

**DECISION NOTICE
And
FINDING OF NO SIGNIFICANT ISSUES**

**JOKER II RESTORATION PROJECT
And
FOREST PLAN AMENDMENT # 23 CREATING
BALD EAGLE MANAGEMENT AREA**

USDA, Forest Service
Fremont National Forest
Paisley Ranger District
Lake County, Oregon

T35S, R18E, Sections 1 & 12
T35S, R19E, Sections 6, 7, 17 – 21, 27 – 29, and 32 – 34
T36S, R19E, Sections 2 – 5, 9 – 11, 14 and 15

February 2002



United States Department of Agriculture
Forest Service

**JOKER II RESTORATION PROJECT and FOREST PLAN AMENDMENT #23
DECISION NOTICE/FINDING OF NO SIGNIFICANT ACTION**

INTRODUCTION

The Joker II Restoration Timber Sale covers approximately 12,076 acres of National Forest System land on the Paisley Ranger District. The analysis area lies west of Clover Flat and east of the Avery Pass/Moss Pass ridge. The Chewaucan Marsh subshed encompasses the analysis area, which is located in the Lake Abert watershed. Access to the project area is by Lake County Road 2-10A and Forest Service Roads 3510 and 3510.018. It is approximately 9 air miles south of the city of Paisley.

The analysis area consists of ponderosa pine, mixed conifer, and juniper woodlands with numerous small meadows and aspen groves interspersed. The upper reaches of Avery, Fisher, Schoolhouse, N. Fork King, King, Newell, Moss, Green, and Pine Creeks along with several other small drainages and ponds are contained in the project area. The planning area, consisting only of Federal lands, encompasses four management areas as allocated in the Forest Plan: Management Area 1 (mule deer forage and cover on winter range), Management Area 5 (timber and range production), Management Area 6b (scenic viewsheds), and Management Area 14 (old growth habitat).

DECISION

It is my decision to implement Alternative 2 of the Joker II Restoration Project Environmental Assessment and Forest Plan Amendment #23, creating the Avery Creek Bald Eagle Winter Roost Management Area. This alternative follows all applicable laws and regulations such as: State Water and Air Quality Standards; the National Environmental Policy Act (NEPA); and the National Forest Management Act (NFMA). The alternative is also consistent with and implements the Forest Plan as amended.

This alternative would use silvicultural treatments along with associated resource projects to restore and maintain the desirable ecosystem values as described by the Forest Plan. The intent is to maintain the health and abundance of the trees that provide or will provide old growth structures and habitats necessary for a variety of late and old structured stand dependant species. This would be accomplished by partial cutting and harvesting of approximately 600 acres of ponderosa pine and mixed conifer forest, removing and/or thinning excess conifers from the middle and lower strata. Encroaching conifers will also be removed from aspen stands to enhance or protect these stands. Habitat improvements include road closures and obliterations.

This decision also redesignates approximately 1085 acres of Management Area 5 (Timber and Range Production) to Management Area 2 (Endangered and Threatened Species) under a site-specific Forest Plan amendment. Lands within this management area will now be managed using

the standards and guidelines identified on pages 135 and 136 of the Forest Plan. Timber harvest will be used in this area to enhance and perpetuate bald eagle habitat.

Implementation of this decision is in agreement with the three goals identified in the *Policy Statement for the Lakeview Federal Sustained Yield Unit as Amended*. 1. Sustain and restore a healthy, diverse, and resilient forest ecosystem that can accommodate human and natural disturbances; 2. Sustain and restore the land's capacity to absorb, store, and distribute quality water; and 3. Provide opportunities for people to realize their material, spiritual, and recreational values and relationships with the forest. These goals coincide with the purpose of and need for the project, which are:

- ❖ Tend, by understory removal, thinning, and fuels treatment, late or old stands with multi-storied structures and mid-seral stands so as to produce, maintain, and enhance single storied late and old forest characteristics as identified in the *Regional Forester's Eastside Forests Plan Amendments*. Resultant stands could be prescribed for underburning activities within the context of the greater landscape at a future date.
- ❖ Improve wildlife habitat, riparian health conditions, and other special features such as range productivity, aspen stands, and meadows with respect given to landscape connectivity between late and old structure (LOS) habitat. Promote diversity between stands (and to some extent in stands) by maintaining diverse seral structure within post-fledging areas (PFA) maintaining a continuum of large live and dead ponderosa pine for winter roosts and not treating key areas in the amount and proximity that serve as important wildlife habitat (e.g. retaining snag clumps, big game cover, stands remaining dense and at risk of insect or disease attack). Consider possible road closures as a tool to improve habitat effectiveness. Provide final boundaries for a proposed Bald Eagle Management Area (BEMA). Improve habitat with a special emphasis of improving those values critical for bald eagles in this area, namely roost trees.
- ❖ To the extent in excess of the ecosystem's desired needs, provide wood fiber in the form of merchantable products to the timber dependent portion of the local economy.

Mitigation measures associated with this decision are:

Wildlife

Approximately 1085 acres of the Joker II Restoration Project, which are currently designated as Management Area 5, will be redesignated as Management Area 2 under a site-specific Forest Plan amendment. Mitigations will require:

*Establishment of an area closure for the Avery Bald Eagle Management Area from November 1 to May 1.

*Protection of snags within the BEMA during any stand treatments.

*Should eagles be observed utilizing perch, roost, or nest trees within the planning area, operations should be halted within 1/4 mile of observed activity until the wildlife biologist has determined that operations will not disrupt eagle activity.

*Should any proposed or listed endangered, threatened, or sensitive species be found during project activities within, adjacent, or near enough that activities could be a disturbance, activities will be halted until their effects can be determined and their significance assessed.

*If an active raptor nest is found during operation, Forest Plan Standards and Guidelines will be followed at a minimum. The Forest Plan states that any major activity adjacent to an active raptor nest should be postponed until the young have fledged.

*Activities near the goshawk nest sites will be restricted from April 1 - August 15. No activities may occur within this time period in units 8 and 15 unless the district wildlife biologist has determined that nesting is not occurring. Harvest and thinning prescriptions for these units will be designed with coordination between the wildlife biologist and silviculturist (Wildlife Report, Analysis file).

*Maintain all snags not presenting a defined safety hazard. The wildlife biologist will assist with identification of important snag clumps and nest trees during layout.

*Interior roads opened to access units will be closed again following harvest activity.

Soil, Water, Fisheries

*Best Management Practices (BMPs) specific to timber harvesting, roads, and pertaining to the units in the action alternative will be followed. These include locating landings outside of riparian zones, seasonal limitations on logging, erosion control on skid trails and landings, distance between skid trails at a 100 foot minimum, designated skid trail and landing locations, and the placement of units and type of harvest method used based on soil type and slope.

*If Riparian Habitat Conservation Areas that contain PETS fish species are discovered during operations, mitigation measures will be developed as needed. Activities will stop where practical and immediate coordination with the fisheries biologist will be done.

*INFISH buffer standards will be followed. Moss Creek, Newell Creek, Green Creek, and other perennial non-fish-bearing streams require a 150' buffer strip on both sides of the streams. Intermittent streams and small wetlands require a 50' buffer on either side. These buffers are minimum widths. Limited work in aspen stands will be consistent with INFISH, section TM-1. Unit layout should be coordinated with the hydrologist or fisheries biologist to determine site specific buffer widths.

*Open meadow/grasslands, springs, and drainages not identified for riparian vegetation enhancement activities, will have buffers, determined by the hydrologist/fish biologist, to reduce effects on unique habitats and edge.

*All previous improvements such as fences, water holes, spring developments, etc., will be protected and repaired if any damage results from this project.

RATIONALE FOR DECISION

I have reviewed the interdisciplinary analysis for this project area, the alternatives, the issues and comments from the public and the interdisciplinary teams, the Forest Plan, and conditions in the project area. After this review, I have come to the conclusion that Alternative 2 meets the purpose and need identified and is a responsible course of action for the Joker II Restoration Project.

The Interdisciplinary Team reviewed the transportation system and made recommendations regarding the transportation needs in the area in association with priorities, resource values, environmental and public safety risks, and recreation. The final road closure/obliteration proposal was provided to the public for comment. I have determined this is adequate analysis for this type of project and additional analysis is not needed.

Alternative 2 addresses the need for action to implement the direction and objectives of the Fremont National Forest Land and Resource Management Plan and the Regional Forester's Eastside Forest Plans Amendments by moving treated stands closer to the identified historic range of variability.

This alternative implements the management guidelines as outlined in "*Fremont National Forest Bald Eagle Management Plan*", (1981, Silovsky and Isaacs), and maintains the integrity of bald eagle roost sites (Forest Wide Standards p. 109, Forest Plan)

Alternative 2 meets Forest Service policy to:

- ❖ Carry out direct habitat improvement projects to achieve wildlife and fisheries objectives and to coordinate with other uses and activities to accomplish habitat management objectives and to reduce detrimental effects on wildlife and fisheries (Forest Service Manual 2202.1).
- ❖ Establish through the Forest planning process objectives for habitat management and/or recovery of populations, in cooperation with States, the Fish and Wildlife Service (FWS) (or National Marine Fisheries Service (NMFS)), and other Federal agencies.
- ❖ Maintain or increase the growth rate, health, species composition, and/or improve the quality of stands for timber or other resource uses according to the direction in the forest plan (Forest Service Manual 2476.02).
- ❖ Avoid all adverse impacts on threatened and endangered species and their habitats except when it is possible to compensate adverse effects totally through alternatives identified in a biological opinion rendered by the FWS; when an exemption has been granted under the act; or when the FWS biological opinion recognizes an incidental taking (Forest Service Manual 2670.31)

Alternative 1 would not meet the purpose of and need for the action. Impacts may be less, but stand conditions would continue to deviate from desired conditions and standards identified by the Forest Plan and Regional Forester's Eastside Forest Plans Amendments. The Bald Eagle Management Area would not be established with this decision allowing for disturbance of the site and possible abandonment.

SCOPING, ANALYSIS, AND PUBLIC INPUT

Internal and external scoping was done as part of the analysis process. Information was gathered from interested environmental groups, the assistant district wildlife biologist for the Oregon Department of Fish and Wildlife, Forest specialists, and members of the zone interdisciplinary team (ID Team). From this information, five issues were identified. They included:

1. Stand Health – The condition of this area has been a concern for a while and was originally analyzed for health treatment in 1993. At that time, over 750 acres were heavily infested with fir engraver and close to 700 acres with mountain pine beetle. White fir encroachment has also increased ladder fuels threatening the stands from a wildfire perspective.
2. Bald Eagles - The bald eagle roost site, in the northern portion of the analysis area, needs protection and stand management to maintain desirable roost characteristics, which are threatened by white fir encroachment and reduced stand health. This area will become a Bald Eagle Management Area (BEMA) with this decision.
3. Goshawks - District records indicated several goshawk nests in the area. Surveys conducted in 1994 showed two nests active. Activities have been mitigated to protect this habitat. Measurement will be by acres of habitat treated by management.
4. Fuel Loading - Current average fuel loading is greater than 50 tons per acre, which puts the area in Mod 13 - an intense condition. This is further exacerbated with the fir encroachment providing ladder fuels into the upper canopies.
5. Winter Range - Forty two percent of the area is in Winter Range. Cover is an important component of Winter Range, with thermal cover more important than hiding cover.

These issues were used by the ID Team to develop project objectives and alternatives which in turn were presented to the responsible official. Comments were solicited from the public through publication of a public notice and mailings of the environmental assessment. Comments received were analyzed by the team and incorporated as an appendix to the final document.

ALTERNATIVES CONSIDERED

Two potential alternatives and the no-action alternative were developed by the ID Team, but one alternative to treat an additional two units was dropped from further analysis when a field visit identified these units as prime winter range habitat. Given the limitations of the area such as steep slopes with encroachment of small diameter white fir, low winter range habitat effectiveness, and sensitive species considerations, I felt the remaining two alternatives was a reasonable range.

Alternative 1 would forgo any restoration activities at this time. Under this alternative the ponderosa pine and mixed conifer stands would continue to experience changes in species composition and/or increased stand density further departing from the desired condition of single storied LOS stands as identified in the Regional Forester's Eastside Forest Plans Amendments. Shade tolerant white fir would continue to overtake ponderosa pine, changing the species content over time. The increase in white fir would also create more ladder fuels in an already high fuel load area. Conifer encroachment would continue to decrease aspen stands and meadows. The loss of existing large diameter ponderosa pines and potential replacement trees would diminish roost areas for the bald eagles. Wildlife habitat would change slightly over time with natural succession. Road densities would remain the same affecting the winter range, habitat effectiveness, and water quality.

Alternative 2 would implement restoration projects across the analysis area. Approximately 600 acres of ponderosa pine and mixed conifer forests would be partially cut, removing and/or thinning excess conifers from the middle and lower stratum to restore or maintain late and old structure stands. Units restoring structure in the proposed Bald Eagle Management Area would have trees thinned from beneath selected dominant and codominant ponderosa pine trees to decrease competition and promote healthier large trees for roosting. The action would also restore goshawk post-fledging areas, opening forage areas and maintaining mature ponderosa pines and healthy white fir, where they exist. Approximately 2.8 million board feet (mmbf) of wood volume would be harvested from 14 units. One unit, unit 1 in the bald eagle management area, would be precommercially thinned only. All of the units would be logged using ground-based systems and existing or designated skid trails. Units 9 and 13 require short temporary roads that would be obliterated upon completion of sale activities.

Alternative 2 also redesignates 1085 acres of land classified as Management Area 5 to Management Area 2. This has limited effects on other resources as management of resources, which maintains or improves bald eagle habitat, is allowed within Management Area 2.

Activities associated with this alternative include:

- *Precommercial thinning/cleaning in all areas of commercial harvest and unit one. Slash from post sale cleaning and thinning would be lopped and scattered to control fuel accumulations.

- *Preparation of a Bald Eagle Management Plan to compile and analyze trends of the winter bald eagle populations and to construct site specific management of the roost site.

- *Closure of approximately 8.94 miles of road and obliteration of 3.89 miles of road.

*Aspen stands enhancement and protection by removing the competing conifers leaving them in place to discourage ungulates in the aspen stands.

FINDING OF NO SIGNIFICANT IMPACT

Based on my review of the likely effects of this project and experience with similar proposals, I have determined that this action will not significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not necessary. This determination was made considering the following factors:

1. The action is not significant on the global, national, regional, or local levels.
2. The action will not violate any Federal, State, or other laws and regulations. There are no anticipated significant impacts on consumers, minority groups, American Indians, women, or civil rights.
3. This action, with implementation of mitigation measures, will not significantly affect any unique areas such as wetlands, floodplains, prime farmlands, wild and scenic rivers, or ecologically critical areas.
4. Based on the biological evaluations conducted on the area, the action will have no detrimental effect or impact on proposed, endangered, threatened, or sensitive species. None of the project activities will cause a trend toward federal listing or loss of viability of animal species.
5. Cultural, historical, and/or scientific resources in the area will not be adversely affected by this project. Cultural resource surveys were done across the area over the course of several years for various projects. Known sites will be protected by avoidance. Under the terms of the 1995 Programmatic Agreement between ACHP, SHPO, and USFS R6, the Forest Archeologist has certified that the project will have no effect on identified or possible cultural resources.
6. Water quality will not be adversely impacted with this project. Activities associated with this project will maintain or improve riparian/meadow vegetation and stream channels, thereby maintaining or improving water quality over time.
7. This project will have no known significant indirect, cumulative, or unavoidable adverse effects on the environment. There will be no significant irreversible or irretrievable commitments of resources.

ADMINISTRATIVE REVIEW AND APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215.7(a). A written Notice of Appeal must be postmarked or received by the Appeal Deciding Officer, Regional Forester, ATTN: 1570 APPEALS, P.O. Box 3623, Portland, Oregon 97208-3623 by June 21, 2002. Appeals must meet the content requirements of 36 CFR 215.14.

CONTACT PERSON

Questions regarding this decision should be directed to Katie Blazer, Environmental Coordinator, at the Paisley Ranger District, P.O. Box 67, Paisley, Oregon 97636 or phone (541) 943-3114.

CHARLES R. GRAHAM
Forest Supervisor

Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.