

DECISION NOTICE

FINDING OF NO SIGNIFICANT IMPACT

Windjammer Project

USDA Forest Service
Siuslaw National Forest
Hebo Ranger District

Lincoln County, Oregon

April 2005

Lead Agency:

USDA Forest Service

Responsible Official:

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Project Background, Area and Need

The Windjammer Project includes actions designed to provide a healthy forest ecosystem with habitats that would support populations of native species and includes protection for riparian areas and waters within 30 to 48 year old young managed stands (plantations) in the Drift Creek Key Watershed and the South Fork Schooner Creek Non-Key Watershed.

The project area includes about 4,974 acres of the Drift Creek Tier I Key Watershed and 199 acres of the South Fork Schooner Creek Non-Key Watershed. The project area is located in portions of Townships 7 and 8 South and Ranges 10 and 11 West, Willamette Meridian, Lincoln County, Oregon and is about 6 air miles east of Lincoln City, Oregon.

The reasons (needs) to do project are discussed on pages 6-10 of the Windjammer Project Environmental Assessment. (EA): They are summarized in the following:

- The need for forest habitat is the need for a healthy forest ecosystem with habitat that would support populations of native species (particularly those associated with late-successional and old growth forests) and includes protection for riparian areas and waters.
- The need for forest products from forest ecosystems is the need for a sustainable supply of timber and other forest products that would help maintain the stability of local and regional economies on a predictable and long term basis.

The young managed stands in the project area form rather large, contiguous blocks with relatively narrow strips of older natural stands in-between. This fragmentation of older natural stands has diminished the amount and quality of the late-successional forest habitat. A goal of the Forest Plan is to maintain and develop, or accelerate the development of late-successional forest habitat. Acceleration of the development of late-successional forest habitat would provide connectivity between blocks of existing late-successional habitat, eventually creating large blocks of late-successional habitat.

The decision to be made is whether to implement actions designed to meet the projects needs by selecting one of the action alternatives (Alternative 2-Proposed Action or Alternative 3-No New Temporary Roads), or to postpone these actions by selecting Alternative 1-No Action Alternative.

My Decision

I have decided to implement all of the actions described in Alternative 2—Proposed Action, (EA pages 16-19). In making this decision, I have reviewed the EA, and other project-file documents, information from U.S. Fish and Wildlife Service and NOAA Fisheries and the comments received during the 30-day public comment period. In summary, the following activities would be implemented:

- Within 30 to 48 year old young managed conifer stands¹, commercially thin about 962 acres. Cable yarding, ground based equipment and horses would be used.
- Create 7 to 10 snags per acre on 222 acres (within units² 8, 9, 10 and 13).

¹ Stand: The original clearcut area expressed in acres.

² Unit: Areas within the stands where different treatments may occur. In this document, units refer to those areas where commercial harvest would occur. The stand locations and associated units are shown on the Windjammer Project Map.

- Create 10 snags and 10 down trees per acre within 30 acres (adjacent to units 2, 5, 11 and 22) in areas occupied by young, dense conifer stands for the purpose of growing larger trees.
- Underplant shade tolerate species on about 185 acres (within units 4, 6, 14, 24, 31 and 33).
- To support the commercial thinning the following are needed:
 1. Construct about 0.50 miles of temporary roads. These roads are short segments located on relatively flat ground and would not cross any streams. These roads would be stabilized and closed to public travel after commercial operations are completed or end of current operating season, whichever comes first.
 2. Open existing closed temporary and Forest roads, 5.3 miles³ and 1.1 miles, respectively. To use these roads, some alder trees and brush would be removed from the travelways. No reconstruction is needed. These roads would be stabilized and closed upon completion of harvest operations or at the end of current operating season, whichever comes first.

Reasons for the Decision

I am selecting these actions because it best meets the underlaying need described on page 6 of the EA, and the desired condition, described in the EA, pages 7-10, for the young conifer managed stands

Recent research indicates that in their current condition, described in the EA, pages 7-10, these young stands will not develop late-successional habitat characteristics in the near future. (Carey, 2002; Franklin, 2001; Garman, 2003; Hunter, 2001; Muir, 2002; Tappeiner, 1997; and Thysell, 2001). This research also shows that thinning can improve the probability that these stands will develop late-successional forest characteristics within the next 100 years. How quickly these stands develop these characteristics depends on how heavily these stands are thinned at each entry. In summary, the short term desired and long term conditions include:

- A more heterogeneous stand with varying tree densities, gaps, and understory conditions.
- Some dominant “wolf” trees in a position to develop large limbs and deep crowns.
- Overall, fewer trees per acre, with improved growth rates on most of the remaining trees.
- Leave some areas untreated to provide stand density diversity.
- Retain some trees exhibiting defects, such as forks, crooks, butt rot, and other deformities to provide habitat niches.
- An overall increase in understory vegetation including shade-tolerant tree species.
- Vegetation in the stands composed of native species.
- Stands developing into a more wind-firm condition.

The long-term desired condition is late-successional forest characteristics include:

- some large trees (over 40 inches dbh), with large limbs and broken tops;
- multiple canopy layers, with shade tolerant species in the understory;

³ Temporary Road: A road that does not meet the Forest Road criteria. These roads are not intended to be part of the forest development transportation system and not necessary for future resource management.

- forbs and shrubs scattered, in pockets, throughout the stand;
- numerous large snags (over 20 inches dbh);
- down logs in all decay classes;
- reduce the risk of large-scale blowdown.

The project actions are designed to accelerate the development of late-successional forest characteristics of the young managed stands in the project area. These methods are not unique. They have been done numerous times on the Siuslaw National Forest. By implementing the mitigation measures (Design Criteria), EA pages 12-15 and 19, no unacceptable cumulative effects are expected. Many beneficial effects will accrue from implementing these actions, and the risk associated with any potential negative effects, discussed in Chapter 3 of the EA, are low.

In my review of the EA, and other project-file documents, I believe the information provided to me is adequate for a reasoned choice of action. I am fully aware that the selected actions will have some avoidable adverse environmental effects, EA page 63, and irreversible commitment of resources EA pages 63-64. I have determined, however, that the long term benefits to these stands justify the short term adverse effects disclosed in the EA.

In making this selection, I have also reviewed information in the administrative record, including but not limited to the Land and Resource Management Plan Siuslaw National Forest (Forest Plan) (1990) as amended by the Record of Decision for Amendment to Forest Service and Bureau of Land Management Planning Documents Within Range of the Northern Spotted Owl. (1994), the Drift(Siletz) Watershed Analysis, September 1996; The Late-Successional Reserve Assessment for Oregon's Northern Coast Adaptive Management Area, January 1998, consultation files and records of the U.S. Fish and Wildlife Services and the National Oceanic and Atmospheric Administration's NOAA Fisheries, and applicable laws and regulations.

Alternatives

Before selecting Alternative 2, I considered Alternative 1-No Action and Alternative 3- No New Temporary Roads and other alternatives that were eliminated from detailed study in the EA.

Alternatives Studied in Detail

Alternative 1 No Action

This alternative is fully described in Chapter 2 of the EA, page 12. The effects of this alternative are disclosed in Chapter 3 of this EA. This alternative is studied in detail because it provides the baseline for understanding changes associated with Alternatives 2 and 3 and expected environmental responses as a result of past management actions.

Alternative 2 Proposed Action

This alternative is fully described in the EA, Chapter 2 on pages 16-19. Alternative 2 is similar to those proposed actions described in the Windjammer Project Scoping Document. The effects analysis of this alternative is disclosed in the EA, Chapters 3 and 4.

Alternative 3 No Temporary Roads

This alternative differs from the Proposed Action alternative in that no new temporary roads would be constructed. This alternative is fully described in the EA, Chapter 2, page 20. The effects of this alternative are disclosed in the EA, Chapters 3 and 4. This alternative was developed to respond the significant issue described in the EA, page 11 and response to public comments to the proposed actions.

Alternatives considered but eliminated from detailed study

The following alternatives were considered by the District Ranger, based on public comments and to meet the significant issue described in the EA, page 11, but for various reasons were eliminated from detailed study.

Helicopter yarding those units with no open road access

This alternative differs from the Proposed Action by the use of a helicopter to remove the trees cut in those units, about 500 acres, which do not have open road access. Cable yarding, horses or ground based equipment would be used in those units accessed by open roads, about 400 acres.

This alternative responds to the significant issue, EA page 11 and the public comments concerned about the effects of the proposed construction of about 0.5 mile of temporary roads. Helicopter yarding is a reasonable choice if the units lack reasonable road access, the value of the timber is high, the yarding distances are short, ½ to 1 mile, yarding is downhill, the thinning removes enough trees so that the residual stand would be opened enough to allow the cut trees to be removed safely and not damage the residual stand, and there is sufficient room to reasonably construct log and service landings. This alternative was eliminated from detailed study because:

- In almost all cases the yarding from the units to the landings would be uphill. This is not cost effective and could eliminate the potential of accomplishing LSR objectives with a commercial timber sale.
- The treatment prescriptions are such that the remaining canopy will be 50% or greater. This makes it very difficult to safely remove the cut trees due to the restricted canopy. The damage to the residual is also greatly increased.
- The value and amount of the small diameter wood that may be removed makes a helicopter operation not feasible.
- Helicopters require larger log deck landing area than a skyline system of today's small yarders. A minimum log drop zone is two and one half times the longest log yarded. The longest log that may be yarded in this project is about 40 feet long. The decking area is located immediately adjacent to the drop zone and should be large enough to allow decking up two days log production, provide room for equipment to move safely on the landing. This equates to a minimum of about an acre per landing is needed. For this project about 12 landings would be needed. A typical cable yarding landing is about one half this size.
- Service landings are also needed and they must be large enough to accommodate fuel trucks, maintenance vans, room to park 3 to 4 vehicles, and an area to land the helicopter. These service landings are typically located near the work so the yarding operation can be done efficiently. The Federal Aviation Administration recommends a minimum length and width of the landing and take off area be one and half times the overall length of the helicopter. In addition a peripheral area surrounding the land and take off area of one fourth the overall length of the helicopter is needed as an obstruction free safety zone. Each landing would occupy about one and a half acres and three are needed. None of these landings exist in the Windjammer area and would have to be constructed.

No ground based equipment or horses.

In this alternative, no horses or ground based equipment would be used to yard the cut trees. These areas would be cable yarded. This alternative responds to the significant issue discussed on page 11. This alternative was eliminated from detailed study because:

- The cost to do small areas with a cable system is prohibitive.
- By implementation of the Design Criteria listed on pages 12-15 and 19 of this EA, the effects of the Proposed Action alternative described in Chapter 3 of this EA would be at acceptable levels, and that analysis indicates implementation of this alternative is not needed.

Commercially thin all available young managed stands

In this alternative, all available young managed stands within the project area would be thinned if they are old enough and economically feasible for commercial thinning. This alternative would have accelerated the development of late successional forest characteristics on the largest area, increased the number of jobs in local communities, and generated the most revenue for the U.S. Treasury. However, this alternative was eliminated from detailed study because:

- Some temporary roads necessary for access to all portions of the forest stands would be located in unstable soil areas. Temporary roads through these types of areas could cause slumps or slides, delivering sediment into adjacent fish bearing streams. In addition, inaccessible, unthinned portions of stands would provide structural diversity within the stands.
- Proposed harvest units #16 and #25 were eliminated from all alternatives due to the high cost of constructing lengthy temporary roads for relatively limited environmental and economic thinning benefits.

Reasons for not selecting the other alternatives studied in detail

Alternative 1 No Action

This alternative does not meet the purpose and need to maintain or improve habitat for aquatic and terrestrial species in the area by accelerating the development of late-successional forest habitat and by improving watershed conditions. This alternative also does not work toward meeting the desired conditions described in the Chapter 1 of this Environmental Assessment or meet the two major underlying needs of the Forest Plan. (EA, page 6)

Alternative 3 No New Temporary Roads

This alternative differs from the Proposed Action alternative in that no new temporary roads would be constructed. This would affect portions of units 2, 4, 9, 13, 15, 19, 21, 22, and 31 totaling about 62 acres. The only treatment of these areas would be to create about 10 snags and 10 down wood per acre, if funding is available. The other commercial units that have existing access, including closed Forest and temporary roads, would be treated as described in the Proposed Action alternative. The other actions in the Proposed Action alternative would be done as described.

I have decided not select this alternative for the following reasons:

- As discussed in the EA, page 38, only 68 percent of the young managed stands acreage would be treated by the Proposed Action. The alternative would reduce this to 64 percent. This change seems small; however the project area is located in an LSR, which has a goal to develop large blocks of late-successional habitat as quickly as possible. Presently, as discussed in the EA, page 7, about half of the project area is occupied by young managed stands with blocks of older natural stands in between these young stands. It is therefore, important to accelerate the development of the young stands to develop larger, contiguous blocks of late-successional habitat.
- This alternative was developed to respond to a public comment about the effects of the planned 0.5 miles of temporary road construction in ten segments, needed to access these sixty-two acres. After reviewing the information in the project EA, Chapter 3, project files, and consultation information from NOAA Fisheries and U.S Fish and Wildlife Service, I have concluded that the benefits of thinning outweigh expected short term adverse effects of these short roads segments.
- One suggestion resulting from a public comment was to treat these acres by creating snags and downwood rather than build the proposed temporary roads. In order to reduce the risks (from bark beetles and fire) associated with falling and leaving large numbers of trees (100+ trees per acre), treatment would have to be done over a protracted period of time. The concerns with this treatment method include; 1) lack of sufficient funding to accomplish multiple treatments over a longer period of time; and 2 the development of late-successional characteristics would be much slower that under alternative 2 and may not develop at all. Therefore, treating these 62 acres as proposed is the best decision at this time.

Help from the Public and Other Agencies

Starting in the winter of 2003, the Project has been listed in the Project Update, the Siuslaw National Forest's Schedule of Proposed Actions (SOPA), which is published and mailed quarterly to a Forest mailing list of interested groups and individuals. No comments were received by this scoping method.

On September 9, 2003, soon after the project was initiated, the District mailed a project scoping letter to 200 interested individuals, organizations and Native American tribes. In addition, a public notice soliciting comments about the project was published in the Lincoln City News-Guard newspaper. From this scoping method, the Forest Service received 14 letters. These comments are located in the project analysis file. Based on these comments and information from the IDT, the responsible official identified the following significant issue:

Impacts to Water Quality/Fish Habitat

The proposed activities have the potential to adversely impact water quality and fish habitat by increasing sediment in the streams that may be affected by the proposed actions.

Concern

The amount of sediment that may reach streams could be influenced by: 1) Temporary road construction. 2) Re-opening closed existing temporary and Forest Roads that are revegetated. 3) Use of roads that have a gravel or dirt travelway during wet periods may become rutted. These ruts may channel sediment into the streams. Downstream aquatic habitat could be damaged if sufficient sediment reaches these streams.

Elements of the Issue:

- Miles of new temporary roads.
- Miles of reopened existing closed temporary, 5.3 miles, and 1.1 miles of Forest Roads.
- Miles of existing temporary and Forest Roads with gravel or dirt surfaces used to support commercial harvest operations.

The legal notice announcing the 30 day review and comment period of the draft Windjammer Project Environmental Assessment was published in the Tillamook Headlight Herald on January 26, 2005. Copies of the draft EA were mailed to those that commented about the proposed actions from the information in the scoping document and to those that requested a copy. The 30 day comment period concluded on February 25, 2005. One organization and one individual commented on the draft EA. The comments are summarized with Forest Service responses in Appendix C of the EA.

NOAA Fisheries

NOAA Fisheries proposed listing the Oregon Coast (OC) coho salmon evolutionarily significant unit (ESU) as threatened under Endangered Species Act, (ESA) and proposed issuing protective regulations under Section 4(d) of the ESA in June 14, 2004. Pursuant to the Magnuson-Stevens Act, (MSA) the Pacific Fisheries Management Council designated essential fish habitat (EFH) for the Federally-managed Pacific salmon, including coho and Chinook salmon in May 2000.

Since Coho salmon are proposed for listing as a Threatened and Endangered species, the Forest Service conferences with NOAA to determine if the design criteria (mitigation measures) listed in this EA are adequate to protect the species and its habitat until the listing decision is made. The Forest Service submitted the Windjammer Project Biological Assessment, February 3, 2005 to NOAA fisheries. In their conference letter, dated March 3, 2005, NOAA fisheries concurs with the conclusion in the Biological Assessment that the effects of the proposed action, when added to

the baselines and combined with other actions, is unlikely to cause adverse effects or incidental take of OC salmon or adverse effects to proposed critical habitat. The habitat requirements for MSA managed species in the project area are similar to that of the ESA listed species. The conservation measures that are included as part of the proposed action to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects to designated EFH, conservation recommendations to meet MSA are not necessary.

U.S. Fish and Wildlife Service

In their biological opinions of the following Siuslaw National Forest biological assessments, the U.S. Fish and Wildlife Service (FWS) has concurred with our findings that the project will not jeopardize the existence of bald eagles, northern spotted owls, and marbled murrelets. The FWS terms and conditions will be applied to the project design criteria:

- Programmatic Biological Assessment of Fiscal Year 2003-2004 Projects in the North Coast Province Which Would Modify the Habitats of Bald Eagles, Northern Spotted Owls, or Marbled Murrelets. FWS biological opinion reference #: 1-7-02-F-958.
- Programmatic Biological Assessment of Fiscal Year 2004-2005 Projects in the North Coast Province Which May Disturb Bald Eagles, Northern Spotted Owls, or Marbled Murrelets. FWS biological opinion reference #: 1-7-02-F-1113.

Native Americans

The Confederated Tribes of Coos and Lower Umpqua, the Confederated Tribes of Grand Ronde and the Confederated Tribes of the Siletz were informed of the proposed action during scoping. No comments on the proposed action were received from these tribes. .

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

After considering the environmental effects described in the Windjammer Project Environmental Assessment (Chapter 3), I have determined that the proposed actions will not have a significant effect on the quality of the human environment, considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. This finding is based on the following:

A. Context

The proposed actions are small in scope, are not unique, and have been implemented many times on the Hebo Ranger District, and Siuslaw National Forest with predictable beneficial and adverse environmental effects. The potential adverse effects of the actions are expected to be very minor and insignificant. These actions affect a very small portion of the Hebo Ranger District; about 1,000 acres of 156,000 acres, and the effects discussed in the Windjammer Project Environmental Assessment (EA) would not result in an irreversible comment of any environmental components.

B. Intensity

This refers to the severity of impact(s). The evaluation of intensity, per CFR 1508.27, includes an analysis of the following factors:

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal Agency believes that on balance the effect will be beneficial.

Discussion: The majority of the effects associated with the proposed action and other action alternatives are assessed to be beneficial in the EA analysis. Neither the detrimental effects nor those that are considered beneficial are deemed to be of sufficient intensity to be identified as “significant”. The entire discussion of effects included in EA Chapter 3 is the basis for this conclusion.

2. The degree to which the proposed actions affects public health or safety.

Discussion: No significant adverse effects to public health or safety have been identified..

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas.

Discussion: The characteristics of the geographic area do not make it uniquely sensitive to the effects of project actions. Past actions of similar intensity have not indicated any significant adverse effect (EA, Chapter 3)

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Discussion: The effects from the Project on the quality of the human environment are not found to be highly controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

Discussion: The Proposed actions environmental effects are not uncertain or unknown. Planned actions are similar to those already accomplished on similar lands on the Forest and several scientific studies have been conducted that support the Project’s treatment strategies for plantations (EA, Chapter 3).

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Discussion: Proposed actions that will be implemented do not set a precedent for future actions, because similar actions have been implemented in the past (EA Chapter 3)

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

Discussion: The Windjammer Project Environmental Assessment has disclosed the direct, indirect, and cumulative effects to the components of the human environment.(EA Chapter 3) There are no significant direct, indirect or cumulative effects anticipated from the proposed actions.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

Discussion: Based on the pre-project survey and record search of the Project area, the proposed actions will have a “no effect” (as defined in 36 CFR 800.5 [b]) on any listed or eligible heritage (cultural) resources. If a heritage site is discovered during project implementation, work will be stopped until the site is evaluated or the project has been altered to avoid the site. (EA page 55)

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

Discussion: The following summarizes what the effects determinations on the endangered or threatened species that may be found in the project area. A complete description is on pages 40-51 of the EA:

Terrestrial

Common Name	Species	Status	Determinations of Effects		
			Alt 1	Alt 2	Alt 3
Bald eagle	<i>Haliaeetus leucocephalus</i>	Threatened	No Effect	No Effect	No Effect
Northern Spotted Owl	<i>Strix occidentalis caurina</i>	Threatened	No Effect	*NLAA	*NLAA
N.S.O. Critical Habitat			No Effect	No Effect	No Effect
Marbled Murrelet	<i>Brachyramphus marmoratus</i>	Threatened	No Effect	*NLAA	*NLAA
M.M. Critical Habitat			No Effect	No Effect	No Effect

*The *Not Likely to Adversely Affect (NLA)* determination is for possible disturbance of those birds that may be in the mature stands adjacent to the young managed stands being thinned.

All necessary consultation with U.S. Fish and Wildlife Service (USFWS) is completed for effect determination (USFWS Biological Opinions 1-7-02-F-958 and 1-7-04-F-1113), available in the Hebo District Office for review. All aspects of the proposed action comply with all standards and guidelines and stipulations in the USFWS BO and effect determinations are same as stated in the BO.

Salmonids

NOAA Fisheries proposed listing the Oregon Coast (OC) coho salmon evolutionarily significant unit (ESU) as threatened under Endangered Species Act, (ESA) and proposed issuing protective regulations under Section 4(d) of the ESA in June 14, 2004. Pursuant to the Magnuson-Stevens Act, (MSA) the Pacific Fisheries Management Council designated essential fish habitat (EFH) for the Federally-managed Pacific salmon, including coho and Chinook salmon in May 2000.

Since Coho salmon are proposed for listing as a Threatened and Endangered species, the Forest Service conferences with NOAA to determine if the design criteria (mitigation measures) listed in this EA are adequate to protect the species and its habitat until the listing decision is made. The Forest Service submitted the Windjammer Project Biological Assessment, February 3, 2005 to NOAA fisheries. In their conference letter, dated March 3, 2005, NOAA fisheries concurs with the conclusion in the Biological Assessment that the effects of the proposed action, when added to the baselines and combined with other actions, is unlikely to cause adverse effects or incidental take of OC salmon or adverse effects to proposed critical habitat, and because the habitat requirements for MSA managed species in the project area are similar to that of the ESA listed species, and because the conservation measures that are included as part of the proposed action to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects to designated EFH, conservation recommendations to meet MSA are not necessary.

Plant species

Based on the Plant Biological Evaluation for the Windjammer project (April 3, 2004) and Botanical Resources Assessment, Windjammer project (October 10, 2004), the effects on threatened, endangered, sensitive or survey and manage species are not found to be significant. (EA page 40)

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Discussion: The proposed action is in compliance with Federal, State, and local laws, regulations and requirements for the protection of the environment. Applicable laws and regulations were considered in the (EA, Chapters 3 and 4). The proposed actions are consistent with the Amended Siuslaw National Forest Land and Resource Management Plan.

Other Disclosures

There are no expected irreversible commitments of resources. (EA pages 63 and 64)

Sufficient information is disclosed in the EA to make a reasoned choice among alternatives.

There will be no significant adverse impacts to wetlands, floodplains, prime farmlands, range land or forest land; minority groups, civil rights, women or consumers. (EA page 64)

This action will not significantly affect aquatic systems, recreational fisheries, or designated Essential Fish Habitat. The anticipated effects are based on sound aquatic conservation and restoration principles for the benefit of recreational fisheries, as directed by Executive Order #12962. No further consultation under the Magnuson-Stevens Fishery Conservation and Management Act is required. (EA page 67)

This Federal action has been conducted in a manner that does not exclude persons (including populations) from participation in, deny persons (including populations) the benefits of, or

subject persons (including populations) to discrimination because of their race, color, or national origin, as directed by Executive Order #12898.(EA pages 59 and 64)

All measures contained in the EA comply with the Record of Decision for the Final Environmental Impact Statement for Managing Competing and Unwanted Vegetation published December 1988 and the subsequent mediated Agreement of May 1989.

Findings Required by Other Laws and Regulations

This decision to implement **Alternative 2 Proposed Action** is consistent with the intent of the Land and Resource Management Plan Siuslaw National Forest long term goals and objectives listed on page A-1 of the Record Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl. The project is designed to meet the Siuslaw Forest Land and Resource Management Plan Standards and Guidelines.

Federal Laws

The Preservation of Antiquities Act, June 1906 and National Historic Preservation Act, October 1966 -- Surveys of the proposed project area have been completed. Archaeological evidence was not found. Consultation with SHPO via the Forest Specialist has resulted in a finding of “No Effect” to significant heritage resources.(Pre-project Heritage Resource Inventory of Windjammer Thin Project, February 19, 2004)

The National Environmental Policy Act (NEPA), 1969 -- NEPA establishes the format and content requirements of environmental analysis and documentation. Preparation of the Windjammer Project EA is in full compliance with these requirements.

The Endangered Species Act (ESA), December 1973 – The ESA establishes a policy that all federal agencies will seek to conserve endangered and threatened species of fish, wildlife and plants. Biological Evaluation for terrestrial species and a Biological Assessments for plants, and fish have been prepared, which describe possible effects of the proposed action on TES species that may be in the Windjammer Project area.

The National Forest Management Act (NFMA), 1976 – The alternatives were developed to be in full compliance with NFMA through compliance with the Amended Siuslaw National Forest Land and Resource Management Plan (US Forest Service, 1990).

Clean Air Act Amendments, 1977 – The alternatives are designed to meet the National Ambient Air quality standards through avoidance of practices that degrade air quality below health and visibility standards.

The Clean Water Act, 1987 -- The alternatives meet and conform to the Clean Water Act, Amended 1987. This act establishes a non-degradation policy for all federally proposed projects. The selected alternative is not likely to degrade water quality below standards set by the State of Oregon. This will be accomplished through planning, application and monitoring of Best Management Practices (BMPs).

State Laws:

Oregon State Best Management Practices (BMPs) -- State BMPs will be employed to maintain water quality.

The Oregon Smoke Management Plan -- The Oregon State Implementation Plan and the Oregon State Smoke Management Plan will be followed to maintain air quality.

Consultation with the Oregon State Historic Preservation Officer (SHPO) has occurred (see discussion under Federal Laws).

Oregon State Forest Worker Safety Codes, The Oregon Occupational Safety and Health Code for Forest Activities shall be met with implementation of the Alternative 3.

IMPLEMENTATION DATE AND APPEAL RIGHTS

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215.7. Written notice of appeal must be postmarked or received by the Appeal Deciding Official, USDA Forest Service, PO Box 3623, Portland, OR 97208-3623 within 45 days of the date of publication of the notice for this decision in the Tillamook Headlight Herald (Tillamook, Oregon). Individuals or organizations, who have submitted substantive written or oral comments during the 30-day comment period of the initial EA and the preliminary analysis, may file an appeal. The appeal must meet the content requirements of 36 CFR 215.14:

- The appeal must state that the document is an appeal pursuant to 36 CFR 215;
- The name, address, and telephone number (if applicable) of the appellant must be included, and must identify the decision by title, subject, date of decision, and name and title of the Responsible Official;
- The appeal narrative must be sufficient to identify the specific change(s) to the decision sought by the appellant or portions of the decision to which the appellant objects, and must state how the Responsible Official's decision fails to consider comments previously provided; and
- If applicable, the appeal should state how the appellant believes this decision violates law, regulation, or policy.

Appeals (including attachments) may be filed by regular mail, fax, e-mail, hand delivery, express delivery, or messenger service. The publication date of the notice for this decision in the newspaper of record is the sole means of calculating the appeal-filing deadline, and those wishing to appeal should not rely on dates or timelines from any other source. E-mail appeals must be submitted to: appeals-pacificnorthwest-regional-office@fs.fed.us, and must be in one of the following three formats: Microsoft Word, rich text format (rtf) or Adobe Portable Document Format (pdf). FAX appeals must be submitted to: 503-808-2255. Appeals may be hand-delivered to the Resource Planning and Monitoring Office, 333 SW First Ave., Portland, between 8:00 AM and 4:30 PM Monday-Friday.

CONTACT PERSON

For specific information about this project, contact Brent Erskine, Hebo Ranger District, 31525 Highway 22, Hebo, OR 97122; telephone, 503-392-5100, E-mail-berskine@fs.fed.us.

Responsible Official: |s| George T Buckingham
GEORGE T. BUCKINGHAM
District Ranger

Date: April 14, 2005