Decision Notice and Finding of No Significant Impact
for the
Toll Joe Project and Non-Significant Forest Plan Amendment #55

USDA Forest Service
Sweet Home Ranger District
Willamette National Forest
Linn County, OR

T13S, R4E, Section 36; T13S, R5E, Sections 26, 28, 31-36; T13S, R6E, Section 31; T14S, R4E, Sections 1, 12 and 13; T14S, R5E, Sections 1-24, 27-29; and T14S, R6E, Sections 6, 7, 8, 17 and 18, Willamette Meridian.

Introduction

The Toll Joe Project Area is located on the Sweet Home Ranger District of the Willamette National Forest in western Oregon, about 30 miles east of the City of Sweet Home on the west side of the Cascade Mountains.

The 37 to 105 year old stands proposed for treatment are a combination of plantations and fire-regenerated areas. The plantations were previously clearcut, planted, precommercially thinned and often fertilized and pruned to increase growth and future wood quality. The fire regenerated stands resulted from two human-caused fires: a 3,000-acre fire in 1911 and a 600-acre fire in 1936.

Today, both the plantations and the fire-regenerated stands are densely stocked with limited understory species and structure. The stands are dominated by a single conifer species, Douglas-fir, noble fir or western hemlock depending upon the stand.

All stands are considered to be in the stem exclusion stage (Oliver and Larson, 1990). Stem exclusion stands have a dense overstory canopy cover that blocks out light to the forest floor and limits understory development. All of these stands have a high continuous overstory canopy cover averaging at least 60% or more. The trees are competing for sunlight, water, and nutrients causing reduced tree growth and vigor as well as limited understory vegetation. The understory is mostly shrubs with few small trees scattered throughout resulting in single-storied stands.

The Sweet Home Ranger District is proposing the Toll Joe Project which includes approximately 954 acres of commercial timber harvest, 139 acres of hazardous fuel reduction, and about 1.3 miles of temporary road access development and 2.7 miles of re-opening existing non-system spur roads to access harvest units. Ninety-five of the proposed harvest acres are in two plantations (45 and 47 years old) that would be thinned in the Three Creeks Old Growth Grove thus requiring a Forest Plan amendment.

Purpose and Need

The purposes of the project are to:

- Accelerate development of structural complexity within and between stands in the Project Area to move stands closer to the desired conditions defined for the various management allocations.
- Strategically manage hazardous fuels (ground, ladder and/or canopy fuels) along a 200-foot wide section on the north side of Highway 20, and in other high risk areas, to reduce the potential for large-scale fires that could adversely affect adjacent private land as well as visual quality along Highway 20, a designated State Scenic Byway.
- Improve stand health and vigor in Matrix Allocations.
- Contribute wood products to local markets in Matrix Allocations.

The action is needed because:

- Stands proposed for treatment are densely-stocked with limited structure and understory development, and are generally dominated by a single conifer species.
- There is an elevated risk of human-caused fire starts along the highway corridor; this area is moderately departed from the natural fire regime; and research suggests that climate-driven fire risk may increase on the west-side of the Cascades in moist forests and that fire activity is expected to increase in all forest types in Oregon.
- There is direction in the Forest Plan "to enhance the amount of timber in the future through increased growth rates and by reducing losses from fire, insects and diseases (Forest Plan, p. IV-5)." Healthy, vigorous stands are more resilient to insects and diseases and other disturbances; therefore taking action to improve stand health and vigor helps to achieve the goals of the Forest Plan.
- A strategic goal of the Forest Service is to provide and sustain benefits to the American people. To accomplish this goal, one objective is to provide a reliable supply of forest products over time consistent with achieving the desired conditions on National Forest System (NFS) lands. Providing a predictable supply of wood products to local communities helps maintain infrastructure and processing capacity in local communities. It also provides stability to local and regional economies on a predictable and long-term basis.

Decision and Reasons for the Decision

I have decided to select a modified Alternative Two (see Attachment 1). In making this decision, I considered the purpose and need and the analysis of resource effects for the various alternatives for this project as discussed in the EA, as well as the comments received during project scoping and the 30-day comment period. I also considered applicable laws and the direction in the amended Willamette National Forest Land and Resource Management Plan in my decision. Information regarding heritage resources was made available to me as well, although this information is exempt from public disclosure under the Freedom of Information Act (FSM6271.2).

The following is the rationale for my decision: When planning began for the Toll Joe project, the patch cuts in Units 50 and 55 were in Matrix/Scenic management allocations. Near the end of the planning process, the U.S. Fish and Wildlife Service designated critical habitat for the northern spotted owl, which included these proposed harvest units. Even though these patch cuts are still in Matrix/Scenic management allocations, I felt the proposed prescriptions for these specific stands did not meet the intent of the critical habitat designation on this part of the landscape.

Figure 1: Eastern-most patch cuts in Unit 50 proposed to be dropped

Before deciding to modify this alternative, I went to the field with the district ranger and looked at the three proposed patch cuts in Unit 50 and the patch cut proposed in Unit 55. Based on my review of the project documentation and the field visit, I decided to drop the two eastern-most patch cuts in Unit 50 (see Attachment 2). The trees in this area are smaller and more open with slower growth than the western-most patch cut in Unit 50. They are also providing marginal owl habitat at this point. I chose to defer regenerating these areas because I felt that the proposed patch cuts were not in keeping with the intent of critical habitat and I also felt these areas would not respond significantly to a prescription change to thinning at this point. Deferring harvest of these areas, would allow them to continue to grow, albeit slowly, and would leave options open for future management in this area.

I decided to propose a harvest prescription change for the western-most patch cut in Unit 50 and the patch cut in Unit 55. The prescription would be changed from patch cuts to commercial thinning. These areas are fairly uniform with little canopy differentiation but if thinned, I feel these stands could achieve the stand complexity and diversity that is desired critical habitat.

Figure 2: Western-most patch cut proposed in Unit 50 – prescription change from patch cut to thin

Figure 2: Unit 55 prescription change from patch cut to thin

With these modifications, implementation of this decision will result in approximately 944 acres of commercial timber harvest, 139 acres of hazardous fuel reduction, and about 4 miles of road access as described below:

Commercial Timber Harvest

- Commercially thin using variations in thinning intensities on about 920 acres to increase complexity both within and between stands in Matrix, Riparian Reserves, and the South Santiam Late-Successional Reserve. Ninety-five of these acres are in two plantations (45 and 47 years old) in the Three Creeks Old Growth Grove located within the South Santiam Late Successional Reserve. Thinning these two stands would require a Forest Plan amendment.
- Creation of about 24 acres of gaps into commercially-thinned stands to increase stand complexity by providing variations in stand densities within and among stands and allowing for understory development. Gaps range in size from $^{1}/_{10}$ to ½ acre in size.
- Producing about 6.2 MMBF of timber products.

Hazardous Fuel Reduction

- Reduction of hazardous fuels within 200 feet of Highway 20 (on the north side of the Highway in Matrix allocations) from Road 2047 to the eastern edge of the project area including: a) ground and ladder fuel treatments on about 95 acres and b) ground, ladder and canopy fuel treatments on approximately 44 acres. Canopy fuel treatments occur in portions of thinning units that fall within 200 feet of Highway 20. No ground and ladder fuel treatments would occur in Riparian Reserves.

Access Development

- Construction of about 1.3 miles of temporary roads and reopening of about 2.7 miles of non-system spur roads to access harvest units.

Decision Rationale

How my decision meets project purposes

- **Accelerate development of structural complexity within and between stands in the Project Area to move stands closer to desired conditions defined for the various management allocations.**

  The action alternatives would result in stands with a wider range of overstory canopy cover and understory light and microhabitat conditions to promote structural and species diversity than No Action. Since the modified Alternative 2 proposes to treat 82 more acres than Alternative 3, it offers the greatest opportunity to promote structural and species diversity (*EA pp. 66, 70-77*).

- **Strategically manage hazardous fuels (ground, ladder and/or canopy fuels) along a 200-foot wide section on the north side of Highway 20, and in other high risk areas, to reduce the potential for large-scale fires that could adversely affect adjacent private land as well as visual quality along Highway 20, a designated State Scenic Byway.**

  Hazardous fuels would be reduced along the north side of Highway 20 to meet the desired future condition. The Fire Regime Condition Class 2 (moderately departed) would move closer to the range of natural/historical variability of vegetation characteristics, fuel composition, fire frequency, fire severity, and associated disturbances. Treatments along the highway corridor would aid in creating a more fire-resilient landscape and safer conditions for firefighters and the public and all treatments would reintroduce the disturbance process of fire into the ecosystem (*EA pp. 111-120*)

- **Improve stand health and vigor in Matrix Allocations**.

  Both action alternatives would increase tree growth compared to the No Action alternative. By thinning, average diameter growth, an indication of tree vigor, would increase 2-5" over unthinned stands in the next 40 years. This is about a 40-45% increase in diameter growth over unthinned stands, depending upon thinning intensity. Since the modified Alternative 2 proposes to thin 76 more acres than Alternative 3, it offers the greatest opportunity to improve tree growth for vigorously-growing, healthy stands *(EA pp. 66, 77-79*).

- **Contribute wood products to local markets in Matrix Allocations**.

  Both action alternatives provide wood products whereas Alternative 1 does not. Since the modified Alternative 2 provides 1.4 million more board-feet of timber than Alternative 3 and 6.2 million more board-feet of timber than Alternative 1, it offers the greatest opportunity to provide timber products to the local market (*EA pp. 66, 80*).

How my decision meets key issues

- **Harvest in stands >80 years of age (especially in the LSR and Riparian Reserves) since these are the best candidates to grow and develop into old-growth habitat in the shortest time.**

  No stands over 80 years old are proposed for treatment in the Late Successional Reserve or in Riparian Reserves. These stands would continue to grow and develop into desired habitat in these areas.

  Approximately 76 acres of stands over 80 years old are proposed for thinning in Matrix and Matrix/Scenic management allocations in modified Alternative 2. These stands range in age from about 88 to 105 years old (in 2014) and are a mix of both managed and natural stands. Some of these stands are now in designated critical habitat for the northern spotted owl. Today, both the plantations and the fire-regenerated stands proposed for treatment are considered to be in the stem exclusion stage (Oliver and Larson, 1990) with a dense overstory canopy cover that blocks out light to the forest floor. All of these stands have a canopy cover averaging 60% or more.

  Horizontal structure is not well developed in these stands. There are a few small gaps that are beginning to develop in laminated root rot (*Phellinus weirii*) centers. Vertical structure is limited in most of these stem exclusions stands because dense crowns block out light to the forest floor and limit understory development. The understory vegetation in most of these stands consists of Pacific rhododendron, vine maple, dwarf Oregon grape and/or salal.

  The stands are dominated by a single conifer species, Douglas-fir, noble fir or western hemlock depending upon the stand. Minor amounts of other conifers present include Pacific silver fir, grand fir, western redcedar, incense cedar, Pacific yew, and western white pine. Scattered areas of red alder can be found concentrated near some riparian areas but in general those areas are also dominated by conifers. The predominant shade tolerant species include western hemlock, western redcedar, noble fir, and Pacific silver fir.

  Thinning will help achieve the stand complexity and diversity desired in these stands (*EA pp. 67-77*).

- **Regenerating stands that have reached culmination of mean annual increments (CMAI) in Matrix management allocations to provide a sustainable supply of timber to local economies.**

  My rationale for dropping the units proposed for regeneration harvest is outlined in the discussion about modifying Alternative Two above.

The modified Alternative Two meets requirements under all applicable laws, regulations, and policies (see EA, Appendix F).

Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives in detail: the No Action Alternative and Alternative Three which focused only on harvest in stands <80 years old. A summary of those alternatives is given below. The features of all three alternatives are compared in a table in the EA on pages 64 and 65.

No Action

Under the No Action alternative, current management plans would continue to guide management of the project area.

Alternative 3

Alternative 3 would achieve the project purposes by harvesting only in managed stands < 80 years old. This alternative to the proposed action provides a basis for evaluating the tradeoffs of not harvesting in natural stands or stands that exceed 80 years of age, which were issues brought up by the public during scoping.

Commercial Timber Harvest

- Commercially thin using variations in thinning intensities on about 843 acres to increase complexity both within and between stands in Matrix, Riparian Reserves, and the South Santiam Late-Successional Reserve. Ninety-five of these acres are in two plantations (45 and 47 years old) in the Three Creeks Old Growth Grove located within the South Santiam Late Successional Reserve. Thinning these two stands would require a Forest Plan amendment.
- Creation of about 19 acres of gaps in commercially-thinned stands to increase stand complexity by providing variations in stand densities within and among stands and allowing for understory development. Gaps range in size from $^{1/}_{10}$ to ½ acre in size.
- Production of about 4.8 MMBF of timber products

Hazardous Fuel Reduction

- Reduction of hazardous fuels within 200 feet of Highway 20 (on the north side of the Highway in Matrix allocations) from Road 2047 to the eastern edge of the project area including:
  a) ground and ladder fuel treatments on about 95 acres and
  b) ground, ladder, and canopy fuel treatments on approximately 20 acres.

Access Development

- Construction of 1.3 miles of temporary roads and reopen 2.7 miles of non-system spur roads to access harvest units.

The following alternatives where considered but dropped from consideration:

- An alternative was considered that would have harvested stands > 80 years old in the Late-Successional Reserve (LSR) to improve stand complexity and accelerate development of LSR

stand conditions. After reviewing the area on the ground with both the public and the Regional Ecosystem Office LSR workgroup, it was decided not to proceed with the alternative at this time. It was determined that the stands were already on a trajectory toward desired stand conditions in the LSR.

- A second alternative was considered that treated ground, ladder, and canopy fuels in the LSR within 200 feet on the south side of Highway 20. The Regional Ecosystem Office LSR work group determined that since the Mid-Willamette LSR Assessment stated that the South Santiam LSR only had a moderate fire risk, the proposal was not consistent with the NW Forest Plan which allows fuel treatments in LSRs in high risk areas on the west side of the Cascades.

Public Involvement and Scoping

The Toll Joe project proposal was first listed in the Schedule of Proposed Actions (SOPA) in October 2011.

Scoping letters were sent to interested and affected members of the public and agencies on January 18, 2012 and March 16, 2012. These letters briefly described the project and invited the public to submit comments they had about the proposal. Comments were received from the American Forest Resource Council, Cascadia Wildlands and Oregon Wild.

Two public field trips were held to look at the project on December 9, 2011 and January 30, 2012. Six members of the public and representatives from Cascadia Wildlands, Oregon Wild, American Forest Resource Council, Forest Service Employees for Environmental Ethics, and Oregon State University attended the field trips.

Formal consultation with the U.S. Fish and Wildlife Service was completed and a Biological Opinion was received on October 29, 2012. Under the “Effects of the Action” section of the Biological Opinion, the Service anticipates that the proposed project is “Likely to Adversely Affect” northern spotted owls. No “take” is anticipated. Reconsultation occurred as a result of 2012 designation of critical habitat. On January 3, 2013 US Fish and Wildlife Service sent a letter confirming completion of formal conferencing on proposed critical habitat. The letter stated that no projects exceeded the effects evaluated in the conference opinion.

Consultation with National Marine Fisheries Service was not required because this project has no effect on Spring Chinook salmon, Winter Steelhead or their Critical habitat.

Under the Programmatic Agreement among the USDA, Forest Service Pacific Northwest (Region 6), The Advisory Council on Historic Preservation, and the Oregon State Historic Preservation Officer regarding Cultural Resource Management in the State of Oregon by the USDA Forest Service (2004) the Forest Heritage Specialist has project review authority and certifies that the project complies with Section 106 of the National Historic Preservation Act. Certification of this project as “No Historic Properties Affected” was completed on March 5, 2014.

On July 12, 2011 members of the Late Successional Reserve (LSR) Working Group Regional Ecosystem Office (REO) reviewed the Toll Joe project in the field with the Interdisciplinary Team.

On October 27, 2011, the IDT and members from the LSR Working Group had a phone conversation to discuss changes in the project and what needed to be done to build a strong case for a Letter of Concurrence on this project.

During an April 24, 2013 phone conversation, the LSR Working Group concluded that since the Mid-Willamette LSR Assessment stated that the South Santiam LSR only had a moderate fire risk, the proposal to treat ground, canopy and ladder fuels within 200 feet of Highway 20 in the LSR was not consistent with the NW Forest Plan. The NW Forest Plan only allows fuel treatments in LSR's in high risk areas on the west side of the Cascades. This led to changes in project design which dropped fuel treatments adjacent to Highway 20 in the LSR.

Tribal Consultation

The Toll Joe Project was included in the Annual Program of Work Review with the Confederated Tribes of the Grand Ronde and the Confederated Tribes of Siletz Indians in 2010 and 2011. The project, when originally discussed with the tribes, was called Soda Joe. It was then split into two projects: Toll Joe and Cool Soda. In addition, pre-scoping letters were sent to Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribe. No comments were received from the tribes.

The Toll Joe project changed in scope in 2012 so an updated letter (March 15, 2012) describing the project was mailed to tribal contacts from the Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs Reservation of Oregon, and the Klamath Tribe. No comments were received regarding project changes.

No new historic properties were identified during reconnaissance for this project. Twelve previously located sites have been protected from ground-disturbing activities by removing them from harvest units or buffering them from mechanical disturbance. No effects, as outlined in the American Indian Religious Freedom Act, are anticipated with any of the proposed activities.

Using the comments received, the interdisciplinary team identified the key issues outlined in the table below that drove the development of the action alternatives. See also EA pages 18-22 for other issues and how they were addressed.

Key Issue Summary	
Key Issues	**Alternative in Which Issue is Addressed How Addressed**
Harvest in stands > 80 years of age (especially in the LSR and Riparian Reserves) since these are the best candidates to grow and develop into old-growth habitat in the shortest time.	Alternative 2 proposed harvest in stands > 80 years of age while Alternative 3 did not.
Regenerating stands that have reached culmination of mean annual increment (CMAI) in Matrix management allocations to provide a sustainable supply of timber to local economies.	Alternative 2 proposed regeneration of about 20 acres of stands that have reached CMAI in Matrix lands. Alternative 3 did not include regeneration harvest.

Finding of No Significant Impact

The following is a summary of the project analysis to determine significance, as defined by Forest Service Handbook 1909.15_05. "Significant" as used in NEPA requires consideration of both context and intensity of the expected project effects.

Context

This decision is consistent with similar activities implemented by the Willamette National Forest, which lead toward achieving the goals, objectives and requirements in the Forest Plan identified for the management areas within the project area (Forest Plan, Chapters 2 and 3), while meeting the purpose and need of the EA. This project is limited in scope and duration. The project was designed to minimize environmental effects through the design elements outlined on pages 48 to 59 of the EA.

Intensity

The following ten factors were considered to evaluate intensity.

1) **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on the balance the effects will be beneficial.**

   The environmental assessment for this project discloses the effects of the project in Chapter 3 and provides sufficient information for me to determine that this project will not have a significant impact (beneficial or adverse) on the land and its natural resources including air and water quality. (*EA Chapters 2 and 3, Appendices, Project Record*) My finding of no significant environmental effects is not biased by the beneficial effects of the action.

2) The degree to which the proposed action affects public health or safety.

Various design criteria and mitigation measures will be utilized to minimize potential health and safety risks. Examples include:

- Minimizing risk of traffic accidents by signing roads, as appropriate, to warn travelers of slash burning near treatment areas, especially along Highway 20 *(EA, p. 53).*
- Notifying the public prior to burning to protect public safety *(EA, p. 53).*
- Identifying, assessing and treating danger trees along haul routes according to the Forest Service Pacific Northwest Region (Region 6) policy as detailed in FSM 7733, R6/PNW Supplement No. 7730-2005-1, December 12, 2005 *(EA, p. 57).*
- Ensuring fuel treatments, which include burning, are in compliance with the Willamette Forest Plan, the Oregon Smoke Management Plan and the Northwest Oregon Fire Management Plan to ensure compliance with the Clean Air Act *(EA pp. 53, 120-122, Appendix F pp. 2, 3, 7, and 12).*
- Design criteria, mitigation measures and Best Management Practices utilized in Riparian Reserve prescriptions are consistent with current management direction for protecting water quality including Willamette Forest Plan standards and guidelines, Aquatic Conservation Strategy Objectives at the project level, and the Federal Clean Water Act. Implementation of required Best Management Practices will ensure protection of water quality and beneficial uses *(EA pp. 51-52, 54-56, 57-58).*

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 areas proposed for ground-disturbing activities have been surveyed and evaluated for the presence of heritage resources. Areas with historic or cultural resources were avoided, buffered, or otherwise protected from the disturbing effects of harvest operations and yet-to-be discovered sites uncovered during project implementation will result in suspension of operations until appropriately addressed by the district archaeologist *(EA pp. 16, 134-139, Appendix F, pp. 9-10 and concurrence letter from SHPO in the project record).*

There are no parklands, prime farmlands, or wild and scenic river corridors affected by the Toll Joe project *(Appendix F pp. 4 and 7; EA pp. 131-134).*

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The degree of controversy, with regard to effects on the quality of the human environment, is limited and considered not significant based on comments received during the scoping and the comment periods (*EA, pages 16-22 and Response to Public Comments*). Differing opinions do not indicate controversy.

This project is based on the best available scientific information and site-specific data. The methodologies used to estimate the effects disclosed in the Environmental Consequences section of the environmental assessment are widely used in similar environmental analyses and have been

reviewed by the research and academic communities. I am not aware of any credible, peer-reviewed scientific questioning of the methods used in this analysis, nor its results (*EA Chapter 3, pp. 62-179).*

5) **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

Sweet Home Ranger District has considerable experience with the types of activities to be implemented by this project. Similar types of timber harvest activities, fuel treatments, road work and other connected or similar actions have occurred on this district, this forest, and other National Forests. Samplings of these projects on this district and this forest have been monitored and have been shown to meet the amended Willamette Forest Plan standards and guidelines. In addition, the analysis in this document shows no impacts to the human environment that are highly uncertain or involve unique or unknown risks have been identified in Chapter 3 of the analysis (*EA Chapter 3, pp. 62-179).*

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 action is not likely to establish a precedent for future actions with significant effects, because the proposed thinning project and associated activities are common, well-established land management practices on Sweet Home Ranger District and the Willamette National Forest. The effects of this project are within the standards and guidelines analyzed in the amended Willamette Forest Plan *(EA Chapter 3 pp. 62-179).*

7) **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

The environmental effects analysis section of this EA evaluates the effects of past, present and reasonably foreseeable actions for the various resources affected by this action. The South Santiam Watershed Analysis, which was updated in 2006, provides a contextual basis for cumulative effects in this area.

Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts. There would be no significant cumulative effects as a result of this project beyond those discussed in the Willamette National Forest Land and Resource Management Plan. I have reviewed the impacts of those past, present, and reasonably foreseeable actions described in the Environmental Consequences section of the EA *(EA, pp. 62-63, 70, 77, 79, 85, 88-89, 90-92, 98-99, 101-103, 106-107, 110, 120-122, 128, 130-131, 134, 138-139, 142-143, 146, 148, 163-164, 173, and 179)* and find that this action will not have a significant cumulative impact on the environment.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.

This action will not cause loss or destruction of significant scientific, cultural, or historical resources. An appropriate review has been conducted by this undertaking. Both previously known, and unknown significant cultural sites discovered in field surveys will be avoided. These measures resulted in a determination of No Historic Properties Affected. Because cultural resources would not be affected by this action there will be no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places *(EA pp. 16, 134-139, Appendix F, pp. 9-10, and concurrence letter from SHPO in the project record).*

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.

Formal consultation with the **U.S. Fish and Wildlife Service** was completed and a Biological Opinion was received on October 29, 2012. Under the "Effects of the Action" section of the Biological Opinion, the Service anticipates that the proposed project is "Likely to Adversely Affect" northern spotted owls. No "take" is anticipated. Reconsultation occurred as a result of 2012 designation of critical habitat. On January 3, 2013 US Fish and Wildlife Service sent a letter confirming completion of formal conferencing on proposed critical habitat. The letter stated that no projects exceeded the effects evaluated in the conference opinion (EA pg. 16).

Consultation with **National Marine Fisheries Service** was not required because this project has no effect on Spring Chinook salmon, Winter Steelhead or their Critical habitat (EA pg. 16)

No critical habitat for Endangered Species Act (ESA)-listed threatened or endangered plant species exists within the project area or would be affected by the project (Botanical Biological Evaluation in the project record. The report was incorporated by reference in the EA on page 62).

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Laws imposed for the protection of the environment provided the framework for the Willamette National Forest Land and Resource Management Plan. From the documentation provided in the EA, the project file, and Other Findings Required by Law (below), I find that the proposed activities do not threaten a violation of Federal, State, or local law imposed for the protection of the environment.

Finding

After considering the environmental effects described in the EA and specialist reports, I have determined that Alternative Two will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

Findings Required by Other Laws and Regulations

This decision to commercially thin about 920 acres using variable density thinning, plus 24 acres of gaps ranging in size from $^{1}/_{10}$ to ½ acre, and reducing hazardous fuels within 200 feet of the north side of Highway 20 is consistent with the intent of the forest plan's long term goals and objectives and standards and guidelines listed on pages VI-2 to IV-44.

This decision is also consistent with all applicable Acts and Regulations including: National Environmental Policy Act; National Forest Management Act; Final Environmental Impact Statement and Record of Decision for the Willamette National Forest Land and Resource Management Plan; 1990 (as amended), Endangered Species Act; Clean Air Act; Federal Water Pollution Control Act (Clean Water Act); Federal Mine Safety and Health Act; National Historic Preservation Act; Magnuson-Stevens Fishery Conservation and Management Act; Wild and Scenic Rivers Act; Wilderness Act; Executive Orders 11988 and 11990: Floodplains and Wetlands; Executive Order 12898 - Environmental Justice in Minority Populations and Low Income Populations; Executive Order 13112 (Invasive Species); Executive Order 13186: Migratory Birds; *Executive Order 13443: Facilitation of Hunting Heritage and Wildlife Conservation;* Energy Requirement and Conservation Potential; Prime Lands; *National Fire Plan*; *General Water Quality Best Management Practices Handbook;* Oregon State Best Management Practices (BMPs); Oregon Smoke Management Plan; NW Forest Plan Temperature TMDL Implementation Strategy-Evaluation of the Northwest Forest Plan Aquatic Conservation Strategy; and the Programmatic Agreement among the USDA, Forest Service Pacific Northwest (Region 6), The Advisory Council on Historic Preservation, and the Oregon State Historic Preservation Officer regarding Cultural Resource Management in the State of Oregon by the USDA Forest Service (EA, Appendix E).

Implementation Date

One timely objection was received from American Forest Resource Council during the 45-day time period. The objection was subsequently withdrawn. Implementation of this project may occur immediately.

Contacts

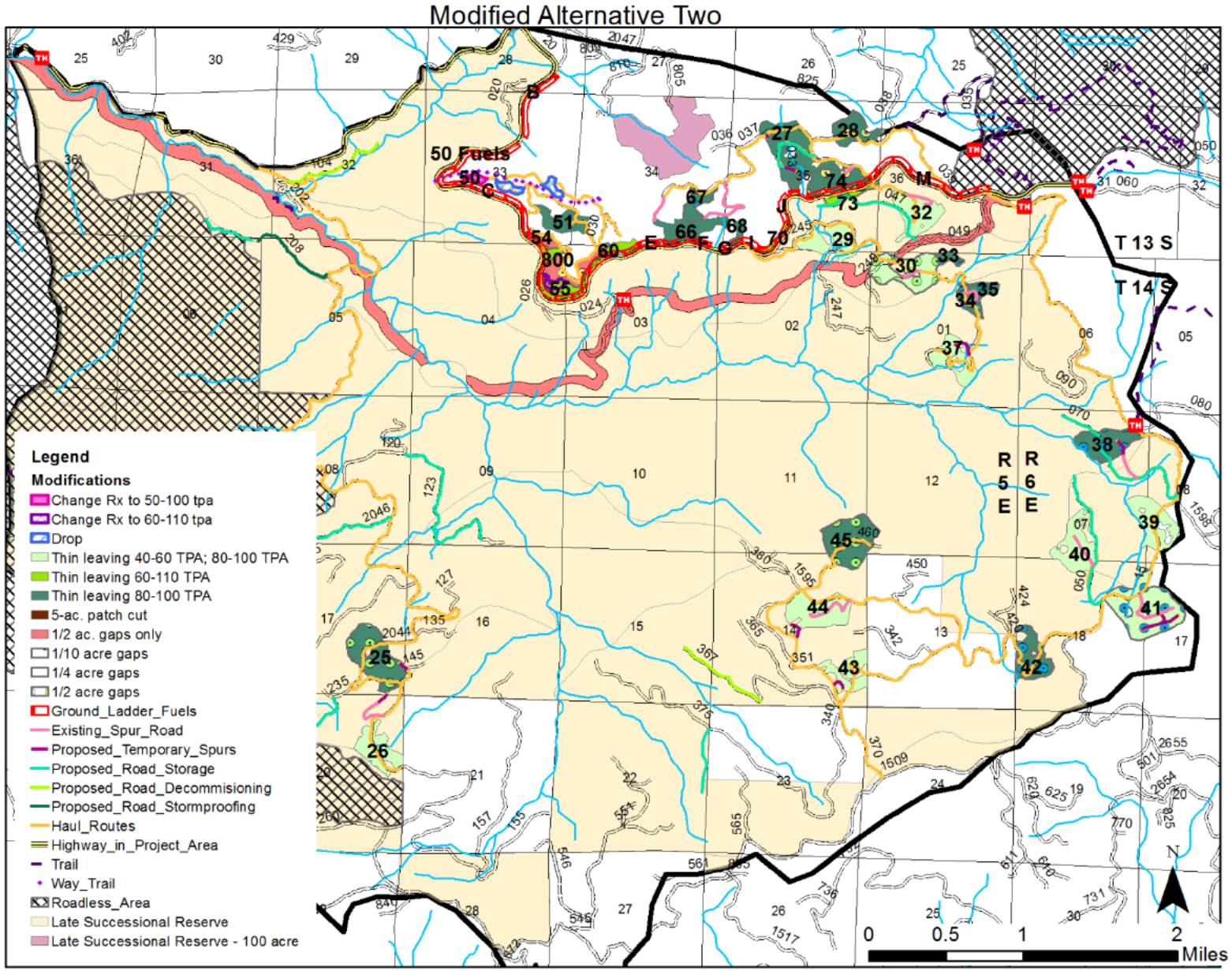
For further information about this project contact Anita Leach at (541) 367- 3538 during normal business hours or at Sweet Home Ranger District, 4431 Highway 20, Sweet Home, OR 97386.

Approved by:

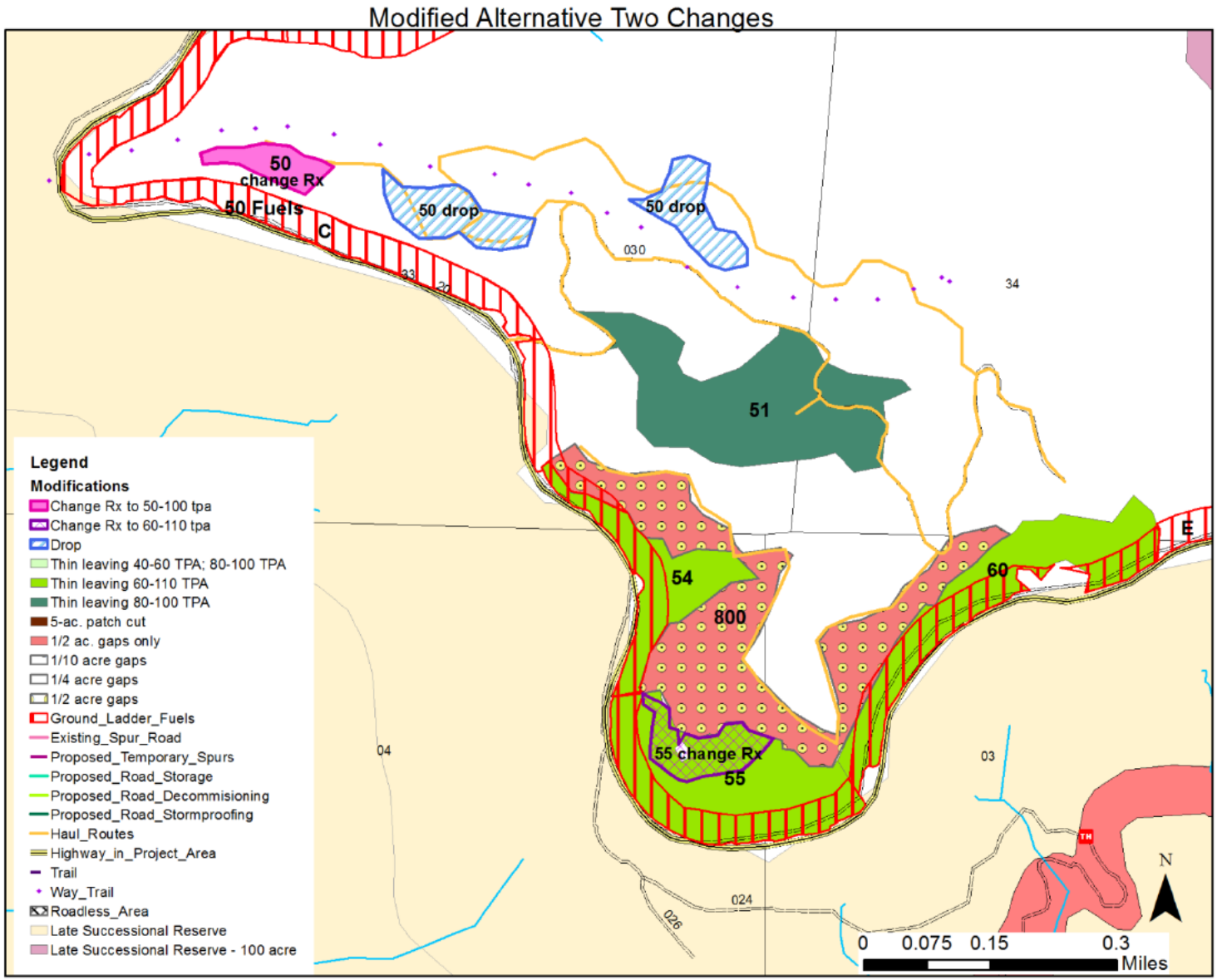
Margaret Mitchell

MEG MITCHELL
Forest Supervisory
Willamette National Forest

6/4/14
Date



Attachment 1: Modified Alternative Two



Attachment 2: Enlargement of northern portion of project area highlighting changes