
USDA FOREST SERVICE CROWN PACIFIC LIMITED PARTNERSHIP LAND EXCHANGE

RECORD OF DECISION

Background

In Central Oregon during the past decades, land exchanges have served the public interest many times. By trading certain lands out of the national forest system, we have been able to place distinctively beneficial lands into public hands. Examples of these acquisitions near Bend include long stretches of the Deschutes River, lands along U.S. Hwy 97 between Bend and Sunriver, the location of the Lava Lands visitor center, the Newberry Volcanic Monument, and Big Marsh on Crescent Ranger District. A third of the Deschutes National Forest's 1.5 million acres have been acquired through land exchanges. In short, because of the foresight of those who came before us, we clearly enjoy the benefits.

Today, we must make a decision that looks toward our own legacy, a decision that challenges our own sense of vision. In an era when we view ecosystems as a whole, we have pursued an exchange of lands that we believe provides important public benefits.

Currently, the land pattern on many areas of the Deschutes, Fremont and Winema National Forests is characterized by intermingled National Forest System lands and private land ownership, creating irregular boundaries and inholdings (public lands surrounded by private lands, and private lands surrounded by public lands). This existing ownership pattern imposes different--and often contrasting--land management objectives on intermingled land ownership parcels, which reduces our ability to apply ecosystem management principles across the landscape.

The purpose for this action is to consolidate land ownership and enhance long term resource conservation and management by exchanging parcels of National Forest System (NFS) lands for Crown Pacific Limited Partnership (Crown Pacific) lands. Lands proposed to be conveyed out of the National Forest System to Crown Pacific include lands identified in the Deschutes and Fremont National Forest land adjustment plans, as well as National Forest System inholdings, and areas of irregular boundaries.

Some of the benefits will become apparent immediately, while others will take generations to achieve. We recognize that many uncertainties in the coming decades could affect how well

we realize the long-term promise of this new land ownership pattern, yet unless we act now, we will have lost an important opportunity to position ourselves to better achieve many of our landscape level goals.

Study Process

The study process was designed to help ensure that in meeting this action's purpose and need, the Forest Service makes the most informed and reasoned decision possible for the Deschutes, Fremont and Winema National Forests. An environmental impact statement (EIS) has been prepared to analyze and disclose the impacts to the physical, biological and social environment.

Public scoping and analysis began with the mailing of the scoping letter on September 26-30, 1996. A draft environmental assessment (EA) was completed, and upon review, we determined that an environmental impact statement was needed. Another scoping letter was mailed on September 5, 1997, notifying the public of our intent to complete a draft environmental impact statement (DEIS). The Notice of Intent was published in the Federal Register on September 5, 1997.

A DEIS analyzing two different alternatives for future land ownership patterns between the Deschutes, Fremont and Winema National Forests, and Crown Pacific was released for public review in November 1997. The Notice of Availability was printed in the Federal Register on November 14, 1997. Comments were received on the draft EIS up to January 9, 1998. These comments resulted in changes to the analysis. These changes are reflected in this decision and the final environmental impact statement (FEIS) on which it is based.

In developing the FEIS and this Record of Decision (ROD), it is recognized that less than complete knowledge exists about many relationships and conditions of wildlife, fish, forests, jobs and communities. The ecology, inventory, and management of a large forest area is a complex and developing science. The biology of wildlife species prompts questions about population dynamics and habitat relationships. The interaction of resource supply, the economy, and the community is the subject matter of an inexact science.

The data and level of analysis used in the FEIS were commensurate with the importance of the possible impacts (40 CFR 1502.15). When encountering a gap in information, the interdisciplinary team (IDT) took one of two approaches: (1) they collected the missing information or conducted the analysis necessary to identify important relationships; or (2) they concluded that, although the missing information would have added precision to estimates or better specified a relationship, the basic data and central relationships are sufficiently well established in the respective sciences that the new information would be very unlikely to reverse or nullify understood relationships. Thus, any information missing from the Final EIS did not preclude making a reasoned choice among the alternatives.

The acreages reported here are based on Geographic Information System (GIS) analysis of the Deschutes, Fremont and Winema National Forest databases. They are approximate. Final exchange acres will be determined from the Government Land Office (GLO) plats and title report.

Relation To the Interior Columbia Basin Ecosystem Management Project (ICBEMP)

The ICBEMP Scientific Assessment provides a multi-state context to view this land exchange. Among the trends noted in the assessment is a decline in the "system integrity" of forest and range lands, as well as a reduction in both biological and social resilience. A contributing factor to these trends has been a lack of integration between resource disciplines and a lack of coordination between management regions (for instance, the assessment noted a lack of connected ownerships and administrative areas), which precludes achieving a landscape perspective. Although no final decision has been made regarding a specific alternative described in the ICBEMP draft environmental impact statement, the goals outlined in the scientific assessment are the foundation for any selected alternative. Our intent is to make our decision consistent with the following goals:

1. Maintain evolutionary and ecological process
2. Manage with an understanding of multiple ecological domains and evolutionary time frames
3. Maintain viable populations of native and desired non-native species
4. Encourage social and economic resiliency
5. Manage for places with definable value
6. Manage to maintain the mix of ecosystem goods, functions and conditions that society wants.

Decision

This Record of Decision documents our decision to make lands available for exchange with Crown Pacific as analyzed in the USDA Forest Service/Crown Pacific Limited Partnership Land Exchange FEIS, and to amend the Deschutes and Fremont National Forest Land and Resource Management Plans to establish replacement allocated old growth. Our decision will:

- identify which parcels and acreage to make available for exchange with Crown Pacific;
- identify the Management Areas to designate on lands transferred to the National Forest System;

- establish acres and location of replacement old growth, to be designated under a Forest Plan Amendment for the Deschutes and Fremont National Forests.
- establish acres and location of additional allocated old growth on the Deschutes National Forest, to assure long-term management opportunity.

Our decision is to adopt the Proposed Action Alternative described in the FEIS, with modifications. We modified the Proposed Action alternative by making the following specified changes:

- This modification eliminates from the exchange the parcel at the Sisters Ranger District Administrative Site. This modification also retains in Forest Service ownership a strip of lands in the northern part of the Tumalo/Bull Springs area. (Map 3, ROD). Thus, the following parcels are removed from the exchange and will be retained by the Forest Service: Sisters Parcel: T.15 S., R. 10 E.; Bull Springs Parcels: T 16 S., R. 11 E., Section 31 and T., 17 S., R. 11 E. , Sections 4,5, and 6; and Pothole Springs Parcel : T. 25 S., R. 12 E., Section 34. Removal of these parcels reduces the exchange of National Forest System lands by approximately 1,700 acres or 5 percent (from 32,936 acres to 31,256 acres).
- In order to balance the value of exchanged lands, this modification also removes the Crown Pacific lands from the exchange. These lands will be retained by Crown Pacific: Melvin Creek Parcel: T. 16 S., R. 10 E., Sections 7, 8, 17, and 18; Moffit Butte Parcel: T. 23 S., R. 11 E., Sections 31 and 36; Odell Butte Parcels: T. 24 S., R. 8 E.; Section 19, T. 25 S., R. 8 E., Sections 7 and 8. Removal of these parcels from the exchange land base reduces the amount of Crown Pacific lands acquired by the national forest system by approximately 4,400 acres or 11 percent (from 38,745 acres to 34,319 acres).

After the appraisal is final, if the Crown Pacific acreage available for exchange has more value than the Forest Service acreage, lands will be removed from the Crown Pacific package from the following parcels:

- Odell Butte Sections 2,3,8,11,12,13, T.25S., R.8E.

Reasons for Decision

The Proposed Action Alternative, with Modifications, was selected as a result of data gathered and analyzed. It was selected to be responsive to issues raised during scoping, and to be responsive to public and Tribal comments on the draft EIS.

In making our decision, we gave careful consideration to all issues, and considered the competing interests, opinions and values of the public. There were several divergent public, personal, and professional opinions expressed during this project. This decision will likely not

completely satisfy any particular group or individual. However, we considered all views, and we believe the decision we have made is reasonable and provides the best balance of resource use. The Selected Alternative provides a beneficial mix of resources for the public within a framework of the existing laws, regulations, policies, public needs and desires, and capabilities of the land, while meeting the stated purpose and need for this land exchange.

We have chosen the Proposed Action Alternative, as modified, over the other alternatives because it best approximates the purpose and need while providing for a balance of social, economic and resource conservation considerations. The decision will provide the following benefits:

- The proposed action encompasses areas that are desirable for inclusion into the National Forest System: these include Crown Pacific owned inholdings, lands along the Little Deschutes River, lands along Tumalo Creek, and lands within important ecological areas, such as the Three Creeks Butte key watershed. As part of this exchange, Crown Pacific has purchased lands with specific public values so that they could be included in the National Forest System. Examples include parcels along the Sprague River (a Wild & Scenic study river), parcels along near Stevens Canyon on the Sisters Ranger District purchased to consolidate deer winter range, and parcels that make up scattered, small inholdings on the Winema National Forest.
- The concrete benefits to be realized in our decision are: a) the addition of approximately 4,352 acres of allocated old growth across the project area, which will allow us to provide for habitat for old growth associated species in the long term; b) the addition of approximately 18.2 miles of perennial and intermittent streams including consolidation of the entire upper watershed containing Tumalo Creek; c) the inclusion of more than 500 acres of riparian and wetlands, including three meadow complexes and a seasonal lake in the southeast portion of the project area; d) an increase of over 6,000 acres of mule deer winter range and; e) a decrease in joint boundaries of 170 miles or a 35% reduction in joint boundaries.
- Lands proposed for acquisition provide an opportunity to develop a Bend-to-wilderness trail along Tumalo Creek. On a larger scale, ecological benefits will be realized from the consolidation of lands. Where Crown lands now exist in watersheds predominated by National Forest System lands, achieving ecosystem goals would likely be more difficult because of the difference in management goals between public lands and private, industrial forests. This benefit is especially noteworthy in the Three Creek Butte subwatershed--a Northwest Forest Plan key watershed--where public ownership will increase from 30 percent to 50 percent. Consolidation allows for the long-term development of landscape scale habitats, free of fragmentation caused by multiple ownerships. This thrust toward more coherent goals across larger landscapes follows from the most recent scientific assessments regarding ecosystem management in the Pacific Northwest. (Such as the Interior Columbia Basin Ecosystem Management Project).
- Also, as a result of the fragmented land ownership pattern, implementing management activities is often inefficient and expensive. Blocking up lands provides many efficiencies, including less need to maintain property boundaries. Management

practices, such as prescribed burning, applied over a large area are more efficient and effective than the same practices applied over an area containing interspersed private land. These advantages apply to Crown Pacific lands as well, so that lands traded out of the national forest system will provide a long-term benefit to the economic efficiency of land management for Crown as well as the Forest Service.

- We believe that the land exchange conforms to the goals of the ICBEMP Scientific Assessment and that over the long term, this exchange helps the Deschutes, Winema and Fremont National Forests achieve those goals more quickly and more effectively. Our decision provides a cohesive ownership pattern, both for National Forest System and Crown Pacific, thereby increasing the ability of managers to restore or maintain ecological functions on federal lands. Most ecological processes function over large landscapes and the intermingled pattern of existing ownership can disrupt those processes. The intent of the land exchange is to consolidate ownerships so that federal management of lands will reduce impacts from adjacent private ownership activities.
- Before considering the current proposal (approximately 38,740 acres of Crown Pacific land exchanged for 32,940 acres of national forest system lands--or about 71,680 total), the original proposal included about 62,650 acres of Crown Pacific land in exchange for approximately 55,360 acres of national forest system land (or 118,000 acres total). This alternative was eliminated from detailed study because of conflicts with other resource values, such as old growth forests (LOS); conflicts with habitat species protected under the Endangered Species Act (such as bald eagles); conflicts with potentially significant cultural sites; and other concerns.

For example, approximately 4,200 acres of national forest system lands were eliminated because of resource concerns related to late and old structure (LOS) stands. Specific parcels were removed from the proposed trade because of our concerns over the scarcity of old-growth (LOS) forests. Also, approximately 5,290 acres of lands were eliminated because of concerns with mule deer winter range; approximately 2,300 acres of national forest system lands were eliminated from the trade because of bald eagle concerns; and approximately 100 acres of national forest system lands were eliminated because of concerns over sensitive plants. Other lands were eliminated because of their value as "desert fringe" forest.

Reviewing these early changes in the proposal in the context of ecosystem goals (expressed in the Scientific Assessment and other publications), filtered out much of the lands found to be critical to meeting ecosystem goals. National Forest System lands left as part of the proposal (as of March 1997) are parcels that play a relatively minor role in the larger context, while they provide the means to acquire more ecologically strategic lands.

Furthermore, our decision to select the Proposed Action with modifications, provides more advantages and benefits than the No Action Alternative. For example:

- If no exchange occurs, the fragmented ownership pattern would remain in place and preclude achieving connectivity of important habitats. Intensive timber management by

Crown Pacific is expected to reduce the amount and distribution of LOS stands on their lands, reducing the quality of these habitats for associated species. Lands managed by Crown Pacific are expected to have fewer snags and logs than lands managed by the Forest Service. Thus, continued timber harvest on Crown Pacific lands adjacent to National Forest system LOS stands is expected to increase the contrast and isolation of LOS stands on national forests. Continued timber harvest on Crown Pacific lands is expected to make management more difficult for LOS associated species to disperse across the landscape and reduce the effectiveness of these areas as refugia.

- If no exchange occurs, the current ownership pattern of irregular boundaries and inholdings would be maintained, thereby making ecosystem management on a landscape scale more difficult. Long-term resource conservation objectives for National Forest System lands would not be achieved. Desirable lands identified for inclusion by the three National Forests, including lands along the Little Deschutes River, Tumalo Creek, South Fork of the Sprague River, lands around Corral Springs, Moffit Butte, and lands within the Fort Rock, Metolius, and Tumalo mule deer winter ranges would not be conveyed to public ownership.

The land exchange process recognizes that even though all lands within the National Forest System provide some public benefit, not all parcels provide equal benefits. For example, large blocks of contiguous habitat serve as better habitat than smaller, fragmented pieces. As we approached this exchange, we focused on trading out lands that--because of widely different management objectives on adjacent lands--do not provide more than fragmented pieces of habitat. Recognizing that these lands do offer a refuge within private lands, this is a trade-off that needed to be considered and weighed over the long term.

We have chosen the Proposed Action Alternative, as modified, over the other alternatives because it best approximates the purpose and need, while providing for a balance of social and resource conservation considerations. In addition to the purpose and need and reasons identified above, we can point to concrete benefits to be realized in our decision including: a) the addition of approximately 4,352 acres of allocated old growth across the project area, which will allow us to provide for habitat for old growth associated species in the long term; b) the addition of approximately 18.2 miles of perennial and intermittent streams including consolidation of the entire upper watershed containing Tumalo Creek; c) the inclusion of more than 500 acres of riparian and wetlands, including three meadow complexes and a seasonal lake in the southeast portion of the project area and d) an increase of over 6,000 acres of mule deer winter range; a decrease in joint boundaries of 170 miles or a 35% reduction in joint boundaries.

In addition to successfully achieving the purpose and need, we made this decision with other key considerations in mind:

1. We heard concerns raised about the valuation of the Sisters parcel, how the exchange may affect growth in the Sisters area, and differing opinions on what the best use of that parcel might be, including retaining it as part of the Sisters Ranger District

administrative site. The City of Sisters is adjacent to National Forest System lands. It was recognized during the development of the Deschutes National Forest LRMP, that land exchanges may be necessary in order to allow for growth of the community. The Sisters Ranger District needs to continue to assess its facility needs and update the Facility Master Plan for its administrative site. If the District determines that some of the National Forest System land that is currently part of the administrative site is in excess of the projected long term facilities needs, future opportunities will be considered if an exchange will serve important public objectives, including but not limited to, expansion of communities and economic development. Our decision to keep the Sisters parcel in public ownership at this time will allow the Sisters community to address its Master Planning and growth issues upon which future proposals for land exchanges could be based.

2. We listened to comments from Tumalo area residents and the surrounding community regarding dispersed recreation use, access, and concern over potential future development of exchange lands in the Bull Springs area. In this decision we have retained public ownership of a strip of land along the northern part of the island of National Forest System Lands in the Tumalo Reservoir area (Map 3, ROD). Given that this retained parcel mostly abuts other public lands (Bureau of Land Management, Tumalo Water District including Tumalo Reservoir, and the State of Oregon), we make this change without substantially lowering our expectation that these lands will form a consolidated block of public lands. Therefore, this change meets, in part, the purpose and need of the exchange, while responding to public concerns. Retaining some lands along the northern part of NFS lands in the Tumalo area will allow the public to access the rest of the Deschutes National Forest from the Tumalo area. The Deschutes National Forest and Crown Pacific have agreed to begin a small land exchange for the purposes of acquiring lots 1 and 2, E 1/2 of the NW 1/4, Sec.31, T 16 S, R 11 E, approximately 175 acres, in order to complete a Tumalo access route through NFS lands, in response to comments. We also believe that given Crown Pacific's stated policy on public use of their lands, exchanging other lands in this area to Crown Pacific ownership will continue to allow for public access. After the land exchange occurs, Crown Pacific would be unlikely to market their consolidated ownership in the Tumalo area for real estate development. The current zoning is F1, or Forestry. Current zoning limits development to a minimum of 640 acres, to be managed for Forestry purposes. Also, Crown Pacific has indicated that it is not interested in selling the Tumalo area exchange parcels for real estate development if they acquire these lands. Given these factors and the inherent suitability of their entire Bull Springs Tree Farm for timber production, it does not appear likely that Crown Pacific will sell the land for real estate development. The modifications to the Proposed Action alternative also respond, in part, to comments received from ODF&W, by retaining some higher quality big game winter range for the Tumalo herd.
3. We heard concerns about data recovery and/or cost of recovery for cultural resource sites on one parcel. This resulted in our dropping from the exchange a parcel on the Fremont National Forest near Pothole Spring, retaining this site in public ownership.
4. We listened to concerns from ODF&W, and others, concerning the transfer of ownership of LOS in the Sellars and Toast subwatersheds, to Crown Pacific. While our

analysis indicates that habitats for LOS associated species would be maintained in the long term, across the exchange, we have decided to allocate approximately 3,200 acres to old growth management on the Deschutes National Forest (Map 4, ROD). These additional allocated acres represent an opportunity to manage vegetation in the long term, for habitat for old growth associated species such as the white headed woodpecker. Four additional areas are identified; three of the areas increase the size of current old growth allocations, while the fourth is a new designation. The new allocations include mixed conifer, lodgepole pine, and Ponderosa pine vegetation types in the Walker Ridge, Toast, and Middle Little Deschutes sub-watersheds. The areas were selected to enhance connectivity along Walker Rim, and incorporate the best available acreage, including lands acquired under public ownership through this exchange. Under the No Action alternative, intermingled ownerships make additional old growth allocations less effective over time.

5. While considering this decision, we heard concerns from the Ponderosa Pines and Jack Pine subdivisions, regarding trading out of public ownership lands adjacent to these subdivisions. We have listened to these concerns and considered them in the decision. We have also considered Crown Pacific's policy regarding public use and Crown's stated intention to manage these lands as industrial forests, not future subdivision development. We have also considered the current land-use laws established by the state of Oregon, which restrict development on prime forest lands. Taken as a whole, we believe that a transfer of ownership will change the management of these lands, yet this change will not result in a change in the access for recreational use, fire protection, property values, or other values raised by the subdivisions. Crown Pacific has begun discussions with the Ponderosa Pines property owners association regarding management set backs from subdivision boundaries. Although changes in management emphasis, land use zoning, and other factors could potentially occur in the future, given the current knowledge of this area, changing the proposed action to respond to these concerns would mean giving up public benefits in order to anticipate uncertain and widely variable factors that are largely beyond our control.
6. Our decision to implement the Proposed Action Alternative, as modified, is in conformance with the Final EISs and Land and Resource Management Plans for the Fremont National Forest (1989), the Winema National Forest (1990), and the Deschutes National Forest (1990) as amended by the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl (USDA Forest Service and U.S. Department of the Interior Bureau of Land Management 1994), INFISH (1995), and the Revised Continuation of Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales (1995). We have also considered the need to provide for enhancement of long term resource conservation and management.
7. We have chosen the Management Areas (MA's) as identified in Appendix B of the Final EIS, with additional old growth MA's identified on Map 4, ROD, because these MA's best provide for balanced management of the newly acquired National Forest System lands. The Management Areas are related to the adjacent, existing MA's and the existing or potential habitat and resources of these lands.

8. We heard concerns regarding the amount of old growth forest to be conveyed to Crown Pacific, and the amount of cut-over acreage to be conveyed to the National Forest System. We want to clarify that the greatest amount of ponderosa pine old growth forest to be conveyed to Crown Pacific is on the Deschutes National Forest (FEIS, Chapter 2), and amounts to 3,281 acres or 2% of ponderosa pine LOS habitat on the Deschutes NF. Map 5, ROD, depicts the early, mid, late and old structural stands for the Deschutes National Forest. The majority of NFS lands conveyed to Crown Pacific from the Deschutes NF are plantations or previously harvested areas (early structural stage).

As part of the process to modify the Proposed Action Alternative--which retained certain parcels by the Forest Service--we identified similarly valued Crown Pacific lands that would consequently be retained by Crown. We were able to identify and agree with Crown Pacific regarding the lands to be retained by Crown. In our judgment, removing these lands from the exchange still allows the net exchange to meet the purpose and need, while having no measurable effects to the analysis of the issues.

How Issues are Addressed

In the following summary, I detailed how the Selected Alternative addresses each of the significant issues. Refer to Chapter 3 of the Final EIS to supplement the following discussion and provide a comparison of the proposed land exchange and consequences of the alternatives.

Key Issues

1. Old Growth Allocations

The proposed land exchange includes six areas that were allocated as old growth under the Deschutes and Fremont Forest Plans (Map 4, ROD). These allocations were designed to provide retention of old growth habitat in all forest types distributed across the landscape to insure the viability of native and desired non-native wildlife species.

On the Fremont, this decision conveys five allocated old-growth areas to Crown Pacific. Two of these parcels are designated as three-toed woodpecker old-growth management (97 and 93 acres). These stands are lodgepole pine but do not meet the definition for old growth. The replacement parcels (approx. 356 acres) are ponderosa pine with a lodgepole understory. These parcels meet the definition of old growth and so will provide suitable habitat for three-toed woodpeckers where the current allocations do not. The other parcels are designated as goshawk old-growth (63, 74 , and 10 acres), which are ponderosa pine stands that meet the

definition of old growth. These 147 acres will be replaced by designating parcels totalling approximately 1057 acres. In total, the Fremont NF will designate 19 replacement stands (that meet the old-growth definition) with a total of 1413 acres.

On the Deschutes National Forest, 231 acres designated as old-growth would be replaced with a 308-acre stand. Both of these stands are lodgepole pine. The area currently designated to old growth management is a lodgepole pine stand that is approximately 60 years old. This stand has been managed to achieve old growth conditions. The replacement parcel is slightly larger with slightly older trees. The replacement parcel would also be managed to achieve old-growth conditions. In addition, the 3,200-acre old-growth area mentioned previously will also contribute to these management goals.

All replacement parcels selected will meet the purposes and provide habitat for species for which they were originally allocated. The Proposed Action alternative as modified will have no effect on management indicator species, since there are minor gains or losses (depending needs of individual species) to habitat across the exchange area, and sufficient habitat will exist to maintain viable populations of these species.

2. LOS Associated Species Habitat

Late and old structural stage stands (LOS) are those forest seral stages that include mature and old-growth age classes. Characteristics of LOS habitat include the presence of large trees, multiple canopy layers, and abundant snags and down logs. LOS forest habitat supports a multitude of plant and animal species. Historically, frequent low intensity fires typically maintained relatively open understories in ponderosa pine. Lodgepole pine stands were typically single storied. Habitats for LOS associated species in the project area include all habitats that these species use throughout their life history, not just LOS habitat. The land exchange would result in minor overall gains or losses in habitat for individual LOS associated species. The land exchange substantially reduces the level of fragmentation and increases the consolidation of habitat within the three National Forests. This consolidation and fragmentation reduction is particularly significant in the southern part of the Deschutes National Forest, and the northern part of the Winema and Fremont National Forests. We have recognized a reduced distribution and abundance of LOS habitats for some associated wildlife species as a result of this decision. We have also recognized reduced amounts of large, old tree forests for public use and enjoyment for approximately the next 50-100 years. Reduction in old-growth as a result of the exchange and of harvest practices will be minor, with greatest change occurring on the southern part of the Deschutes National Forest, where less than 2% of the existing ponderosa pine old-growth would be conveyed to Crown Pacific. The long-term benefit gained from this short-term cost will be found in consolidation and reduction in habitat fragmentation. This desired condition will make an important contribution to medium- and long-term management of all LOS associated species on the three forests. Over the long term, 100 years or more, National Forest System management is expected to maintain or improve LOS habitat characteristics and connectivity, and reduce fragmentation.

3. Mule Deer Winter Range

Mule deer winter range and migration corridors were identified by the Oregon Dept. of Fish and Wildlife (ODFW) and in the Deschutes and Lake County Comprehensive plans. The project area contains lands located in the Fort Rock, Tumalo, and Metolius deer winter ranges. In addition, deer from Devil's Garden, Fort Rock, Hole-in-the-Ground, Metolius, North Paulina, and Tumalo winter ranges migrate across the project area lands on their way to and from summering areas.

The proposed exchange will increase the amount of mule deer winter range in public ownership by over 6,000 acres. All three winter ranges in the project area would realize gains in public ownership. Acquiring lands within mule deer winter range is expected to increase consideration of mule deer winter range during planning and implementation of management activities. Forest Plan standards and guidelines emphasize maintaining well-distributed cover and reducing open road densities. Forest Service management of these areas may include projects specifically designed for winter range enhancement.

Overall, the land exchange, with modifications in the Tumalo area, will benefit mule deer winter range. The Proposed Action Alternative, with modifications, is expected to increase habitat suitability for mule deer on the Metolius and Fort Rock winter ranges. Consolidation of ownership and net gain in public ownership in these areas are expected to result in management strategies and activities that maintain or enhance the quality of these habitats. Retention of the northern strip of National Forest System lands in the Tumalo area under the Proposed Action alternative, with Modifications, will retain some low elevation, high quality deer winter range that would otherwise be conveyed to Crown Pacific under the Proposed Action alternative. Modifications to the Tumalo/Bull Springs portion of the exchange are made, in part, to respond to concerns by Oregon Department of Fish and Wildlife.

Deer from Devil's Garden, Fort Rock, Hole-in-the-Ground, Metolius, North Paulina, and Tumalo winter ranges migrate across the project area lands on their way to and from summering areas. Over the project area, the exchange will result in an increase to Crown Pacific ownership of 481 acres identified by ODFW as migration corridors.

Under the no action alternative, the intermingled nature of public lands would conserve migration corridors designated in county comprehensive plans or by public agencies by restricting residential density and/or maintaining forest cover. In comparison, the exchange will result in an increase of migration corridor habitat on the Fremont and Winema National Forests. The Deschutes National Forest would have reduced amounts of mule deer migration corridor habitat, particularly in the Sellers and Toast subwatersheds. The exchange of lands in the Sellers and Toast subwatersheds is not expected to adversely affect mule deer migration. Projected management activities under both ownerships are expected to provide adequate hiding cover and forage for big game during migration periods.

The transfer of public lands to Crown Pacific in the La Pine migration corridor could result in

land management activities which reduce hiding cover abundance and quality, and big game use of these areas. However, zoning provisions under County Comprehensive Plans would apply to Crown Pacific management activities. These zoning provisions protect mule deer migration corridors by conserving important wintering areas and limiting conflicting uses such as residential or commercial developments, roads, fences that do not allow safe passage of deer, and actions which cause deterioration of cover and forage.

4. Sensitive Plants

Under the exchange, populations of Forest Service designated sensitive plant species on public lands will be conveyed to Crown Pacific. Two species of concern are Peck's milkvetch and pumice grape-fern. Less than five percent of the global population for either species would be conveyed to Crown Pacific. Estes' artemesia also occurs on lands to be conveyed to Crown Pacific, in Rosland Campground. Once conveyed to Crown Pacific, Crown will donate the campground to the LaPine Parks and Recreation District. We expect use to continue as it exists today. The plants are located in an area away from camping use but the possibility exists for damage from future recreational use. Impacts to the artemesia population in the campground, resulting from a change in ownership to CP and subsequently the LaPine Parks and Recreation District, are not determinate and are immeasurable. A minor amount of this species would change ownership under the exchange. The Proposed Action Alternative, as Modified, may impact individual plants but is not likely to cause a trend toward federal listing or loss of viability of either of the three species.

Public Involvement

Public involvement has been instrumental in the identification and clarification of issues for this project. This has been helpful in the formulation of alternatives and has assisted us in making more informed decisions for the Forest Service/Crown Pacific Limited Partnership Land Exchange. Public mailings, Federal Register notices, news releases, open houses, government to government, group and individual meetings were some of the tools used to solicit public input for the project. The project received 1034 pieces of mail during the comment period. Public scoping and involvement activities for the Forest Service/Crown Pacific Land Exchange are described in Chapter 1 of the Final EIS.

Coordination with Other Agencies

From the time scoping was initiated, meetings and other contacts with interested Federal agencies, State and local agencies, and Indian Tribes have occurred. Issues were discussed and information was exchanged. The Final EIS identifies the agencies who were informed of and/

or involved in the planning process.

Treaty Rights, Trust Responsibility, Consultation

Government to Government consultation has been on going with the Klamath Tribes, the Confederated Tribes of the Warm Springs Reservation, and the Burns Paiute Indian Tribe. This decision will not abrogate the Treaty Rights of any of these Tribes. We believe that there may actually be a net benefit to the Klamath Tribes and the Confederated Tribes of the Warm Springs resulting from a net gain in acres of former Tribal lands where treaty rights exist. The consolidation of land ownership will also provide the Tribes with a more comprehensive delineation of public and private boundaries. We believe we have fulfilled the Trust responsibility of the Forest Service as it relates to these Tribes.

Description of Alternatives Considered but Eliminated

Primarily Deschutes National Forest Exchange

An initial land exchange was proposed between the Deschutes National Forest and Crown Pacific. The Fremont National Forest recommended that the scope of the exchange be expanded to include the Crown Pacific Central Oregon Tree Farm and the Deschutes, Fremont and Winema National Forests, in order to consolidate several exchanges under consideration. Therefore, the decision was made to eliminate this proposal and expand the area to consider lands on all three National Forests.

Restrict Exchange to Noncontroversial Lands

This alternative responded to scoping comments suggesting that certain lands that might generate public controversy be removed from consideration for exchange. These lands included National Forest System lands with ecological concerns (e.g., late/old forests, sensitive plant habitat, wildlife habitat), cultural resource concerns (e.g., American Indian and historical issues) and socioeconomic concerns (e.g., urban interface and public access). Removal of these lands from the exchange proposal was considered and would have expedited the exchange process but this alternative would not have achieved the desired results of elimination of many isolated tracts and boundary concerns. Since this was one of the primary purposes of the exchange, this alternative was not considered further.

Forest Service Purchase Crown Pacific Lands

Several scoping comments suggested that the U.S. Forest Service should acquire Crown

Pacific lands through a direct purchase by the Federal Government. This alternative was not analyzed in detail because it would not meet the need for Crown Pacific to consolidate its ownership and to better manage its timber resources. In addition, it is unlikely that the Forest Service would be able to secure the type of funding needed to acquire Crown Pacific lands.

Tumalo Alternative

This alternative, including several variations, responded to comments by identifying all National Forest System lands in the Bull Springs area, on the Deschutes National Forest, for retention. The alternative also included additional Crown Pacific lands to be acquired, including Bull Springs. This alternative was not considered in detail because, while it would, in part, meet the purpose of and need for action by consolidating land ownership in the Tumalo Reservoir area, it would not meet the overall purpose of and need for action to reduce intermingled ownerships, reduce the number of inholdings, and minimize administrative costs. This alternative would have limited our ability to apply ecosystem management principles across a landscape in these areas. Also, this alternative included lands not offered for exchange by Crown Pacific. In addition, in order to develop a proposal that exchanged lands of equal value, additional Crown Pacific owned lands would need to be retained by Crown Pacific. A review of possible lands to be retained, such as Crown Pacific retaining the Tumalo Creek parcel, indicated large trade-offs that in and of themselves would not meet our purpose and need for the exchange.

Subdivision Alternative

This alternative responded to scoping comments by identifying a "greenspace" or "buffer" between the Ponderosa Pines and JackPine Village subdivision and lands proposed to be conveyed to Crown Pacific. This alternative was not considered in detail because it did not meet the purpose and need for the exchange. This alternative would substantially reduce our ability to consolidate land ownership into larger blocks, it would limit our options to apply ecosystem management principles across the landscape, and it would limit our efforts to reduce the amount urban/wildland interface within the project area. Crown Pacific has met with the Ponderosa Pines Property Owners Association and has offered to meet with homeowners at JackPine Village. Crown Pacific has outlined a proposal for a "Community Management Area" which addresses many of the comments received.

Maximum Acres For Exchange

This alternative included all lands that were originally studied for potential exchange between the Forest Service and Crown Pacific. This "pool" of lands included approximately 62,650 acres of Crown Pacific lands in exchange for approximately 55,360 acres of National Forest System lands. This alternative as a whole was eliminated because of conflicts with other resource values (i.e., old growth forests, sensitive plant populations), habitat for species listed under the Endangered Species Act; potentially significant cultural sites, and concerns of local residents and county administrators.

This alternative as modified during the scoping process became the proposed action.

Description of Alternatives Considered in Detail

No Action Alternative

In this alternative, no land exchange would take place. The 32,936 acres of National Forest System Lands and the 38,745 acres of Crown Pacific lands would not be exchanged. The current ownership pattern of intermingled ownerships, irregular boundaries and numerous small inholdings would remain. National Forest System lands would be managed under current Forest Plans as amended, with most lands managed with a timber management or deer habitat emphasis. Crown Pacific lands would be managed primarily for timber production in accordance with the Oregon State Forest Practices Act and other applicable local, state and Federal laws.

Proposed Action Alternative

Under this alternative, the land exchange would occur as proposed in the exchange agreement. Up to 32,936 acres of National Forest System lands would be exchanged for up to 38,745 acres of Crown Pacific lands. The final exchange acreage would be determined by the valuation of the lands as required by the exchange appraisal. Lands would be exchanged on an equal value for equal value basis. Crown Pacific would manage acquired lands in accordance with Oregon State Forest Practices Act and other applicable local, state and Federal laws. These lands would be managed with a timber emphasis, using an uneven-aged management strategy. The Forest Service would manage acquired lands by the Forest Plan Management Areas (MA's), with acreage by MA summarized in Appendix B of the Final EIS.

Environmentally Preferred Alternative

The Proposed Action Alternative, with Modifications, is the environmentally preferred alternative. While there is no single factor that can be used to determine which alternative is environmentally preferred, the Proposed Action Alternative with Modifications, will improve the overall amount and consolidation of wildlife and riparian habitat over the long term. Over the long term, wildlife associated with old growth habitat will benefit from reduced fragmentation that currently exists with an intermingled ownership pattern.

Based on the comparison of alternatives displayed in Chapter 2 of the Final EIS, the proposed action would cause the least environmental disturbance, and would best protect, preserve, and

enhance historic, cultural and natural resources in the long term, and therefore is the environmentally preferred alternative. The Proposed Action Alternative with Modifications has even less potential for environmental disturbance than the proposed action alternative described in the FEIS.

The No Action Alternative is not the environmentally preferred alternative. This alternative would retain land ownership in the current intermingled pattern, resulting in greater environmental disturbance over the long term. The No Action Alternative would not allow for the additional miles of streams, additional acres of wetlands and riparian habitat, and additional acres of critical deer winter range.

Administrative Record

The Administrative Record for this project includes the Watershed Analysis for the Big Marsh Watershed (Crescent Ranger District), the Tumalo Creek Watershed (Bend/Fort Rock Ranger District), the Final EISs and Land and Resource Management Plans for the Fremont National Forest (1989), the Winema National Forest (1990), and the Deschutes National Forest (1990) as amended by the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl (USDA Forest Service and U.S. Department of the Interior Bureau of Land Management 1994), INFISH (1995), and the Revised Continuation of Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales (1995).

Required Mitigation Measures: Cultural Resources

The 12 cultural resource sites identified as eligible for listing on the NRHP that are located on lands to be transferred from the Forest Service to Crown Pacific have been recorded, and their eligibility determined in consultation with SHPO. Four historic logging related sites will require appropriate mitigation measures, as specified in the Treatment Plan, to be carried out by Crown Pacific.

The execution and completion of the required mitigation is subject to review and approval by the Forest Service and SHPO. This mitigation would take place following the execution of the Exchange Agreement, with those lands affected by said mitigation being reserved to the United States of America, under deed reservations, until such mitigation has been completed and approved. Crown Pacific will have 3 years from the date of execution of the Exchange Agreements to perform such required mitigation.

Findings Required by Law

The National Forest Management Act (NFMA) requires specific determinations in this Record of Decision including consistency with existing Forest Plans. The following provides these determinations for the various plans and laws.

National Forest Management Act

This decision is consistent with the Deschutes, Fremont, and Winema National Forest Land and Resource Management Plans as amended by the Northwest Forest Plan, Eastside Screens, and the Inland Native Fish Strategy. We have reviewed the management direction, standards and guidelines in relationship to the Selected Alternative and find the Selected Alternative to be consistent with these elements. No lands west of the Northern spotted owl line will be conveyed to Crown Pacific.

General Exchange Act of 1922 (as amended)

This land exchange is consistent with the Act in regards to exchanging for lands within the boundary of a National Forest and for exchanging lands to the exchange partner within the same state.

Federal Land Policy and Management Act of 1976

The land exchange will be in compliance with this Act with respect to 1) the exchange properties will be equal in value, or if not equal, either party may make them equal by a cash payment not to exceed 25 percent of the Federal value; and 2) the non-Federal land owner is a corporation subject to the laws of the United States.

American Indian Religious Freedom Act of 1978

This action does not affect the inherent right of American Indian to believe, express and exercise their traditional religions, and is therefore consistent with this Act.

National Historic Preservation Act of 1966

The Forest Service has taken into account the effects of this undertaking on properties eligible for the National Register of Historic Places. Effects will be mitigated pursuant to the process established in 36 CFR Part 800: Regulations of the Advisory Council governing the implementation of Section 106 of the National Historic Preservation Act.

Endangered Species Act

Consultation on the alternatives analyzed in the Final EIS was conducted with the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act. The biological opinion of the Fish and Wildlife Service determined that the adoption of these alternatives is not likely to jeopardize the continued existence of any listed species. The Final EIS appendix includes a biological assessment of the land exchange Proposed Action Alternative. Because the Selected Alternative exchanges fewer acres of National Forest System lands than the Proposed Action Alternative, the effects of the Selected Alternative are less than those indicated in the U.S. Fish and Wildlife Service biological opinion.

The USFWS has concurred that there will be no effect to the Northern Spotted Owl as a result of this exchange.

Clean Water Act

The Selected Alternative brings under federal ownership more miles of stream, and more acres of riparian zones, wetland, and floodplain into than are traded out to private ownership. These additional publicly owned lands will be managed under Forest Plan Standards and Guidelines, which will protect water quality in these areas. On the lands exchanged out of the National Forest System, Crown Pacific will be responsible for maintaining water quality during their future management activities in order to comply with federal and state water quality and forest management laws and regulations.

Executive Order 11988 (Floodplains) and 11990 (Wetlands)

Executive Orders 11988 and 11990 direct federal agencies to avoid, to the extent possible, both long- and short-term adverse impacts associated with modification of floodplains and wetlands. The selected alternative does not have any specific actions that adversely affect floodplains or wetlands. As part of this decision, 117 acres of riparian habitats would be traded out of public ownership and 619 acres of riparian habitats would become publicly owned as a result of this trade, resulting in a net gain of ownership. Whether publicly or privately owned, floodplains and wetlands would receive protection through appropriate laws and regulations.

Other Laws, Regulations, and Direction

We have considered other relevant laws and regulations including but not limited to the Clean Air Act as amended; the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (The non-federal lands have been examined in accordance with Section 120(h) of this act); and the Safe Drinking Water Act. This action will not have significant effects to prime forest land, prime range land, energy, American Indians, or cultural resources. The project will have no effect on prime farm land, women or minorities, civil rights, or consumers. The action will not result in unnecessary or undue degradation to the environment.

Federal and State Permits

There are no Federal or State permits required to implement this land exchange.

Implementation Process

Implementation of this decision may occur no sooner than 45 days plus 5 business days after the date of publication of this notice of decision and availability of the Final EIS in the Bulletin, Bend, Oregon, and the Herald and News, Klamath Falls, Oregon. Additionally, a decision documented in a ROD can be implemented no sooner than 30 days following the date the Environmental Protection Agency published the Notice of Availability (NOA) of the Final EIS in the Federal Register.

The exchange will be implemented in accordance with the Forest Service Land Exchange Handbook and the appraisal procedure will follow the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisition. If the exchange is not balanced in value, Crown Pacific lands will be removed from the exchange in the sequence described in the section titled Decision in this document.

Right to Appeal

This decision is subject to administrative appeal. Organizations or members of the general public may appeal this decision according to Title 36 Code of Federal Regulations (CFR) Part 215. The appeal must be filed within 45 days of the date that legal notification of this decision is published in the Bend Bulletin and the Klamath Falls Herald & News, the official newspapers of record. The Notice of Appeal must be filed with:

Regional Forester
ATTN: 1570 Appeals
USDA Forest Service
P.O. Box 3623
Portland, OR 97208-3623

It is the responsibility of those who appeal a decision to provide the Regional Forester sufficient written evidence and rationale to show why the decision by the Forest Supervisors should be changed or reversed. The written notice of appeal must:

1. State that the document is a Notice of Appeal filed pursuant to 36 CFR part 215;
2. List the name, address, and if possible, the telephone number of appellant;
3. Identify the decision document by title and subject, date of the decision, and name and title of the Responsible Officials;

4. Identify the specific change(s) in the decision that the appellant seeks or portion of the decision to which the appellant objects;
5. State how the Responsible Official's decision fails to consider comments previously provided, either before or during the comment period, and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

Contact Person

For additional information concerning the specific activities authorized under this decision contact:

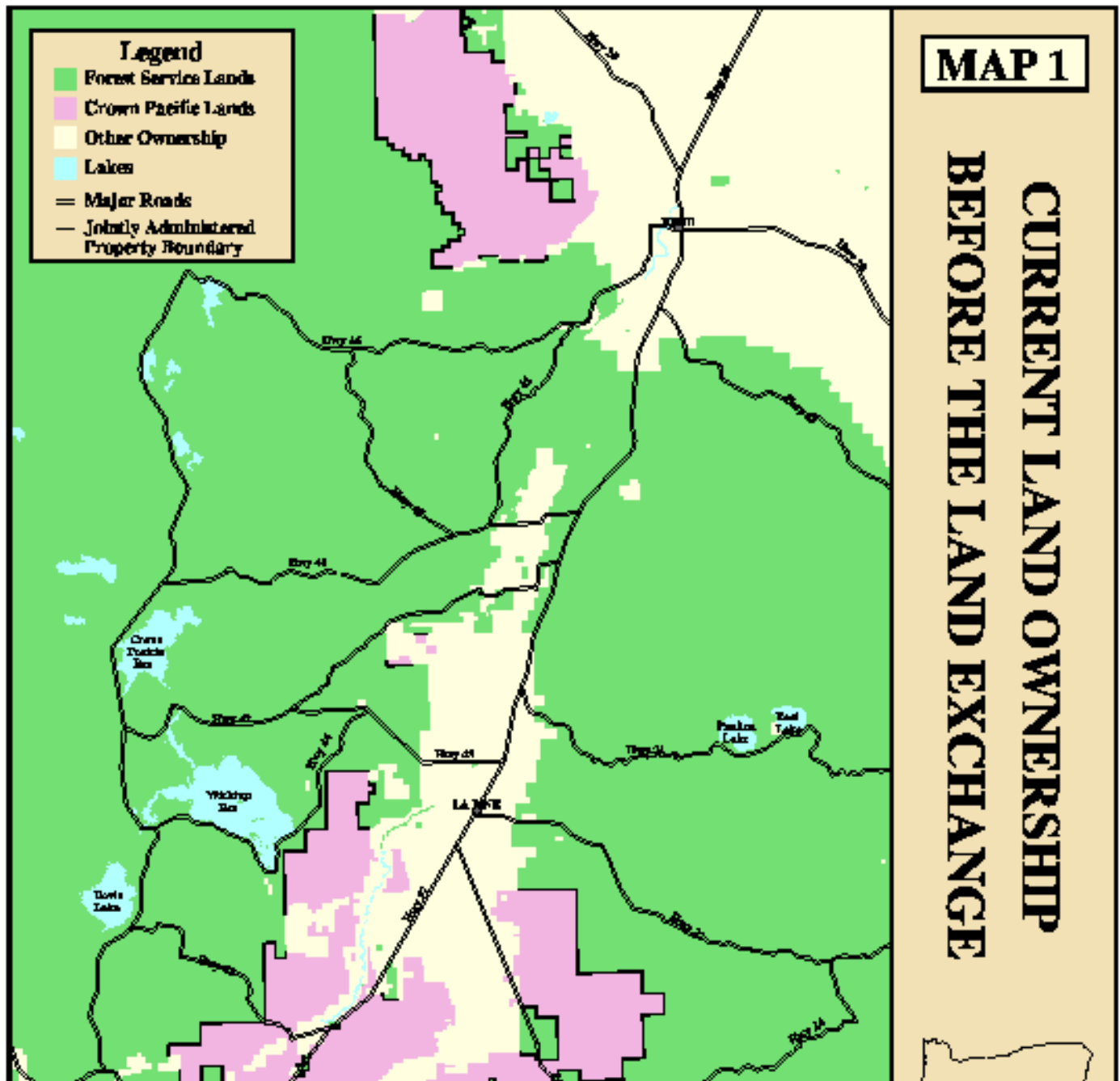
Susan Skakel
Planning/Environmental Coordinator
1645 Highway 20 East
Bend, Oregon 97701
(541) 383-5563

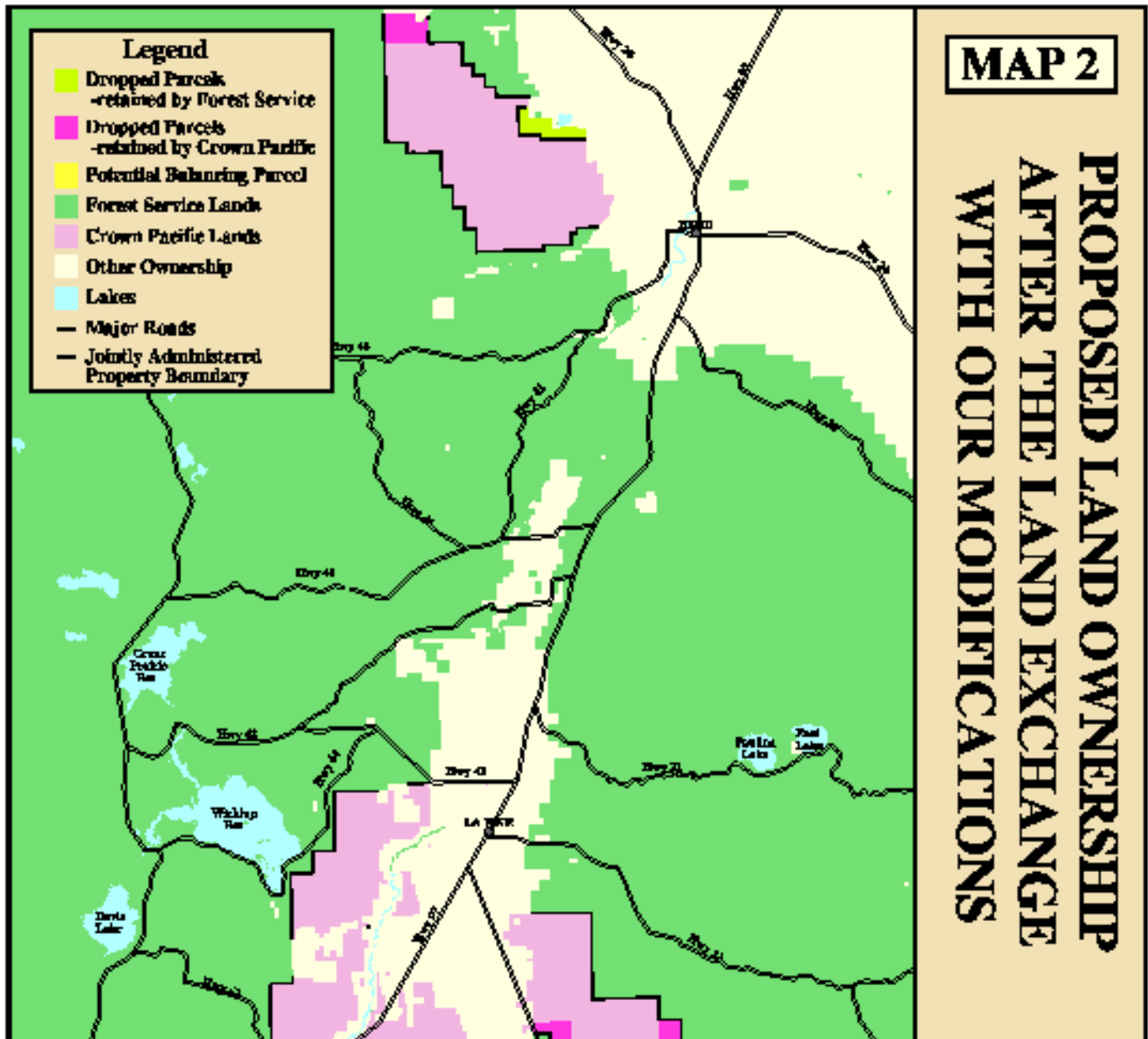
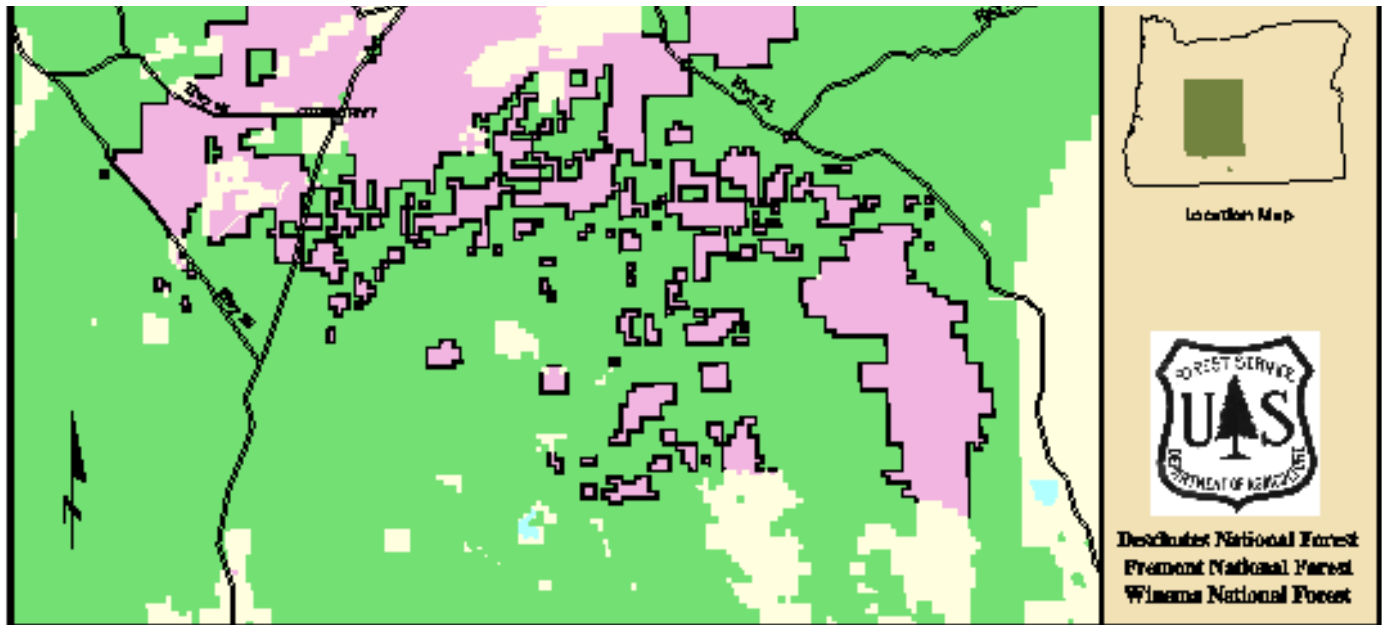
/s/ Sally Collins
SALLY COLLINS
Forest Supervisor
Deschutes National Forest

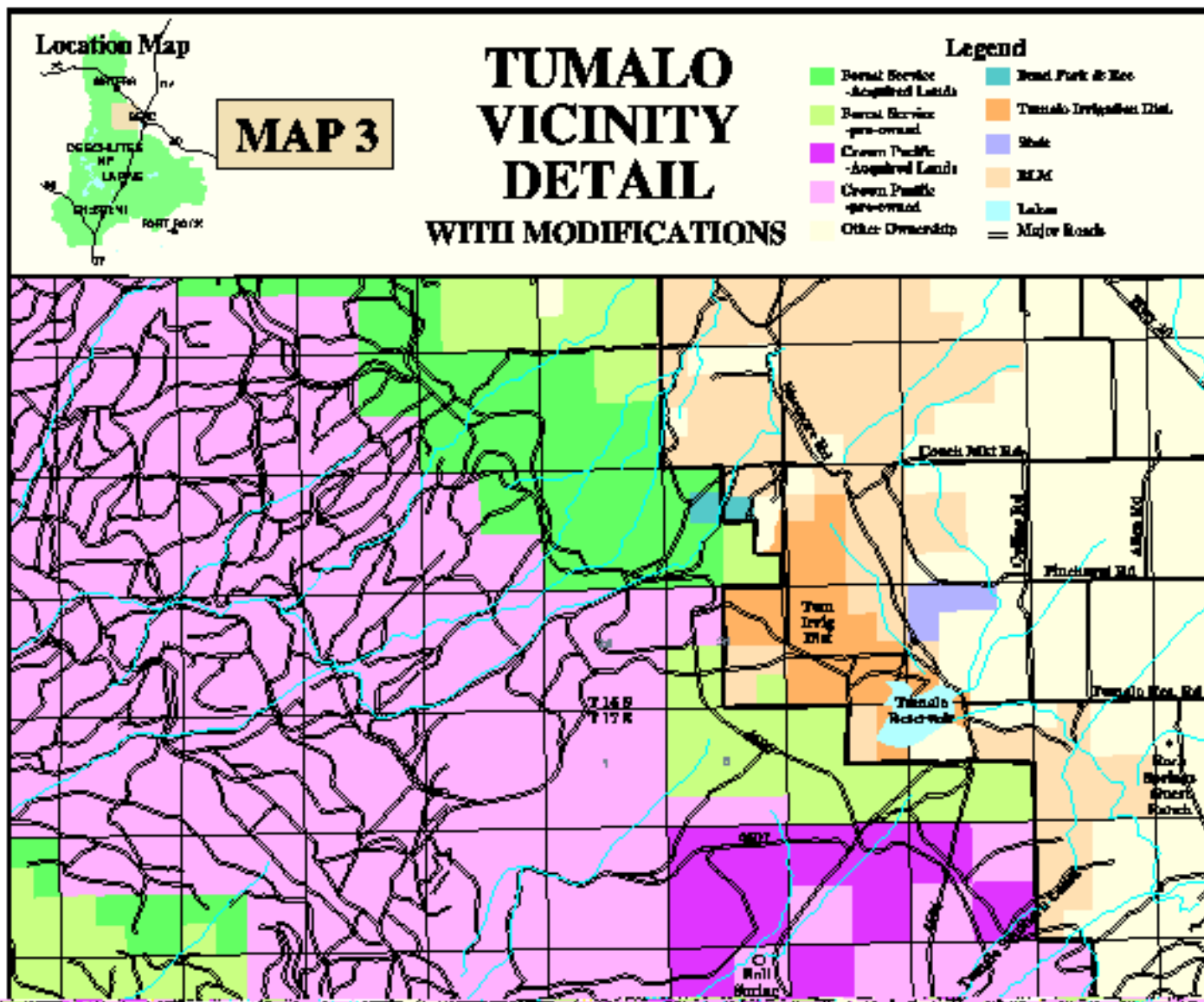
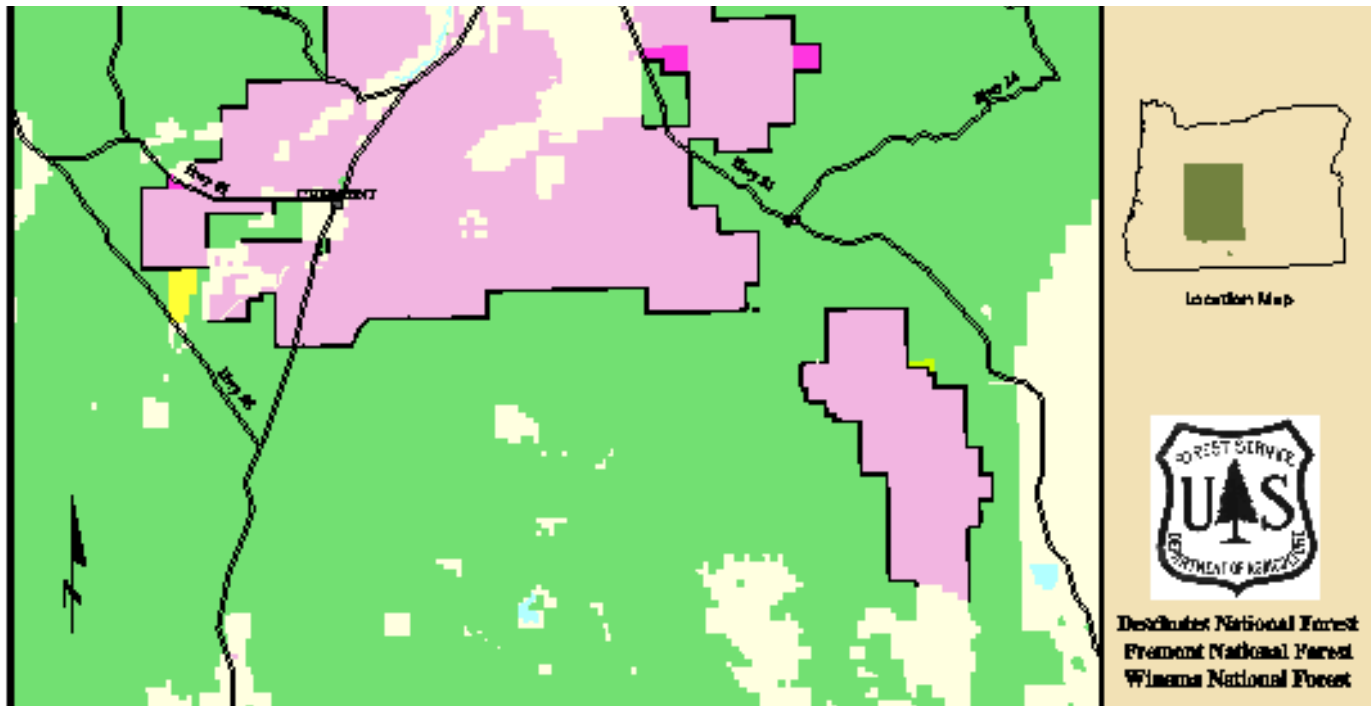
/s/ Charles R. Graham
CHARLES R. GRAHAM
Forest Supervisor
Fremont National Forest

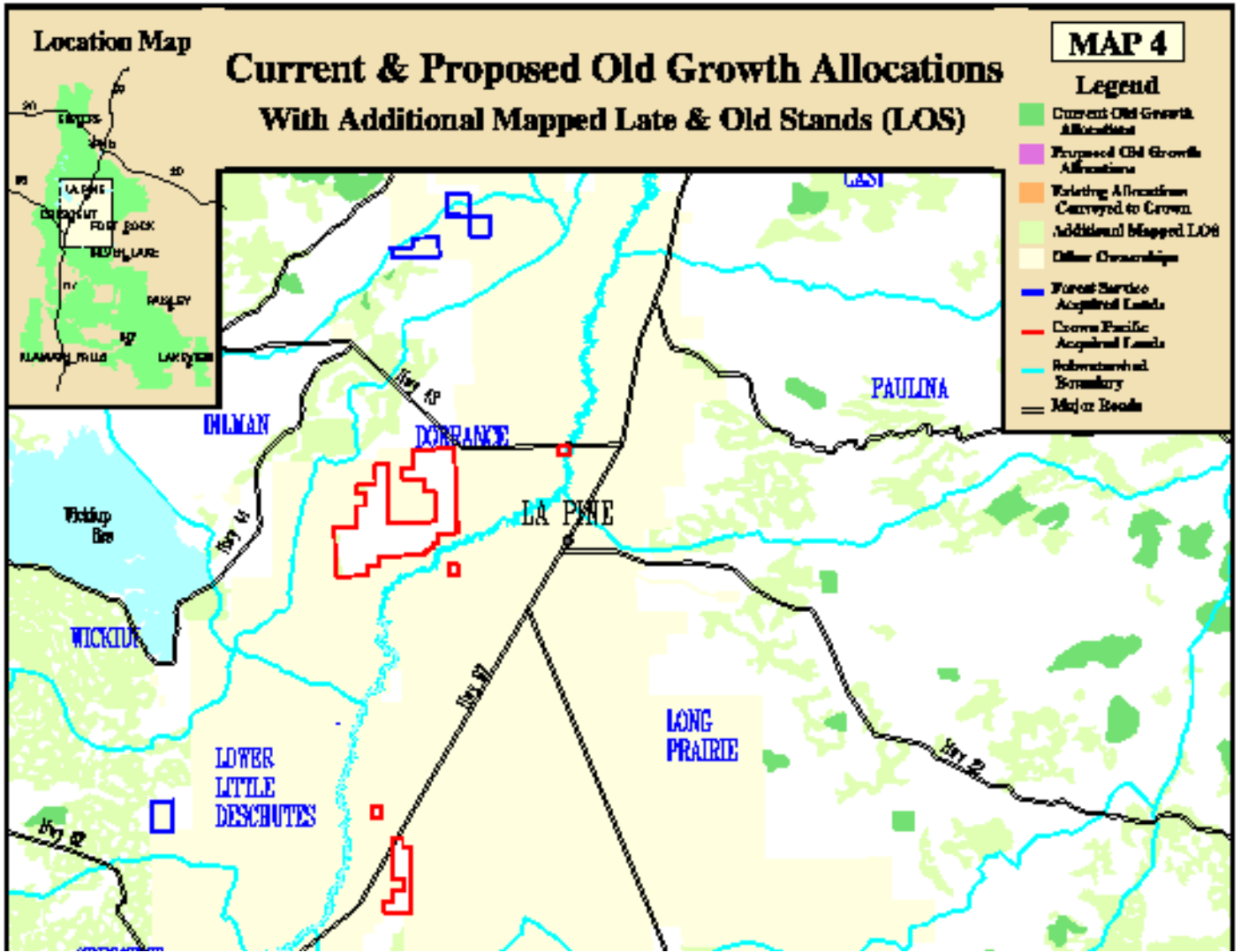
/s/ Bob Castaneda
BOB CASTANEDA
Forest Supervisor
Winema National Forest

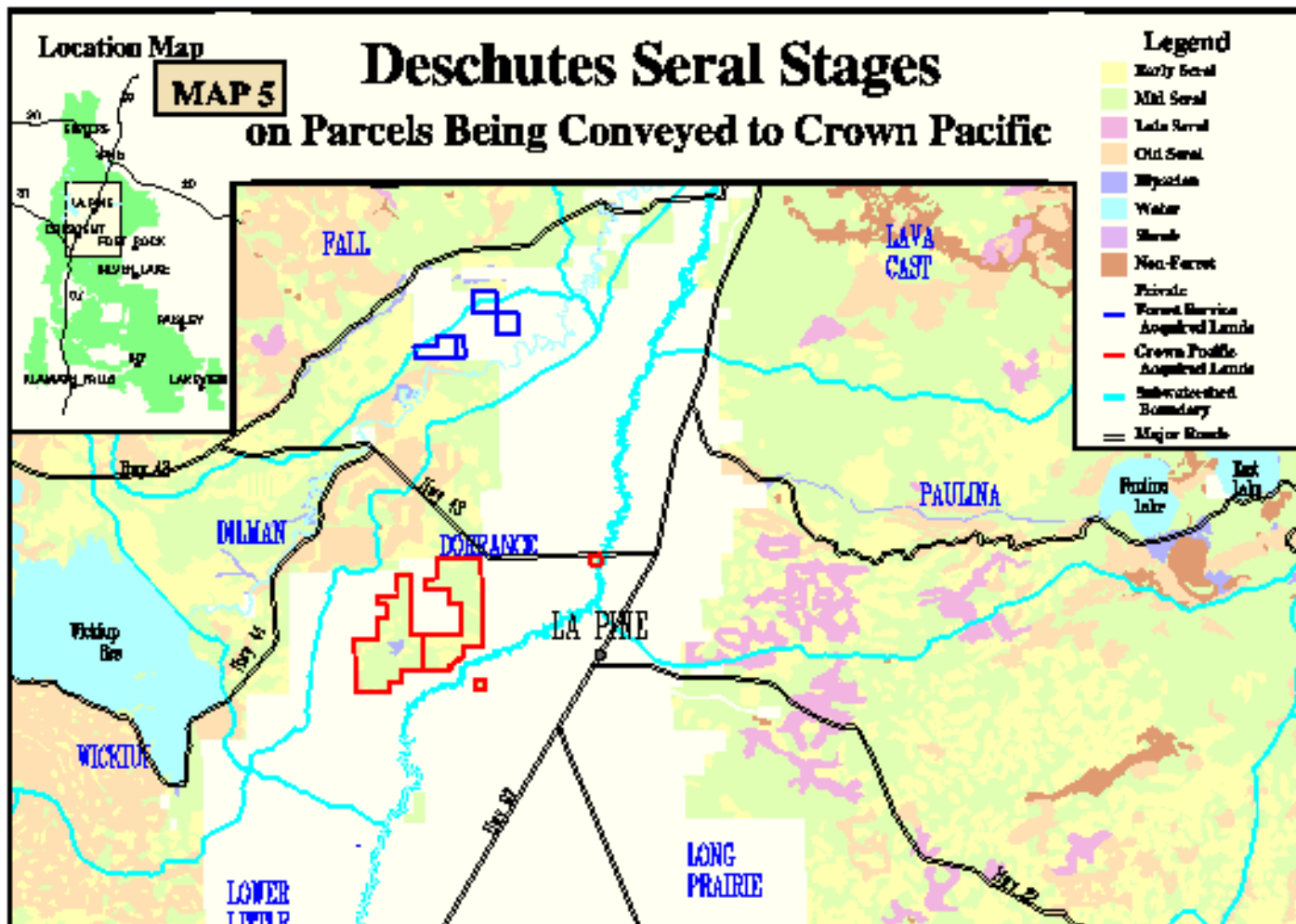
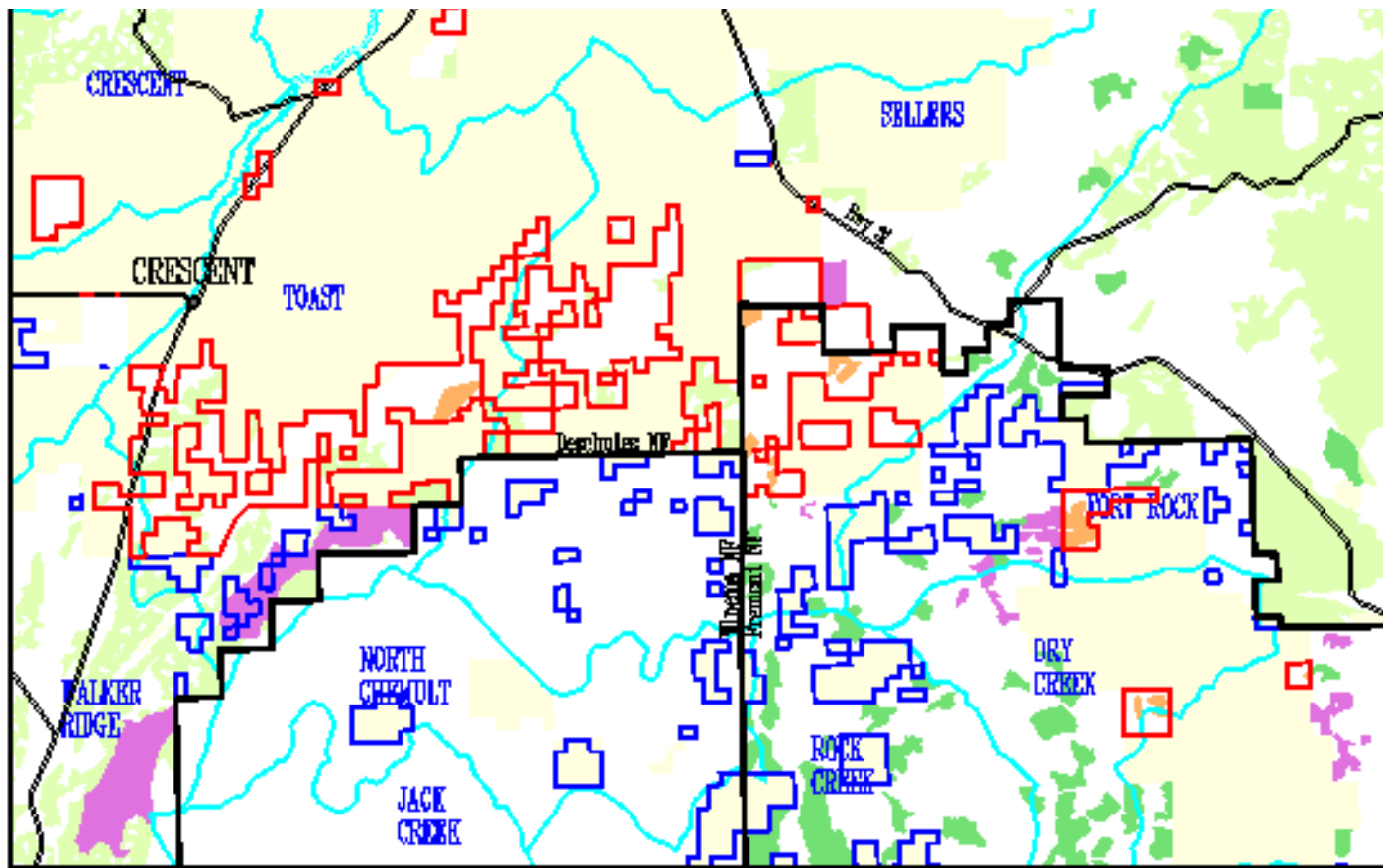
Date: 2/27/98

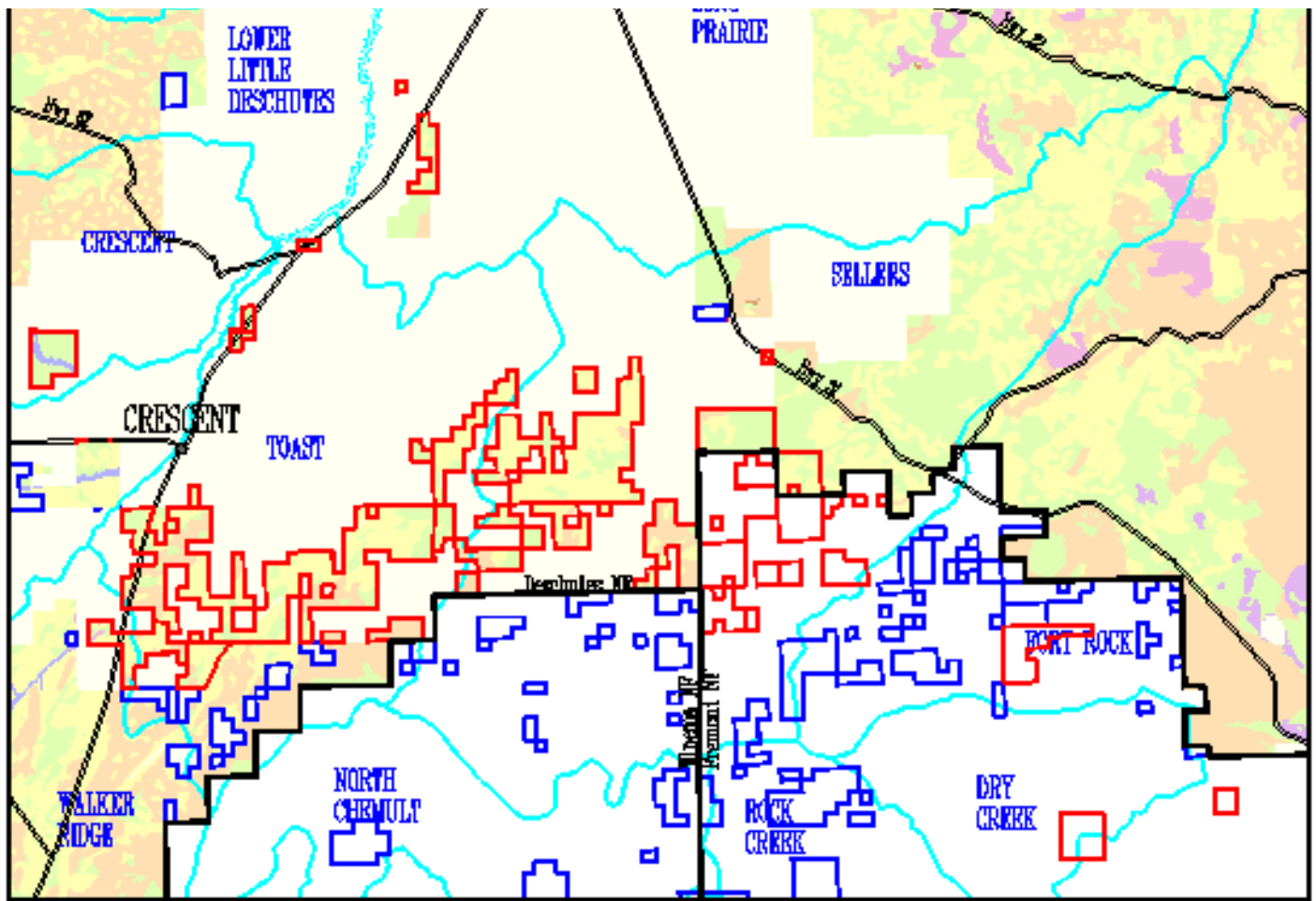












[DNF Home Page](#) | [NEPA](#) | [SO Documents](#) | [Crown Exchange](#)

<http://www.fs.fed.us/r6/deschutes/desnf/manage/nepa/documents/so/crown/rodt.html>

Last Update: 3/14/98

R.A. Jensen