

Decision Memo

Sugarbowl Fire Salvage Project

North Fork John Day Ranger District, Umatilla National Forest Umatilla County, Oregon

Township 5 South, Range 30 East, Sections 26, 35
Willamette Meridian surveyed.

BACKGROUND

The lightning caused Sugarbowl Fire began on August 15, 2007, approximately 7 miles southwest of Ukiah, Oregon. The Sugarbowl Fire reached a size of 390 acres with approximately 65 acres on private property and 325 acres on National Forest System Lands before being fully contained.

Fire effects varied widely from a light underburn in some areas to areas of intense fire activity where almost all trees were killed. North Fork John Day Ranger District personnel evaluated the burned landscape and identified approximately 200 acres of potential salvage that would be consistent with direction found in the Umatilla National Forest Land and Resource Management Plan (Forest Plan) and did not include inventoried roadless areas. To provide natural resource protection, 135 acres of the potential salvage area is being proposed for salvage

After a tree dies, it begins to deteriorate and lose economic value. Wood deterioration can refer to changes in wood strength or appearance that render wood unsuitable for traditional or general uses such as lumber products and this rate varies by species. Weather is often a major contributor to the rate of deterioration.

In order to capture the maximum economic value there is a need to salvage harvest as rapidly as practicable before decay and other wood deterioration occurs to maximize potential economic benefits. Harvesting dead and dying trees could provide direct and indirect benefits to the local and regional economy. In addition, revenues produced by selling the salvage timber could be available to help finance post-fire restoration and other activities.

During fire suppression efforts, trees that posed an imminent danger were removed, however, additional standing dead, dying, and unsound green trees that represent a threat and danger to public safety have been observed. To provide for safety during operations and public safety when salvage activities are complete, there is a need to remove danger trees along haul routes and landings.

DECISION

After careful review and consideration of public comments made, and analysis by resource specialists disclosed in the project record. I have decided to implement the Sugarbowl Fire Salvage Project. As part of my decision I will implement project-specific design features, including best management practices (BMPs) listed in the project record, because they are expected to minimize the effects of management activities. The following table summarizes some outcomes of my decision.

Table 1-Summary of Project Activities

| Activities | |
|---|---|
| Total salvage harvest* | 135** |
| Harvest-ground based-tops attached yarded | 135 |
| Danger trees removed that could affect landings | Yes |
| Danger trees felled in Riparian Habitat Conservation Areas (RHCAs) and left on the ground | Yes |
| Temporary road construction (no more than ½ mile in total): | 2 Roads (1060** Feet and 580** Feet) |
| Additional short spurs | Yes |
| Roads decommissioned after use | Yes |
| Activity Fuel Treatment | Piles at landings to be either burned or chipped later. Where necessary some jackpot prescribed burning. |
| *Harvest prescriptions will salvage dead trees (tress without green needles) greater than or equal to 21 inches in diameter at breast height (dbh). Dead and dying trees less than 21 inches dbh will also be removed using the probability of survival determined by the protocol described in <i>Factors Affecting Survival of Fire Injured Trees: A Rating System For Determining relative Probability of Survival of Conifers in the Blue and Wallowa Mountains</i> by Scott et al., also known as the Scott Guidelines. To provide for habitat needs of cavity dependent species, approximately three large trees per acre will be left for future large wood. | |
| **acres, feet, and miles are approximate. | |

FINDING FOR THE DECISION

My decision to implement this project is consistent with the scale of effects disclosed for a category of actions established by the Chief of the Forest Service which do not individually or cumulatively have a significant effect on the human environment and therefore normally do not require further analysis in either an environmental impact statement (EIS) or an environmental assessment (EA). This category is listed in the Forest Service NEPA Handbook (FSH) FSH 1909.15-2006-1, Chapter 30, Section 31.2, Category 13 (Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than ½ mile of temporary road construction).

I selected Category 13 because the Forest Service did a post-implementation review of similar projects along with past, present, and reasonably foreseeable future actions, and the responsible officials found that the individual and cumulative effects of the projects reviewed were not significant in the NEPA context. The Forest Service, therefore, concluded that the activities described in categories (12, 13, and 14) do not individually or cumulatively have a significant effect on the human environment (see Federal register, July 29, 2003, Vol. 68, No. 145, page 44599).

In making my decision I considered the following conditions:

1. The project is consistent with the Umatilla Land and Resource Management Plan (Forest Plan) 1990, as amended and all applicable federal and state laws for protection of the environment.
2. There are no extraordinary circumstances that would preclude the use of the category exclusions listed above.

I address each of these conditions below:

Forest Plan consistency and other applicable laws

The units proposed for project activity include two Forest Plan management areas shown in Table 2. All allow timber harvest however, only E2 is managed for scheduled harvest. Management area C3 allows harvest as long as big game habitat management objectives are met.

Table 2-Land allocations within project activity units

| Management Area | Area (acres) | Forest Plan Page Number |
|------------------------------------|---------------------|--------------------------------|
| C3-Sensitive Big Game Winter Range | 25 | 4-151 |
| E2-Timber and Big Game | 110 | 4-182 |

This project has been designed to be consistent with the Forest Plan and applicable federal and state laws. The following resource narrative demonstrate consistency with Forest Plan direction described for both Management Area and Forest-wide standards and guidelines and applicable federal and state laws.

Hydrology- Implementation of this project would be consistent with Forest-wide and management area-specific standards for the protection of water resources.

The Forest Service's responsibilities under the Clean Water Act are defined in 2002 Memorandum of Understanding (MOU) between Oregon Department of Environmental Quality and the Forest Service. The MOU designates the Forest Service as the management agency responsible for meeting the Clean Water Act on National Forest System lands and recognizing best management practices (BMPs) as the primary mechanism to control nonpoint source pollution on National Forest System lands. It further recognizes that they are developed by the Forest Service as part of the planning process and includes a commitment by the Forest Service to meet or exceed standards. This project incorporates site-specific BMPs for water and soil resources and a process to monitor their implementation and effectiveness has been established.

Project activities would not detrimentally affect beneficial uses and the proposed salvage harvest has been designed to prevent damage to RHCAs. Riparian and channel components that protect water quality would be maintained and recovery would proceed at natural rates. Other project design criteria and BMPs would control disturbance that could lead to erosion and sedimentation. Effects of the proposed action would not adversely or measurably affect water temperature or sedimentation, the criteria for which streams in the project area (Camas Creek and Five Mile Creek) are 303d listed as impaired. The proposed project is in compliance with the Clean Water Act, the Safe Drinking Water Act, and Forest Plan (Project Record-Hydrology Report).

Recreation- The project area provides a wide range of recreation activities and opportunities, including but not limited to: dispersed camping, sightseeing, off-highway vehicle (OHV) use, hunting, and snowmobiling.

Project design criteria and management requirements provide for visitor safety and help protect recreation opportunities. This project would be consistent with Forest-wide standards and management area-specific standards for recreation.

Undeveloped Areas- No units lie within areas of undeveloped character previously identified by the public during Forest Plan revision meetings. There would be no direct, indirect, or cumulative effects to the character of undeveloped areas.

Soils- Design of logging system, contractual controls, and erosion control measures, including site-specific BMPs, would limit detrimental levels of soil disturbance and ensure that soil effects would be in compliance with Forest Plan standards and guidelines (Project Record-Soil Report).

Fuels- Activity material would be removed with tops attached and slash would be loader piled. All planned activity fuel treatments would be consistent with Forest-wide and management area specific standards (Project Record-Fuels Report).

Air Quality- All fuels management burning would adhere to Oregon State and federal air quality regulations. The project would be in compliance with the Clean Air Act and Oregon State's Smoke Management Plan as administered by the Oregon Department of Environmental Quality, and Forest wide standards for air quality (Project Record-Fuel Report).

Range- The whole proposed project area is within the Matlock Allotment (East pasture). Project activity would be consistent with Forest-wide and management area standards for range.

Wildlife- This project is consistent with Forest Plan standards and guidelines for wildlife with the implementation of specific design criteria for this project. Plant and animal diversity and population viability would not be diminished through implementation of the Sugarbowl Fire Salvage Project. Effects to Management Indicator Species such as elk, marten, pileated and northern three-toed woodpecker, and other primary cavity excavating species would be minor. An abundance of unsalvaged dead wood habitat will be available for cavity excavating species in the Lower Camas Watershed following implementation.

Proposed salvage within the Monument Winter Range is consistent with the Forest Plan objectives for the C3 Winter Range Management Area. The proposed project would not result in disturbance in the winter range during the winter use period or impact the quality of forage in the project area. Proposed temporary road construction (.31 miles) will not result in a net increase in road densities. Temporary roads used during salvage activities would be closed and obliterated once all treatments in associated units are completed. These roads would not be drivable (by passenger vehicles or off highway vehicles) following obliteration. Any road disturbance to big game will be short in duration and temporary.

Umatilla National Forest Plan Amendment #11 established interim riparian, ecosystem, and wildlife standards for timber sales (the Eastside Screens) (USDA 1995). The Interim Wildlife Standard (wildlife screen) restricts the harvest of timber in stands classified as late or old structure (LOS), if the amount of LOS in the area is below the historic range. Since this standard applies to live trees, which would not be harvested under this project, the proposed Sugarbowl Fire Salvage Project complies with the wildlife screen.

Based upon the available information and the evaluation of the direct, indirect, and cumulative effects, and interrelated and interdependent actions, it has been determined that the implementation of the proposed project activities will have no effect to gray wolf, the only ESA listed species with the potential to occur in or near the project area. In addition,

there would be no impact on the California wolverine or the Columbia spotted frog under the proposed activities. This project may impact habitat features used by the Lewis' and white-headed woodpecker; there would be no adverse impacts on populations within the watershed. Salvaged stands would provide suitable nesting habitat for the Lewis' woodpecker through implementation of specific design criteria for snag retention and distribution.

The project is consistent with the 1918 Migratory Bird Treaty Act (MBTA) and the Migratory Bird Executive Order 13186. The Conservation Strategy for Landbirds (Altman 2000) and the U.S. Fish and Wildlife Service's Birds of Conservation Concern (USDI 2002) were reviewed to determine potential effects to migratory land birds. Design criteria such as retention of adequate snags and down logs, retention of live trees, and avoidance of riparian areas will minimize take of migratory birds and meet the intent of current management direction (Project Record-Wildlife Biological Evaluation).

Riparian/Fish- This decision is consistent with PACFISH Riparian Management Objectives and protects riparian and fish resources and habitat with implementation of specific design criteria and management requirements (Project Record-Aquatic species Biological Evaluation).

Extraordinary Circumstances:

Based on the project record I find that the project is consistent with agency policy concerning extraordinary circumstances (Forest Service Handbook 1909.15-2006-1, Chapter 30, Section 30.3 (2)(a)-(g)).

- ***Federally listed threatened or endangered species or designated critical habitat, proposed for federal listings, or Forest Service sensitive species:***

As required by the Endangered Species Act, potential effects of this project on listed species have been analyzed and documented on Biological evaluations for wildlife, fish, and plant species (Project Record). In accordance with Section 7(c) of the Endangered Species Act, the wildlife biologist, fish biologist, and botanists checked for the presence of listed and proposed threatened and endangered species or their habitats, and species on the Regional Forester's (Region 6) sensitive species list that may be present in the project area.

A determination of 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 of White-headed woodpecker and Lewis' woodpecker Region 6 listed sensitive species for wildlife. A determination of may affect, but not likely to adversely affect federally threatened listed Middle Columbia steelhead and designated critical habitat (Project Record-Botany, Wildlife, and Fish Biological Evaluations).

Table 3-Effect Determination for Listed and Sensitive Species and Their Habitat

| Species | Status | Determination |
|---|------------|---------------|
| Gray Wolf | Endangered | NE |
| California Wolverine | Sensitive | NI |
| White-headed woodpecker | Sensitive | MIIH |
| Lewis' woodpecker | Sensitive | MIIH |
| Columbia spotted frog | Sensitive | NI |
| Middle Columbia steelhead trout | Threatened | NLAA |
| Middle Columbia steelhead Designated Critical Habitat | Threatened | NLAA |
| Spring Chinook salmon | Sensitive | NI |
| Columbia river bull trout | Threatened | NE |
| <i>Silene spaldingii</i> | Threatened | NE |
| NE-No effect on a proposed or listed species or critical habitat. | | |
| NI-No impact to Region 6 sensitive or proposed sensitive species individuals, populations, or their habitat. | | |
| NLAA-May effect, but not likely to adversely affect a listed species or critical habitat | | |
| MIIH-May impact individuals or habitat, but will not likely contribute to a trend towards federal listings or cause a loss of viability to the population or species. | | |

- Floodplains, wetlands, or municipal watershed.***
 The project would avoid all floodplains and wetlands and would be consistent with Executive Order (EO) 11988 and Executive Order 11990. There are no de-facto or designated municipal watersheds in the Sugarbowl Fire Salvage project area (Project record-Hydrology Report).
- Congressionally designated areas, such as wilderness, wilderness study areas, or natural recreation area.***
 The project area does not contain any congressionally designated wilderness, wilderness study areas, or national recreation areas (Final EIS, Umatilla National Forest Land and Resource Management Plan, Appendix C).
- Inventoried roadless areas.***
 The project does not contain any inventoried roadless areas (Final EIS, Umatilla National Forest Land and Resource Management Plan, Appendix C).
- Research natural areas.***
 The project area does not contain any research natural areas (Final EIS, Umatilla National Forest Land and Resource Management Plan, p. 4-31).
- American Indians and Alaska Native religious or cultural sites.***
 The project area is within American Indian's ceded lands. No information on locations or concerns of religious sites have been made at this time. Consultation with local Tribes will continue.
- Archeological sites, or historic properties or areas***
 All known sites would be avoided. Should any additional sites be identified during ground disturbance activities, contract provisions would provide protection and the Zone Archeologist would immediately be notified.

FINDINGS REQUIRED BY OTHER LAWS

This project is consistent with the Umatilla's Land and Resource Management Plan (Forest Plan) and all subsequent amendments, as required by the National Forest Management Act. The project was designed in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidelines. The project is in compliance with the Endangered Species Act of 1973, as amended, Magnuson-Stevens Fishery Conservation and Management Act (MSA) of 2000, Clean Water Act, Safe Drinking Water Act, Clean Air Act, Executive Order 11988, and Executive Order 11990 as discussed in previous sections of this document.

There is no prime farmland, rangeland, or forestland within project activity units. Activities for this project are consistent with the *Managing Competing and Unwanted Vegetation FEIS*, its *Mediated Agreement*, and *1988 Record of Decision* and incorporates the invasive plant prevention measures of the *Pacific Northwest Region FEIS for the Invasive Plant Program*, and *2005 Record of Decision*. This project does not address interim methods of rapid response to invasive plant spread beyond what was analyzed in the *1995 Umatilla Noxious Weed EA*.

Implementation of this project is not expected to have any disproportional effects on consumers, civil rights, minority groups, women, or low income people because there will be no change in the long-term use of the area for these populations (Executive Order 12898). The project will not have unusual energy requirements. The project will improve public health and safety by removing danger trees along haul routes and landings.

PUBLIC INVOLVEMENT

This proposal was listed in the summer 2008 edition of Umatilla National Forest's Schedule of Proposed Actions, and scoping letters were mailed on November 11, 2007, to approximately 110 interested individuals, organizations, tribes, state, and federal agencies. Six letters were received in response to our scoping letter. Letters describing the project analysis and requesting comments were mailed on May 9, 2008, to approximately 110 interested individuals, organizations, tribes, state, local, and federal agencies. A legal notice requesting comments appeared in the East Oregonian (newspaper of record) on May 9, 2008. Four letters responding to our request for comments during the 30-day comment period were received. I reviewed the comments and considered them before making my final decision.

APPEAL RIGHTS

Negative comments were received during the 30-day comment period which ended June 9, 2008, the decision for this project is subject to appeal according to 36 CFR 215.12.

IMPLEMENTATION

This decision may be implemented immediately pursuant to regulations at 36 CFR 215.9.

CONTACT PERSON

This Decision Memo and associated project file may be reviewed at the North Fork John Day Ranger District, 401 W. Main Street, Ukiah, Oregon. For further information contact:

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/s Craig Smith-Dixon

CRAIG SMITH-DIXON
District Ranger

6/30/08

Date



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