



Decision Memo Cougar Salvage

USDA Forest Service Lookout Mountain Ranger District Ochoco National Forest Crook and Wheeler Counties, Oregon

Decision

I have decided to salvage approximately 600 dead trees in the Marks Creek Watershed. The purpose of this project is to recover the economic value of the dead trees. The cause of death for these trees is an infestation by bark beetles. None of these trees were killed by underburning projects or wildfires in the project area. The project area is located approximately 20-30 miles northeast of Prineville, Oregon in Crook and Wheeler Counties. The legal description of the project location is T. 12 S., R. 19 and 20 E., T. 13 S., R. 18, 19, and 20 E., and T. 14 S., R. 18 and 19 E. A map of the salvage tree locations is attached.

Approximately 600 dead trees over 60 scattered acres will be harvested. The salvage areas range in size from less than 1 acre to 5 acres. Approximately 630,000 board feet in volume will be salvaged. These dead trees are mostly ponderosa pine and approximately 500 are larger than 21 inches in diameter. A snag inventory was conducted and the forested portion of the watershed contains approximately 117,000 snags (see October 11, 2005, wildlife report). Of these snags, about 19,200 are larger than 21 inches in diameter. The dead trees selected for harvest are in excess of standards and guidelines for snag-dependant wildlife species and are in excess of habitat requirements for those species that would potentially be affected.

Logs will be skidded to existing roads and skid trails will be no longer than 500 feet. Slash from harvest activities will be cut into pieces and scattered in the area. The project may include a small amount of hand piling depending on the amount of slash generated during harvest activities. Hand piles may be burned. There will be no machine piling of slash associated with this salvage harvest.

No new road construction, temporary road construction, or new landing construction is needed to harvest these trees. All dead trees selected for harvest are within 500 feet of an existing road. This project does not include road decommissioning. Existing closed roads that are opened for harvest activities will be re-closed when the harvest activity is completed. Existing landings and skid trails will be utilized to avoid additional soil disturbance and compaction.

The following measures are part of this project and are included to reduce or minimize effects.

1. Harvest and skidding of trees within Riparian Habitat Conservation Areas (RHCAs) will not be allowed. Any dead trees within RHCAs will be left standing or will be felled and left in place if determined to be a safety concern.

2. Harvest will not occur in any allocated old growth area, pileated feeding habitats associated with allocated old growth, goshawk post-fledging area, or goshawk nest site.

3. All trees identified for harvest are in excess of prescribed snag levels for cavity-dependent species. The Ochoco National Forest Viable Ecosystems Model and DecAID (Decayed Wood Advisor) source documents were used to determine the number of snags for retention per acre for cavity-dependent species. A snag inventory was completed for the Marks Creek Watershed. Snags will be retained within each area where harvest will occur based on snag retention levels developed specifically for this project.

4. Known populations and high-probability habitat of sensitive plant species have been identified and harvest activities will avoid these areas.

5. Any landings utilized during the salvage harvest activities will be seeded with a Forest Service approved seed mixture to reduce the potential for noxious weed spread. Seed mixtures will contain native grasses and/or forbs if they are available.

6. Equipment cleaning clauses will be included in the timber sale contract to reduce the potential for new infestations of noxious weeds.

Categorical Exclusion

Decisions may be categorically excluded from documentation in an environmental assessment or environmental impact statement when they are within one of the categories identified in the Forest Service Handbook (FSH) 1909.15, Chapter 30. This proposal falls within a category of actions identified in FSH 1909.15 Chapter 30, Section 31.2(13). Category 13 describes salvage harvest of dead and/or dying trees not to exceed 250 acres and requiring no more than 1/2-mile of temporary road construction. The analysis for this activity can be excluded from documentation in an environmental assessment or environmental impact statement. The environmental analysis indicates that there are no significant effects to extraordinary circumstances associated with this salvage harvest project.

Extraordinary Circumstances

I find that no extraordinary circumstances exist with the project activities that may result in a significant individual or cumulative effect on the quality of the human environment.

I considered the following resource conditions in making my determination that extraordinary circumstances related to the project did not warrant further analysis and documentation in an environmental assessment or an environmental impact statement.

Federally listed threatened or endangered species or designated habitat or species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species

Biological evaluations were prepared for terrestrial, aquatic, and botanical species. This section summarizes the information and analysis contained in the biological evaluations for the Cougar Salvage Project. The three biological evaluations are contained in the project file. This section has been divided into federally listed species and Forest Service sensitive species.

Federally listed species

There is one federally listed as threatened wildlife species known to occur on the Ochoco National Forest: northern bald eagle (*Haliaeetus leucocephalus*). No wildlife species federally listed as endangered are known to occur on the Ochoco National Forest. The Marks Creek Watershed does not contain any designated or proposed critical habitat for any federally listed species. There is incidental foraging along Marks Creek by bald eagles; however, there are no known nest or roost sites within the watershed. A determination of “may affect, not likely to adversely affect” was reached because incidental foraging use occurs along Marks Creek and bald eagles use standing dead trees for perches during foraging activities. Bald eagles are most likely to perch on snags in RHCAs while foraging; no harvest will occur in RHCAs. Bald eagles could avoid logging operations if they are present when the activities occur.

The Ochoco National Forest is also within the listing range for Canada lynx (*Lynx canadensis*). However, the Ochoco National Forest does not contain sufficient primary habitat to identify Key Linkage Areas or Lynx Analysis Units. In May 2001, the Ochoco National Forest received concurrence from the U.S. Fish and Wildlife Service that implementation of any activities consistent with the LRMP, as amended, would result in a “may affect, not likely to adversely affect” determination for lynx.

There are two federally listed as threatened aquatic species known or suspected to occur on the Ochoco National Forest. These species are steelhead trout (*Oncorhynchus mykiss*) and bull trout (*Salvelinus confluentus*). This project will have no effect on either steelhead trout or bull trout because there is no habitat within the Marks Creek Watershed. There are no aquatic species that are federally listed as endangered that are known to occur on the Ochoco National Forest.

There are no federally listed botanical species known or suspected to occur on the Ochoco National Forest.

Forest Service Sensitive Species

There are eight wildlife species on the Regional Forester’s sensitive species list that are known or suspected to occur on the Ochoco National Forest. They are: Peregrine falcon (*Falco peregrinus anatum*), bufflehead (*Bucephala albeola*), upland sandpiper (*Bartramia longicauda*), western sage grouse (*Centrocercus urophasianus*), gray flycatcher (*Empidonax wrightii*), tricolored blackbird (*Agelaius tricolor*), pygmy rabbit (*Brachylagus idahoensis*), and California wolverine (*Gulo gulo*).

No suitable habitat exists within the Marks Creek Watershed for the Peregrine falcon, bufflehead, upland sandpiper, western sage grouse, tricolored blackbird, and pygmy rabbit. The salvage activities will have no effect on these species because the project will have no effect on their habitat.

Gray flycatcher and California wolverine are the only sensitive terrestrial wildlife species that have potential habitat within the Marks Creek Watershed.

A determination of “no impact” was reached for gray flycatcher because the salvage activities will not affect suitable habitat. This bird primarily uses juniper and big sagebrush habitats with well-developed shrub understories. The bird has also been documented within open ponderosa pine stands with a sagebrush understory. No potential habitat exists within salvage locations. The gray flycatcher is both widely distributed across its range and based upon analysis of breeding bird survey routes in Oregon, the Breeding Bird Atlas (Adamus et al. 2001) shows gray flycatcher populations are presently increasing.

A determination of “may impact individuals or habitat” was reached for California wolverine. Wolverines may use the area and since the human disturbance associated with the salvage activity is scattered over a large area there is a potential for altering their movement patterns. However, wolverines tend to avoid roads and areas of high human presence. The salvage activities will occur within 500 feet of roads and wolverines are likely to avoid these areas. There is no denning habitat that will be affected by the project activities.

There are five aquatic species on the Regional Forester’s sensitive species list that are known or suspected to occur on the Ochoco National Forest. They are: Malheur mottled sculpin (*Cottus bairdi* spp.), mid-Columbia River spring chinook salmon (*Oncorhynchus tshawytscha*), west slope cutthroat trout (*Oncorhynchus clarki clarki*), redband trout (*Oncorhynchus mykiss* ssp.), and the Columbia spotted frog (*Rana luteiventris*). The Columbia spotted frog is also a candidate for listing under the Endangered Species Act.

Redband trout are known to inhabit several streams in the Marks Creek Watershed, including Marks, Crystal, Rush, Deadman, Little Hay, Cornez, Buck, Rush, Sears, Jim Elliott, Peterson, Wild Cat, and Hamilton Creeks. This project “may impact individuals or habitat” for redband trout because harvest activities might increase sediment transport to streams. To avoid adverse effects to inland native fish, no harvest activities will occur within RHCAs and logging slash will be lopped and left at harvest locations to trap and hold sediments from disturbed soils. This project is not expected to result in any measurable change in sediment delivery to streams.

Incidental sightings of Columbia spotted frogs have been reported in or near Marks, Crystal, and Little Hay Creeks. This project “may impact individuals or habitat” for Columbia spotted frogs. Harvest activities will not occur in RHCAs where breeding activities occur. However, there is a potential of loss or injury to spotted frogs during migrations between wet areas and upland habitat when trees are being felled and heavy equipment is operating.

The project will have no effect on west slope cutthroat trout, Malheur mottled sculpin, and mid-Columbia River spring chinook salmon because these species are not known to be present in the project area.

There are 28 botanical species on the Regional Forester's sensitive species list that are known or suspected to occur on the Ochoco National Forest. Fifteen of these species are known or suspected to occur in the project area. They are: Henderson's needlegrass (*Achnatherum hendersonii*), Wallowa needlegrass (*Achnatherum wallowaensis*), ascending moonwort (*Botrychium ascendens*), crenulate moonwort (*Botrychium crenulatum*), Mingan's moonwort (*Botrychium minganense*), mountain moonwort (*Botrychium montanum*), twin-spike moonwort (*Botrychium paradoxum*), pinnate moonwort (*Botrychium pinnatum*), Peck's lily (*Calochortus longebarbatus* var. *peckii*), Back's sedge (*Carex backii*), porcupine sedge (*Carex hystericina*), interior sedge (*Carex interior*), yellow lady's-slipper orchid (*Cypripedium parviflorum*), silverskin lichen (*Dermatocarpon luridum*), and margined streamside moss (*Scouleria marginata*).

The project "may impact individuals or habitat" of Peck's lily, the six moonworts, porcupine sedge, and interior sedge. These species have been grouped because they are associated with riparian habitats. The project will avoid disturbance of known populations and high probability habitat of these species. No harvest of dead trees will occur within RHCAs. Some individual plants in marginal habitat could be affected by road maintenance within RHCAs.

For Back's sedge, a determination of "may impact individuals or habitat" was reached. Based on surveys, Back's sedge is not likely to occur on the Ochoco National Forest; however, potential habitat does exist. Most suitable habitat is associated with upland portions of RHCAs. No harvest activities will occur within RHCAs. Road maintenance may impact some habitat, but will not lead to a trend towards federal listing.

A "no impact" determination was reached for yellow lady's-slipper orchid because no harvest activities will occur in suitable habitat areas.

For silverskin lichen and margined streamside moss a determination of "may impact individuals or habitat" was reached. Habitat for both of these species is associated with perennial streams. The salvage activities will not occur in RHCAs; however, there is a slight chance that sediment from salvage activities might reach perennial streams.

A determination of "no impact" was reached for the two needlegrass species because salvage activities will not occur on scablands, the primary habitat for these species.

For the remaining 13 species, the project will have no impact because there is no habitat in or near the project area. The August 10, 2005, Botany Report contains a list of these species.

Floodplains, wetlands, or municipal watersheds

This project will not affect wetlands or floodplains because it does not include any salvage harvest activities within RHCAs. There are no municipal watersheds within or near the project area.

Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas

Portions of the Mill Creek Wilderness lie within the project area. No harvest activities will occur in the Mill Creek Wilderness. Harvest activities will occur within 500 feet of existing roads. No road construction is authorized by my decision. The salvage harvest activities will not affect the Mill Creek Wilderness. There are no other congressionally designated areas within the project area.

Inventoried roadless areas

There are no inventoried roadless areas (RARE II or Forest Plan) in the project area (LRMP FEIS, Appendix C).

Research natural areas

There is one research natural area in the Marks Creek Watershed. No harvest activities will occur within the Ochoco Divide Research Natural Area.

American Indian and Alaska Native religious or cultural sites, archaeological sites, or historic properties or areas

Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. The project was designed to avoid all known cultural/heritage sites. Based on field inspection of known cultural sites and proposed trees to harvest, this project has no effect on heritage sites and the qualities that make them eligible to the National Register of Historic Places.

If a cultural/heritage resource site were newly discovered during harvest operations, efforts will be made to avoid any further disturbance. Site-specific mitigation will be determined if sites could not be avoided, and consultation with the Oregon State Historic Preservation Office (SHPO) will occur prior to resuming activities.

Public Involvement

This project has been listed in the Schedule of Proposed Actions for the Ochoco National Forest since the January 2004 issue. In August 2005, the proposal was mailed to 69 individuals, organizations, and other agencies, including adjacent landowners. In response to the August 2005 scoping letter, eight letters and several phone calls were received. These letters contain a

wide variety of comments. Some commenters expressed general support for the project while others provided specific concerns related to harvesting snags, effects to cavity-nesting wildlife, the importance of down logs, and use of a categorical exclusion for this project. Substantive comments received during the scoping phase of the analysis fell into four broad categories: snags, DecAID, primary cavity excavators, and use of a categorical exclusion.

On October 27, 2005, letters were mailed to 35 individuals, organizations, and other agencies informing them of the opportunity to comment on this project. A legal notice inviting comments on this project was published on October 28, 2005; a corrected legal notice was published on November 9, 2005. The 30-day comment period ended on December 9, 2005. During the comment period, seven letters and two phone calls were received. Substantive comments received during the comment period focused on snags, bald eagles, mitigation measures, and use of a categorical exclusion. Two commenters expressed support for the project.

All substantive comments are briefly summarized and are then followed by a discussion of how they were considered.

Snags

Some comments indicated concerns that the Forest Service had not completed snag surveys and were proposing to harvest snags in an area that is deficient in snags. It was suggested that the Ochoco LRMP mandates that at least 3 snags per acre be retained. Other comments suggested that the Lookout Mountain Ranger District was not using the latest information related to snags and might be using outdated information such as “biological potential.” Other comments related to snag distribution and expressed concerns about averaging snags across thousands of acres that included burned areas. Some comments expressed concerns over the size of snags and stated that large diameter snags stand longer and receive more use, so they should be retained. Other comments suggested that salvaged stands differ from unsalvaged stands by the absence of primary cavity excavators. One commenter suggested that this project would have significant impacts because it was removing snags when the Interior Columbia Basin is outside the range of historic variability and lacks large snags.

The Forest Service did complete snag surveys in the project area. The snag survey encompassed 34,010 acres in the Marks Creek Watershed. Snag surveys were not completed in non-forest areas and in juniper plant associations; these areas comprise approximately 4,800 acres in the watershed. The area surveyed for snags included 4,600 acres burned by the Hash Rock Fire in the fall of 2000. Snag surveys indicated that there were approximately 97,500 snags smaller than 20 inches in diameter and 19,200 snags larger than 20 inches in diameter in the watershed.

The Ochoco LRMP does not mandate that 3 snags per acre be retained. The Ochoco LRMP as amended by the Eastside Screens directs that snags and green tree replacement trees greater than or equal to 21 inches dbh will be maintained at 100 percent of potential population levels. Using the best available science, management direction, and local knowledge of the project area, the district wildlife biologist developed snag retention levels based on the plant association groups within the project area. The number of snags that were retained on a per acre basis varies from 4.3 to 9.1. (More specific information is contained in the October 11, 2005, Wildlife Report.)

This project was designed to retain snags distributed across the landscape. Snags have been identified for harvest at 53 points. These points range in size from less than 1 acre to 5 acres, and encompass approximately 60 acres total. Based on plant association group, snags will be retained at each of these points at the upper end of the retention levels developed by the district wildlife biologist, unless they are hazard trees. This project includes harvest of 45 hazard trees.

Different wildlife species utilize a variety of snags of various sizes and characteristics. In general, larger diameter snags can accommodate nest cavities of any woodpecker species, stand the longest, and provide habitat for those species that utilize large cavities in decayed trees. Species that prefer large diameter snags are well documented and include species such as the pileated and white headed woodpeckers. Other species such as the downy woodpecker, three-toed woodpecker, and black-backed woodpecker seem to prefer smaller diameter snags. Large diameter snags are being retained within the salvage areas to meet the snag levels developed for this project using the Ochoco National Forest Viable Ecosystem model and species requirements according to the latest available science which includes information contained in DecAID.

In *Comparing bird assemblages in successional black spruce stands originating from fire and logging*, Imbeau et al. (1999) found that black-backed woodpeckers, three-toed woodpeckers, and brown creepers were primarily restricted to mature stands or recent burns, and logged stands were distinguished from burned sites by the absence of cavity-nesting birds. The logged stands were clearcuts with low to no snags. Black-backed woodpeckers are dependent on high snag densities that would typically occur in burns or mature fir dominated stands. There is only a small amount of salvage proposed within the Hash Rock Fire perimeter. The salvage activities would not significantly effect the available burned forest habitat because of the small amount of salvage proposed and the fact that snags will be maintained within salvage areas to support cavity excavating species that would be expected to be located in the particular habitat type. Imbeau et al. 1999 does not evaluate variations in snag densities and how particular species would be affected.

In *Snags and Down Wood in the Interior Columbia Basin Ecosystem Management Project*, Korol et al. (2002) report that the Interior Columbia Basin is outside the range of historic variability for large snags and that on FS and BLM managed lands large snags are expected to return to historical levels within 100 years. Leaving excess snags of species needs at any one particular location will not make up for deficiencies that exist on a large scale. This project did consider the range of historic variability for large snags based on the Marks Creek Watershed and will maintain snags within that range. This project evaluated snag levels at the subwatershed scale which is currently the recommended scale (see discussion below under Categorical Exclusion).

DecAID

Several comments related to the use of the Decayed Wood Advisor (DecAID). Comments suggested that (1) a NEPA analysis was needed before using DecAID, (2) effectiveness monitoring is needed, (3) tolerance levels are confusing and may be too low, (4) relying on DecAID was inappropriate, (5) it should be used with caution in post-fire landscapes, and (6) DecAID should be expanded to include other ecological functions of down wood.

Many comments related to DecAID are outside the scope of this project. The scope of this project is limited to the harvest of standing dead trees in Marks Creek watershed. Effectiveness monitoring of DecAID, expanding the scope of DecAID, or preparing a NEPA document to evaluate whether relying on DecAID is appropriate are outside the scope of this project. Also, this project does not propose harvest of fire-killed trees. DecAID is an advisory tool to help managers evaluate the effects proposed management activities have on organisms that use snags and down wood; it is a planning tool that incorporates scientific information that was not available when the LRMP was amended by the Eastside Screens. The wildlife biologist utilized a variety of information, including several source documents from DecAID to develop site-specific snag retention levels for the project area (see October 11, 2005, Wildlife Report).

Primary Cavity Excavators

Several comments related to maintaining or improving habitat for woodpeckers and other cavity-nesting birds, including white-headed and black-backed woodpeckers.

The LRMP identified the pileated woodpecker and primary cavity excavators (including northern flicker) as management indicator species. The wildlife report documents the consideration of effects to primary cavity excavators. Harvesting approximately 600 snags in the watershed will not reduce the amount (i.e. acres) of habitat for primary cavity excavators, even though there will be fewer snags in the areas where harvest occurs. Harvest will occur on about 60 scattered acres; areas range in size from less than 1 acre to 5 acres and snags will be retained in these areas at the retention levels developed for this project.

Bald eagles

One comment stated that the draft decision memo contained erroneous assertions related to bald eagle habitat, including foraging areas.

The draft decision memo stated that there were no known nest or roost sites within the project area. This statement has been expanded to indicate there are no known nest or roost sites within the Marks Creek Watershed. The draft decision memo did not state or imply that bald eagles do not nest in large diameter snags in ponderosa pine forests; only that there are no known nests in the Marks Creek Watershed. Bald eagle nesting territories are normally associated with lakes, reservoirs, or rivers. Because there are no lakes, reservoirs, or rivers within the Marks Creek Watershed, it is unlikely that bald eagles will establish nesting territories there. Incidental foraging use is known to occur along Marks Creek and bald eagles use standing dead trees for perches during foraging activities. Bald eagles are mobile and could avoid logging operations if they are present during logging activities.

Mitigation Measures

One commenter stated that the draft decision memo failed to include any mitigation measures to limit sediment delivery to streams, restrict logging to protect listed species, or require localized site-specific surveys for botanical species (such as Peck's mariposa lily and moonworts).

The draft decision memo did not explicitly identify any mitigation measures. However, both the draft decision memo and this final decision memo, identify measures that avoid, minimize, or reduce the impacts from this project. Page 2 of this decision includes a list of several measures that reduce or minimize effects. These measures are all mitigation measures. For example, to avoid adverse effects to inland native fish, no harvest activities will occur within RHCAs and logging slash will be lopped and scattered at harvest locations to trap and hold sediments from disturbed soils.

This project will avoid disturbing known populations and high probability habitat of sensitive botany species associated with moist habitats. No harvest of dead trees will occur within RHCAs. "Avoiding" known populations and high probability habitat is a mitigation measure. The August 10, 2005, Botany report referenced in the draft decision memo and contained in the project file, discloses information on plant surveys, including field reviews that were completed for this project in July 2005.

Categorical Exclusion

Some commenters felt that an Environmental Assessment (EA) or Environmental Impact Statement (EIS) should be prepared to determine if the project might have significant effects. Comments suggested that categorical exclusions could not be issued in matters of public controversy. Another commenter suggested that the Forest Service should not be exempt from considering potential impacts because the project was small. One commenter suggested that the agency was using contradictory acreages; snag numbers were averaged across the "project area" and the project was impacting habitat encompassing more than the individual clumps of trees.

A categorical exclusion is appropriate in this circumstance. The Cougar Salvage project falls within a category of actions that can be excluded from documentation in an EA or EIS. The project was reviewed for potential effects to extraordinary circumstances (see FSH 1909.15, 30.3) and the analysis indicates that the potential effects are minor. Relevant scientific literature was reviewed during the analysis for this project. The site-specific evidence for this project indicates that the environmental consequences are minor. The Forest Service did not use contradictory acreages. The project area encompasses the Marks Creek Watershed because the salvage harvest activities are scattered throughout the watershed. It is appropriate to categorically exclude this activity because the amount of harvest is approximately 60 acres and is well within the 250-acre limit set in Category 13. The Forest Service selected the watershed boundary as the area to analyze for impacts to snags because scientific literature suggests that snags should be analyzed at the subwatershed scale or 20 square miles (DecAID). The publication *Estimating Snag and Large Tree Densities and Distributions on a Landscape for Wildlife Management* (Wisdom et al. 1999) recommends that snags should be sampled at the subwatershed scale. Salvage harvest activities will occur within both subwatersheds in the Marks Creek Watershed.

Simple opposition to a project does not render it controversial. The Cougar Salvage project was designed to comply with the Ochoco LRMP and does not violate federal law.

The categorical exclusion process was not used to evade meaningful public participation. Scoping letters were mailed to potentially interested and affected publics to solicit their participation. A draft Decision Memo was mailed to 35 individuals, organizations, and agencies notifying them of the opportunity to comment. And, a notice was published in both *The Bulletin* newspaper Bend, Oregon and the *Central Oregonian* newspaper Prineville, Oregon notifying the public of the opportunity to comment on this proposal.

Ochoco National Forest LRMP

I have reviewed my decision for consistency with LRMP direction. My decision is consistent with the LRMP, as amended, as required by the National Forest Management Act. I have also reviewed my decision for consistency with 16 USC (United States Code) 1604(g)(3) and find that it is consistent.

The trees selected for harvest occur within several land allocations, including MA-F7 Summit Historic Trail, MA-F16 Bandit Springs Recreational Area, MA-F20 Winter Range, MA-F22 General Forest, MA-F25 U.S. Highway 26 Visual Corridor, and MA-F26 Visual Management Corridors. Timber harvest is allowed in these land allocations.

The Cougar Salvage project was designed to comply with LRMP standards and guidelines. For example, the forest-wide standard and guidelines for soils states “In order to maintain site productivity, all project activities will be planned to reduce soil compaction and displacement to the lowest reasonable level...The minimum will be 80 percent of the total activity area.” The September 19, 2005, Soils input indicates this project is very low impact and will not create detrimental compaction or displacement. As indicated by 16 USC 1604 (g)(3), this project will not irreversibly damage soil conditions.

The October 11, 2005, Wildlife Report describes the effects to management indicator species, including pileated woodpecker and primary cavity excavators.

To comply with LRMP restrictions on harvesting in the Bandit Springs Recreation Area, harvest will not occur between December 1 and March 30. Harvest of four dead trees will occur within the Bandit Springs Recreation Area near the end of Road 2600-310. To comply with the visual quality objective in this land allocation, slash will be lopped and scattered and will be removed from any existing ski trail.

Harvest will occur in several visual corridors. These visual corridors are designated as retention or partial retention in the LRMP. Visual corridors occur along Highway 26 and Roads 27, 2610, and 2210. To comply with scenic resources standards and guidelines, trees within 75 feet of these roads will be cut so that stump heights do not exceed 12 inches. Slash created by the harvest activities within the visual corridors will be lopped and scattered within 1 year of the actual harvest.

An LRMP amendment is not needed to implement this salvage harvest project.

This project provides protection for streams and other waterbodies because there would be no harvest in RHCAs. See also extraordinary circumstances description related to floodplains and wetlands.

As indicated by 16 USC 1604(g)(3)(E)(ii), there is no need for restocking because these stands are adequately stocked, and this project will only remove dead trees.

Inland Native Fish Strategy

Riparian areas and wetlands in the project area are subject to the interim direction provided by the Inland Native Fish Strategy (aka INFISH) which amended the Ochoco LRMP. Project activities will not retard attainment of Riparian Management Objectives because no salvage harvest will occur within any RHCA and no road construction will occur.

Eastside Screens

The Regional Forester's Amendment 2 (aka the Eastside Screens) amended the LRMP and provides direction for certain timber sales. This salvage sale is consistent with the interim wildlife standard as required by the Eastside Screens. Salvage harvest is located outside of old growth areas. Harvest of scattered, dead trees will not cause fragmentation or reduce connectivity. A snag inventory was completed. Only snags that were determined to be excess to prescribed snag levels for cavity-dependant species will be harvested. All existing down coarse woody debris will be left and standing dead trees left after harvest operations will contribute to future coarse woody debris levels. This project does not include harvest of live trees; therefore, green tree replacements will not be affected. No harvest will occur within the six goshawk post-fledging areas in the Marks Creek Watershed. This salvage sale is exempt from the interim ecosystem standard and a comparison of current conditions and the historical range of variability was not completed.

A roads analysis is not needed for this project because it does not include any road construction or decommissioning.

Findings Required by Other Laws

National Environmental Policy Act. NEPA establishes the format and content requirements of environmental analysis and documentation. This environmental analysis was undertaken to comply with NEPA.

National Historic Preservation Act. A cultural resource inventory has been completed for the proposed action. On September 26, 2005, the Ochoco National Forest completed the "Project Review for Heritage Resources under the Terms of the 2004 Programmatic Agreement" with the Oregon State Historic Preservation Officer (SHPO). Project activities have been designed to have No Effect to cultural resource sites through avoidance.

Endangered Species Act. Biological evaluations have been prepared to document the effects of project activities on threatened and endangered species in the project area. There are no

endangered species known or suspected to occur on the Ochoco National Forest. Threatened species that are known or suspected to occur on the Ochoco National Forest include bull trout, mid-Columbia River steelhead trout, northern bald eagle, and Canada lynx. Potential effects to these species were analyzed (see October 11, 2005, Wildlife Report and the October 6, 2005, Biological Evaluation for aquatic species). The analysis documents that there will be no effect to bull trout or mid-Columbia River steelhead trout. The project may affect, but is not likely to adversely affect northern bald eagle and Canada lynx. Consultation with the U.S. Fish and Wildlife Service has been completed.

Clean Air Act. The project activities may include a small amount of burning associated with hand piles. Only a minor amount of smoke might be created as a result of implementing this project. Any burning activities will be coordinated with the Oregon State Department of Environmental Quality and Department of Forestry. This project will comply with the Clean Air Act.

Clean Water Act. Project activities will comply with the Clean Water Act. There are four streams within the project area that are on the draft 2004 303(d) list of Water Quality Limited Water Bodies for summer water temperature. These streams are: Marks, Crystal, Hamilton, and Little Hay Creeks. Salvage harvest activities will have no effect on stream temperature because the amount of stream shade will not be changed.

Executive Order 13186 - Responsibilities of Federal Agencies to Protect Migratory Birds. The focal species identified in the Partners In Flight Bird Conservation Plan were utilized to evaluate the effects of the salvage harvest activities on migratory birds. The October 11, 2005, Wildlife Report describes the focal species for the Blue Mountains Province, priority habitats, and the effects to focal species. Based on habitat types and proposed activities, the analysis focused on white-headed woodpecker, which is also a primary cavity excavator. Habitat for white-headed woodpeckers will be retained at all harvest locations, because some snags will be retained.

Implementation

If no appeals are filed within the 45-day time period for filing appeals, implementation of this decision may occur on, but not before, 5 business days from the close of the appeal filing period. If any appeals are filed, implementation may occur on, but not before, the 15th business day following the date of disposition of the last appeal.

Administrative Review or Appeal Opportunities

My decision is subject to administrative review (appeal) pursuant to 36 CFR 215. Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal my decision. Any notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Any appeal must be filed (regular mail, fax, e-mail, hand-delivery, or express delivery) with the Forest Supervisor, Ochoco National Forest, 3160 NE Third Street, Prineville, OR 97754.

Appeals submitted via fax should be sent to (541) 416-6695. Appeals can be filed electronically at: *appeals-pacificnorthwest-ochoco@fs.fed.us*.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in plain text (.txt), Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf). E-mails submitted to e-mail addresses other than the one listed above, or in formats other than those listed, or containing viruses, will be rejected. It is the responsibility of the appellant to confirm receipt of appeals submitted by electronic mail.

The office hours for those submitting hand-delivered appeals are 8:00 am - 4:30 pm Monday through Friday, excluding holidays.

Appeals, including attachments, must be filed within 45 days from the publication date of the legal notice announcing this decision in *The Bulletin* newspaper, Bend, Oregon. Attachments received after the 45-day appeal period will not be considered. The publication date in *The Bulletin* is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Katherine Farrell or Pete Wacker, Project Leader, at the Lookout Mountain Ranger District, 3160 NE Third Street, Prineville, OR 97754 or at (541) 416-6500.

/s/ Arthur J. Currier

ARTHUR J. CURRIER
District Ranger

1/17/06

Date

