

**Easy Fire Recovery Project
Record of Decision
and
Nonsignificant Amendment # 58**

USDA Forest Service
Pacific Northwest Region

Malheur National Forest
Prairie City Ranger District

Grant County
John Day, Oregon

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Record of Decision and Nonsignificant Forest Plan Amendment # 58

Introduction

This Record of Decision (ROD) documents my decision and rationale for the selection of **Alternative 3** to be implemented for the Easy Fire Recovery Project. It also includes a nonsignificant Malheur Forest Plan amendment. Amendment # 58 re-delineates Dedicated and Replacement Old Growth areas and allows for site specific snag distribution that better meets the needs of cavity nesters but would not meet Forest Plan standards within the salvage harvest areas.

In July 2002, the Easy Fire burned 5,839 acres, all of which are on the Prairie City Ranger District, Malheur National Forest. The project area is located approximately 11 air miles northeast of Prairie City, Oregon.

The Easy Fire Recovery Project area lies within the Upper Middle Fork John Day River and Upper John Day River watersheds. These watersheds are part of the John Day River Basin, which drain into the Columbia River. The impacted forested vegetative area is characterized primarily as cold dry and warm dry biophysical environments. The cold dry areas occur throughout the upper elevations with flat topography and northeast aspects within the fire areas. These associations represent both grand fir climax and lodgepole pine climax forests. The warm dry areas occur at mid elevations on southwest slopes generally, and the associations include seral ponderosa pine and climax grand fir with inclusions of Douglas fir and western larch. Most of the project area has silt loam surface soils derived from volcanic ash. Both watersheds are important to rebuilding and sustaining populations of bull trout and steelhead, which are federally listed threatened species. Both listed species are

present within the project area in Clear Creek. The following streams are listed on the Oregon DEQ's 303(d) list (year 2002) as having limitations in summer stream temperatures (for exceeding the 64 degree F water temperature standard): Clear Creek, Dry Fork Clear Creek, Lunch Creek and Reynolds Creek

The Malheur National Forest Land and Resource Management Plan (Forest Plan), as amended, has allocated lands within the project area to Management Area (MA) 1, General Forest; MA 2, Rangeland; MA 3B, Anadromous Riparian Areas; MA 13, Dedicated Old Growth; and MA 14, Visual Corridors (FEIS, Vol.1, Map 4). There are no inventoried roadless areas within the project area (FEIS, Vol. 1, pp. 368, 414, 415).

Purpose and Need/Proposed Action

The purpose of this action is to meet the direction assigned to National Forest System land in the planning area by the Malheur Land and Resource Management Plan (Forest Plan) and to bring existing conditions toward the desired future condition.

The action is needed here and now to:

1. Capture the economic value of the dead and dying trees that are excess to other resource needs;
2. Re-vegetate the project area to appropriate forest structural conditions and tree species to improve wildlife and fish habitat, reduce the spread of Armillaria root disease, and ensure a future supply of timber products from the area;
3. Re-establish Dedicated and Replacement Old-Growth areas (DOGs and ROGs) that burned and

are no longer suitable to meet this Forest Plan requirement;

4. Reduce dead standing and down fuel, and work toward the stand structure and fuel models that allow for more frequent lower severity wildland fires in the project area.
5. Reduce road-related impacts in the fire area to meet Forest Plan standards for wildlife.

This action is needed in order to comply with the goals and objectives outlined in the Malheur Forest Plan, which guides natural resource management activities and establishes management standards for lands administered by the Malheur National Forest.

The needs for the proposed action are derived from the differences between current conditions and desired resource conditions. Desired conditions are based on Forest Plan direction and management objectives. The proposed action is designed to move resource conditions closer to the desired conditions and address the management direction provided by the Malheur Forest Plan as amended. For a more detailed discussion on the purpose and need for action refer to the FEIS, Vol.1, pages 2 through 24.

Environmental Impact Statement

I determined that proposed restoration actions and their effects could best be analyzed and disclosed to the public through an environmental impact statement (EIS). A Notice of Intent to prepare an EIS was published in the Federal Register on March 24, 2003. This was followed by release of the Easy Fire Recovery Project Draft Environmental Impact Statement (DEIS) the week of October 13, 2003. The Notice of Availability for comment on the DEIS was published on October 24, 2003. The final EIS (FEIS) Notice of Availability was

published in the Federal Register on September 24, 2004.

Consultation with Tribes

Consultation with the Burns Paiute Tribe, the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Warm Springs Reservation occurred prior to and during my decision. During the initial scoping of the project comments were solicited from the Tribes. Face to face meetings were also held with resource specialists from the Burns Paiute Tribe. Copies of the DEIS were mailed to the Tribes in October 2003.

My decision is guided by the federal government's responsibility to consult with these Tribes. Based on a government-to-government relationship, the purpose of the contact was to exchange information, answer questions, and to work closely and continuously with each other to integrate tribal rights and interests in the planning process. This is one of the several legal obligations that I considered as I made my decision, and consultation with the tribes provided me with valuable information in making that decision.

During consultation, the Burns Paiute Tribe expressed a general concern regarding cultural plants and access management within all the areas burned by the fires in 2002. No activities are planned within known sites or within areas with potential for collection of culturally important plants. Even though the access within the Easy Fire area was not their principal concern, my decision maintains much of the current access for the tribe's needs.

Issues

In response to my proposed action, five significant issues were identified by the public and the Forest Service. These issues were then used to develop alternatives to the Proposed Action. The issues are not in any order of priority. They include:

1. Wildlife

Several public letters raised concern over the snag retention strategy. Wildlife species use burned forest habitats differently than live, green forests. In post-fire habitats, minimum Forest Plan snag standards may not be sufficient to assure use by all primary cavity excavators. Snag density, size and distribution influence use levels and vary by individual species. Salvage logging could potentially have negative impacts on cavity dependent species, particularly such species as the black-backed woodpecker. The alternatives retain varying levels and sizes of snags.

2. Water Quality and Fish Habitat

Water quality and fish habitat are key resources in maintaining ecosystem sustainability. Forest management activities, such as timber harvest, mechanical fuels treatments, temporary road construction, and system road maintenance are ground disturbing activities. These activities could potentially increase sedimentation and stream turbidity, and the amount and timing of overland flow, which could affect water quality and fish habitat for resident and anadromous threatened species.

Proposed activities may adversely affect threatened bull trout and steelhead; sensitive chinook salmon; and redband and cutthroat trout fish populations, within or near the project area.

3. Soils

Concern has been expressed that using mechanized equipment to salvage timber and reduce fuels would increase soil erosion risk and decrease soil productivity, especially on soils burned with high and moderate severity. The amount, method and timing of timber harvest would influence the amount of soil disturbance (compaction, displacement, and puddling) and resultant surface erosion, which could have an effect on soil productivity.

4. Fuels

At the heart of this issue is the scientific controversy relevant to the benefits of using salvage harvest to reduce fuels in order to reduce potential effects of future fire events. The “Beschta Report” (Beschta, 1995) advocates a passive approach to fuels management in burned areas and recommends that natural processes are best for management of fuels. Others suggest that salvage harvest is the best way to reduce the potential for another cycle of heavy fuel accumulations therefore, allowing future management the opportunity to restore the landscape to historic fuel models. The lack of empirical data on the effects of post fire salvage versus future fire severity demonstrates the complexity of this issue to quantify short and long term impacts of fuel reduction, but does not override the evidence in all fire dependent ecosystems that less fuel equals less fire resulting in less fire effects, i.e., less severity to soils and forest mortality.

5. Socio-Economics

Commercial value of fire-killed trees will deteriorate quickly if not salvaged. Recovery value of timber will have an effect on the local economy. Economically viable timber sales are important to local communities. The social and economic well being of residents and local governments is dependent on employment and revenues generated from timber sales, fuel treatments, and reforestation. The methods of harvest, any delays in harvest, and size of timber could affect the economic viability of timber sales within the fire area.

Alternatives Considered in Detail

Four action alternatives and a no action alternative were analyzed in the FEIS. The four action alternatives considered in the

FEIS examine varying combinations and degrees of harvest activities and other restoration activities. Each was developed to address the significant issues and the purpose and need. For additional details on these alternatives, see the FEIS, Vol.1, Chapter 2 (Alternative 2, Alternative 3 – Preferred Alternative, Alternative 4, Alternative 5, and Alternative 1 -No Action).

Alternative 1 - No Action Alternative

The purpose of this alternative is to allow current processes to continue, along with associated risks and benefits, in the Easy analysis area. The “no action” alternative means the proposed project (which includes all activities identified in the proposed action) would not take place in the Easy analysis area at this time. Alternative 1 is designed to represent the existing condition. It serves as a baseline to compare and describe the differences and effects between taking no action and implementing action alternatives. Current management activities taking place in the area would continue if Alternative 1 were selected, but no new activities would take place. Activities already planned for the project area, based on previous decisions, such as reforestation of existing plantations, would be implemented as originally determined.

Alternative 2

Alternative 2 was developed in response to the purpose and need identified in Chapter 1 of the FEIS. Alternative 2 would implement a series of projects that moves the existing condition of the project area toward the desired future condition.

In all salvage harvest units, 2.39 snags per acre, 21” dbh or larger, would be retained to meet the minimum Forest Plan standard.

Alternative 2 would capture the economic value of approximately 8.0 million board feet (MMBF) of dead and dying timber.

The salvage harvest method would be implemented with tractor (55%), helicopter (31%), and skyline (14%) logging systems. There would be no salvage harvest in RHCAs (Riparian Habitat Conservation Areas). No new system road construction is proposed. Several short, temporary roads are proposed to access a portion of 7 helicopter, 203 skyline and 97 tractor landings totaling approximately 0.7 miles. Approximately 59.4 miles of road maintenance would be required for haul routes.

For a more detailed description of Alternative 2 refer to the FEIS Vol.1, Chapter 1, and Chapter 2.

Alternative 3- Selected Alternative

This alternative was designed to minimize sediment delivery to Clear Creek and Easy Creek, which are habitat or tributary to habitat for threatened fish species, by avoiding salvage harvest on steeper slopes that burned severely (as mapped by the BAER team) on the uplands above Clear Creek and Easy Creek.

Alternative 3 was also designed to leave large snag patches (ranging from 100 acres to 570 acres) in order to better meet the needs of primary cavity excavators. The large snag patches would include the areas that burned severely on steeper slopes, as well as three additional areas. In salvage harvest units 1 to 2 snags per acre would still be retained but this is to meet future down wood needs rather than to meet snag requirements today.

Alternative 3 would capture the economic value of approximately 6.2 million board feet (MMBF) of dead and dying timber. The salvage harvest method would be implemented with tractor (64%), helicopter (24%), and skyline (12%) logging systems. As in Alternative 2, there is no RHCA salvage harvest, and there is no new system road construction proposed. Several short, temporary roads are proposed to access a

portion of the 5 helicopter, 132 skyline and 66 tractor landings totaling approximately 0.5 miles. Approximately 56.0 miles of road maintenance would be required for haul routes.

For a more detailed description of Alternative 3 refer to the FEIS Vol.1, Chapter 2.

Alternative 4

The focus of Alternative 4 was to provide a different snag management strategy. Alternative 4 was designed to leave higher levels of snag habitat distributed in a way that accommodates a broader range of cavity excavator species. An average of 13 snags per acre, ranging in size from 10" dbh to 21" dbh and greater, would be retained in all salvage harvest units.

Alternative 4 would capture the economic value of approximately 3.3 million board feet (MMBF) of dead and dying timber. The salvage harvest method would be implemented with tractor (66%), helicopter (28%), and skyline (6%) logging systems. As in Alternatives 2 and 3, there is no RHCA salvage harvest, and there is no new system road construction proposed. Several short, temporary roads are proposed to access a portion of the 5 helicopter, 22 skyline, and 66 tractor landings totaling approximately 0.2 miles. Approximately 48.0 miles of road maintenance would be required for haul routes.

For a more detailed description of Alternative 4, refer to the FEIS Vol.1, Chapter 2,

Alternative 5

Detailed consideration is given to an alternative considered but not analyzed in the DEIS (#3 Restoration Only) and developed into Alternative 5 in the FEIS (40 CFR 1503.4(a)(2)). There were numerous public comments on the DEIS requesting that this passive approach to management be fully analyzed in the FEIS and follow

recommendations contained in the Beschta Report. This alternative includes many of the restoration activities included in Alternatives 2, 3, and 4 but it does not include salvage of dead and dying trees. Essentially all snags 10" dbh and larger would be retained.

For a more detailed description of Alternative 5 refer to the FEIS Vol.1, Chapter 2.

Other Recovery Activities Outside FEIS

A number of other recovery actions outside of activities proposed in the FEIS have been or will be implemented through administrative decisions or ongoing projects. These include:

- Planting existing fire damaged plantations – approximately 650 to 680 acres were planted in 2003 and 2004 to restore conifer trees lost in the fire.
- Riparian planting in areas adjacent to Units 21, 22, 30 and 65 with conifer, hardwood and shrub species will speed the recovery of the riparian vegetation and overstory shade, and for future woody debris recruitment.
- Reconstruction of approximately three miles of fire damaged fences in the Reynolds Allotment.

Decision and Rationale

It is my decision to select Alternative 3 as the Forest Service recovery plan for the Easy Fire Recovery Project area.

During the decision process for this project, I realized that I would not be able to fully satisfy all public concerns, as many of them are mutually exclusive. I have selected an alternative that balances the need to reduce future fuel loading and promote recovery of the burned landscape while

capturing the economic value of the dead and dying trees. It also includes a practical restoration approach that reflects sensitivity to all the conflicting public concerns. In making this decision, I considered and balanced numerous factors. First, I had to determine if active or passive management was the best way to manage the area.

Active v. Passive Management

A concern that arose early in the process was how to manage a burned area. Scientific literature exists that could lead one to conclude either active or passive management may be best, depending upon circumstances. Beschta et al. (1995), suggested that “there is no ecological need for intervention on the post-fire landscape,” and that post-fire logging, reseeding, and replanting should be conducted only under limited conditions. The Beschta report also states that there is a lack of knowledge pointing to detrimental ecological effects of salvage harvest measured in association with any particular wildfire. Similarly, in his response to Beschta et al., Everett (1995) comments on the lack of good information, but states that the “custodial” approach advocated by Beschta may be in many cases less desirable than more active management because of the possible soil degradation in the absence of seeding, and because of possible fuel buildup in the absence of timber harvest. In reaching my decision, I have incorporated ideas presented by both Beschta and Everett and knowledge gained through project monitoring completed on the 1998 Malheur National Forest, Summit Fire Recovery Project.

The Easy Fire killed thousands of acres of trees that provided shade to streams; cover and forage for wildlife; timber for future harvest, as well as seed sources for new forests; and changed the scenery and recreation qualities many of you enjoyed prior to the fire. The sum of adverse ecosystem effects of the Easy Fire is almost immeasurable and many of these detrimental

conditions will not self-correct in an acceptable period of time. In my judgment, active management is necessary.

The Easy Fire burned at high intensity because of high fuel loads, dry fuel conditions, and a dense understory of ladder fuels across the landscape. These fuel loading are largely due to our past fire suppression efforts, timber harvest, and grazing practices. If some of the burned trees are not removed, there is a significant risk that: 1) future fuel loads will be just as high or higher than they were before the Easy Fire; and 2) another fire with similar or more devastating results will occur. If such a fire occurs, investments in recovery efforts and favorable gains in streamside shade, cover and habitat for wildlife, live root structures to hold soil in place, and scenery characteristics for recreationists would be lost.

Historically, the warm dry biophysical environment (about 30% of the project area) experienced somewhat frequent, low intensity, non-stand replacement fires (FEIS, Vol. 1, p. 83). It is important to reduce fuel loads in this biophysical environment to reduce the risk of future high severity wildfires and to move these areas toward desired conditions in which prescribed burning can be used in the future (20-30 years from now).

In the approximately 70% of the project area classified as cold dry, cool dry, and cool moist biophysical environments, fire was historically less frequent and of high severity (FEIS, Vol.1, pp. 81 and 82). It is also important to reduce fuel loads in these biophysical environments to reduce the risk of future high severity wildfires (which can result in severe damage to soils and vegetation). Prescribed burning will likely be used on some of the areas in these biophysical environments in the future (20-30 years from now).

In order to pursue active management, I have to make this decision now. Commercial salvage is the most practical option for removing trees 9” dbh and greater in skyline and tractor units and 12” and greater in helicopter units. This can only be accomplished while the material has commercial value. Two years after the fire, the commercial value of the majority of the smaller trees less than 9” dbh is already gone. If I had decided not to remove some of the material now, I would not likely be able to remove it later in a cost effective manner.

In weighing this decision, I considered fuel characteristics (amount, size, arrangement, continuity, and moisture content), likelihood of ignition, and impacts on soils during salvage harvest activities. Although the majority of the projected fuel loading in 25 years is material in the form of standing snags today, most of this material is expected to be on the ground about 20 years after the fire, and in a condition that could support an extremely severe wildfire (FEIS Vol.1, pp. 340-341). An extremely severe wildfire would likely kill or set back any riparian or coniferous vegetative recovery, again raising stream temperatures and sediment levels. Absent a source of ignition, high fuel loads would not be a problem. However, the Easy Fire area has incurred multiple wildfires per year: greater than 80 percent ignited by lightning. Based on these conditions, I concluded that active restoration is an appropriate course of action.

Implementing this decision will reduce fuel loadings of materials generally 9” and larger in diameter in skyline and tractor units and generally 12” and larger in helicopter units. In much of the fire area, heavy fuel loading of material 4 to 9” in diameter will still remain. Although this material is standing now, much of it will begin to fall over in the next 10-30 years. Additional site-specific fuel treatment needs, such as prescribed fire, may be identified

during that time period. These needs could be addressed through separate analysis of specific proposals. I have not included these actions as a part of the action alternatives, or as a part of this decision because I do not yet know which areas will surface as problems first (i.e., where on-the-ground fuel concentrations will occur first), and because I did not want to implement this additional resource-impacting activity until further watershed recovery has taken place.

Eventually, I would like to reduce fuel loadings to the point where fire can be returned to its natural role, especially within the warm dry biophysical environment. This would require that fuel loads be low enough to allow fire to burn through stands without severely damaging them. However, it is likely to be several decades before those reduced fuel loadings can be achieved.

I am confident soil impacts from ground skidding will be minimal and meet Forest Plan standards following the removal of dead and dying trees by using the design measures and mitigation identified in Chapter 2. Our past salvage harvest experience on similar soils conditions indicate a low sedimentation risk. This is based on monitoring information from ground skidding on fire damaged soils by our soil scientist on the Summit, Monument, and Flagtail Fires where soils conditions are similar. The monitoring indicates that skidding usually causes negligible soil export from salvage units, even after a fire (FEIS Vol.1, p. 309).

The Easy Fire Recovery Project alone will not bring about full recovery to the fire area. Future activities such as thinning timber stands, regulating cattle grazing, additional reforestation, obliterating old skid trails, and decommissioning roads will likely be needed.

After I concluded that active restoration was appropriate, I weighed the pros and cons of each alternative based on the significant issues listed above. Following is

a discussion of these issues and my conclusions.

Wildlife

The Forest Plan identifies 11 primary cavity excavator species as management indicator species (MIS) for the availability and quantity of dead and defect wood habitats. One of the more difficult issues to balance was the level of snags to be retained. Looking at the burned area today, there appear to be plenty of snags for wildlife needs. However, this is a short to mid-term condition lasting about 20 years (FEIS Vol.1, p. 341). Since the Easy Fire burned so hot and killed so many trees, once these snags fall over, there will be no replacement snags until the forest is re-established and reaches a size and age to provide snags. Even with reforestation, it is anticipated this will take over 140 years to grow a 21" dbh tree that can be converted into a snag. (FEIS Vol.1, p.159).

Snags are important for a number of primary cavity excavator species (FEIS Vol.1, pp. 132-165). The Malheur Forest Plan, as amended, requires enough snags be provided to support populations of cavity dependent species at 100 percent of their population potential across the landscape and, where available, green trees be retained to replace those snags when they fall over or are otherwise no longer suitable.

To evaluate the effects on snag and down wood habitat by each alternative, I considered the analysis information provided by the advisory tool known as DecAID, which estimates: 1) woodpecker use levels for various snag densities and sizes and 2) expected snag distributions for various forest types.

The DecAID modeling displays cavity excavator use or tolerance levels as an overall range for cavity excavator species (FEIS Vol.1, pp. 148-149, Tables TW-11 through TW-15). Values provide a relative difference between alternatives. Tolerance

levels have less to do with viability of species and populations, and more to do with the distribution of individuals across an area. The alternatives provide different levels of snag retention and distribution, and thus would affect woodpecker presence and distribution. I reviewed Tables TW-11 through TW-15 with Ken Schuetz, Acting Forest Wildlife Biologist and conclude the following about the alternatives. Alternatives 1 and 5 support most primary cavity excavators at the 30% to 50% tolerance level or better. Alternatives 2, 3 and 4 support most primary cavity excavators at the 30% to 50% level. Alternatives 1 and 5 provide the most habitat for these species, followed by Alternative 4, and then Alternative 3. Alternative 2 reduces the most habitat, and is the least favorable to dead wood associated species (FEIS Vol.1, p. 164).

The Easy analysis also compares snag distributions for each alternative to snag distributions in DecAID. In the ponderosa pine/Douglas fir forest type and lodgepole forest, all alternatives leave more snags at the landscape level than are expected for these forest types under more typical fire regimes. Therefore, the inventory data suggests that reduction in snag levels or woodpecker use levels could be balanced against other resource needs while still providing sufficient habitat for wildlife species.

For all snags greater than 10" dbh, Alternative 2 may come closest to mimicking the DecAID snag distributions, followed by Alternative 3, and then Alternative 4. For snags greater than 20" dbh, Alternative 2 comes closest to mimicking the distribution in DecAID, followed by Alternative 4 and then Alternative 3. Because Alternatives 1 and 5 do not harvest 10" dbh snags, snag densities are highly elevated compared to the distributions in DecAID.

A further comparison is the amount of acres of suitable habitat protected, in either

“reserve patches” specifically established for woodpecker species or non-salvage areas established for other reasons, e.g. Riparian Habitat Conservation Area (RHCA) protection or low economic viability. These areas are particularly important to species such as the black-backed and three-toed woodpeckers that may use un-logged burn areas as source habitats to maintain populations across the landscape. Alternative 1 (the No Action Alternative) and Alternative 5 (no salvage activities) would maintain snag habitats across the entire fire area. Currently, about 4,759 untreated acres (82% of the project area) provide natural post-burn snag levels in the project area. Under Alternative 2, about 2,701 acres (46%) of burned forested habitat will not be treated in the project area. Under Alternative 3, about 3,139 acres (54%) of burned forested habitat will not be treated in the project area. Under Alternative 4, about 3,536 (61%) acres of burned forested habitat will not be treated in the project area.

All alternatives will maintain populations of primary cavity excavators; however, Alternative 3, in general, provides better habitat for black-backed woodpeckers and three-toed woodpeckers. Five large patches (100 acres or greater) are retained specifically to provide better habitat for these species. Black-backed and three-toed woodpeckers tend to select nest sites with the highest snag densities and the least amount of logging. While Alternative 4 has a higher number of unharvested acres, the additional acres would not have the high snag densities preferred by these species. Alternative 2 distributes snags more uniformly across the landscape but at much lower snag densities than are used by these species.

My selection of Alternative 3 balances the need to reduce fuel loading and retain snag habitat. Alternative 3 will retain 54% of the burned forest snag habitat, which is midway between Alternatives 2 and 4. By leaving the snags in large patches, there is

also less risk under Alternative 3 versus Alternatives 2 and 4 that the retained snag habitat may be cut since logging crews are separated from these potential hazard trees and the snags will be less susceptible to wind throw.

Water Quality/Fish Habitat

A concern expressed in response to the proposed Easy Fire Recovery Project is the risk of increasing sedimentation and temperature to nearby streams occupied by federally listed fish and their habitat through salvage logging.

Sedimentation

In my decision, I considered a number of factors related to the risk of sediment from salvage activities. These include: the total level of activity (e.g., how many acres are being salvage harvested or acres of ground skidding); the logging systems to be used and associated mitigation; the location of activities relative to stream channels; burn severity; and the erosion hazard and other soil characteristics of the lands being salvaged.

Alternatives 1 and 5 do not include salvage logging or ground disturbing activities and does not present any risk of activity-related sediment, however they do not meet the purpose and need to reduce fuel loading or to recover the economic value of the burned timber. Additionally, Alternative 1 would not provide for current maintenance needs.

Alternatives 2, 3, and 4 include somewhat different levels of helicopter, skyline, and tractor yarding. There is no significant difference between salvage alternatives as far as acres of tractor yarding in moderate to high BAER burn severity. However, Alternative 3 has the fewest acres of harvest (all yarding methods) that are within close proximity to tributaries of Clear Creek (the only fish bearing stream within in the project area) and Easy Creek (directly tributary to a fish bearing stream) at 56

acres. (FEIS Vol.1, p.312, Table S-9c). This will result in less risk of downstream sedimentation impacts. Alternative 4 is next with 232 acres, followed by Alternative 2 with 261 acres. Alternative 4 would have the fewest acres affected by tractor yarding, but does not meet the purpose and need to reduce fuels as well as Alternatives 2 or 3. Alternative 2 has the most acres of tractor yarding.

There is no RHCA salvage prescribed in any of the alternatives. Soil disturbance resulting from harvest activities outside RHCA's using helicopters, skyline, or tractors will not likely result in a significant increase in erosion or sedimentation risk to nearby streams. Erosion rates from the fire area are likely to be similar for the all the alternatives..

Average proximity of units to listed fish bearing streams on high BAER burn severity, moderate slopes was compared between the alternatives. Alternative 3 has no harvest units located predominantly on moderate slopes that burned at predominately high BAER severity, and only 22 such acres overall, so it would have the lowest risk of sedimentation to fish bearing streams. Alternative 4 is next, with an average unit distance of 0.8 miles from listed fish bearing streams and 92 acres. Alternative 2 had the closest average distance at 0.55 miles and the highest total acres of harvest on high BAER severity, moderate slopes at 136 acres.

I selected Alternative 3 because it limits the risk of erosion and increased sedimentation to nearby streams during salvage harvest, and best meets fuels and economic objectives.

Stream temperature

Clear Creek, within the project area had elevated stream temperatures prior to the fire, and did not meet State Water Quality Standards for temperature (FEIS Vol.1, p.

287). Three other streams outside the fire area, but within the potentially affected area, also had elevated stream temperatures. In some instances, stream temperatures may naturally be above thresholds. In other instances, elevated temperatures may have been the result of prior harvest activities, livestock or wildlife grazing, road construction, or a combination of these activities. A relatively small portion of the RHCA for Clear Creek burned in the fire (about 17%). Intermittent streams and ephemeral channels were the channels most affected by the fire. The RHCAs for these channels have extended buffers. There is no proposed harvest in any RHCAs in any alternative. Therefore, stream temperatures would not likely be affected by proposed activities in any alternative. In addition, the quantity of sediment required to fill in channel habitats and widen streams causing decreased depth, increased thermal radiation, and increased stream temperature will also not be generated with proposed activities in any alternative. (FEIS Vol.2, p. 218).

Soils

In deciding whether or not to actively pursue salvage harvest, reducing the potential for soil erosion and maintaining soil productivity were important considerations from the very beginning of our recovery planning effort. To avoid erosional impacts, helicopter yarding was proposed for certain areas surrounding tributaries of Clear Creek and Easy Creek in all three salvage alternatives. Helicopter logging would result in insignificant (less than 1%) amounts of displacement. It was also recognized that harvest in areas with moderate to high BAER burn severity in close proximity to stream courses would be a higher risk factor for sedimentation in streams.

Temporary roads for all three salvage alternatives are located in areas with low risk for erosion (one is on a ridgetop and the

other is re-opening of a decommissioned road). Temporary road miles range from 0.2 to 0.7 miles for the three salvage alternatives.

The ground skidding proposed for Alternatives 2, 3, and 4 was thoroughly analyzed to ensure the risk of surface erosion is minimized. Tractor yarding and grapple piling would increase detrimental soil conditions by 5 to 8%. The cumulative detrimental soil impacts from tractor logging will be at or below the 20% standard identified in the Forest Plan for all three salvage alternatives. This standard is appropriate for the soils found in the project area (FEIS Vol.1, pp.289, 290, 321, and 322).

If my only objective were to eliminate any potential of harvest-related soil disturbance and complete only the restoration proposals, I would have selected Alternative 5. Alternative 5 would not salvage dead and dying trees nor construct any temporary roads. Alternative 5 affords soils a high degree of protection, with a 2% increase in detrimental soil impacts. However, I did not select Alternative 5 because it does not respond fully to the purpose and need for action to recover the potential value of fire-killed and dying trees. It also does not reduce potential fuel loading in the 9" diameter and larger size classes, which are the size of fuels that most contribute to future fire severity.

Alternative 1 (No Action) would provide the highest level of down woody material for soil productivity and would not generate any harvest-related soil disturbance. However, the watershed condition class would improve more slowly under Alternative 1 than under the action alternatives. I did not select this alternative because trees would not be planted, increasing the length of time to establish ground cover, and fuels would not be reduced, which would increase the risk of future severe fires, resulting in damage to soil resources.

In selecting Alternative 3, I have provided a balanced approach for managing the recovery area. This alternative provides for the salvage of dead and dying trees, minimizes potential downstream sedimentation, revegetates the area, reduces the fuel loading, and reduces road-related impacts (FEIS, Vol. 1, p. 3 - 4). Alternative 3 does the best job of responding to all the elements of the purpose of and need for action while providing a high level of protection for all resources, including soils.

Fuels

In my decision, I considered a number of factors related to fuel loading, fuel reduction opportunities, projected future fire effects at different fuel loadings by alternative. Alternatives 1 and 5 would not reduce potential future large diameter fuel loadings, which would not meet current Forest Plan direction and would increase the risk of a future high-severity wildfire. Alternatives 2, 3, and 4 would reduce potential future (approximately 25 years) fuel loadings of material greater than 9" diameter to desired levels within salvage units. The desired range for fuel loading in the greater than 9" diameter class is 5 to 25 tons per acre. Fuels larger than 9" diameter have a greater influence on future fire severity than fuels less than 9" diameter. For this reason, the salvage alternatives (Alternatives 2, 3, and 4) would lead to lower fire severity of future wildfires in the project area. Only Alternatives 2 and 3 would reduce fuel loadings of material greater than 9" diameter to desired levels when averaged across the entire Easy Fire Project Area.

Alternative 3 would reduce fuel loadings greater than 9" diameter within treatment units slightly more than Alternative 2 (5 tons per acre for Alternative 3 and 6 tons per acre for Alternative 2) because it leaves the least amount of snags within units. Alternative 4 leaves the highest density of snags within units and would have the highest fuel loading within treatment units (17 tons per

acre) of the three salvage alternatives. When fuel loading is averaged across the entire project area, Alternative 2 reduces fuel loading in greater than 9" diameter the most because it harvests the most acres. Alternative 3 is next, followed by Alternative 4.

I selected Alternative 3 because it reduces fuel loadings in treatment areas to a level which would lead to moderate to high fire severity in a future wildfire event, which is a reduction from the extreme severity expected under No Action, while maintaining snag patches, sufficient snag habitat and minimizing tractor harvest on moderate slopes with high BAER burn severity.

Socio-Economics

Recovering the value of fire-killed and dying timber is important for several reasons. First, capturing the economic value of this timber can help offset the cost of fire-related restoration projects such as fuels reduction and maintenance of roads to limit the risk of sedimentation. Second, providing a viable timber sale is important to the local community by providing job opportunities and personal income. While I recognize the importance of economic considerations, and in particular the importance of forestry and forest products in the local economy, it is important to balance the need to promote recovery.

The No Action alternative does not meet the purpose and need to provide economic benefits to local communities by harvesting a portion of the fire-killed trees or by initiating long-term recovery, and so I did not find it to be an acceptable alternative (FEIS Vol.1, pp. 355-362). Alternative 2 would provide the highest level of jobs and personal income and has the highest present net value followed closely by Alternative 3. I did not select Alternative 2 because it would present a potentially greater impact to fish habitat than either Alternatives 3 or 4. Alternative 4 has the lowest level of job and

present net value of the three harvest alternatives. Alternative 5 would not provide timber harvest-related employment or income, and would not meet the purpose and need to capture economic value of the dead timber by harvesting a portion of the fire-killed trees. All action alternatives including Alternative 5 would generate jobs associated with restoration activities such as tree planting, snag falling, and other projects.

Ultimately, in selecting an alternative, economic considerations were important in trying to maintain a viable sale, but were otherwise largely overshadowed by resource considerations. In accelerating ecosystem recovery of the Easy Fire area, I view a timber sale principally as a tool to accomplish resource objectives. My decision to implement Alternative 3 reflects this viewpoint: leaving larger un-harvested areas on the steeper, severely burned slopes in the Clear Creek tributaries and along Easy Creek to reduce the risk of adverse impacts to streams and aquatic resources; reducing future fuel potential loading; using helicopter logging on steep slopes to protect soils and water quality; and retaining over 5 un-harvested blocks larger than 100 acres for snag habitat. These components of Alternative 3 all tend to reduce the harvest volume and value of the salvage sale (and thus its economic contribution), but they are also components that I believe will add substantially to the success of the recovery effort.

Other Public Concerns

In addition to the significant issues, concern was expressed during the public scoping and in the comments on the DEIS about salvage harvest within unroaded areas, closure of open roads to motorized vehicles, and the salvage harvest of both dead and dying trees.

Unroaded Areas

Three unroaded areas of various sizes ranging from 1,800 to 2,300 acres were identified by the public that are either within or partially within the project area. There are no inventoried roadless or designated wilderness areas within or contiguous the project the area.

The IDT carefully analyzed these unroaded areas identified by the public (FEIS Vol.1, pp. 414 to 423) for special management consideration based on current Forest Service direction. This analysis indicated that these unroaded areas did not contain roadless characteristics suitable for future consideration as a roadless area. I do not feel we are limiting any future management options with salvage harvest in these areas.

Road Closures

In deciding whether to leave all the roads open or close some roads, I considered the concerns of a variety of users and the impacts of the existing roads on water quality and wildlife habitat. The obvious benefits of leaving all roads open include allowing the maximum access for recreationists, providing current access for range permittees, and maintaining the current administrative access for future resource management. The adverse impacts of leaving all the roads open include water quality problems associated with sediment production from roads, reduction of big game security, and increased risk of noxious weed spread by motorized vehicles. In balancing these needs and impacts, I selected Alternative 3. Alternatives 2, 4, and 5 included this same closure.

Approximately 5.2 miles will be changed to a year-long gated closure from the current seasonal closure. This road can be opened when the need arises. I believe the small incremental change in road closures will have little effect on public access yet increase security for big game, particularly

given the high loss of hiding cover due to the fire.

Salvage of Dead and Dying Trees

A number of public comments were received relating to our proposal to include the harvest of both dead and dying trees. The concerns were raised that many of these dying trees could survive and should be retained. From the beginning of the project, our silviculturists worked closely with Forest Service scientists from the Blue Mountains Pest Management Center in LaGrande, Oregon to assess which of the fire damage tree were likely to survive. These scientists have developed a rating system that provides an aid in making these survival determinations. (FEIS, Vol.1, pp. 24, 25, and 78) This group from the Pest Center also spent time in the field with the silviculturists on the Easy project area to review some of the damaged stands and evaluate the rating system. I am confident that by using this rating system that those trees likely to survive will be retained.

Changes in Environmental Conditions and DecAID Analysis between the Draft and Final EIS

I need to explain changes that developed after the DEIS was completed, which resulted in dropping half or more of the proposed harvest units in Alternatives 2, 3, and 4. The alternatives were modified to reflect updated field information and incorporate reclassification of forest types used to evaluate snag levels. The updated field information showed that some units had lower levels of tree mortality than originally estimated and that some units that had burned severely had deteriorated over the last two years. Timber harvest would be uneconomical in those stands where mortality levels are low and in areas where deterioration of the dead trees over the last two years was severe. A number of forested stands were reclassified as lodgepole pine due to effect of severe fire on mixed conifer

stands. The remaining mixed conifer stands (approx. 840 acres) were dropped because salvage harvest would have reduced snag levels well below the snag recommendations in DecAID. These mixed conifer stands were retained as snag habitat. (FEIS, Vol.1, pp.135-137).

In Alternative 2 these changes resulted in a 52% reduction of the number of acres proposed for salvage harvest. This reduction was due to low tree mortality (14%), deterioration of the dead trees (5%), and retention of snags in mixed conifer stands (33%). For Alternative 3 the reduction in harvest would be 18% - low mortality; 6% - deterioration; and 30% - snags; totaling 54%. For Alternative 4 the reduction would be 15% - low mortality; 6% - deterioration; and 41% snags; totaling 62%. A unit by unit summary for each alternative can be found in the Project File (Changes DEIS to FEIS, 08/12/2004)

Cumulative Effects from Ongoing and Proposed Activities

In selecting Alternative 3, I directed the IDT to consider the likely effects of past, present, and future activities (FEIS Vol.1, p. 75 and 76) in combination with the proposed activities of the Easy Fire Recovery Project within the Upper Middle Fork John Day River and Upper John Day River watersheds. Livestock grazing was a special concern in many of the DEIS comment letters. The cumulative effects of grazing were thoroughly analyzed in respect to seedling survival, effects on sedimentation, fish habitat, sensitive plants, noxious weed spread, and water quality. Grazing practices will follow the Post-Fire Grazing Guidelines (FEIS Vol.2, Appendix H). Following these procedures, cumulative effects will be minimal as described in the FEIS.

The large number of other ongoing and proposed actions contributed to my decision

to select a balanced resource protective alternative, even though the actual analysis of effects (FEIS, Chapter 3) did not indicate significant cumulative effects.

Consultation/Conferencing with USFWS and NOAA Fisheries

Aquatic Species

All alternatives are consistent with the Endangered Species Act (FEIS Vol.2, Appendix F, Aquatic Species Biological Evaluation and Appendix G, Biological Assessment (BA) and Letters of Concurrence). All alternatives will have **NLAA** (May affect, but is not likely to adversely affect individuals or habitat) determinations on bull trout and summer steelhead and will not adversely modify proposed critical habitat for bull trout. Both species are federally listed as threatened and known to inhabit the area.

Letters of concurrence were received on the on the effects determinations for Alternative 3 on both bull trout and summer steel as described in the BA from NOAA Fisheries (January 16, 2004) and U.S. Fish and Wildlife Service (USFWS) (December 22, 2003).

Terrestrial Wildlife

All alternatives are consistent with the Endangered Species Act (FEIS Vol.2, Appendix D, Wildlife Biological Evaluation). All alternatives will have **No Effect** on lynx, bald eagles, or gray wolves. Based on these effect calls, consultation with the USFWS was not necessary.

Plants

Surveys show there are no known federally listed threatened or endangered plant species within the project area. No consultation with the regulatory agencies such as the USFWS was needed.

Legal Requirements and Policy

In reviewing the EIS and actions involved in Alternative 3, I have concluded that my decision is consistent with the following laws and requirements:

The Preservation of American Antiquities Act, June 1906

All surveyed and inventoried cultural resource sites in the Easy Fire Project area will be protected from entry and excluded from any resource management activities. New sites discovered during operations will be protected by provisions in the timber sale contract (C6.24#).

The National Historic Preservation Act: The Oregon State Historic Preservation Officer (SHPO)

SHPO has been consulted concerning proposed activities in the Easy Fire Project area. The Advisory Council on Historic Preservation (ACHP) will be consulted about measures to protect significant archaeological sites from adverse affects, should any be identified.

The National Environmental Policy Act (NEPA), 1969

NEPA establishes the format and content requirements of environmental analysis and documentation, such as the Easy Fire Recovery Project. The entire process of preparing an environmental impact statement was undertaken to comply with NEPA.

The Endangered Species Act of 1973, as amended

Biological Evaluations have been prepared to document possible effects of proposed activities on endangered, threatened, and sensitive species in the Easy Fire area. Appropriate coordination, conferencing, and consultation with USFWS have been completed (See previous section

of ROD, Consultation/ Conferencing with USFWS and NOAA Fisheries).

Clean Air Act Amendments, 1977

The Selected Alternative is designed to meet the National Ambient Air Quality standards through avoidance of practices that degrade air quality below health and visibility standards. The Oregon State Implementation Plan and the Oregon State Smoke Management Plan will be followed to maintain air quality (FEIS Vol.1, p.349).

The Clean Water Act, 1982

The Selected Alternative will meet and conform to the Clean Water Act as amended in 1982. This act establishes a non-degradation policy for all federally proposed projects (FEIS Vol.1, p.287 - 288). The Selected Alternative meets anti-degradation standards agreed to by the State of Oregon and the Forest Service, Region 6, in a Memorandum of Understanding (Forest Service Manual 1561.5). This will be accomplished through planning, application, and monitoring of Best Management Practices (BMPs). Site-specific BMPs have been designed to protect beneficial uses.

Satisfaction of State Forest Worker Safety Codes

The Oregon Occupational Safety and Health Code for Forest Activities (OAR 437, Division 6) regulations will be met when the Selected Alternative is implemented. Salvage strategies are designed to provide for worker safety by providing for appropriately sized openings to facilitate safe operation of yarding equipment or by clumping dead trees that are retained.

Environmental Justice

Executive Order 12898 on environmental justice requires federal agencies to identify and address any disproportionately high and adverse human health or environmental effects on minority and low-income

populations. The analysis focuses on potential effects from the project to minority populations, disabled persons, and low-income groups. Under Alternative 1 (No Action), all current uses of the National Forest System lands would continue, including recreation, harvesting of non-timber forest products, special-use permits, subsistence uses, and spiritual/aesthetic uses. Effects to minority populations, disabled persons, and low-income groups would not be disproportionate with other users of the National Forest System lands.

Implementing Alternatives 2, 3, 4 and 5 provide a variety of opportunities for potential contracts. The alternatives would have no impact on the contracting process or the USDA Small Business Administration program for reserving contracts for minority groups for tree planting, precommercial thinning, and road restoration. Employment and income would be available to all groups of people, subject to existing laws and regulations for set-asides, contract size, competition factors, skills and equipment, etc.

Opportunities for all groups of people to collect species from disturbed and non-disturbed sites would be maintained by all alternatives, and no disproportionate effect is anticipated to subsets of the general population.

None of the alternatives would have disproportionately high and adverse environmental effects on minority populations, low-income populations, or Indian tribes.

Other Policy or Guiding Documentation

Biological Evaluations were prepared to assess potential effects to sensitive species as identified by the Regional Forester. This evaluation for aquatic species, plants and terrestrial wildlife determined that while there may be impacts to individual sensitive species, those effects are not likely to

contribute to a trend towards federal listing or loss of viability of the population or species.

The Malheur National Forest Land and Resource Management Plan, as amended, provided the framework for the development of all the alternatives.

I have reviewed the scientific assessment from the Interior Columbia Basin Ecosystem Management Project (ICBEMP) and have incorporated principles from it. My decision was based on using active management to restore a burned area that is not capable of self-correcting in a time period I find acceptable.

Public Participation

The NEPA scoping process (40 CFR 1501.7) was used to invite public participation, to refine the scope of this project, and to identify preliminary issues to be addressed. The Forest Service sought information, comments, and assistance from Federal, State, and local agencies, the tribes, and other groups and individuals interested in or affected by the Proposed Action. The scoping period lasted 30 days. The public was provided opportunities to participate in the Easy Fire Recovery Project (FEIS Vol.1, pp.29 and 30).

A DEIS was distributed for comment to the tribes, the public, and other organizations and agencies in October 2003. In response to the DEIS, 10 comments were received in a timely manner (FEIS Vol.1, pp. 30 and 427). Responses to these comments are found in Appendix I of the FEIS Vol.2.

The Environmentally Preferable Alternative

Under the National Environmental Policy Act, the agency is required to identify the environmentally preferred alternative (40 CFR 1505.2(b)). This is interpreted to mean the alternative that would cause the least damage to the biological and physical

components of the environment, and, which bests protects, preserves, and enhances, historic, cultural, and natural resources (Council on Environmental Quality, *Forty Most Asked Question Concerning CEQ's National Environmental Policy Act Regulations*, 46 FR 18026). Factors considered in identifying this alternative include: (1) fulfilling the responsibility of this generation as trustee of the environment for future generations, (2) providing for a productive and aesthetically pleasing environment, (3) attaining the widest range of beneficial uses of the environment without degradation, (4) preserving important natural components of the environment, including biodiversity, (5) balancing population needs and resource use, and (6) enhancing the quality of renewable resources.

In the case of the Easy Fire Recovery Project, I have determined that the environmentally preferable alternative is Alternatives 3 based on these six factors.

Long-term, Alternative 3 combines the best fire restoration activities with the lowest risk of additional watershed damage to protect this fragile environment for future generations. Salvage harvest reduces potential down fuels with the fewest acres of harvest within close proximity to tributaries of Clear Creek and Easy Creek, has no harvest units located predominantly on moderate slopes that burned at predominantly high BAER intensity, and includes a large amount of tree planting. In the short term, the No Action alternative and Alternative 5 offer the least risk of sedimentation that effects water quality but does nothing to reduce severity of future fires since there is no salvage harvest. Alternatives 4 has fewer acres of harvest than Alternative 3 and leaves more snags for wildlife within units, but has a greater risk of sedimentation due proximity of units to tributaries of Clear Creek and Easy Creek and due to units on moderate slopes with high BAER burn severity that are in close

proximity to fish bearing streams. Alternative 2 provides the highest sedimentation risk. All the alternatives maintain the aesthetic visual integrity standards in the Forest Plan, and provide a safe environment in the short-term. Long term as the dead trees fall to the ground near open roads, the risk to public safety will increase the most with Alternatives 1 and 5 since no salvage harvest would occur along roads. During high winds, the trees could blow over on vehicles or dispersed recreation sites, though this is a low probability. Alternative 2, 3, and 4 equally minimize this safety risk. Alternatives 2, 3, and 4 plant and reforest a higher percentage of the area, thereby restoring the aesthetics and productivity of the burned area at a faster rate.

Alternatives 3 and 4 utilize the dead and dying timber for beneficial economic uses, provide long-term benefits of fuels reduction and reforestation activities, include less environmental risks, and provide for wildlife needs. Alternative 3 increases the likelihood the large snag patches will be retained longer by separating the logging crews from the potential hazard trees and providing protection from wind throw. Alternatives 1 and 5 retain all the dead and dying trees that in the short to mid-term are providing the best beneficial wildlife snag habitat use but do not address long-term fuel reduction.

Preservation of the known cultural resource sites is also an important factor. Since no activities are proposed under Alternative 1, it offers the best protection of the three identified cultural resource sites within the project area. Alternative 2, 3, 4, and 5 strictly avoid ground disturbance to these sites that also provides adequate protection.

The balancing of population and resource use needs is similar for Alternatives 2, 3, and 4. Alternative 2 and 3 provide the greatest economic value from the dead and dying timber by providing jobs and logs to timber companies while still protection the

environment. Alternative 4 captures less economic value but provides a higher level of snags within harvest units. Alternatives 1 and 5 do not capture the economic value of dead and dying timber.

The quality of the forested landscape will be improved in Alternatives 2, 3 and 4 by promoting the recovery of burned forest by planting the most acres and reducing future potential fuels.

In conclusion, upon full consideration of the elements of Section 101 of NEPA, Alternative 3 represents the environmentally preferable alternative for the Easy Fire Recovery Project.

Design Measures/Mitigation Measures

Design measures and mitigation are site-specific management activities designed to reduce the adverse impacts of timber harvest and associated activities. These measures will be implemented through project design and layout, contract specifications, contract administration, and monitoring by Forest Service officers.

As part of my decision, I am choosing to implement these design and mitigation measures identified in the FEIS (FEIS Vol.1, pp.61-67). I am confident that these selected measures will adequately prevent adverse effects for the following reasons: the selected mitigation measures are practices we have used successfully in the past; they are State-recognized best management practices for protecting water quality; or they are based on current research (e.g., the snag management approach). I have decided to monitor the implementation of these measures and, in some instances, to monitor their effectiveness, as described in the following section.

Monitoring

Monitoring of the Easy Fire Recovery Project is designed to accomplish three purposes: 1) to assure that all aspects of the

project are implemented as intended; 2) to determine, for certain critical activities, that the effects of the activities are consistent with the intent; and 3) to allow adaptation if it is found that activities are not being implemented correctly or are not having the desired effects. For example, if monitoring watershed conditions indicates unexpected or excessive sediment transport to streams, the result of that monitoring would be used to add more mitigation, such as additional sediment traps; implement seasonal or emergency closures; or modify or delay activities. Additional details of the monitoring items are found in the FEIS Vol.1, p. 68.

Forest Plan Consistency

While I believe Alternative 3 to be consistent with long-term management objectives as discussed in the Malheur National Forest Plan, there are two aspects of Alternative 3 that are inconsistent with existing standards and guidelines. In order to permit prompt and necessary fuels reduction activities, I have decided to amend two Forest Plan standards for this specific project:

1. Snag distribution will not be on a 40-acre basis.
2. Identify new Designated Old Growth areas.

Nonsignificant Forest Plan Amendment #58

The purpose of the nonsignificant amendment is to allow for short-term management activities that are not consistent with current Forest Plan direction for snag distribution and dedicated old growth designation.

Snag Distribution

Alternative 3 would include the following site-specific, nonsignificant amendment to Forest Wide Standard and Guideline #39. Snags will be aggregated in large untreated

snag patches rather than on a 40-acre block basis as required by Standard and Guide #39. Alternative 3 was designed specifically to leave higher levels of snag habitat and in a distribution pattern designed to increase cavity excavator habitat for species such as the black-backed woodpecker.

Dedicated Old Growth

Post-fire, there is essentially no mature or old growth habitat remaining that meets pileated woodpecker, pine marten or three-toed woodpecker habitat requirements based on the current Forest Plan guidelines. The DOG and ROG 364 areas are no longer functioning as old growth. Stands have been converted to understory re-initiation (UR) and stand initiation (SI) structural stages.

Alternative 3 was designed, in part, to replace Dedicated Old Growth (DOG) and Replacement Old Growth (ROG) that is now unsuitable due to the fire. It is my decision to amend Management Area designations to relocate DOG and ROG 364 to an area outside the fire perimeter and convert the original acres in DOG/ROG 364, now Dedicated Old Growth and Replacement Old Growth, Management Area 13 to General Forest, MA-1. The current and new locations of the DOGs and ROGs can be seen in FEIS Vol.1, Map Section, Figure 9.

Table 1.1 identifies the total change in re-delineation of the DOG and ROG. The changes would convert Management Area 13 (Old Growth) to Management Area 1 (General Forest) in the old areas and convert Management Area 1 to Management Area 13 in the new areas. The new DOG will be the same acreage as the former DOG (393 acres). The new ROG will be 547 acres while the former ROG was 237 acres. This will be a net gain of 310 acres of ROG.

The increase in the ROG will provide a connection between the connectivity corridor that follows Clear Creek through the center of the fire area and the corridor to the west of the fire. This will allow for

wildlife movement around the fire area. The structural forest stages needed for this old growth habitat is generally old forest multiple strata (OFMS) and young forest multiple strata (YFMS).

Table 1.1 Total Acres of DOG and ROG (Current and New)

Designation	Current (Acres)	New (Acres)	Net Change (Acres)
Dedicated Old Growth 364	393	393	0
Replacement Old Growth 364	237	547	+310
Total	630	940	+310

Determination that the Forest Plan Amendment is Not Significant Under NFMA

I have determined that this amendment is not a significant amendment under the National Forest Management Act implementing regulations [36 CFR 219.10(f)]. In reaching this conclusion, I considered the following factors [from Forest Service Handbook (FSH) 1909.12]:

Timing - A change is less likely to result in a significant plan amendment if the change takes place after the plan period (first decade). The proposed changes are taking place after the first decade of the current 1990 plan, but will be enacted before the next scheduled revision. The next scheduled revision of the Malheur Forest Plan has begun with an anticipated completion date of 2007. Therefore, the timing of the two changes in this amendment is not significant because of how late this change is occurring under current Forest Plan direction.

Location and Size – The smaller the area affected, the less likely the change is to be a significant change to the Forest Plan. The Easy Fire impacted 5,682 acres on the

Malheur National Forest (1,467,473 acres). The snag distribution portion of the amendment affects 1,298 acres that are in harvest units in the Easy Fire Project Area or less than 0.1 percent of the National Forest System Lands covered by the Malheur Forest Plan. The snag distribution analysis was done using the DecAID tool. It is unlikely that application of information in DecAID in the Easy Fire area will lead to a blanket snag strategy applied uniformly over the Forest. Snag prescriptions are based on site-specific information such as biophysical environment, productivity and capability of the land to produce trees, and existing snag levels and distribution at the landscape level. Changes in any of these variables would result in a different snag prescription. For example, in a non-fire situation in dry forest types, the snag levels would likely be much lower. This amendment is nonsignificant because it applies only to this fire area and each situation requires a site-specific application.

This amendment will not change the total acreage of DOG, but it will increase the total acreage of ROG by 310 acres. The result is a total increase of 310 acres in MA 13 (see table 1.1). The new ROG is larger than the former ROG so that it can provide a connection between the connectivity corridor that follows Clear Creek through the center of the fire area and the corridor to the west of the fire. This will allow for wildlife movement around the fire area.

Goals, Objectives, and Outputs - An action is more likely to be a significant Forest Plan 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 amendments are part of my decision to accelerate recovery of the fire area, and do not change any goals and objectives stated in the Forest Plan.

Leaving un-harvested snags patches across the fire area will better meet the

needs of burned habitat dependent species. The use of DecAID provides a strategy for this area that uses site-specific data and results in a prescription that is tailored to the capabilities of the plant association groups found in the fire area. This strategy provides better habitat for black-backed and three-toed woodpeckers due to the high densities of snags remaining. The designated snag retention areas provide the high densities of snags in large patches that these species need (FEIS, Vol. 1, p. 164).

The manipulation of DOG and ROG will implement the direction found at IV-105 in the Forest Plan. The decrease of General Forest acres (MA 1) by 310 acres from the current total of approximately 544,338 is about a 0.06 percent Forest-wide acreage change. The increase of Replacement Old Growth acres (MA 13) by 310 acres from the current total of approximately 80,121 is about a 0.4 percent Forest-wide acreage change.

There is a relationship between MA 1 acres and the allowable sale quantity (ASQ) under the current Forest Plan; however, the decrease in acres does not mean that there will be a corresponding decrease in ASQ. The Forest Plan does allow scheduled timber harvest in ROGs that “maintain or enhance the capability of timber stands to provide suitable old-growth habitat in the future” (Forest Plan, page IV-106).

I have also considered the decreases of MA1 and increases of MA 13 of this decision in relation to the cumulative effects of the changes from the previous 57 amendments to the Forest Plan. The Forest Plan estimated 553,053 acres of MA 1 in its original decision. With this decision, cumulatively there will be approximately 544,028 acres of MA 1. This is approximately a 1.6 percent cumulative change in MA 1. The Forest Plan estimated 72,690 acres of MA 13 with this decision, there will be approximately 80,431 acres. This is approximately an 11 percent cumulative change in MA 13. As the Chief

determined in his September 10, 1984 appeal decision for the San Juan and Grand Mesa, Uncompahgre and Gunnison National Forest plans, there is no assurance that projected Forest Plan outputs will occur due to limitation of modeling, changes in law and regulations, changes in economic conditions, changes in budgets, site-specific conditions, and other situations. Therefore, this decrease of MA 1 and increase of MA 13 is an insignificant change to the potential timber output or other services for the Malheur National Forest.

Management Prescriptions - 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 3 is just for this project. The changes would not affect future actions. The change in snag densities applies only to this planning effort. The changes would not affect future action and meets the desired future conditions for snag habitat by providing conditions that more closely resemble levels found in these plant association groups. Although the changes to the DOG and ROG will apply to future management in and immediately adjacent to the planning area, it will not alter the desired future condition of the land and resources, standards and guidelines, or the anticipated goods and services to be produced. The decision complies with Forest Plan standards for MA 13. It will also contribute to Forest Plan goals to maintain or enhance ecosystem functions and provide connective and old growth habitat for old growth dependent species. The planned activities will not detract from or jeopardize any of the Forest Plan goals because of the small magnitude of change, about a 0.06 percent increase in MA 1 acreage and a 0.4 percent decrease in MA 13 Forest-wide. This change is insignificant.

Other Factors - After review of the environmental impact statement and project record, I have determined that there are no other factors or unique circumstances

affecting the Forest Plan from this amendment.

Since I have determined that there is not significant change based on the factors, I conclude that this amendment is not a significant change to the overall Forest Plan direction as defined in the 1990 Malheur Land and Resource Management Plan and its Record of Decision, as amended. Therefore, an environmental impact statement for a forest plan revision following the 10 step planning process found at 36 CFR 219.12 does not need to be prepared.

Consistency with NFMA Requirements

In all other respects, I find this decision to be consistent with the Malheur Forest Plan and with the requirements of the National Forest Management Act implementing regulations; specifically:

Silvicultural Practices

In Alternative 3, there is no timber salvage on lands classified as unsuitable for timber production. Forest Plan amendment #58 (described above) makes this possible by re-designating areas of MA-13 (classified "unsuitable"), and allowing harvest in previously unsuitable areas. Alternative 3, in conjunction with Forest plan amendment #58 is consistent with 36 CFR 219.27(c)(1).

Even-aged Management/Clearcutting

The Selected Alternative includes reforestation and salvage of timber killed by a catastrophic wildfire. According to the requirements of 36 CFR 219.27(d) and 16 USC 1604(k), the limits on opening size do not apply because the opening is a result of natural catastrophic conditions. The reforestation of the openings will result in even-aged stands where the fire killed all the live trees.

Vegetative Manipulation/Management Requirements

The selected action is consistent with the seven management requirements from 36 CFR 219.27 and the vegetation requirements from 36 CFR 219.27(b).

Maintaining Viable Populations of Fish and Wildlife Species

The FEIS analyzed Management Indicator Species identified in the Forest Plan including old growth species, primary cavity excavator, elk, and fish species (FEIS Vol.1, Chapter 3). The selected action is consistent with the viable population requirements of 36 CFR 219.19.

Implementation

I have reviewed the Easy Fire Recovery Project FEIS and its associated appendices. I feel there is adequate information within these documents to provide a reasoned choice of action. I am fully aware of the possible adverse environmental effects that cannot be avoided, and the irreversible/irretrievable commitment of resources associated with the Selected Alternative. I have determined that these risks will be outweighed by the likely benefits. Implementing the Selected Alternative will cause no unacceptable cumulative impact to any resource. There will be no significant impact to cultural resources, consumers, civil rights, minority groups, or women. The FEIS adequately documents how compliance with these requirements is achieved (FEIS Vol.1, Chapter 3).

The implementation schedule for Alternative 3 is identified in the FEIS Vol.1, p. 60. For some activities, the rate of implementation may vary depending on funding received.

Procedure for Change during Implementation

Minor changes may be needed during implementation to better meet on-site resource management and protection objectives. In determining whether and what kind of further NEPA action is required, the Responsible Official will consider the criteria for whether to supplement an existing Environmental Impact Statement in 40 CFR 1502.9(c) and FSH 1909.15, sec. 18, and in particular, whether the proposed change is a substantial change to the intent of the Selected Alternative as planned and already approved, and whether the change is relevant to environmental concerns. Connected or interrelated proposed changes regarding particular areas or specific activities will be considered together in making this determination. The cumulative impacts of these changes will also be considered.

The intent of field verification prior to my decision was to confirm inventory data and to determine the feasibility and general design and location of a road or unit, not to locate the final boundaries or road locations. For example, salvage unit prescriptions may be modified if site conditions dictate and if other resource objectives can be met. Minor adjustments to unit boundaries may be needed during final layout for resource protection, to improve logging system efficiency, and to better meet the intent of my decision. Many of these minor changes will not present sufficient potential impacts to require any specific documentation or action to comply with applicable laws.

Correction to the FEIS

In the FEIS, Vol. 1, Summary, p.S-10, and in Chapter 2, p. 49, the description of Alternative 3 states that one tree per acre would be left in harvest units to meet down wood Forest standards. This should have read “one to two trees per acre to meet down wood Forest standards.”

Appeal Rights

Organizations or members of the general public may appeal my decision according to Title 36 CFR Part 215. The 45-day appeal period begins the day following the date the legal notice of this decision is published in the Blue Mountain Eagle, John Day, Oregon, the official newspaper of record. The Notice of Appeal must be filed with the Reviewing Officer at:

Pacific Northwest Region
USDA Forest Service
Attn. 1570 Appeals
333 S.W. First Avenue
PO Box 3623
Portland, OR 97208-3623

Appeals can also be filed electronically at: appeals-pacificnorthwest-regional-office@fs.fed.us or hand delivered to the above address between 7:45 AM and 4:30 PM, 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 Blue Mountain Eagle newspaper. The publication date of the legal notice in the Blue Mountain Eagle newspaper 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 (.doc), rich



ROGER W. WILLIAMS

Forest Supervisor
Malheur National Forest
USDA Forest Service

text format (.rtf) or portable document format (.pdf) 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.

It is the responsibility of those who appeal a decision to provide the Regional Forester sufficient written evidence and rationale to show why my decision should be changed or reversed. The appeal must be filed with the Appeal Deciding Officer § 215.8 in writing.

Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Contact Persons

For additional information concerning the specific activities authorized with my decision, you may contact:

Rick Larson, District Resource Planner
Prairie City Ranger District
P.O. Box 337
Prairie City, OR 97869
(541) 820-3800

9/28/2004

Date