2002. The actions are not expected to affect the long-term use or management of range resources in the project area or contribute to the use or management of range resources outside of the units, project area or other adjacent areas. (EA pages 71-72)

By harvesting some of the fire-killed trees and planting portions of the burn area, recovery of the historic landscape patterns would occur sooner and begin to blend back in with the visually dominating features. These features include the immediate foreground of the Fremont National Recreation Trail and the background view of Winter Ridge as focal points. Maintaining all trees that have a reasonable chance of surviving and snag retention clumps would break up the potentially objectionable view of long stretches of treeless landscape. (EA page 73)

The planned road closures (2.63 miles) will result in localized minor changes in access when compared to the total road system inside and adjacent to the project area and will not significantly affect general recreation and hunting use. (EA page 73)

The project will utilize helicopter logging systems on approximately 2,562 acres (85% of the salvage area), and ground-based logging systems on 435 acres (15% of the salvage area). With implementation of the Fremont National Forest Soil Productivity Guidelines and site-specific BMPs, such as use of designated skid trails, seasonal restrictions and/or use of low ground-pressure logging equipment, and treatment of log landings after use, the expected amount of detrimental soil impacts would be approximately 20 acres (about 5 percent of the areas affected by landings and ground based harvesting). The ground-based logging would have minimal to no impact on ground vegetation and reforesting with ponderosa pine would limit wind erosion, stabilize the depositional soils, and enhance snow catch on this dry landscape. Salvaging would have little additional cumulative effect on what has been impacted by the Winter Fire both in the short and long-term. (EA pages 82-84 and Appendix E)

Salvage of snags could have a localized negative effect on potential population numbers of cavity nesting neotropical migratory birds due to reducing the number of snags, however about 21,000 acres of habitat created by the fire will not be salvaged and will continue to provide optimal conditions for these species. Potential population numbers for grass and shrub nesting neotropical migratory birds is expected to remain stable or increase due to increased ground vegetation. Overall, the diversity in forest structure and ground vegetation, as a result of Winter Fire and the subsequent activities, will likely increase species diversity immediately across the landscape. (EA pages 110-112)

No effect to red-naped sapsuckers or other riparian dependent species populations is anticipated with implementation of project because no salvage activities will take place in aspen or riparian areas. (EA pages 112-113)

Salvage of fire-killed trees will not change potential northern goshawk nesting habitat within the project area, and will not affect existing goshawk populations. The replacement habitat designated by this project will result in a net increase of 9 acres of MA-14 old-growth managed for goshawk. Conifer planting and road closures would have a future positive effect but would not be realized until these stands reached a mature structure (150 – 250 years). (EA pages 114-115)

The project could have local short-term negative effects to American marten by causing them to adjust use or movement patterns due to disturbance caused by the increase in human activity, however this would be temporary and not result in changes to the local marten population. The replacement habitat designated by this project will result in a net increase of 51 acres of MA 3 old-growth managed for American marten. American marten populations are not expected to change in the short term, but may increase as late old structure (LOS) habitat containing heavy amounts of snags and down wood develops across the landscape in the long term (150-250 years). (EA pages 116-117)

Minimal impacts to pileated woodpecker habitat or their populations are anticipated because there are no known pileated woodpecker nests or foraging evidence within or adjacent to the project area, although pileated woodpeckers are known to visit the project area. (EA pages 117-118)

No adverse effects are expected to Rocky Mountain Elk based on minimal use of the area, and that no special habitat features for elk have been identified. The population is thought to be stable to slightly increasing. (EA pages 118-119)

Wild turkeys are not known to occur within or adjacent to the project area. No habitat for this species would be modified, altered, or removed by implementing the project. (EA page 119)

The project will not adversely affect golden eagles because no habitat will be removed from the nest area and the nest location is more than ¼ mile from the salvage activities, including helicopter flight operations and log haul. (EA pages 120-121)

Air quality will not be significantly affected because impacts from dust, vehicle emissions, and burning of landing piles (7 acres) would be short-term and temporary in nature. (EA pages 131-134)

2. A potential hazard exists to the public from falling trees. The project provides for removal of trees that pose a hazard to the woods workers and some trees that could become hazards to the recreating public. There will still exist many acres in the fire area that will not be treated. While the project reduces the hazard, it will not significantly affect the recreating public in the long term (40 CFR 1508.27 b 2).

3. There will be no significant adverse impacts to unique characteristics of the geographic area such as parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas as there are no such areas in the project vicinity.

4. The actions described in Alternative 2 would be limited in scope (40 CFR 1508.27(a)). The actions would take place within an area of about 8,638 acres of the 34,000-acre Winter Fire, occurring in a closed basin landscape, within the Summer Lake watershed (EA Appendix D, maps).

   During 2002 a large fire (Toolbox Complex) occurred in the watershed that is adjacent to the Winter Fire. The Toolbox Complex Fire occurred on the other side of a major watershed divide (Winter Ridge) from the Winter Fire, and currently proposed activities within the Toolbox

Complex is (at it's closest point) 3 miles north of the Winter Fire salvage activity. Despite these disconnections, potential cumulative effects on connectivity, fragmentation and dispersal to wildlife species, relative to activities in the Toolbox project have been addressed throughout the EA for the following species:

The ability of volant species such as bald eagle, bufflehead, peregrine falcon, gray flycatcher, black-backed woodpecker, neotropical migratory birds, goshawk, and golden eagle to disperse was not changed by the fires. Even though suitable nesting habitat in the project area was reduced and what remains will likely not recover for 200+ years, suitable forage and nesting habitat within the dispersal capability of these volant species remains outside of the project area. (EA pages 93-94, 95, 96, 97, 109-110, 111-112, 115, and 120)

The project area and adjacent areas was fragmented and heavily roaded prior to the Winter Fire. The fire did not change that condition. The Winter and Toolbox Fires did not change the ability of wolverine or fisher to disperse or forage within the fire area or adjacent areas. Summer Lake to the east remains a likely barrier to wolverine and fisher dispersal. Forest cover still provides connectivity and there are no barriers to prevent dispersal between the Gearhart Mountain Wilderness and Dead Horse Rim potential habitat areas. (EA pages 99, 100)

While there is another foreseeable project being proposed (Toolbox Complex) on the adjacent Silver Lake Ranger District that will affect another portion of the mule deer range, the effect from both projects cumulatively will not change conditions that occurred as a result of the fire. It is likely that the loss of cover habitat alone will have the greatest direct impact on the mule deer population in the project area, watershed and larger range area regardless of the alternative selected for this project. The reduction of hiding cover due to the fires increased the vulnerability of mule deer within the fire areas, but did not change the ability of deer to disperse through the area. There are no existing barriers to deer dispersal, though there is some deer mortality due to traffic on Highway 31. (EA page 105-106)

Pre-fire activities had reduced patch size and connectivity for American marten across the Summer Lake watershed. The Winter Fire and nearby and adjacent Toolbox and Silver Fires further reduced connectivity by burning the marginal habitat in the fire areas and further reducing connectivity between habitat patches through the elimination of overhead canopy. Reforestation activities will accelerate the establishment of overhead cover and connectivity, and proposed replacement areas of marten MA3 old-growth will provide suitable habitat patches more quickly than natural regeneration. (EA page 117)

Potential cumulative effects that may result due to this project and other projects implemented or planned on areas separated from the affected area of this project have been sufficiently considered. I find there to be no such cumulative significance.

5. The analysis area encompasses approximately 8,638 acres of the 34,000 acres burned during the Winter Fire of 2002. The project involves salvage of approximately 3,000 acres of National Forest lands. Based on previous similar actions (such as the Thomas Fire, 1999, with 1,820 acres burned, approximately 1,000 acres of salvage; South Warner Fire, 2001, with 1,700 acres burned, approximately 508 acres of salvage; and Cub Salvage of the Grizzly Fire, 2003, with 5,825 acres burned, approximately 1,600 acres of salvage), the probable effects of this decision on the human environment, as described in the Environmental Assessment, beginning on page

35, do not involve effects that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(5)). The activities proposed in this decision are well-established land management practices, and the risks are well known and understood.

6. These actions do not set a precedent for other projects that may be implemented to meet the goals and objectives of the Forest Plan, nor does it represent a decision in principle about a future consideration.

7. My action will not adversely affect any scientific, cultural or historical resources because all known sites will be avoided, and sites discovered during implementation of the project will also be avoided. Cultural resource field surveys or reconnaissance occurred in the years preceding the fire, during fire suppression activities and prior to preparing the analysis for this site-specific project. Under the auspices of a "Memorandum of Agreement" with the State Historic Preservation Officer (SHPO), the Forest Archeologist has certified that the project will have "No Effect" on listed or eligible cultural resources. (EA page 74)

8. My action will not result in significant adverse effects to endangered, threatened, or sensitive species of plants, animals or fish based upon the following information from biological evaluations and assessments prepared for this project:

   No Proposed, Endangered, Threatened or Sensitive plant taxa or essential habitat are know to exist in the project area, and therefore “no effect” to special status plant species is expected. (EA page 85)

   Both the biological assessment prepared by the project Wildlife Biologist and the April 17, 2003 letter of concurrence on the biological assessment from the United States Department of the Interior-Fish and Wildlife Service (USDI-USFWS) determined that the project “may affect, but is not likely to adversely affect” bald eagles and will have “no effect” to Canada lynx, Oregon spotted frog, and yellow-billed cuckoo. (EA pages 91-94)

   Implementation of the project may affect individuals, but is not likely to result in a trend toward Federal listing or loss of viability for sensitive species of bufflehead, peregrine falcon, gray flycatcher, wolverine, Pacific fisher, leopard frog or western pond turtle. (EA pages 94-102)

   There are no federally threatened, endangered, proposed, and candidate fish species or their habitat known to occur within or downstream of the project area. (EA page 121)

   Interior Redband trout is the only aquatic species on the Regional Forester’s Sensitive Species List known to occur in the project area. The timber salvage and associated activities of this project will not retard or prevent attainment of riparian management objectives (RMOs) or adversely affect native fish (TM-1 of INFISH). Neither of the affected subwatersheds is an INFISH priority watershed. The project does not involve road construction or timber harvest within RHCAs. The planned roadwork will serve to accelerate attainment of RMOs and are fully consistent with the goals and applicable INFISH standards and guidelines, particularly RF-2. (EA pages 121, and 123-124)

9. This decision is in compliance with relevant Federal, State and local laws, regulations and requirements designed for the protection of the environment (40 CFR 1508.27(b)(10).

10. The effects on the quality of the human environment are not likely to be highly controversial. CEQ guidelines refer not to the amount of public opposition, but to where there is a substantial dispute as to the size, nature, or effect of the action. A primary area of scientific dispute is encompassed in public input to carefully consider the recommendations of the Beschta Report. In considering the recommendations contained in Beschta et al (1995), the analysis followed a site-specific, science based process as described in Winter Fire Salvage Project, Appendix A – Issues Relating to Beschta et al. (1995). Findings in the Environmental Consequences chapter of the EA are specifically referenced to a 13-page list of sources (see EA, pages 146-158). Given the site-specific conditions and impacts disclosed in the EA (pages 35-143), the effects of implementation of this decision on the quality of the human environment are not likely to rise to the level of scientific controversy as defined by the Council of Environmental Quality (40 CFR 1508.27(4)).

**OTHER FINDINGS**

1. Federal regulations require that permits, contracts, cooperative agreements, and other activities carried out on the Paisley Ranger District are consistent with the Fremont National Forest Land and Resource Management Plan (Forest Plan), as amended. I have reviewed my decision against Forest Plan direction, and I have determined that this action is consistent with the goals, objectives, and direction contained in the Record of Decision (ROD) for the Fremont National Forest Land and Resource Management Plan and accompanying Final Environmental Impact Statement (1989). The alternatives include a Forest Plan amendment to implement land allocation changes associated with delineating replacement old-growth stands. With the amendment included in the design of Alternatives 2 and 3, they are fully compliant with all applicable direction, including both Management Area and Forest-Wide standards and guidelines, Regional Forester's Eastside Forest Plan Amendment No. 2 and the Inland Native Fish Strategy (INFISH, 1995). The project meets the requirements of INFISH and will not retard attainment of Riparian Management Objectives

2. The procedures used to initiate and complete the planning of the project are consistent with the 1999 Memorandum of Agreement between The Klamath Tribes and the U.S. Forest Service. The Klamath Tribes was initially made aware of the proposal at the August 8, 2002 quarterly pre-SOPA (Schedule of Proposed Actions) meeting, consistent with the 1999 Memorandum of Agreement. On October 25, 2002, a scoping letter and packet was sent to the Tribal Chairman, Director of Natural Resources, and the Director of Cultural and Heritage inviting their input on the project. In a November 5, 2002, letter, The Klamath Tribes forester provided notification that the Natural Resource Department had no interest in the project. The project is not expected to have an adverse effect on Treaty Rights or treaty right resources (EA, pages 104-106).

3. This decision is in compliance with Executive Order 12989 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations". According to the 2000 Census, the median household income in Lake County ($29,506) was the lowest of any county in central and southcentral Oregon. Thus, actions that tend to increase jobs and associated income can be seen as benefiting Lake County and its low-income residents disproportionately. Actions that do not lead to increased jobs adversely affect the same people. This project is within the Lakeview Federal Sustained Yield Unit. The specific purpose of the Unit is to promote economic stability in the local communities. All timber sold from the Unit,

with some exceptions, is required to be processed within the Lakeview or Paisley communities. This ensures that the economic benefit of the timber harvest accrues directly to these low-income communities and helps to improve the low household incomes in this area. Implementation of Alternative 2, will provide an economic benefit to these communities. No minority populations will be disproportionately affected under any alternative. The project also complies with Executive Orders 11988 and 11990 (floodplains and wetlands).

4. This decision is consistent with recent Forest Service Manual direction regarding roads analysis. I have determined that additional roads analysis is not needed for this project based on the following factors:

   As part of the analysis for this project, a project level Roads Analysis was completed for the Winter Fire Salvage Project and is contained in the analysis file at the Paisley Ranger District. The ID Team focused in particular on identifying roads or portions thereof, within the existing road system, where resource damage is occurring or is likely to occur based upon the post-fire conditions in the planning area. Roads were recommended for maintenance/restoration and closure. The results of the assessment of the transportation system condition led to the proposed actions related to the road system (EA Chapter 2, page 24). No new construction of system roads or temporary roads would occur with implementation of the alternatives.

## IMPLEMENTATION, ADMINISTRATIVE REVIEW and APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to 36 CFR 215. Any written notice of appeal of the decision must be fully consistent with 36 CFR 215.14, "Appeal Content." The notice of appeal must be filed hard copy with the Appeal Deciding Officer, ATTN: 1570 APPEALS, 333 S.W. First Avenue, P.O. Box 3623, Portland, Oregon, 97208-3623, faxed to (503) 808-2255, sent electronically to appeals-pacificnorthwest-regional-office@fs.fed.us, or hand delivered to the above address between 7:45AM and 4:30PM, Monday through Friday except legal holidays. The appeal must be postmarked or delivered within 45 days of the date the legal notice for this decision appears in the *Herald and News*, Klamath Falls, Oregon. The publication date of the legal notice in the *Herald and News* is the exclusive means for calculating the time to file an appeal and those wishing to appeal should not rely on dates or timeframes provided by any other source.

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. Only individuals or organizations who submitted substantive comments during the comment period may appeal. This project may be implemented 50 days after this legal notice if no appeal is received. If an appeal is received the project may not be implemented for 15 days after the appeal decision.

_____ _____

KAREN SHIMAMOTO DATE
Fremont-Winema National Forests Supervisor

**Contact Person:**

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Paisley, Oregon 97636
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**Distribution**

- Jay Lininger for the American Land Alliance, the Blue Mountains Biodiversity Project, the Northwest Ecosystem Defense Center, and the Klamath-Siskiyou Wildlands Center
- George Sexton of Klamath-Siskiyou Wildlands Center
- Karen Coulter of Blue Mountains Biodiversity Project

- Randy Spivak of American Lands Alliance
- Sara Uhlemann of Northwest Ecosystem Defense Center
- Doug Heiken of Oregon Natural Resources Council
- Gary L. Johnson of Fremont Sawmill
- Mary Jo Hedrick, State of Oregon Department of Fish and Wildlife
- Marty Demaris of the Woodworkers Local Lodge W12
- James K Walls (Executive Director) of the Lake County Resources Initiative
- Clair Thomas (Chair) of the Lake County Resources Initiative
- Frank Purdy of the High Desert Trail Riders Back Country Horsemen of Klamath Falls
- Kyle Haines of the Klamath Forest Alliance, Klamath Siskiyou Wildlands Center, and Sierra Club
- Rick Brown of Defenders of Wildlife
- Michael Anderson and Michele Crist of The Wilderness Society
- Gerald Keck of DR Johnson Lumber
- Dennis and Mollie O'Leary, Business Owners
- Will E. Hatcher, The Klamath Tribes
- Mark Gaffney, Private Citizen
- Leeanne Siart, Oregon Natural Resource Council
- Dan Napier, Private Citizen