Record of Decision

Rimrock Ecosystem Restoration Projects

USDA Forest Service
Heppner Ranger District, Umatilla National Forest
Grant, Wheeler and Morrow Counties, Oregon

Introduction

Background

Location

The Rimrock project area contains approximately 41,800 acres within the Umatilla National Forest in Grant, Morrow, and Wheeler counties, and lies about 25 miles southwest of Heppner, Oregon). It is within the boundary of the Wall watershed, and includes Lower, Middle, and Upper Big Wall; Porter; Lower and Upper Wilson; and Indian subwatersheds.

Wall watershed, located near the town of Monument, Oregon, is a 200 square mile watershed in the North Fork of the John Day River (NFJD) subbasin, and comprises approximately 8 percent of the land base in the North Fork John Day River system. The confluence of Wall Creek is 22.5 stream miles upstream from the confluence of the North Fork with the main John Day River. Wall watershed is located at an elevation of 4,600 feet and flows east to south to the confluence with the NFJD River at an elevation of 2,060 feet. Major streams draining the Wall watershed include Big Wall, Wilson, Little Wall, Skookum, and Swale Creeks.

The legal description of the project area is as follows: R.25E. T.6S. sections 24-28 and 32-36; R.25E. T.7S. sections 1-5, 9-15, 23-25, and 36; R.26E. T.6S. sections 1-6, 19-23, and 26-35; R.26E. T.7S. sections 1-36; R.26E. T.8S. sections 1-6, 8-16, and 24; R.27E. T.7S. sections 13-36; R.27E. T.8S. sections 2-10 and 16-19; and R.28E. T.7S. sections 19, 30, and 31, W.M. surveyed.

Purpose and Need for Action

The Wall Watershed Ecosystem Analysis identified a need to develop and implement ecosystem management projects that are designed to promote long-term resilient and sustainable conditions of the watershed and the forests within it. Greater than 90 percent of the Rimrock analysis area consists of dry-forest sites where conditions have changed dramatically during the past century. Based on historical data and descriptions, it is believed that these dry sites were historically dominated by open, park-like stands of mostly ponderosa pine trees. Today, the same stands are dominated by dense, multi-story stands of predominantly Douglas-fir trees.

The major streams within the analysis area, Wall Creek and Wilson Creek, are listed in Oregon's 1998 List of Water Quality Limited Water Bodies as water quality limited for water temperature, habitat modification, and sediment. The majority of fish habitat indicators within the watershed are either "functioning at risk" or "functioning at unacceptable risk".

We are proposing to meet the need for more resilient and sustainable conditions by:

1. Reduce stocking levels of forested stands to levels recommended for specific plant associations on the Umatilla National Forest.
2. Use landscape prescribed underburning as a low-intensity tool to reduce fuel loadings and the risk of large stand replacing wildfires.
3. Promote tree species composition and age classes more representative of historical conditions. Early seral species such as ponderosa pine and western larch will be favored over Douglas-fir and grand fir.
4. Improve pool habitat during summer low flows in Big Wall and Wilson Creeks to provide rearing habitat for Threatened and Sensitive fish species
5. Reduce the amount of sediment contributed from open roads to improve water quality within the watershed
6. Remove vehicle traffic from the streambed of Big Wall Creek and Little Wilson Creek at the four water crossings along Forest Road 23 and 2300100 to eliminate disturbance to fish habitat and reduce sediment contribution to the stream
7. Improve effectiveness of road closures and decommission roads from the network system to increase infiltration, reduce sediment contributions, and promote revegetation of riparian areas (stream shade).

In recent years, much attention has been given to the need to manage forests to improve forest health and reduce the risk of high intensity wildfires. Two major initiatives that have arisen from that concern are the western governors' 10-Year Comprehensive Strategy to reduce the risk of wildland fire to communities and the environment and the President's Healthy Forests Initiative. Although planning for the Rimrock projects began prior to the development of those initiatives, the goals and objectives identified for Rimrock are consistent with, and contribute toward, attainment of the goals of the 10-Year Comprehensive Strategy and the Healthy Forests Initiative.

The environmental impact statement (EIS) documents the analysis of five alternatives to meet this need.

Decision

After careful review of the public comments, the analysis disclosed in the FEIS, and project file, I have decided to select Alternative 5, hereafter called the Selected Alternative. A map of the Selected Alternative is included in the map packet included with the FEIS. The Rimrock interdisciplinary team designed Alternative 5 to:

1. Restore health of forests that are overstocked or diseased, including 122 acres of forest that have been defoliated by the Douglas-fir tussock moth
2. Reduce fuel loads
3. Use low impact logging systems and mitigation to offset harvest-related increases in erosion or sedimentation
4. Reduce erosion and sedimentation through active restoration

Specific actions included in the Selected Alternative are:

- Commercially thin 4,448 acres through the use of harvester/forwarder, animal, and helicopter logging systems
- Harvests 122 acres through a shelterwood regeneration harvest in stands severely defoliated by Douglas-fir tussock moth
- Reconstructs 14 miles of roads for log haul
- Constructs 13.5 miles of temporary roads for log haul. These temporary roads would be closed following use for timber harvest, erosion control structures would be installed, and the roads would be revegetated following use. Where soil depth is sufficient, temporary roads would also be subsoiled following use.
- Obliterates 10 miles of closed roads
- Decommissions 4 miles of closed roads by removing drainage structures
- Closes 3 miles of open roads
- Treats 12 aspen stands (24 acres)
- Precommercially thin 874 acres
- Continue treating known noxious weed infestations and any new ones that are identified.
- Prescribe burn 34,570 acres to reduce fuel loads
- Maintains 155 in-channel fish structures on Big Wall Creek and Wilson Creek
- Resurfaces 27 miles of Forest Roads 23 and 24
- Improves 4 low water fords on Forest Roads 23 and 2300100.
- Improves 22 existing road closures.

The above actions are described in greater detail in Chapter 2 of the FEIS. As part of my decision, I am choosing to implement the mitigation measures identified in the FEIS on pages 40-43. I am confident that selected mitigation measures will adequately prevent adverse effects for the following reasons: the selected mitigation measures are practices we have used successfully in the past; they are State-recognized best management practices for protecting water quality (Appendix B of the FEIS) or they are based on current research. I have also decided to monitor the implementation of these measures and, in some instances, to monitor their effectiveness, as described in the FEIS on pages 43-44.

Endangered Species Act Consultation

On April 16, 2002, the National Marine Fisheries Service (NMFS) issued a biological opinion pursuant to section 7 of the Endangered Species Act. The biological opinion concluded that Rimrock projects are not likely to jeopardize Middle Columbia River (MCR) steelhead or adversely modify MCR steelhead designated critical habitat. The biological opinion included terms and conditions intended to minimize the impacts of the Rimrock projects. As part of my decision, I am choosing to implement all terms and conditions included the biological opinion. The additional mitigation and monitoring measures will further prevent adverse effects to water quality and aquatic species.

Consultation with Tribes

Informal consultation with the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Warm Springs Reservation of Oregon occurred prior to my decision. Under existing treaties, these tribes retain certain rights related to a variety of resources, including fish. Both treaties contain the following provision:

"That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians, and at all other usual and accustomed stations, in common with citizens of the United States, and of erecting suitable house for curing the same; also the privilege of hunting, gathering roots and berries, and pasturing their stock on unclaimed lands in common with citizens is secured to them". (Treaty with the Walla Walla, Cayuse, and Umatilla Tribes, June 9, 1855; and Treaty with the Tribes of Middle Oregon, June 25, 1855).

My decision is guided by the federal government's treaty responsibility to these Tribes. As treaties are the law of the land, the Forest Service has an obligation to manage National Forest resources in a manner that harmonizes the Federal trust responsibility to tribes and the statutory mission of the agency. This is one of several legal obligations that I considered as I made my decision.

Reasons for the Decision

My decision for this document is based upon two principal criteria:

- *Consistency with the Forest Plan (as amended) goals, objectives, and standards.*
  The Forest Plan and the process used to develop it represents agreements on the management and uses of the Umatilla National Forest among a wide variety of publics, agencies, Indian tribes, organizations, and individuals. It is a negotiated understanding with the public. I have utilized the basic components of the Forest Plan to guide this analysis toward achieving those outcomes described as desired future conditions.

- *The relationship of the alternatives to key issues.*
  Individual members of the public and representatives of organizations submitted comments during scoping that were used to develop key issues associated with this project. As a result, I looked at how environmental issues were addressed in each alternative. Based upon that information I asked the interdisciplinary team to analyze each alternative relative to each key issue.

Consistency with the Forest Plan

The Forest Plan sets goals and objectives to be used in managing the Umatilla National Forest. The Forest Plan also describes the desired future condition that would be expected if the Forest Plan were fully implemented. Standards and guidelines are established in the Forest Plan to govern the way the goals and objectives are met.

The Wall Ecosystem Analysis, completed in 1995, described the existing condition of the Wall Watershed, including the Rimrock planning area, and identified actions that could be taken to move the watershed toward the desired future condition envisioned by the Forest Plan. Using the Wall Ecosystem Analysis as a guide and as directed by the District Ranger for the Heppner Ranger District, the Rimrock Interdisciplinary Team developed the purpose and need for the Rimrock EIS to move the planning area toward the desired future condition while meeting Forest Plan standards and guidelines. The Rimrock EIS was intended to address only certain high priority needs identified in the Wall Ecosystem Analysis. As described in the FEIS, many other projects have been carried out in recent years, addressing other goals and objectives of the Forest Plan.

The need for action and desired conditions for the Rimrock analysis area are based on Forest Plan goals, objectives, and standards. With the exception of Alternative 1 (No Action), implementation of each action alternative would result in "movement" toward desired future conditions described in the Forest Plan. All action alternatives respond in various ways to the need for restoration by contributing to reducing tree stocking densities and shifting vegetative composition to conditions more similar to historic ranges, reducing fuel accumulations to reduce the risk of uncharacteristically high intensity wildfires, managing vegetation at Bull Prairie Campground to protect public safety and maintain stand vigor, increasing aspen stands, and protecting or improving soil, water and fish habitat.

I evaluated all of the alternatives analyzed in detail to determine how they responded to the need for action identified in the Purpose and Need section of Chapter 1 in the FEIS, since they were developed to achieve Forest Plan goals and objectives while meeting Forest Plan standards and guidelines.

1. **Promoting the sustainability and vitality of current and future forest stands by reducing stocking densities to the levels recommended, using landscape prescribed burning to reduce fuel loadings and the risk of large stand replacing wildfires, and promoting tree species composition and age classes more representative of the historical range of variability (HRV).**

   Based upon the information in the FEIS and analysis file, I view the Douglas-fir tussock moth outbreak of 2001 and the western spruce budworm outbreak of the 1980s and 1990s as indications that overstocked stands on dry sites such as those in the Rimrock area are not sustainable. Alternatives 2, 3, 4, and 5 all propose to reduce stocking levels on over 4,000 acres to more sustainable levels. Alternative 2 treats the most acres while Alternative 4 treats the fewest. Alternative 5 provides the most appropriate treatment for 122 acres of severely defoliated trees in the Indian Creek area. The shelterwood harvest proposed for those stands would remove much of the dead wood produced by the insect outbreak. Removing the dead wood followed by site preparation prescribed burning would reduce the fuel loading to acceptable levels for many years. Other alternatives would leave most of the dead trees, contributing to very high fuel loadings over the next several decades. The shelterwood regeneration harvest proposed for those stands would also allow planting with higher percentages of ponderosa pine and western larch, both of which are more resistant to fire and many of the insects and diseases common to the Rimrock area. For these reasons I believe that Alternative 5 best fulfils the objective of promoting the sustainability and vitality of current and future forest stands.

   Dry sites like those in the Rimrock area have changed dramatically over the past century. Stands that were once characterized as "open, park-like" stands dominated by large ponderosa pine have become dense, overstocked stands dominated by small Douglas-fir and grand fir trees. The Selected Alternative and alternatives 2 through 4 would begin the process of shifting these stands back toward an open park-like condition by thinning from below to remove much of the smaller Douglas-fir and grand fir, while favoring the larger trees. The stands remaining after thinning harvests would consist of the largest, healthiest trees, and would be left at a density that would allow more rapid growth than is possible under current overstocked conditions. Alternative 1 would leave the stands in their current condition, which is uncharacteristic of the historical range of variability for dry sites on the Heppner Ranger District.

   The underburning included in all action alternatives would also contribute toward shifting stand conditions back toward their historic range. Historically, fires occurred at frequent intervals in the Blue Mountains. Fire served to remove much of the regeneration, mostly Douglas-fir and grand fir that comes in over time. The lack of fire over the past century has allowed much of that regeneration to survive, creating the overstocked conditions now present. The Selected Alternative and all other action alternatives would reinitiate fire across approximately 30,000 acres of the landscape, mimicking the kinds of frequent, low

intensity fires that historically occurred in dry sites in the Blue Mountains. Alternative 1 would not shift any stands closer to their historic conditions.

Fuel levels are at unusually high levels across much of the Rimrock planning area. The lack of frequent fires has allowed fuels to build up to levels in many areas that greatly increase the risk of a high intensity wildfire that could kill entire stands of trees. The prescribed fire in all action alternatives would also reduce the risk of high intensity wildfire by removing much of the fuel loading across approximately 30,000 acres. Alternative 1 would not treat any of the existing fuels, allowing fuels to remain at high levels across much of the landscape.

I consider Alternative 5, the Selected Alternative, to be the alternative that best meets the overall restoration objectives for this area. All action alternatives will produce positive vegetative changes across landscape, but I believe the Selected Alternative provides the best overall treatment. Unlike the other action alternatives, it includes regeneration of the severely defoliated trees in the Indian Creek Area. I think this is the most appropriate treatment for these stands.

2. **Managing hazard trees and stocking densities at Bull Prairie Campground.**

The Selected Alternative and alternatives 2 through 4 address this need equally well. All four action alternatives would reduce stocking densities to levels appropriate for the site. The stands at Bull Prairie following the thinning will be more resistant to the insects and disease outbreaks that have occurred there over the past two decades. Hazard trees throughout the campground will be removed, making the camping experience safer for recreationists. Low impact logging methods specified on pages 42 and 43 of the FEIS will protect soils and vegetation in the campground. Alternative 1 would not meet the need to manage hazard trees and stocking densities at Bull Prairie Campground.

3. **Improving pool habitat in Big Wall and Wilson Creeks, reducing the amount of sediment contributed from open roads, removing vehicle traffic from the streambed of Big Wall and Little Wilson creeks to eliminate disturbance to fish habitat and reduce sediment, and improving effectiveness of road closures to improve stream habitat.**

Water quality restoration was one of the highest priorities identified in the Wall Ecosystem Analysis. The Rimrock Interdisciplinary Team developed numerous projects to help accomplish that goal. Big Wall Creek and Wilson Creek provide important habitat for steelhead and other fish. The Heppner Ranger District has made a substantial investment in creating structures to increase pool habitat in those streams. After 10 to 15 years, our biologists have observed that many of those structures are serving their intended purpose well, and others are not. The Selected Alternative and other action alternatives would maintain or repair up to 155 structures that are not functioning as intended. I recognize that this work would involve the use of equipment within the stream channel, creating some additional disturbance in the process. However, based on the analysis of our biologists, I conclude that the long-term benefits of improving the in-stream fish structures outweighs the short-term disturbance involved in repairing them. Alternative 1 would leave up to 155 structures in a condition where they are not properly functioning.

Roads are one of the primary sources of sediment contribution to Big Wall and Wilson creeks. Of particular concern are four stream crossings where the road goes through the streambed of Big Wall and Little Wilson creeks. The District has looked at numerous options to reduce or eliminate the impacts of the roads to those creeks. The Selected Alternative and other action alternatives would reduce impacts to the stream by constructing crossings at four locations. Alternative 1 would leave the roads in their current condition, with continuing impacts to the stream.

All action alternatives would obliterate 10 miles of closed roads, decommission 4 miles of closed roads by removing drainage structures, close 3 miles of open roads, resurface 27 miles of Forest Roads 23 and 24, and improve 22 existing road closures. All of these activities are designed to reduce sediment to streams by reducing or eliminating traffic over roads or by improving and stabilizing the road surface. Alternative 1 would not take any action to reduce sediment from existing roads.

I consider active watershed restoration to be the best approach in the Rimrock area. While some watershed processes would improve under Alternative 1, the analyses by our biologists and hydrologists indicate that the active restoration measures incorporated in the four action alternatives will speed up recovery time by reducing existing sediment sources (open roads) and improving in-stream fish structures.

4. Increase reproduction, reduce browse damage, and remove conifer competition to promote stand age diversity and occupancy in identified aspen stands.

Aspen stands provide a unique habitat in the Rimrock planning area. The aspen restoration measures planned under the Selected Alternative and the other action alternatives would improve aspen habitat by stimulating regeneration and protected trees from browse damage in 12 aspen sites. Alternative 1 would not improve any aspen sites.

Although aspen constitutes a very small percentage of the forest, it provides a very important habitat niche in the ecosystem of the Blue Mountains. For that reason, I feel that active restoration to increase and improve the amount of aspen in the Rimrock area is an important component of the vegetation management for the planning area.

Relationship to Environmental Issues and Public Comment

The following discussions explain how I considered the FEIS issues in making my decisions. The discussions are presented by key issues as described in Chapter 2, pages 13 to 16 of the FEIS.

1. Vegetation Removal

From the comments received during scoping and in response to the Draft EIS, it is clear that one of the most contentious issues revolving around the Rimrock project is whether commercial timber sales are an appropriate way to meet resource management objectives. We received comments indicating that some people feel that timber sales caused many of the existing problems and, therefore, cannot be used to solve the problems.

The biggest difference between the alternatives is in the degree to which timber harvest is used to accomplish resource objectives. Alternative 2 would treat approximately 4,615 acres through commercial timber harvest, Alternative 3 and the Selected Alternative would treat approximately 4,570 acres, and Alternative 4 would treat approximately 4,115 acres. In all cases, the timber harvest would be designed to achieve resource objectives related to stand density control and shifting stand structure toward the historic conditions.

While I understand that past timber sale practices and years of fire suppression have contributed to the existing condition of many overstocked stands (with smaller diameter Douglas-fir and grand fir), I believe that an active approach of thinning from below is the best method of moving stands back toward their historic condition of largely single-story stands, dominated by large ponderosa pine and western larch. Likewise, in the 122 acres in the Indian Creek area that were heavily defoliated by Douglas-fir tussock moth, a commercial timber sale using the shelterwood harvest system is the best way to quickly regenerate stands with appropriate seral species and reduce fuel loadings, thus reducing the risk from high intensity wildfire. For this reason, I have selected Alternative 5.

2. Water Quality/Fish Habitat/Threatened, Endangered and Sensitive Fish Species

The protection of water quality and fish habitat during timber harvest operations was one of the most important factors in my decision to select Alternative 5 for implementation. As described earlier in this Record of Decision, in the section, Consistency with the Forest Plan, the Selected Alternative and other action alternatives provide essentially the same amount of watershed restoration projects and prescribed burning. With regard to water quality, fish habitat, and habitat for threatened, endangered and sensitive species, the alternatives differ primarily in the resource protection provisions coupled with their associated commercial timber sale proposals.

The Water Resources section of Chapter 4 of the FEIS on pages 118 – 127 looked at the effects of the alternatives on the indicators of annual water yield, soil erosion sedimentation, and stream temperature. For each of those indicators, alternatives 2 and 4 had the greatest effect and the Selected Alternative and Alternative 3 had the least effect. Alternative 3 and the Selected Alternative were identical except for the treatment of 122 acres of forested stands that were severely defoliated by Douglas-fir tussock moth in 2001. The Selected Alternative and Alternative 3 use lower impact logging systems like helicopter and harvester/forwarder systems. They also give greater protection to riparian areas in determining whether to re-open closed roads or build temporary roads.

3. Economic Viability of Timber Sales

The economics of the alternatives are important for several reasons. First, if adjustments in stand densities cannot be accomplished through economically viable timber sales, there is no practical way to meet long-term restoration objectives. Second, providing viable timber sales is important to the local community in providing job opportunities and personal income. While I recognize the importance of economic considerations, meeting this need was not the principal driver in either the design or selection of the Selected Alternative.

The analysis completed by our Forest Service economist indicates that all action alternatives would have positive bid rates. Estimated bid rates vary from $22.02/ccf in Alternative 3 to $30.78/ccf in Alternative 4. The Selected Alternative bid rate is estimated at $22.25/ccf. Estimated bid rates vary primarily because of the amount of helicopter logging in each alternative.

While the economic viability of timber sales is important, I do not consider the projected bid rate to be the most important factor in selecting an alternative. In accomplishing ecosystem restoration of the Rimrock area, I view timber sales principally as a means of achieving resource objectives – in this case reducing stocking levels. I also considered the value of the work done by the timber sale and the value of resource protection measures included in the alternative that I selected.

Other Alternatives Considered

In addition to the selected alternative, I considered four other alternatives, which are discussed below. A more detailed comparison of these alternatives can be found in the FEIS on pages 26 - 38. Besides these five alternatives, the Rimrock Interdisciplinary Team also developed many other alternatives or options that could have been included as part of alternatives. Those alternatives and options, along with the reasons they were dropped from further consideration, are described in the FEIS on pages 23 through 26.

Alternative 1

No Action

The theme of Alternative 1 was to allow current biological and ecosystem processes to continue with the associated risks and benefits and to provide a baseline for comparison with other alternatives. A "no action" alternative is required by NEPA. It is designed to represent the existing condition. Under the No Action alternative, current management plans would continue to guide management of the project area. No new actions would be implemented, although current, ongoing actions would continue. Examples of ongoing actions include grazing, fire protection, monitoring, and road maintenance.

Alternative 2

Alternative 2 is the proposed action originally developed for the Rimrock planning area. Alternative 2 was designed to meet the purpose and need of the project described in the FEIS. Specific actions in Alternative 2 include:

- Commercially thin 4,615 acres through the use of tractor, harvester/forwarder, animal, and helicopter logging systems
- Reconstruct 17 miles of roads for log haul
- Construct 11.3 miles of temporary roads for log haul

- Obliterate 10 miles of closed roads
- Decommission 4 miles of closed roads by removing drainage structures
- Close 3 miles of open roads
- Treat 12 aspens stands (24 acres)
- Precommercially thin 874 acres
- Continue treating known noxious weed infestations and any new ones that are identified.
- Prescribe burn 34,615 acres to reduce fuel loads
- Maintain 155 in-channel fish structures on Big Wall Creek and Wilson Creek
- Resurface 27 miles of Forest Roads 23 and 24
- Improve 4 low water fords on Forest Roads 23 and 2300100.
- Improve 22 existing road closures.

Alternative 3

Alternative 3 is identical to the Selected Alternative except in its treatment of 122 acres of stands that were severely defoliated by Douglas-fir tussock moth. Specific actions include:

- Commercially thin 4,570 acres through the use of harvester/forwarder, animal, and helicopter logging systems
- Reconstructs 14 miles of roads for log haul
- Constructs 13.5 miles of temporary roads for log haul
- Obliterates 10 miles of closed roads
- Decommissions 4 miles of closed roads by removing drainage structures
- Closes 3 miles of open roads
- Treats 12 aspen stands (24 acres)
- Precommercially thin 874 acres
- Continue treating known noxious weed infestations and any new ones that are identified.
- Prescribe burn 34,570 acres to reduce fuel loads
- Maintains 155 in-channel fish structures on Big Wall Creek and Wilson Creek
- Resurfaces 27 miles of Forest Roads 23 and 24
- Improves 4 low water fords on Forest Roads 23 and 2300100.
- Improve 22 existing road closures.

Alternative 4

Alternative 4 was designed to improve the economic efficiency of the project by eliminating units proposed for timber harvest that were expected to have very high logging or transportation costs relative to the value of the timber to be harvested.

- Commercially thin 4,115 acres through the use of tractor, harvester/forwarder, animal,

and helicopter logging systems
- Reconstructs 18 miles of roads for log haul
- Constructs 11.3 miles of temporary roads for log haul
- Obliterates 10 miles of closed roads
- Decommissions 4 miles of closed roads by removing drainage structures
- Closes 3 miles of open roads
- Treats 12 aspen stands (24 acres)
- Precommercially thin 874 acres
- Continue treating known noxious weed infestations and any new ones that are identified.
- Prescribe burn 34,115 acres to reduce fuel loads
- Maintains 155 in-channel fish structures on Big Wall Creek and Wilson Creek
- Resurfaces 27 miles of Forest Roads 23 and 24
- Improves 4 low water fords on Forest Roads 23 and 2300100.
- Improve 22 existing road closures.

Public Involvement

A scoping process was conducted to invite public participation, encourage an open process, and determine the key issues to be addressed. The Forest Service sought information, comments, and assistance from Federal, State, and local agencies, and from other groups and individuals interested in or affected by the Proposed Action.

The formal scoping period opened with publication of the Notice of Intent to produce an Environmental Impact Statement, which first appeared in the *Federal Register* on February 25, 1999. A proposed action, purpose and need, and maps were mailed to 128 interested groups, individuals, permittees, and to local, state, and tribal governments on March 26, 1999. Additional public notification was completed through the Forest's *Schedule of Proposed Activities*. Meetings were held with Oregon Department of Fish and Wildlife in July 1999 and with the National Marine Fisheries Service throughout preparation of the DEIS.

Notification of the Draft Environmental Impact Statement (DEIS) was printed in the *Federal Register* on September 1, 2000. A legal notice was published in the *East Oregonian* newspaper and letters were sent out to notify the public of the availability of the DEIS and that comments were being sought. The comment period ended on October 16, 2000. Eleven comment letters to the DEIS were received. A public field trip to view tussock moth defoliated stands was conducted on July 26, 2002.

Using the comments from local Indian Tribes, the public, organized groups and other agencies, the interdisciplinary team identified several issues regarding the effects of the proposed action. Main issues of concern included:

- Using commercial timber sales to achieve forest health objectives. Some felt that commercial timber sales are an inappropriate way to manage the National Forests. Other felt that commercial timber sales are not only appropriate as a way to meet forest health

objectives, but are important to local communities.

- Protection of water quality, fish habitat, and threatened and endangered fish species was a concern of many respondents. Comments indicated that some felt the proposed timber sales would damage water quality and, as a consequence, fish habitat.
- Some people commented that timber sales should not be used because they cost more than the government receives in revenue.

Findings Required by Other Laws and Regulations

Consistency with Forest Plan Direction

Regulations and Requirements – All resource plans are to be consistent with the Forest Plan [16 U.S.C. 1604(i)]. The Forest Plan guides all natural resource management activities [36 CFR 219.1 (b)]. All administrative activities affecting the National Forest must be based on the Forest Plan [36 CFR 219.10 (e)].

The Forest Plan was approved in 1990. The FEIS for the Rimrock Ecosystem Restoration Projects tiers to the Forest Plan. The Forest Plan provides overall guidance for management activities by specifying goals and objectives, desired future conditions, management direction, and standards and guidelines.

The features of the Selected Alternative have been evaluated for consistency with the Forest Plan and it has been determined that the Selected Alternative complies with the Forest Plan. No Forest Plan amendments will be needed to implement this project.

Consistency with National Forest Management Act

The Selected Alternative is consistent with the National Forest Management Act (NFMA) of 1976 in meeting the management requirements detailed in implementing regulations of 36 CFR 219.27. The management prescriptions provide for protection of soil, water, air, wildlife, fishery resources, and other multiple uses. A detailed discussion of NFMA compliance is included in Chapter 4 of the FEIS on pages 152 to 156.

Consistency with Other Laws and Regulations

National Historic Preservation Act

As identified in Chapter 3, 83 heritage properties exist within the analysis area. Prior to project implementation, State Historic Preservation Office consultation has been completed under *Programmatic Agreement among the United States Department of Agriculture, Forest Service, Pacific Northwest Region (Region 6), The Advisory Council on Historic Preservation, and the Oregon State Historic Preservation Officer regarding Cultural Resource Management on National Forests in the State of Oregon,* dated March 10, 1995, pursuant to stipulated Forest

Archaeologist review dated November 15, 1996. Prohibiting any disturbance within 50 feet of the site's perimeter will protect sites that have been identified.

Endangered Species Act and Regional Forester's Sensitive Species

The Endangered Species Act requires protection of all species listed as "threatened" or "endangered" by federal regulating agencies (Fish and Wildlife Service and National Marine Fisheries Service). The Forest Service furthermore maintains through the Federal Register a list of species which are proposed for classification and official listing under the Endangered Species Act, species which appear on an official State list, or that are recognized by the Regional Forester as needing special management to prevent their being placed on Federal or State lists. This section identifies the actions taken to comply with the Endangered Species Act. Details regarding the actual species found within the Rimrock area and potential effects of proposed activities on those species and their habitat are contained under Non-Forest Vegetation, Wildlife Habitat, and Fish and Aquatic Habitat sections.

Plants

A Biological Evaluation for endangered, threatened, proposed, and sensitive plant species has been completed. This area was surveyed between 1988 and 1995. *Allium madidum,* which was delisted in 1992, and *Mimulus washingtonensis*, which was delisted in 1999, were both found in the project area. *Silene spaldingii* is proposed for federal listing and there are no populations in the vicinity of the Rimrock project area. The Regional Forester's Sensitive Plant Species List was updated in May 1999, and includes two species that are or may be present. The newly added plants are *Carex crawfordii* and *Carex interior*, both sedges that grow in moist or wet areas. The potential habitat for these two sedges was surveyed in August 1999. Neither species was found in the project area. A finding of "no impact" is appropriate for these species. *Silene spaldingii* is proposed for federal listing and known to occur on the Umatilla National Forest. *Silene spaldingii* occurs primarily in open grasslands with deep Palousian soils. There are no populations in the vicinity of the Rimrock project area.

There are three plant species listed as species of concern by the Fish and Wildlife Service. *Mimulus washingtonensis* var. *washingtonensis* is present in the project area, but it is considered common enough that was dropped from both the Oregon Natural Heritage Program and Regional Forester's Lists. *Myosurus minimus* ssp. *apus* is not on the Regional Forester's List because it has not been found on Forest Service holdings. It grows in the same habitat as *Mimulus washingtonensisi*, which has been surveyed for extensively and thoroughly, so if it was present it should have been found in the *Mimulus* surveys. *Thelypodium eucosum* is present approximately 3 miles south of the proposed project area, but has not been found in the proposed project area with extensive searching. A finding of "no impact" is appropriate for these species.

Terrestrial Wildlife

The Biological Evaluation for endangered, threatened, proposed, and sensitive terrestrial wildlife species determined that this project would not adversely affect, contribute to loss of viability, nor contribute to a trend toward Federal listing of any wildlife species currently listed as sensitive on the Regional Forester's Sensitive Species List dated May 1999. A Biological Assessment is not necessary for **bald eagle** or **Canada lynx** since a determination has been made that the proposed

activities will have no effect. See the Wildlife section for a detailed discussion of the predicted effects on endangered, threatened, proposed, and sensitive species.

Aquatic Wildlife

A Biological Evaluation for endangered, threatened, proposed, and sensitive aquatic species was completed. Consultation with USDI Fish and Wildlife Service and USDC National Marine Fisheries Service has been completed. A Biological Assessment has been prepared. The Biological Opinion for the proposed project is on file in the Project Record.

Bull trout have not been documented within the Rimrock planning area or the Heppner Ranger District. Bull trout have been observed in the North Fork of the John Day River near the mouth of Wall Creek. A finding of no effect was determined for the proposed projects.

Steelhead trout occur throughout the Rimrock planning area, wherever adult fish have access to spawning areas. They are known to spawn within Big Wall, Indian, Porter, and Wilson creeks. The Biological Evaluation determined that the proposed projects may effect-likely to adversely affect this species. The Biological Assessment for the Steelhead Trout is on file in the Project Record.

Class 1 and Class 2 streams within the Rimrock planning area support populations of **redband trout**. The Biological Evaluation determined that the proposed project may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species

The **Spring Chinook salmon** have not been documented within the Rimrock area or the Heppner Ranger District. A finding of no effect was determined for the proposed projects.

Spawning habitat for **Pacific lamprey** is available in Wall Creek at river mile 23 of the John Day River. The Biological Evaluation determined that the proposed projects may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species.

Clean Air Act

Analysis of potential impacts on air quality related to proposed activities indicates that none of the alternatives would violate Federal Clean Air Act PM-10 (PM-10 is a measurement of particulate matter (smoke) which is 10 micrometers or less in size) Emission standards due to the quantity of expected emissions and the proximity of the nearest "special protection zone" (La Grande, Oregon, which is over 60 air miles from the Rimrock area). All burning would comply with the State of Oregon's memorandum of understanding between the State of Oregon, USDI Bureau of Land Management, and the USDA Forest Service. See Air Quality in Chapter 4 for further discussion.

Clean Water Act

The Clean Water Act of 1977 focuses on the restoration and maintenance of the chemical, physical and biological integrity of the Nation's waters. This was amended in 1987 to protect

waters against pollution from both point and non-point sources. As part of the implementation of this act, the State of Oregon maintains an inventory of water quality limited streams, based on standards developed by the Oregon Department of Environmental Quality.

Land disturbing activities such as roads and timber harvest can result in non-point source pollution. Strategies to prevent non-point source pollution include Best Management Practices (BMP's), watershed and riparian area restoration and enhancement, and improved monitoring for detection and validation of water quality concerns. The BMP's, located in Appendix B of this FEIS, would at a minimum maintain existing water quality in analysis area streams.

Project activities were designed to avoid any increases in temperature and sediment or degradation of aquatic habitat. Road obliteration, in-stream structure maintenance, and construction of low water fords would cause localized increases in sediment for short periods. In the long term, these projects would cause a net decrease in sediment. For these reasons, the Rimrock projects would be consistent with the water quality requirements of the Clean Water Act.

A Water Quality Restoration Plan (WQRP) was developed as part of this project to address the water temperature and habitat modification parameters that failed to meet State standards within Big Wall, Indian, Porter, and Wilson creeks. Upon completion of the Total Maximum Daily Load, the State will review the WQRP for compliance with the Clean Water Act.

Executive Orders 11988 and 11990: Flood Plains And Wetlands

In 1977, the National Environmental Policy Act of 1969 (NEPA) was amended (42 U.S.C. 4321 et seq.) in order to avoid short and long term adverse impacts associated with the destruction or modification of flood plains and wetlands. Two Executive Orders were issued as a result of this amendment. Both of these orders were applicable to riparian areas found in the analysis area.

Executive Order 11988 provides flood plain management direction to federal agencies. It states that the Forest Service shall take action to restore and preserve the natural and beneficial values served by flood plains in carrying out its responsibilities for conducting Federal activities and programs affecting land use, including water and related land resource planning and licensing activities. The term "flood plain" was defined as the lowland and relatively flat areas adjoining inland waters including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

The Protection of Wetlands Executive Order (11990) states that the Forest Service shall take action to minimize the destruction, loss or degradation of wetlands, to preserve and enhance the natural and beneficial values of wetlands in carrying out its responsibilities for conducting Federal activities and programs affecting land use, including water and related land resource planning and licensing activities. In carrying out these activities, the Forest Service shall consider factors relevant to a proposal's effect on the survival and quality of the wetlands. These factors include: water supply, quality, and discharge; pollution; sediment and erosion; maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources. The term "wetland" was defined as those areas that are inundated by surface or ground water with a frequency sufficient to support a prevalence of

vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.

Executive Order 12898: Environmental Justice

Executive Order 12898 requires that federal agencies adopt strategies to address environmental justice concerns within the context of agency operations. With implementation of any of these alternatives, there would be no disproportionately high and adverse human health or environmental effects on minority or low-income populations. The actions would occur in a remote area and nearby communities would mainly be affected by economic impacts as related to timber harvest or contractors implementing rehabilitation activities. Racial and cultural minority groups could also be prevalent in the work forces that implement thinning activities.

Roads Analysis

Forest Service policy requires that a roads analysis be used for project planning when certain triggering management actions are planned [Forest Service Manual (FSM) 7712.13]. The roads analysis must be at a scale and level of detail sufficient to inform decisions or document reasons a roads analysis is not needed. Management actions included in Rimrock that trigger the use of a roads analysis include:

- *New construction of temporary roads*
- *Reconstruction of existing roads*
- *Decommissioning of existing roads*
- *Change in access or use of existing roads*

A forest-scale roads analysis for the Umatilla National Forest was completed in January 2003. As the Responsible Official for Rimrock, I have the discretion and duty to determine whether or not a roads analysis below the forest-scale is needed and the degree of detail that is appropriate and practicable (FSM 7712.13).

My decision on road management for the Rimrock projects is based upon three factors:

- The Umatilla National Forest's forest-wide roads analysis
- The Heppner Ranger District Motorized Access and Travel Management Plan (1993)
- The specific Transportation Analysis completed for the Rimrock FEIS and included in the project analysis file.

Based upon these analyses, I have determined that I have information at a scale and level to make an informed decision and a "roads analysis below the forest-scale" is not needed.

Environmentally Preferred Alternative

Regulations implementing the National Environmental Policy Act (NEPA) require agencies to specify 'the alternative or alternatives which were considered to be environmentally preferable" [40 CFR 1505.2(b)]. Forest Service policy further defines the "environmentally preferable

alternative" as "an alternative that meets the goals of Section 101 of the NEPA…" (FSH 1909.15). Section 101 of the NEPA describes national environmental policy, calling on federal, state, and local governments and the public to "create and maintain conditions under which man and nature can exist in productive harmony." Section 101 further defines this policy in six broad goals, to:

1. fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
3. attain the widest range of beneficial uses of the environment without degradation, risk to health, or safety, or other undesirable and unintended consequences;
4. preserve important historic, cultural, and natural aspects of our national heritage, and maintain wherever possible, an environment which supports diversity and a variety of individual choice;
5. achieve a balance between population and resource use which permit high standards of living and a wide sharing of life's amenities; and
6. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

All of the action alternatives meet these six goals to varying degrees. However, based upon the description of alternatives and associated analysis detailed in the FEIS, I believe that the Selected Alternative best meets the goals of Section 101, and is therefore the environmentally preferable alternative for this proposed federal action.

Implementation

Implementation Date

This project cannot be implemented until 15 days after the resolution of any appeal. If no appeal is received, the project may be implemented five business days after the end of the appeal period.

Administrative Review or Appeal Opportunities

This decision is subject to appeal in accordance with 36 CFR 215.7. Any written appeal must be postmarked or received by the Appeal Deciding Officer, Linda Goodman, Regional Forester, ATTN: 1570 APPEALS, P.O. Box 3623, Portland, Oregon 97208-3623 within 45 days of the date of publication of the legal notice announcing this decision in the East Oregonian Newspaper.

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

- State that the document is a Notice of Appeal filed pursuant to 36 CFR part 215;

- List the name, address, and if possible, a telephone number of the appellant;
- Identify the decision document by title and subject, date of the decision, and name and title of the Responsible Official;
- Identify the specific change(s) in the decision that the appellant seeks or portion of the decision to which the appellant objects; and
- State how my decision fails to consider comments previously provided, either before or during the comment period specified in Title 36 CFR 215.6 and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact:

David Kendrick, Umatilla National Forest, Heppner Ranger District, PO Box 7, Heppner, Oregon 97836, or phone (541) 676-9187.

ANDREI V. RYKOFF
District Ranger
Heppner Ranger District

DATE