



**DECISION NOTICE &
FINDING OF NO SIGNIFICANT IMPACT
LEMON BUTTE PROJECT
U.S. FOREST SERVICE
NORTH UMPQUA RANGER DISTRICT
UMPQUA NATIONAL FOREST
LANE AND DOUGLAS COUNTIES, OREGON**

BACKGROUND

The Lemon Butte Environmental Assessment (EA) documents a no-action alternative and one action alternative that proposes to commercially thin 603 acres, non-commercially thin 43 acres, treat activity fuels, conduct road improvement and road maintenance, and construct 3.25 miles of temporary roads to facilitate logging activities. The Lemon Butte Project also includes several restoration and mitigation activities, such as, instream habitat restoration, snag creation, invasive weed removal, sub-soiling, native seeding, and reforestation.

The Lemon Butte project planning area encompasses approximately 64,882 acres located on the North Umpqua Ranger District of the Umpqua National Forest, approximately 25 road miles east of Glide, Oregon. All federal land within the planning area has been identified as Late Successional Reserves, including Riparian Reserves, by the Northwest Forest Plan. The planning area is located within the Steamboat Creek 5th field watershed and is situated in Lane and Douglas Counties in portions of Townships 23, 24, and 25 South, Ranges 1 and 2 East, of the Willamette Meridian.

The Purpose and Need of the Proposed Action, as described in further detail in Chapter 1 of the EA, is to restore the species and structural composition consistent with natural disturbance regimes; accelerate late seral characteristics in early to mid-seral forest stands to promote high quality, more resilient wildlife habitat; and promote the development of a more fire resilient landscape, by reducing fuel loading and continuity, which reduces the probability and effects of large scale wildfires and makes management of fires safer and more effective.

The Umpqua National Forest Land and Resource Management Plan (LRMP), as amended by the Northwest Forest Plan, is the principle policy under which this action was developed. An analysis of the proposal was conducted in accordance with the National Environmental Policy Act (NEPA) and the implementing regulations of 40 CFR 1508.

The Environmental Assessment, Response to Comments, and other supporting documents are available on the project website: <http://www.fs.usda.gov/project/?project=44128>.

DECISION

Based upon my review of the Lemon Butte Environmental Assessment (EA), I have decided to implement Alternative 2, which includes the following activities:

1. Commercially thin approximately 603 acres of stands 45-59 years of age, utilizing a range of silviculture prescriptions that will retain approximately 50 trees per acre (tpa). Gap creation (1/2-acre and 1-acre openings) is proposed for 3-10% of each timber sale unit's individual area to initiate structural diversity and understory vegetation development; all prescriptions are designed to increase growth, health, and vigor of the leave trees and are anticipated to result in approximately 11 million board feet of timber.
 - a. Approximately 185 acres of ground-based, or mechanized, logging systems and 418 acres of skyline logging systems will be employed to implement the thinning prescriptions. Mechanized equipment is generally utilized on slopes under 35% and skyline systems over 35% slope. Landings will be used in both the skyline and ground based units. The average landing size will be about 0.50 acres in both skyline and ground-based units.
 - b. Wet season logging and haul was identified for approximately 180 acres of skyline units. Haul may occur on designated roads only as described on pages 185-187. Resource concerns will be mitigated by the use of additional PDFs, BMPs, and Mitigation Measures as described in Appendix A.
 - c. Generally, felled material down to a six inch diameter top will be yarded and removed from the site and material from six to three inch diameter tops will be brought to the landings. Whole-tree yarding could occur, provided enough slash remains on site to meet temporary spur road obliteration and winterization requirements. Yarded material may be chipped, left on the landing for firewood cutters, processed into biochar, or burned.
 - d. The activity fuels, or slash, will be treated on approximately 310 acres, in order to break up continuity of the fuels throughout the timber sale units. Methods of treatment will include grapple piling, hand piling, and springtime prescribed underburning in units 31, 54, & 69 (37.9 acres). Approximately 1.3 miles of hand line will be constructed to support areas of underburning. Landing piles will be burned. Implementation of these treatments will be subject to a post-harvest fuels assessment.
 - e. Harvest will occur within Riparian Reserves outside of no-cut buffers. No-cut buffers will be a minimum of one tree height, 180 feet, on each side of stream channels along fish-bearing (class 1 and 2) streams. Non-fish bearing perennial stream (class 3) no-cut buffers will be 85 feet on each side of stream channels, and non-fish bearing intermittent stream (class 4) no-cut buffers will be 25 feet each side of stream channels. Where instability or slope breaks are present, buffers may be widened to protect sensitive riparian areas. Harvest acres within riparian reserves, but outside the established no-cut buffers are estimated as follows:
 - i. Fish bearing streams (class 1&2): approximately 13 acres
 - ii. Perennial non-fish bearing streams (class 3): approximately 5 acres

- iii. Intermittent, non-fish bearing, streams (class 4): approximately 20 acres
 - iv. No more than 12 landings will exist within Riparian Reserves. These landings will occur on the outer upslope edges of the Riparian Reserves outside of the no-cut buffers.
2. Non-commercially thinning from below in Unit 71 will occur on 43 acres to promote fire resiliency in the adjacent owl core and also develop connectivity to the surrounding suitable habitat for Northern Spotted Owls.
3. Road Work Implementation: No new permanent system roads will be constructed and all temporary roads will be obliterated after use.
- a. New temporary road construction- Approximately 0.5 miles of new temporary road will be constructed to gain access into thinning units, none of which will be located within Riparian Reserve areas or within no harvest buffers.
 - b. New temporary road construction on previously decommissioned road- Approximately 1.25 miles of new temporary road will be constructed on the existing footprint of previously decommissioned roads to gain access into thinning units. No construction will be located within Riparian Reserve areas or no-harvest buffers. The previously decommissioned roads proposed for use include 3806-495, 3821-060, and 3828-148.
 - c. Existing temporary road reconstruction- Approximately 1.5 miles of temporary spur routes to gain access into thinning units will be located on the existing footprint of skid roads, fire lines, and abandoned or unclassified roads that were built to access the original harvest units. No construction will be located within Riparian Reserve areas or no-harvest buffers. Reconstruction will give the Forest Service the opportunity to properly obliterate and hydrologically restore these roads after temporary use.
 - d. Temporary road obliteration – After use, approximately 3.25 miles of temporary roads will be obliterated with an excavator equipped with a “winged subsoiler” to de-compact soil as needed. Any excavated material, including soil and woody material, will be pulled back over the road. A native forage seed mix will be applied to all subsoiled temporary roads and landings to minimize erosion and the establishment of invasive weeds.
4. System Road Reconstruction- Road reconstruction will include reconstruction to meet standards and guidelines of the Northwest Forest Plan, in order to accommodate flood flows, minimize the disruption of natural water flow pathways, and lessen the risk of erosion (USDA & USDI, 1994; ROD C 32-33), while providing for safe, cost-efficient timber haul.
- a. Road Reconstruction will include: Placement or replacement of surface rock; the replacement of approximately 25 ditch relief culverts; armoring culvert outlets; stabilizing road fills and road shoulders; and the replacement of 15 undersized or deteriorated stream crossings where failure is imminent. Road reconstruction work will be done using heavy equipment such as an excavator, backhoe, road grader, dump truck, and a water truck.
5. Road maintenance- Road maintenance will be implemented in order to meet the Standards and Guidelines of the Northwest Forest Plan which are designed to accommodate flood flows,

minimize the disruption of natural water flow pathways, and lessen risk of erosion (USDA & USDI, 1994; ROD C 32-33), while providing for safe, cost-effective timber haul.

- a. Road maintenance will occur on up to 91 miles of existing National Forest System roads to facilitate log haul. This work will include: brushing roadsides and blading roadbeds; placing or replacing surface rock; cleaning ditches and culverts; falling danger trees to meet OSHA safety requirements; grading and shaping of existing road surfaces; constructing water bars; installation of waterbars and cross ditches; bridge maintenance; and opening existing closed roads and re-closing after use. Work will be done using heavy equipment such as an excavator, backhoe, road grader, dump truck, and a water truck.
 - b. Road maintenance will include the use of quarries, stockpiles, and waste disposal sites within the Lemon Butte project area boundary.
6. Similar and connected actions will include the following activities:
- a. Underplanting- Necessary to accelerate development of late successional habitat characteristics, specifically a multi-storied stand structure. Planting will occur on 55.5 acres within ½- and 1-acre gaps and will utilize native seedling species planted in appropriate landscape positions and growing sites.
 - b. Sub-soiling and native seeding- All landings, temporary roads, and skid trails, will be subsoiled, covered with slash, and in some cases seeded with native grass seed.
 - c. Invasive Weed Management- Includes weed management and removal within the project area to be completed over a three year period.
 - d. Snags/Down Wood- Create snags and coarse woody debris, to enhance wildlife habitat and create natural features on the landscape where there are deficiencies in treated units.
 - e. Instream Habitat Restoration- Approximately 5 miles of Steamboat Creek has been identified for instream restoration activities. Individual restoration sites will typically occupy up to 0.1 acre per site and be limited to within one potential tree height of the stream banks. In the 5 mile reach up to 50 sites may be selected resulting in approximately 5 acres where activities may occur. Instream restoration activities will include placement of upslope-sourced large wood, placement of large boulder complexes, and placement of riparian-sourced trees into Steamboat Creek within the project area boundary. Methods of placement may include the use of helicopters and ground based equipment. Ground based equipment will be predominantly restricted to existing road prisms using cables to place the instream habitat structures.

This decision includes mitigation, monitoring and design features described on pp. 32-33 and Appendix A of the EA.

DECISION RATIONALE

The Lemon Butte EA documents the environmental analysis and conclusions upon which this decision is based. The EA and Response to Comments document (Appendix B of the EA) are hereby incorporated by reference and included in the project record.

I have decided to implement Alternative 2 because it best addresses the purpose and need elements.

Element #1. Restore the species and structural composition consistent with natural disturbance regimes.

Alternative 2 proposes silvicultural treatments that will shift 603 acres of even-aged, stem exclusion Douglas-fir plantations towards a development trajectory of greater structural and species complexity and function. Treatments are designed to increase growth, health, and vigor of the leave trees remaining in the stand; restore stand density, and species and structural diversity to those considered characteristic under a natural disturbance regime; and reduce hazardous fuel loads and improve stand resiliency to wildfire (EA pp. 50-52).

Alternative 2 also includes the creation of half acre and one acre gaps, 46 acres total. These gap sizes are designed to mimic natural disturbances while promoting the establishment of sugar pine seedlings (EA, pp. 52-53). Historic fire severity data indicates that fire events create average openings of 2.3 acres (EA, p. 53).

Alternative 1, the no action, would not contribute to this purpose and need element. Young, even-aged Douglas-fir plantation stands would remain densely stocked, stand growth and development will be slowed as inter-tree competition increased, and structural and species diversity would be maintained at low levels until a major disturbance event occurred (Zenner, 2005) (EA p. 50-52).

Element #2. Accelerate late seral characteristics in early to mid-seral forest stands to promote high quality, more resilient wildlife habitat.

Alternative 2 proposes to commercially treat 603 acres of even-aged, stem exclusion Douglas-fir plantations. Thinning these stands will promote the development of late-successional structure and function, including development of multi-layered stands, legacy habitat components (e.g., large trees, abundant large snags and downed woody material, and wolf trees), increased vertical and horizontal heterogeneity, and stand complexity EA pp. 50-52).

Alternative 2 also proposes to non-commercially thin 43 acres to promote fire resiliency in the adjacent owl core and also develop connectivity to the surrounding suitable habitat for Northern Spotted Owls. This thin is designed to promote species diversity (EA, p. 52) and reduce fuel loadings and decrease fire risk (EA, pp. 115-118).

Alternative 1, the no action, would not contribute to this purpose and need element.

Element #3. Promote the development of a more fire resilient landscape, by reducing fuel loading and continuity, which reduces the probability and effects of large scale wildfires and makes management of fires safer and more effective.

The thinning and removal of trees will reduce canopy continuity, and will be more resilient to being replaced by a crown fire. (EA p. 116). The proposed action will have a beneficial cumulative impact on the landscape by moving fuels conditions towards a FM 8, increasing stand resiliency and finally reducing the probability and adverse effects of large scale wildfires (EA p. 118). Future fires will be less intense because of lower fuel loads, and will resemble fires that will normally burn in a moderate severity fire regime (EA p. 116).

ALTERNATIVES CONSIDERED

The scoping process did not identify any issues that would drive additional alternatives. The interdisciplinary team modified alternative 2 and addressed suggestions and concerns brought forward from scoping in their analyses. To see how scoping comments were addressed please see the “Issues Resolved by Clarifying the Proposed Action, Additional Mitigation Measures, or Further Discussion in Chapter 3” section of the EA, starting on p. 19. As a result of internal and external scoping an additional seven alternatives were considered, but ultimately were eliminated from further analysis. These alternatives eliminated are described in detail in the EA on pp. 21-24, but a brief summary is as follows.

- Alternative 1 – No Action. Under Alternative 1, no thinning, fuel treatment, road reconstruction, or other similar or connected activities would occur. No ground-disturbing activities will take place and no timber will be offered for sale. Future and on-going activities, including road maintenance, recreation use, and noxious weed control will continue to occur.
- Alternative including 6,058 acre prescribed fire treatment area: The original proposed action included a 6,058 acre prescribed fire treatment area. During the Chapter 3 analysis period, as discussions evolved it was determined that there was a need to do more analysis, modeling, and refinement of the prescribed fire area in order to ensure a successful prescribed burn for all resources. At that time the Responsible Official decided to remove the prescribed fire area from the EA and pursue it in the future as a stand-alone project. (EA, p. 21)
- Alternative treating original proposed action: The original Lemon Butte proposed action included 1,650 acres of commercial treatments. During the further analysis of these stands it became clear that some areas within proposed units already met density prescription objectives. Additionally, some of these areas already have small openings with species and structural diversity considered characteristic under a natural disturbance regime. The Deciding Official decided silvicultural treatments in these areas would be unwarranted (EA pp. 23-24).

Alternatives requested during scoping:

- Develop an alternative that reduces negative carbon and climate change impacts: The Lemon Butte project does not fall within any of the main contributors of greenhouse gas emissions. Since this project does not fall within the main contributors of greenhouse gas emissions, and doesn't harvest older forest and is treating young stands, this alternative is no longer being considered. (EA, p. 21)
- Develop an alternative that uses NWFP recommended buffer widths on all intermittent streams: The request for this additional alternative was thoroughly considered by the Interdisciplinary Team, specifically the Forest Hydrologist and Fisheries Biologist. It was determined that maintaining wider no-treatment buffers will would limit the amount of restoration as prescribed in the Aquatic Conservation Strategy. If left untreated many stands are on a track to develop as closed, homogeneous stands that do not represent desired conditions for either the Late Successional Reserve or Riparian Reserve land allocations (EA pp. 21-22 & 143-

144).

- Develop an economically preferable alternative by:
 - Treat natural stands in and around the prescribed fire area
 - Lower the minimum age of a stands to be treated to below 45 years

The Lemon Butte Project is within LSR and therefore its goal is to promote the development and maintenance of late-successional forest conditions in existing even-aged stands in LSR through the three purpose and need objectives. Treating natural stands would be outside the scope of this project. The majority of stands under 45 years old in the project are not ready for treatment. The size, distribution and density of trees in these stands are such that treatment at this time would not effectively accelerate late the seral characteristics described in the purpose and need of the EA. The Deciding Official has decided that this age cohort would remain on the landscape so these trees can continue to grow and may treated in the future (EA p. 22).

- Develop an alternative without one acre gaps: One acre gap sizes are needed to meet the first element of the Lemon Butte's purpose and need, restoring the species and structural composition consistent with natural disturbance regimes. The team took into consideration limiting the number gaps, especially one acre gaps, and reduced the percentage of gaps after scoping down from the maximum allowed, 10%, to the current 7%. The total acres treated in gaps represent less than 0.001% of the planning area (EA pp. 22-23).
- Develop an alternative with a reduction of temporary road construction: The Interdisciplinary Team considered an alternative that would further reduce temporary road construction. Instead of developing a separate alternative, the team approached the proposed action as the alternative with the smallest temporary road construction footprint possible while still meeting the purpose and need. During further refinement of the proposed action the temporary road construction proposed during scoping was reduced from 6.5 miles to 3.25 miles (EA p. 23).

Alternative 2 represents a culmination of objectives from our guiding framework as well as feedback from the public during scoping. I feel that we have responded to all the concerns raised during scoping and made the appropriate changes to Alternative 2.

My decision to implement Alternative 2 is based on information contained in the project record, including the EA, Appendix B (response to public comments), the mitigation, monitoring, best management practices and project design features described in Appendix A of the EA, and the effects analyses described in Chapter 3 of the EA.

PUBLIC INVOLVEMENT

Public involvement for the Lemon Butte Project began with the publishing of the May 2014 Schedule of Proposed Actions (SOPA). A scoping notice describing a draft proposed action was sent to approximately 80 members of the public on August 19, 2014, which initiated the scoping period. The scoping letter also included an open invitation to attend a public field trip to the project area on September 12, 2014. Eleven members of the public attended the field trip.

The Lemon Butte interdisciplinary team received eight letters from the public; seven letters were supportive with suggestions and one letter was against. The Confederated Tribes of Grand Ronde Indians, the Confederated Tribes of Siletz Indians, and the Cow Creek Band of Umpqua Indians' Tribal governments were sent a letter describing the project and solicited comments, however no comments were received (EA p. 190).

The scoping letter included a project level Forest Plan amendment that would allow thinning up to the boundary of unique dry habitats and within 50 feet of unique mesic to wet habitats. The Forest completed a Programmatic Forest Plan Amendment for Unique and Mosaic Habitats in January 2015 which permanently amended the Forest Plan and changed the C5-I and C5-III prescriptions to allow for commercial timber harvest and firewood cutting within 150 feet of unique and mosaic habitats. The change in Forest Plan prescriptions is critical to restoring natural disturbance regimes and improving habitat for the diverse plants and animals occupying these areas. Since the Forest Plan has been amended, a project level amendment is no longer necessary.

The scoping letter also included treating a 6,058 acre natural stand prescribed fire area in the proposed action. The prescribed fire area has been removed from this EA and is discussed as an alternative eliminated below. A letter was sent to the scoping mailing list describing this change on May 20, 2015.

On November 9, 2015 another update letter was sent to inform the public that the commercial thin portion of the proposed action was reduced from 1,046 to 603 acres. After additional field review it became clear that some areas within the initially proposed units already met density prescription objectives. Additionally, some of these areas already have small openings with species and structural diversity considered characteristic under a natural disturbance regime. The Deciding Official determined that silviculture treatments in these areas would be unwarranted.

The 30-day public comment period for this project began on January 13th, 2016 and closed on February 16th, 2016 (due to the holiday). Comments were received from four timely commenters. Appendix B of the EA documents the public involvement process that occurred during planning, including a description of the 30-day public comment process, the comments received on the EA, and the Forest Service's consideration of those comments.

The Forest continued to work with the public through the objection process. The objection process is discussed further on page 16 of this decision.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with all current and applicable law, regulation, and policy, as described below:

Development of the EA is in accordance with implementation regulations of National Forest System Land Management Planning (36 CFR 219), Project-Level Pre-decisional Administrative Review Process (36 CFR 218), Council of Environmental Quality, National Environmental Policy Act (40 CFR 1500-1508) and the Forest Service Regulations at 36 CFR 220.

National Forest Management Act (1976) - The Forest Service is complying with the provisions of this law by designing the project to meet Standards and Guidelines of the Forest Plan and its amendments (EA, pp. 10-11).

I find this decision to be consistent with the National Forest Management Act implementing regulations in the 2012 Forest Planning Rule at 36 CFR 219.11, specifically:

- This project complies with and considers the economic and environmental aspects of resource management (EA Chapter 3);
- This project implements the 1990 Umpqua LRMP, as amended and as such, provides for a diversity of plant and animal communities based on the suitability and capability of the land allocations(EA pp. 10-11);
- This project contains monitoring to ensure that management activities will not produce substantial and permanent impairment of the productivity of the land (EA p. 33);
- The 603 acres of thinning authorized by this decision produces approximately 11 million board feet of timber, and contributes to the Umpqua National Forest's timber program of about 40 million board feet; this level of timber harvest is less than what was estimated in the 1994 Northwest Forest Plan. As such, this project complies with this subsection by not exceeding the current level of timber offered for sale on the Umpqua (EA p. 179);
- This project only harvests timber from National Forest System lands on lands that: (i) would not be irreversibly damaged; (ii) can be adequately restocked; (iii) protect streams and water bodies from damage and adverse impacts; and (iv) the harvest systems were not selected primarily because they give the greatest return or output of timber (EA Chapter 3);.

LRMP Standards and Guidelines - This decision is consistent with the Umpqua National Forest Land and Resource Management Plan (USDA, 1990), as amended, including the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northwest Forest Plan) (USDA, 1994). All applicable Forest Plan standards and guidelines are listed and discussed throughout Chapter 3 of the EA.

National Historic Preservation Act - A heritage resource inventory was conducted as part of the compliance process of section 106 of the National Historic Preservation Act of 1966. This decision will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places because no direct, indirect, or cumulative effects to cultural resources are expected to occur (EA, p. 190). All applicable LRMP Standards and Guidelines have been met through the inventory and evaluation of the significant historic properties as required under the NHPA. All significant aspects of potentially eligible sites shall be protected through mitigation measures (EA, p. 190). The Lemon Butte Planning Area project reconnaissance report was completed and submitted to the State Historic Preservation Office (SHPO) as required. The State Historic Preservation Office (SHPO) issued concurrence on May 26, 2015 (EA, pp. 190-191).

Clean Water Act – This decision complies with this law and its implementing regulations and policies (EA, p. 133). The project includes mitigations to minimize impacts to water quality (Appendix A pp. 217-237).

Watershed Analysis and Roads Analysis - I have considered the Upper North Umpqua Watershed Analysis, the Umpqua National Forest Travel Management Plan (EA p. 189) , and the

Umpqua National Forest Forest-Scale Roads Analysis (EA p. 11), which provided a foundation for the development of the proposed action. Alternative 2 implements numerous recommendations from the watershed analysis, relevant recommendations of which are listed throughout Chapter 3 of the EA.

Northwest Forest Plan Aquatic Conservation Strategy - Based on the project-level evaluation of the environmental effects documented in the EA, I find that the project is consistent with and does not prevent attainment of the nine objectives of the Aquatic Conservation Strategy as described in the 1994 Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl (EA, p. 142-143). The activities within the Riparian Reserve land allocation comply with LRMP Riparian Reserve Standards and Guidelines.

Magnuson-Steven Fishery Conservation and Management Act (MSA) Analysis in the EA found that there would be no adverse effect to Essential Fish Habitat as defined under the Magnuson-Steven Fishery Conservation and Management Act (MSA) for salmon commercial fisheries (EA, p. 161).

Endangered Species Act & U.S. Fish and Wildlife Service Consultation- As is required under section 7 in the ESA; this project has been submitted for consultation with U.S Fish and Wildlife Service (USFWS). A Letter of concurrence from the U.S. Fish and Wildlife Service was received 4/2716. The issuance of this letter of concurrence will marked the conclusion of formal ESA consultation requirements.

Wildlife - The regulatory agency charged with overseeing the Endangered Species Act (ESA), the U.S. Fish and Wildlife Service (USFWS), was consulted and communicated with as appropriate during the planning process. A detailed analysis of the effects is presented in the Lemon Butte Project Environmental Assessment (EA, pp. 69-71). A separate analysis has been prepared for the spotted owl and supplied to the U.S. Fish and Wildlife Service (Biological Assessment for Lemon Butte Project). This document includes a detailed analysis describing the current conditions and project effects of the Lemon Butte Alternative 2. This project “May affect, but Not Likely to Adversely Affect” spotted owl habitat since the functionality of dispersal habitat at the stand level will still be retained and will continue to provide foraging and/or dispersal habitat for spotted owls. A Letter of concurrence from the U.S. Fish and Wildlife Service was received 4/2716. The issuance of this letter of concurrence will marked the conclusion of formal ESA consultation requirements.

Botany - There are two species known or suspected to occur on the Forest that are listed under the Endangered Species Act. Kincaid’s lupine (*Lupinus sulphureus ssp. kincaidii*) is listed as Threatened and has been documented on the Tiller Ranger District located on the Umpqua National Forest. Rough popcorn flower (*Plagiobothrys hirtus*) is listed as Endangered. It occurs primarily in the vicinity of Sutherlin in northern Douglas County but has not been documented on the Forest to date. Neither species occurs near the Lemon Butte planning area nor is there suitable habitat for either species within the planning area. Because there is no suitable habitat in or near any of the proposed activities under either action alternative there will be no direct, indirect or cumulative effects to either species. Therefore there will be “No Effect” to either listed species (EA, p. 105).

Northwest Forest Plan Survey and Manage Species – In December 2009, the District Court

for the Western District of Washington issued an order on partial summary judgment in favor of the Plaintiffs finding inadequacies in the NEPA analysis supporting the *Record of Decision to Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* (FS et al. 2007)(2007 ROD). The District Court did not issue a remedy or injunction at that time.

Plaintiffs and Defendants entered into settlement negotiations that resulted in the 2011 Survey and Manage Consent Decree, adopted by the District Court on July 6, 2011.

The Defendant-Intervenor subsequently appealed the 2011 Consent Decree to the Ninth Circuit Court of Appeals. The April 25, 2013 ruling in favor of Defendant-Intervener remanded the case back to the District Court.

On February 18, 2014, the District Court vacated the 2007 RODs. Vacatur of the 2007 RODs has the result of returning the Forest Service to the status quo in existence prior to the 2007 RODs.

The District Court and all parties agreed that projects begun in reliance on the Settlement Agreement should not be halted. The District Court order allowed for the Forest Service and BLM to continue developing and implementing projects that met the 2011 Settlement Agreement exemptions or species list, for three categories of projects. These categories include:

- 1) Projects in which any Survey and Manage pre-disturbance survey(s) has been initiated (defined as at least one occurrence of actual in-the-field surveying undertaken according to applicable protocol) in reliance upon the Settlement Agreement on or before April 25, 2013;
- 2) Projects, at any stage of project planning, in which any known site(s) (as defined by the 2001 Record of Decision) has been identified and has had known site-management recommendations for that particular species applied to the project in reliance upon the Settlement Agreement on or before April 25, 2013; and
- 3) **Projects, at any stage of project planning, that the Agencies designed to be consistent with one or more of the new exemptions contained in the Settlement Agreement on or before April 25, 2013.**

The project is consistent with the number 3 of the categories listed above. The Lemon Butte planning effort was consistent with one or more of the new exemptions contained in the Settlement Agreement on or before April 25, 2013.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Sherman, et al.*, No. 08-1067-JCC (W.D. Wash.), granting Plaintiffs' motion for partial summary judgment and finding NEPA violations in the *Final Supplemental to the 2004 Supplemental Environmental Impact Statement to Remove or*

Modify the Survey and Manage Mitigation Measure Standards and Guidelines (USDA and USDI, June 2007).

The Lemon Butte Timber Sale Project is consistent with the Umpqua National Forest District Resource Management Plan/Forest Land and Resource Management Plan as amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001 ROD).

The Lemon Butte Timber Sale Project applies a 2006 Exemption from a stipulation entered by the court in litigation regarding Survey and Manage species and the 2004 Record of Decision related to Survey and Manage Mitigation Measure in *Northwest Ecosystem Alliance v. Rey*, No. 04-844-MJP (W.D. Wash., Oct. 10, 2006). Previously, in 2006, the District Court (Judge Pechman) invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation entered into a stipulation exempting certain categories of activities from the Survey and Manage standards and guidelines, including both pre-disturbance surveys and known site management. Also known as the Pechman Exemptions.

“Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

- a. Thinning projects in stands younger than 80 years old:*
- b. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;
- c. Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and**
- d. The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph.”*

The 2006 Pechman Exemptions remain in force: The Lemon Butte Timber Sale Project meets Exemption A and Exemption D. Both exemptions apply because the project entails thinning only in stands less than 80 years old.

Wildlife – Survey and Manage Species- With the exception of the red tree vole (*Arborimus longicaudus*) and great grey owl (*Strix nebulosa*), all wildlife survey and manage species that are relevant to this project, were added to the Regional Forester's Sensitive Species List and are addressed in the sensitive wildlife species section (EA pp. 64-68).

All alternatives avoid activities in late-successional or old growth habitats favored by these species. All alternatives are expected to provide for continued persistence of these species and are compliant with Survey and Manage direction and objectives.

Survey and Manage Species- Botany. There were no known Survey and Manage species found within the Lemon Butte Timber Sale Project area (EA p.110).

Migratory Bird Act and Bald and Golden Eagle Protection Act – This project will not contribute to a negative trend in viability on the Umpqua National Forest for Bald Eagles (EA, p. 64). The action alternatives are consistent with the Migratory Bird Treaty Act, Executive Order 13186, and the Forest Service and USFWS MOU to strengthen migratory bird conservation on Forest Service lands (EA, p. 81).

FINDING OF NO SIGNIFICANT IMPACT

The Umpqua National Forest is comprised of about 1 million acres; the Lemon Butte Project planning area is comprised of 64,882 acres located on the North Umpqua Ranger District. The 646 acres authorized with this decision will implement thinning, prescribed fire, and other connected activities on approximately 0.1% of the Forest. Given the area affected by the project at the planning area and Forest scale, I find that the effects of the project are not significant as disclosed throughout Chapter 3 of the EA.

After considering the environmental effects described in the Lemon Butte Project Environmental Assessment and project record, I have determined that the activities will not constitute a major Federal action and will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared. I base my finding on the following context and intensity of impacts (40 CFR 1508.27):

INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** For all natural resources, benefits and adverse effects were noted where they occurred (EA, Ch. 3). Both beneficial and adverse effects have been taken into account when making the determination of significance. Beneficial effects have not, however, been used to offset or compensate for potential significant adverse effects.
2. **The degree to which the proposed action affects public health or safety.** There will be no significant effects on public health and safety because the Lemon Butte Project includes Best Management Practices (BMPs), Project Design Features (PDFs), and Mitigation Measures in EA (pp. 32-33), as well as Appendix A, which are designed to protect natural resources as well as public health and safety. Recreation use in this portion of the North Umpqua Ranger District is low (EA, p. 191). To protect the safety of forest visitors some short-term road closures may be in effect during logging operations. Compliance with the Clean Air Act (EA, p. 118) and the Clean Water Act (EA, p. 133) also ensure there will be no significant effects on public health.

3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The supporting documentation located in the Lemon Butte Project EA and Analysis File provides sufficient information to determine that this project will not have significant effects to known unique characteristics of the geographic area.

- Based on the results of the heritage surveys, review and mitigation of known resources, mitigation of undiscovered sites, and consultation with tribes, there will be no direct, indirect, or cumulative effects on the known heritage resources as the result of implementing any of the proposed Lemon Butte Project alternatives (EA, pp. 190-191). Mitigation measures have been established which will protect historic properties (Appendix A, pp. 217-219). Therefore no significant effects are anticipated to historic or cultural resources.
 - No significant effects are anticipated to Wild and Scenic Rivers. While the Umpqua Wild and Scenic River Corridor is within the planning area, none of the activities are planned within the corridor (EA, p 194).
 - There will be no direct, indirect, or cumulative effects will occur in IRA's because no actions will occur that will impact any IRA. The Canton Creek IRA is within the Lemon Butte planning area, but no units are planned within the IRA (EA, pp. 195-196).
 - There will be no direct, indirect, or cumulative effects to any undeveloped or potential wilderness areas under Alternative 2 as no actions will occur in these areas. All proposed units are limited to areas managed within the last 60 years. No undeveloped areas will be removed from the available pool for potential wilderness. (EA, p. 195)
 - No significant effects are anticipated to wetlands or floodplains because all wetlands and flood plains within the Lemon Butte Project planning area are excluded from active management. If any previously unknown wetlands or floodplains are found during project activities, these wetlands will be buffered to mitigate any potential effects associated with the proposed activities. There will be no direct, indirect, or cumulative effects to wetlands or flood plains as a result of the Alternative 2. (EA, pp. 148-149)
 - No significant effects will occur to prime farmlands, rangelands, forestlands, or parklands because none are present in treatment areas (EA, p. 196).
- 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project. Sixty comments were received during the comment period, but many of the comments consisted of opinions or were related to: Climate change, Spotted Owl prey species, riparian reserve treatments, and temporary road building. I have fully addressed resource related comments in Appendix B, and these comments did not satisfy the threshold for the preparation of an Environmental Impact Statement (EIS).
- 5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The analysis shows the effects are not

uncertain, and do not involve unique or unknown risks. Umpqua National Forest employees have experience implementing similar types of harvest, fuel treatments, road work and other connected actions.

6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The Lemon Butte Project consists of site-specific resource management activities and will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Any additional future resource projects within or adjacent to the project area will require a separate environmental analysis at that time.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** Cumulative effects are those which result from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Past, present and foreseeable actions are listed in the EA on p. 35 and were considered for each resource. No significant cumulative effects were found. Effects are quantified in each resource section of the EA as follows: vegetation management (pp. 61-62), wildlife (pp. 82-95), botany (pp. 97, 100-101, 105-110), fire and fuels (p.118), soils (pp. 130, 166, 170), hydrology (pp. 135-136, 138-139, 141), fisheries (p. 161), economics (p. 179), roads (p. 189), heritage resources (p. 190), recreation (p. 192), visuals (p. 194), PWAs and IRAs (pp. 194-196).
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed , or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** This decision will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places because no direct, indirect, or cumulative effects to cultural resources are expected to occur (EA, p. 190). All applicable LRMP Standards and Guidelines have been met through the inventory and evaluation of the significant historic properties as required under the NHPA. All significant aspects of potentially eligible sites shall be protected through mitigation measures (EA, pp. 217-218). A heritage resource inventory was conducted as part of the compliance process of section 106 of the National Historic Preservation Act of 1966. The Lemon Butte Planning Area project reconnaissance report was completed and submitted to the State Historic Preservation Office (SHPO) as required. The State Historic Preservation Office (SHPO) issued concurrence on May 26, 2015 (EA, p. 190)
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. Based on the information disclosed in the Lemon Butte Project EA, the Lemon Butte Biological Assessment and the concurrence letter dated 4/27/2016, by the US Fish and Wildlife Service, I have determined that this action will not have a significant effect to an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. Oregon Coast (OC) Coho salmon (*Oncorhynchus kisutch*) (Federally listed as threatened under ESA) use the lower one

mile of main stem Steamboat Creek for spawning, rearing, and migration. Coho salmon distribution is absent from the fish-bearing tributaries that enter Steamboat Creek (EA, p. 153). It was determined that the action alternative will have “No Effect” on Oregon Coast Coho Salmon (EA p. 161). There are two plant species known or suspected to occur on the Forest that are listed under the Endangered Species Act. Kincaid’s lupine (*Lupinus sulphureus ssp. kincaidii*) is listed as Threatened and rough popcorn flower (*Plagiobothrys hirtus*) is listed as Endangered. There will be “no effect” to either species because there is no suitable habitat in or near any of the proposed activities and no direct, indirect or cumulative effects to either species (EA, p. 105). The proposed action alternative will maintain dispersal habitat, which should allow owls to continue to use these stand as dispersal. In addition to the proposed thinning, this project proposes instream restoration within a 5 mile stretch of Steamboat Creek. This activity is “Not likely to Adversely Affect” because these activities will not remove or alter the functionality of spotted owl habitat. (EA p. 69).

- 10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** This decision complies with applicable laws and requirements for protection of the environment. Applicable laws and regulations were considered by resource in Chapter 3 of the EA. The action is consistent with the Final Environmental Impact Statement (FEIS) for the Land and Resource Management Plan – Umpqua National Forest (USDA, 1990), as amended, including the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northwest Forest Plan) (USDA, 1994). Consistency with specific natural resource laws and policies are discussed in the Findings Required by Other Laws and Regulations section of this Decision Notice and FONSI (pp. 8-13).

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

ADMINISTRATIVE REVIEW

On April 22, 2016 a legal notice was published in the Roseburg, News-Review, the newspaper of record for the Umpqua National Forest announcing the objection filing period for the Draft Decision Notice and FONSI for the Lemon Butte EA.

No objections were received during the objection period.

IMPLEMENTATION DATE

Implementation of this decision is expected to begin during the summer of 2016.

CONTACT

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6/23/2016

Bill Mulholland

Date

North Umpqua District Ranger

