

## *Record of Decision*

# **Meteor**

**USDA Forest Service**

**Salmon River Ranger District, Klamath National Forest  
Siskiyou County, California**

T37-40N, R11-12W, MDM; T9-10N, R8E, HM

## **Background**

The Klamath National Forest Land and Resource Management Plan (Forest Plan) divides the forest into a number of land allocations designed to provide for a variety of uses, outputs, and resources. Management direction was developed for each land allocation, including standards and guidelines. This management scenario for the Forest was developed consistent with the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, also known as the Northwest Forest Plan. The environmental analyses associated with the Northwest Forest Plan and the Forest Plan indicated that ecosystem health and species viability would be maintained by following the direction in those documents during project implementation.

Within the Salmon River Ranger District, over 74% of national forest system land is allocated to some type of reserve: Wilderness comprises 41%, Late-Successional Reserves 21%, and mapped Riparian Reserves 10% of the area. Because intermittent Riparian Reserves continue to be mapped as areas of the forest are examined, the estimated acres are extremely conservative. While approximately 26% of the district is mapped as Matrix (land allocations with some degree of scheduled timber output associated), the actual percentage is much lower as the majority of unmapped Riparian Reserves are within Matrix land allocations. It was estimated in the Forest Plan that approximately 45% of the area on the westside of the Klamath National Forest is unmapped Riparian Reserves. The proposed action is primarily within Matrix land allocations with a very small amount in Riparian Reserves that physically lie within the surrounding Matrix.

## **Decision and Reasons for the Decision**

### ***Purpose and Need***

The purposes of the proposed action are to maintain stand health by leading stands into a resilient condition where they can provide a sustained yield of wood products, reduce the risk of these stands to catastrophic fire, maintain unique wildlife habitats, and provide an economical, safe, and environmentally sensitive transportation system. The need for treatment was identified in the watershed analysis and roads analysis processes by comparing the existing condition with the desired condition as outlined in the Forest Plan. Members of an interdisciplinary team visited areas in the assessment area to identify areas that were a high priority for moving towards the desired condition. Various resource specialists proposed prescriptions and road actions. An interdisciplinary team reviewed those areas in the field, making design changes and developing resource protection measures to develop a proposed action. The environmental impact statement (EIS) documents the detailed analysis of three alternatives to meet this need.

## ***Decision***

Based upon my review of all alternatives, supporting documentation, and public comments, I have decided to implement Alternative 2, the proposed action, which is also the preferred alternative and environmentally preferable alternative. It includes timber harvest and associated activities including fuel treatment on 744 acres in 39 units, fuel treatment activities on an additional 131 acres in 9 stands, some habitat improvement activities, and road actions as well as all resource protection measures described in the EIS.

The timber harvest would use a combination of commercial thinning, group selection, green tree retention, seed tree, sanitation, and salvage prescriptions on Matrix land. Helicopter, cable, and tractor logging systems would be utilized. Associated activities would include reforestation by planting seedlings, precommercial thinning, browse protection, hand grubbing and chainsaw release of planted trees, gopher control, mastication (grinding up) of non-commercial trees, and fuel treatment. A combination of hand piling, prescribed burning, yarding and removal of unmerchantable material, and tractor piling would be used to treat fuels created by harvest activities. Selected Riparian Reserves would be thinned; this low intensity entry in low risk areas was designed by watershed and fisheries specialists to move the Riparian Reserves towards their desired condition.

Existing roads would be used for the project with no new road construction. Road 39N27 would be stormproofed. Roads 39N22A and 37NO2B would be changed to Maintenance Level 1 (closed to road use, except for maintenance) after project completion. One unclassified road (existing road not on the transportation system) would be improved to standard and added to the road system. Six unclassified roads would be decommissioned; three of these would be used in the project prior to decommissioning. Roads would receive maintenance as necessary for logging and haul.

Mastication would be used to reduce fuels on an additional 131 acres. Habitat improvement activities include underburning oak stands on 50 acres with low intensity fire, repairing a fence, repairing the outlet to a pond, and improving two water developments.

The proposed activities would likely occur within 3 to 5 years of this decision.

The project is located within the North and South Forks of the Salmon River Watershed near the towns of Sawyers Bar, Forks of Salmon, and Cecilville, approximately 55 miles southwest of Yreka, California. The legal description is as follows: Mount Diablo Meridian – Township 40N, Range 11W, Section 32; T40N, R12W, Sections 35 and 36; T39N, R11W, Sections 5, 6, and 36; T39N, R12W, Sections 1, 3, 10, 11, 31, and 32; T38N, R11W, Sections 1, 8, 18, 29, 32, 33, and 34; T38N, R12W, Sections 4, 5, 6, 7, 8, and 36; T37N, R11W, Sections 3, 4, 10, and 11; T37N, R12W, Section 1; Humboldt Meridian –T10N, R8E, Section 33; T9N, R8E, Section 5.

## ***Reasons for Decision***

The Selected Alternative is environmentally preferable as it provides healthy growing conditions and achieves short-term fuel management objectives for the greatest number of acres of the alternatives considered. Well-stocked vigorous stands would be established for the long term, including in a small amount of Riparian Reserves and Northern spotted owl critical habitat. Fuel hazard in these areas would be reduced with a corresponding decrease in the risk of stand-replacing fire in harvest and mastication units. Wildlife habitat would be improved by underburning 50 acres of oak stands, improving water developments, and repairing a fence and pond outlet.

Fish habitat will benefit from reduced sediment delivery to stream channels in the long term in this key watershed for anadromous fish. Trees in the smaller size classes and some sick and dying trees would be removed from Riparian Reserves associated with streams in Units 77, 123, and 134. This will increase vigor in the remaining trees, providing large trees for future

large woody debris recruitment with a better chance of staying within the stream channel and not floating through the system at less than flood flows. These beneficial long-term effects would occur in the Methodist, Cecil, and Gooley-Ketchum 7<sup>th</sup> field watersheds and in the South Fork Salmon 5<sup>th</sup> field.

The Selected Alternative is consistent with the Multiple Use/Sustained Yield Act. Some older stands will be regenerated to provide a variety of age classes on Matrix lands. This age class diversity will provide for various seral stage functions as well as for timber yields in the long term. Timber products will be provided to benefit consumers in the short term. Landscape Character will be perpetuated and enhanced moderately in the short and long term. Although not a National Fire Plan project, the Selected Alternative is consistent with the Cohesive Strategy associated with the National Fire Plan as discussed in Response 27 in Appendix F of the Final EIS. Some natural fuels will be treated along with the activity fuels, reducing fuel risk in the treated areas. Although watershed restoration is not a primary purpose, the road actions will improve watershed conditions, taking advantage of funding associated with the timber sale to fund some of the opportunities identified in the Roads Analysis Process, including decommissioning some non-system roads and bringing one non-system road up to standard.

Although there will be a number of short-term minor adverse effects, I believe they are more than offset by the substantial long-term benefits. All practical means to avoid or minimize environmental harm have been adopted. Numerous resource protection measures are detailed in Chapter 2 of the EIS. Some examples include developing burn plans, applying Best Management Practices and other standards to protect water quality and aquatic habitat, seasonal restrictions and standards to protect wildlife, equipment cleaning and other provisions to prevent the introduction or spread of noxious weeds and other pests, scenery enhancements, and protection of heritage resources.

The resource protection measures have been used many times on the Forest. Contract inspectors, sale administrators, and resource specialists have found them to be effective at reducing impacts as discussed in the EIS, supporting documents, Forest Monitoring and Evaluation Reports for the past 8 years, Best Management Practices Monitoring Reports for the past 12 years, and Northwest Forest Plan implementation monitoring for the past 7 years. Effectiveness monitoring at the Northwest Forest Plan scale is currently in progress. When problems with forest management practices are identified through monitoring, the practices are adjusted in an adaptive management process as described on page 4-11 of the Forest Plan and in the monitoring reports. As discussed throughout the EIS, the Forest has monitored timber sales, mastication, reforestation, noxious weeds, fuel reduction activities, soil cover, road work, gopher baiting, air quality, scenic conditions, wildlife habitat, and much more.

The rationale for the resource protection measures related to the Northern spotted owl can be found in the Revised Biological Opinion on the Proposed Knob Timber Sale dated February 22, 2002 prepared by the United States Fish and Wildlife Service. The rationale for resource protection measures relating to anadromous fish can be found in the Conference Opinions, Implementation of Land and Resource Management Plans dated November 26, 1996, and June 20, 1997, prepared by the National Oceanic and Atmospheric Administration – Fisheries (previously National Marine Fisheries Service). The resource protection measures relating to wildlife were developed using the information in the Wildlife Habitat Capability Models in Appendix I of the Forest Plan Environmental Impact Statement.

The short-term effects of the Selected Alternative include removing less than 1% of late-successional habitat in watersheds supporting 55.5% and 47.8% of late-successional vegetation, well within the acceptable levels (15%) identified in the Forest Plan. Other short-term effects include a 1 to 2 year increase in fuel hazard in the harvested stands prior to fuel treatment, a 3 to 5 year increase in fuel hazard after some post-harvest silvicultural treatments, and a reduction in visibility and unpleasant odors during the short periods when prescribed

burning occurs. There will be minor to moderate changes to scenic integrity from sensitive viewpoints, a short-term increase in noise due to logging, and some adverse effects on the values held by some individuals. There will also be a minimal increase in runoff with the potential for sediment delivery to streams, but no degradation of water quality is expected. The effects on fish habitat will be negligible. Approximately 50 acres of suitable Northern spotted owl habitat will be removed, less than 1/10<sup>th</sup> of a percent of the suitable habitat within the analysis area; this includes 5 acres of critical habitat within the Matrix as discussed below. There would be limited noise disturbance and smoke disturbance to owls due to burning. Because Late-Successional Reserves are functioning well in this area, there would not be any jeopardy to owl populations. There will be some minor effects to other wildlife species as described in the EIS.

In addition to the above effects, the proposed action will also have a low likelihood of increasing the on-site landslide potential in Jones Gulch and a very small to negligible increase in landslide risk due to a short-term reduction in root strength and transpiration in the thinned Riparian Reserves associated with unstable ground as well as minimal short-term increases in runoff in all thinned Riparian Reserves.

All cumulative effects were found to be well within acceptable limits and consistent with all environmental laws.

The Selected Alternative is the environmentally preferred as it causes the least damage to the biological and physical environment, while protecting and enhancing historic, cultural, and natural resources. I believe the Selected Alternative best addresses the significant issues identified for this proposal, when short-term effects and long-term benefits are taken into account.

**Jones Gulch Stability Issue:** *Timber harvest in conjunction with past cumulative effects in the upper Jones Gulch drainage could trigger slope failure in the dormant landslide area below.* I believe the establishment of vigorous tree stands in the regeneration units and the increased vigor in the thinning units will have a positive effect in the long term. The reduced risk of a stand-replacing future fire in the treated stands would also reduce the risk of landslides triggered by devegetation from intense fire. I believe the low likelihood of increasing on-site landslide potential and the very small to negligible increase in landslide risk is a reasonable trade-off.

**Cumulative Watershed Effects Issue:** *Timber harvest, fuel reduction, and road activities, could cause soil erosion or trigger slope failure, which could increase sediment in streams, contributing to cumulative effects to water quality.* Effects to water quality will be negligible to low impact, depending on the 7<sup>th</sup> field watershed. No detrimental effect on the water objectives of suspended sediment, settleable materials, turbidity, or temperature is anticipated.

**Anadromous Fish Habitat Issue:** *Timber harvest, fuel reduction, and road activities could affect the habitat of anadromous fish.* Effects on fisheries habitat will be negligible. Endangered Species Act determinations are “May Affect and is Not Likely to Adversely Affect” for Southern Oregon Northern California Coasts coho salmon or its Critical Habitat, and “not adversely affect” for Chinook and coho salmon Essential Fish Habitat. The Selected Alternative may affect individual Sensitive fish species, but is not likely to trend towards Federal listing or loss of viability.

**Riparian Reserve Issue:** *Logging in Riparian Reserves could cause erosion and result in sedimentation in streams.* While direct effects to Riparian Reserves will be negligible, fuels reduction activities will make the vegetation more resilient to wildfire. The additional water and nutrients available for the remaining overstory trees will increase tree vigor. This will ensure future stability in Riparian Reserves associated with instability. Large trees will be available for recruitment to the streams sooner within the two intermittent stream Riparian Reserves.

Floodplain connectivity will not be lost. The potential delivery of sediment will have a negligible effect on the stream system and not cause aggradation or down cutting of stream channels.

**Critical Habitat Entry in the Matrix Issue:** *Timber harvest and underburning could reduce the quantity and quality of habitat providing for northern spotted owl nesting, roosting, foraging, and dispersal activities in Critical Habitat in the Matrix.* Reducing competition and mortality in the stands will promote growth and health. Healthy, more vigorous stands will be more sustainable as foraging and dispersal habitat for the long term. No suitable nesting or roosting habitat will be removed. The long-term benefits outweigh the degradation of 26 acres of foraging/dispersal habitat and loss of 5 acres of dispersal habitat in small patches, since the stands will continue to provide dispersal and foraging habitat post harvest. The 5 acres removed are one-tenth of one percent of the critical habitat acres within Matrix and 8 thousandths of one percent of critical habitat within the analysis area. The piece of Critical Habitat in the Matrix that will be affected was found to be insignificant to the larger Critical Habitat Unit that is protected within the Eddy Gulch Late-Successional Reserve by Fish and Wildlife Service and Forest Service wildlife biologists. The Endangered Species Act determination is “not likely to adversely affect” Critical Habitat; the United States Fish and Wildlife Service concurred with this determination. Effects to the Critical Habitat Unit/Late-Successional Reserve and to northern spotted owls are negligible.

**Wild and Scenic Rivers Issue:** *Units located along segments of the Wild and Scenic River System could adversely affect Wild and Scenic River values.* Wild and Scenic River values will be enhanced through focused activities designed to develop more healthful, viable ecosystem conditions. Cumulative effects of the Selected Alternative plus substantial past and current events will not alter the assessment area’s suitability. All actions taken together will be fully compatible with the Wild and Scenic River Act and its requirements to “protect and enhance” river values.

Opposing viewpoints were presented by individuals and groups during the scoping and public comment periods for the EIS. Scientific publications were cited to support these opposing opinions. When examined, the project was found to be consistent with the majority of these publications; in many cases single statements from the publications were taken out of context. In a few cases, a conflict of scientific opinions was found. In these cases, Forest Service specialists based their analysis on the publications that were most appropriate for the vegetative types and ecological conditions found in the project area. Conflicting opinions are discussed throughout the EIS, particularly in Appendix F – Response to Comments.

The biggest point of contention appears to be the removal of large sized trees; this controversy as a social value is discussed in the Social Section of the EIS. A number of commenters suggest that older trees are more resistant to fires, insects, and diseases, citing various publications. After examining a range of publications and resource specialist’s experience with managing these types of ecosystems, the interdisciplinary team concluded that these “one size fits all” prescriptions are not appropriate for the Klamath Mountains with its rich natural diversity. I believe that site-specific prescriptions and resource protection measures are the most valid. Members of the interdisciplinary team, alone and in small groups, visited all of the stands in the Selected Alternative to discuss and resolve any resource issues. This is described in the specialists reports as well as in the analysis team meeting notes that document interdisciplinary team discussions, are incorporated by reference, and available in the project file. I believe the site-specific prescriptions that were developed best meet the management objectives identified for Matrix and Riparian Reserves. The majority of late-successional and old-growth trees within the Salmon River District lie within reserves and will not be affected by this project.

The Selected Alternative meets requirements under the National Forest Management Act, National Environmental Policy Act, Endangered Species Act, Magnuson-Stevens Act, Clean Water Act, California Porter Cologne Water Quality Act, Clean Air Act, Wild and Scenic River Act, National Historic Preservation Act, and Executive Order 12898 for Environmental Justice in

Minority Populations and Low-Income Populations as discussed in appropriate sections of the EIS.

The Selected Alternative best addresses environmental and social needs when considered in the context of all the conflicting needs and concerns related to managing the Salmon River District. It provides the best mixture of benefits for the cost associated. It moves 925 acres towards the desired condition. It provides a timber yield to benefit consumers and will offer contracts and other work to benefit the Forest's economic area of influence. It has long-term beneficial effects on critical habitat for northern spotted owls, watershed health, and anadromous fish with only minor or negligible short-term adverse effects. The fuel treatment, in conjunction with fuel treatments in other past, current, and future projects in the Salmon River drainage, will move towards the overall strategy to reduce fire risk to forest resources and local communities. In my judgment, Alternative 2 will best lead to achieving the goals and desired conditions in the *Forest Plan*.

### ***Other Alternatives Considered***

In addition to the selected alternative, I considered two other alternatives in detail and eliminated 13 alternatives from detailed study. The alternatives eliminated from detailed study did not meet the purpose and need as discussed in Chapter 2 of the EIS. The alternatives considered in detail are discussed below. Alternative 2 was the environmentally preferred alternative. A more detailed comparison of these alternatives can be found in the EIS on pages 2-1 through 2-13 and on page 2-16.

### **Alternative 1 - No Action**

Under the No Action alternative, current management plans would continue to guide management of the project area. No harvesting, cultural activities, fuel reduction activities, habitat improvement activities, or roadwork would be implemented to accomplish project goals. I did not select Alternative 1 because it did not achieve the purpose of maintaining stand health and resilient conditions. Growth rates would continue to be low, mortality would be high, and disease problems would persist. Fuels would continue to build up over time increasing the risk of catastrophic fire in these stands. This alternative would not contribute to a sustained yield of wood products or to local economies.

### **Alternative 3**

Alternative 3 would include timber harvest and associated activities on 650 acres in 34 units; fuel treatment on an additional 41 acres in 3 stands, and the same habitat improvement and road actions as Alternative 2. It would not propose treatments in the units in the Jones Gulch drainage nor would it propose fuel treatment in that area. It would not propose thinning in RRs. I did not select Alternative 3 because it would not move as many acres towards the desired condition for stand health and resiliency as Alternative 2. This alternative has fewer beneficial effects to watershed health and would contribute less of a timber yield than Alternative 2. This alternative has only slightly less risk of disturbance in the Jones Gulch area and in some Riparian Reserves.

### ***Public Involvement***

A variety of efforts were made to involve the public. Notices were placed in the Klamath National Forest Schedule of Proposed Actions. A scoping letter was mailed to those who expressed interest in the proposal, to those who owned property adjacent to the project area, and to agencies with responsibilities for local resource management. Information about the proposal was placed on the Klamath National Forest web page. A Notice of Intent to prepare an EIS was published in the Federal Register. Federally recognized tribes and appropriate agencies were consulted during the planning process.

The scoping letter dated January 16, 2003, was mailed to 82 people, groups, and agencies. The scoping letter requested input by February 7, 2003. Thirteen comment letters were received in response to the initial scoping. These comment letters identified issues, expressed opinions, expressed concerns that appropriate procedures be followed, or asked questions about the proposal. Based on the information received from the public and on preliminary analyses, I determined that there might be the potential for significant adverse effects, as defined by the National Environmental Policy Act. I decided it would be more efficient to prepare an EIS, rather than prepare an Environmental Assessment to determine if effects were significant and perhaps have to prepare an EIS afterwards. A Notice of Intent to prepare an EIS was published in the Federal Register on April 7, 2003. This notice requested comments on the project within two weeks of the publication of the Notice of Intent in the Federal Register. I felt that two weeks was adequate as scoping had been on-going for three months. A legal notice was published on April 10, 2003 in the Siskiyou Daily News, the Forest's paper of record, informing the public that an EIS would be prepared.

Comments were received from 22 individuals and groups as part of the scoping process for Meteor. Letters were received from 18 individuals and groups, e-mails were received from two, and telephone calls were received from ten. Some group representatives and individuals commented multiple times. One commenter was in favor of the project. Thirteen commenters expressed opposition to the project; twelve of these were modified form letters. The telephone calls were primarily requests for information. The comment letters expressed opinions, identified issues, requested that appropriate procedures be followed, or asked questions about the proposal. No new issues were identified. A summary of these comments and how the Forest Service used them in the planning process can be found in Appendix C of the EIS.

Beginning in June 2003, a number of calls and letters were received from individuals opposing timber sales in the Salmon River Watershed. Two petitions with 66 names, 36 letters and postcards, and 14 phone messages were received; some people commented more than once. Some of these included generic comments; all issues had previously been identified during the earlier scoping efforts.

Consultation was initiated with the Karuk Tribe of California at the October 2002 monthly meeting and continued throughout the analysis process. Consultation with the Quartz Valley Reservation, the Yurok Tribe, and the Hoopa Tribe was initiated through letters mailed on January 16, 2003, that described the proposal.

Representatives of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration – Fisheries were actively involved in the design of the proposed action and consultation has continued throughout the planning process. A representative of the North Coast Regional Water Quality Control Board was also involved.

Using input from the public and other agencies, the interdisciplinary team developed a list of issues. Six significant issues were identified as cited on pages 1-8 through 1-9 of the EIS. The Forest Service created the alternatives described above and developed Resource Protection Measures to address these issues.

Copies of the Draft EIS and/or summaries were mailed to agencies and to members of the public on November 6, 2003. The Environmental Protection Agency published a Notice of Availability for the Draft EIS in the Federal Register on November 21, 2003. The 45-day comment period started with the publication of the Notice of Intent.

The Forest received 74 comment letters on the Draft EIS; 60 were modified form letters. Comment letters were received from one Federal agency and one State agency. Only 12 of those who sent comment letters had been involved during scoping and were mailed a copy of the Draft EIS and/or Summary; this includes the two agencies. Six letters were from environmental groups. The other 66 letters were from one or more individuals. Fifty-nine

comment letters stated opposition to Meteor or supported the No Action Alternative, and one supported a sale.

Comments primarily fell into three categories. 1) Commenters stated that the Forest Service had not adequately analyzed the effects of the proposed action. 2) Commenters did not believe the results of the analysis. 3) Commenters did not like the way previous comments were treated. The Forest Service response consisted of identifying where the topics were discussed in the Draft EIS, providing additional literature citations to support conclusions, explaining why the comments did not warrant further response, and clarifying minor points. Refer to Appendix F of the EIS for Response to Comments.

A few errata were corrected in the Final EIS. Some language was clarified. New management direction was added to the Final EIS due to two Forest Plan amendments. Some analyses were updated; however, the Final EIS is substantially the same as the Draft EIS. No new issues, alternatives or analyses were added. No alternatives were modified.

The *Public Involvement File for the Meteor Timber Sale* contains documentation of the efforts made to involve interested members of the public, appropriate agencies, and tribal members in the planning process and the results of those efforts.

### ***Findings Required by Other Laws and Regulations***

The National Forest Management Act requires projects to be consistent with the Forest Plan. My decision to harvest timber and conduct associated activities, treat fuels, conduct habitat improvements, and implement road actions is consistent with the intent of the Forest Plan's long-term goals (Forest Plan, pages 4-4 through 4-9).<sup>1</sup> The project was designed to conform with Forest Plan goals, desired conditions, and standards and guidelines for the following Management Areas: Riparian Reserves (Forest Plan, pages 4-106 through 4-114), Recreational Rivers (Forest Plan, pages 4-120 through 4-122), Partial Retention (Forest Plan, pages 4-126 through 4-127), and General Forest (Forest Plan, pages 4-131 through 4-132). Consistency with Forest Plan goals, desired conditions, and standards and guidelines is addressed throughout the EIS and supporting documents.

The National Forest Management Act also requires projects to be consistent with minimum specific management requirements as provided in the implementing regulations at 36 CFR 219.27. Resource Protection 219.27(a) is discussed throughout Chapters 2 and 3 of the EIS. Vegetative Manipulation 219.27(b), Silvicultural Practices 219.27(c), and Even-Aged Management 219.27(d) are addressed in the Vegetation Section of the EIS. Riparian Areas 219.27(e) are addressed in the Riparian Reserves Section. Soil and Water 219.27(f) are addressed in the Geology, Soil Productivity, Water Quality, and Riparian Reserves Section. Diversity 219.27(g) is addressed in the Vegetation, Fisheries, and Wildlife Sections. I find the Selected Alternative to be consistent with the provisions of the National Forest Management Act.

The EIS fulfills the requirements for environmental analysis found in the National Environmental Policy Act and in the Council on Environmental Quality implementing regulations at 40 CFR Parts 1500-1508 as discussed in Appendix F of the EIS.

I find the Selected Alternative to be consistent with the Clean Air Act as discussed in the Air Quality Section of the EIS. The project was designed to minimize air pollution. Burning will be compliant with Burn Day, Marginal Burn Day and No Burn day designations, and coordinated with the local air pollution control district.

I find the Selected Alternative to be consistent with the State Asbestos Airborne Toxic Control Measures as discussed in the Geology and Social Sections of the EIS. Dust abatement, testing

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<sup>1</sup> All Forest Plan page numbers refer to the web version that includes all errata and amendments as of 11/21/01.

rock pits, obtaining permits, and applying appropriate asbestos toxic control standards would protect human health.

I find the Selected Alternative to be consistent with the Clean Water Act, the California Porter Cologne Water Quality Act, and the North Coast Regional Water Quality Control Board Basin Plan. As discussed in the Water Quality Section of the EIS, there will not be a detrimental effect on the water quality objectives of suspended sediment, settleable material, turbidity, or temperature.

I find the Selected Alternative to be consistent with the Endangered Species Act. Thorough analyses of federally listed species and consultation with the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration – Fisheries have been completed fulfilling Section 7 of the Endangered Species Act consultation requirements (19 U.S.C. 1536 (c)). The Selected Alternative is not likely to adversely affect Northern spotted owls or their critical habitat, will have no effect on bald eagles, and is outside the range of the marbled murrelets as discussed in the Wildlife Section of the EIS. The Selected Alternative is not likely to adversely affect Southern Oregon/Northern California coasts coho salmon or its critical habitat as discussed in the Fisheries Section of the EIS. Letters of concurrence were received from the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration – Fisheries dated June 6, 2003, and April 5, 2004, respectively. The Selected Alternative will not adversely affect Chinook and coho salmon Essential Fish Habitat as discussed in the Fisheries Section; this fulfills the requirements of the Magnuson-Stevens Act.

I find the Selected Alternative to be consistent with the National Historic Preservation Act. Archaeological field inventories were conducted in the project area. Known heritage sites in the project area and any sites discovered during project implementation would be protected by a clause in the timber sale contract. Should unknown archaeological resources be discovered during the implementation phase, all ground-disturbing activities would immediately cease and appropriate measures be taken. The risks of disturbing undiscovered archaeological resources are very low, based on the extensive field inventories.

Executive Order 12898 relating to Environmental Justice requires an assessment of whether minorities or low-income populations would be disproportionately affected by proposed actions. Local residents would be affected more than society at large by the short-term noise effects and increased road traffic during project activities. Local residents could also benefit more than society at large if they were able to compete for some of the contract work. Because local residents are comprised of a high proportion of American Indians and economically disadvantaged people, these groups would be disproportionately affected by this action. Contractors in the social assessment area, a seven county area, would benefit more than society at large by the increase in employment opportunities. The social assessment area has a large proportion of economically disadvantaged people, so disproportionate benefits are likely for these areas.

## Implementation

### ***Administrative Review or Appeal Opportunities***

This decision is subject to appeal pursuant to 36 CFR 215. Only those individuals and organizations that submitted substantive written or oral comments during the comment period (36 CFR 215.6) and otherwise meet the specific requirements of 36 CFR 215.13 have standing to appeal. Appeals must be filed within 45 days from the publication date of the legal notice in the Siskiyou Daily News. Notices of appeal must meet the specific content requirements of 36 CFR 215.14. An appeal, including attachments, must be filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the appropriate Appeal Deciding Officer

(36 CFR 215.8) within 45 days following the publication date of this notice. The publication date of the legal notice is the exclusive means for calculating the time period to file an appeal (36 CFR 215.15 (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Appeals must be submitted to Jack Blackwell, Regional Forester, USDA Forest Service, 1323 Club Drive, Vallejo, CA 94592, (707) 562-8737. Appeals may be submitted by FAX [707-562-9091] or by hand-delivery to the Regional Office, at the address shown above, during normal business hours (Monday-Friday 8:00am to 4:30pm). Electronic appeals, in acceptable [plain text (.txt), rich text (.rtf) or Word (.doc)] formats, may be submitted to [appeals-pacificsouthwest-regional-office@fs.fed.us](mailto:appeals-pacificsouthwest-regional-office@fs.fed.us)

**Implementation Date**

If no appeals are filed within the 45-day time period, implementation of the decision may begin immediately after complying with the timeframes and publication requirements described in 40 CFR 1506.10(b)(2). When an appeal is filed, implementation may occur on, but not before, the 15th business day following the date of appeal disposition (36 CFR 215.2). In the event of multiple appeals, the implementation date is controlled by the date of the last appeal disposition.

**Contact Person**

For additional information concerning this decision or the Forest Service appeal process, contact Lynda Karns, Environmental Coordinator, Klamath National Forest, 1312 Fairlane Road, Yreka, California, 96097 or (530) 841-4469.

*/s/ Margaret J. Boland*

*8/30/04*

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**MARGARET J. BOLAND**  
Forest Supervisor

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**[DATE]**

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