Decision Memo
East Maury Roadside Danger Tree Removal

USDA Forest Service
Lookout Mountain Ranger District
Ochoco National Forest
Crook County, Oregon

T.17 S., R.20 E., Sections 22-27, Willamette Meridian

Decision and Rationale for Decision

Based on my review of the information presented in this document and the supporting documents in the project record, I have decided to implement the proposed action as described below.

Through past experience and review of similar projects, I have concluded that this project is not a major Federal action. It will have limited context and intensity (40 CFR 1508.27), individually or cumulatively, to the biological, physical, social, or economic components of the human environment. It does not pose a violation of Federal, State, or local law requirements imposed for the protection of the environment.

The action that I have selected falls within a category established by the Forest Service that normally does not individually or cumulatively have a significant effect on the quality of the human environment and no extraordinary circumstances exist that would cause the proposed action to have any significant environmental effects. Therefore this action is excluded from documentation in an environmental impact statement or environmental assessment, so neither will be prepared.

Background

On September 29, 2016, the East Maury #42 Underburn prescribed fire was converted to a wildfire after an unexpected wind event created a wind reversal and pushed the fire across planned containment lines. The East Maury Fire burned approximately 1,561 acres, including 81 acres of private land and the 333 acres planned in the original prescribed fire. The wildfire impacted the Forest road system, resulting in numerous dead and damaged trees adjacent to roads and areas of public use. These dead and damaged trees are a danger to the public and Forest Service personnel as they have the potential to fall into roadways.

Proposed Action

The Lookout Mountain Ranger District is proposing to harvest fire killed trees and trees with severe fire damage that have a low probability of survival along approximately six miles of Forest Service roads in the East Maury Fire area. These roads include Forest Service Roads 1600, 1600277, 1600500, 1600600, 1600640, and 1600645 (Figure 1). Table 1 gives the Forest Road number, miles of road that would be treated, and the Ochoco National Forest Land and Resource Management Plan management allocation for each road segment.
Table 1. Forest Road Number, Miles of Treatment, and Management Allocations

<table>
<thead>
<tr>
<th>Forest Road</th>
<th>Miles of Road</th>
<th>Management Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1600</td>
<td>2.05</td>
<td>Visual Management Corridors (F26)</td>
</tr>
<tr>
<td>1600277</td>
<td>.88</td>
<td>General Forest (F22)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Visual Management Corridors (F26)</td>
</tr>
<tr>
<td>1600500</td>
<td>.53</td>
<td>General Forest (F22)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Visual Management Corridors (F26)</td>
</tr>
<tr>
<td>1600600</td>
<td>.70</td>
<td>General Forest Winter Range (F21)</td>
</tr>
<tr>
<td>1600640</td>
<td>1.06</td>
<td>General Forest Winter Range (F21)</td>
</tr>
<tr>
<td>1600645</td>
<td>.88</td>
<td>General Forest (F22)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>General Forest Winter Ranger (F21)</td>
</tr>
<tr>
<td>Total</td>
<td>6.1</td>
<td></td>
</tr>
</tbody>
</table>

The proposed danger tree removal area is approximately 222 acres and would yield approximately 1.1 MMBF of timber products. Associated activities would consist of road maintenance that includes rocking, brushing, blading, and rock compaction. No temporary roads would be created with this project. Existing skid trails would be used whenever possible, but some new skid trails may be required due to the nature of the operation. Ground based equipment would operate from roads whenever possible, but may need to enter the 150 foot proposed cutting areas to harvest and skid logs. In some areas, cable winching to the road may be required.

Purpose and Need

The purpose of the proposed project is to remove fire killed trees and trees with severe fire damage that have a low probability of survival that have potential to cause harm to the public, Forest Service personnel, and the Forest Road system. The project is needed to provide public and employee safety, ensure a safe and efficient transportation system, and alleviate future road maintenance issues. There is also an opportunity for the utilization of fire killed trees and trees with severe fire damage that have a low probability of survival as timber products from areas where management direction allows removal of felled trees.

Danger Trees

Fire killed trees and trees with severe fire damage that have a low probability of survival will be evaluated and rated for danger levels and risk as described in the Field Guide for Danger-Tree Identification and Response along Forest Roads and Work Sites in Oregon and Washington. The proposed project would include the felling and removal of fire killed trees and trees with severe fire damage that have a low probability of survival in a potential failure zone which is defined as 150 feet or one and a half tree lengths from the road prism. Within this zone, all trees with “Imminent” or “Likely” potential for failure and where, if the tree falls it will in part or entirely land within the road prism, will be felled. Trees with “Imminent” potential for failure are identified as so defective or decayed that it would take little effort to make them fail. These trees or parts have a high probability of failure within one year. Trees with “Likely” potential for failure are identified as defective or decayed, but it would take moderate effort to make them fail. These trees or parts have a high probability of failure within 3 to 5 years. In addition, Factors Affecting Survival of Fire Injured Trees: A Rating System For Determining Relative Probability of
Survival of Conifers in the Blue and Wallowa Mountains, otherwise referred to as the Scott’s Guide, will be used to determine probability of survival of live trees that have been severely fire damaged.

**Design Criteria**

Design criteria developed for this project to avoid and/or reduce the environmental effects of the proposed activities are included in Appendix B.

**Categorical Exclusion Criteria**

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.12 or 32.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

The specific category anticipated for this proposed action is found in 36 CFR 220.6(e) (13) and described in Forest Service Handbook (FSH) 1909.15, Chapter 30, Section 32.2(13) - Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than ½ mile of temporary road construction.

Several resource conditions must be considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation. During development of the proposed action, a team of resource specialists determined whether or not any of the resource conditions are present, and if so, the degree of the potential effects on the listed resource. The mere presence of one of these resource conditions does not preclude use of a categorical exclusion. Based on the information in Table 2, I have determined no extraordinary circumstances exist for this project that would warrant further analysis and documentation in an environmental assessment or environmental impact statement.

![](image)

**Table 2: Evaluation of Extraordinary Circumstances Related to the Proposed Action**

<table>
<thead>
<tr>
<th>Extraordinary Circumstance to be Evaluated</th>
<th>Present? (Yes or No)</th>
<th>Degree of Potential Effect</th>
</tr>
</thead>
</table>
| Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species | Yes | **Listed/Proposed T and E species**  
Wildlife: No Effect  
Aquatic Species: No Effect  
Plants: No known occurrences in project area  
**Designated/Proposed Critical habitat**  
Wildlife: No Effect  
Aquatic Species: No Effect  
Plants: No known occurrences in project area  
**FS Sensitive species**  
Wildlife: The proposed action May Impact Individuals or Habitat for the bald eagle and Lewis’s woodpecker but would not contribute to a trend toward listing. All other FS sensitive species known to exist in the project area would have No Impact from the proposed action.  
Aquatic Species: No impact  
Plants: Sensitive plant habitat is present in the project area but no sensitive plants have been documented. The proposed project May Impact Individuals or Habitat for some species, but would not contribute to a trend toward listing. |
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<table>
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<tr>
<th>Extraordinary Circumstance to be Evaluated</th>
<th>Present? (Yes or No)</th>
<th>Degree of Potential Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Please refer to the Wildlife, Aquatic, and Botany reports in the project record for additional information on threatened, endangered, and sensitive species. Refer to Appendix B for Design Criteria included to protect these species.</td>
</tr>
<tr>
<td>Floodplains, wetlands, or municipal watersheds</td>
<td>Yes</td>
<td>No effect. Refer to Aquatics Report in project record for additional information. Refer to Appendix B for Design Criteria included to protect riparian areas.</td>
</tr>
<tr>
<td>Congressionally designated areas such as wilderness, wilderness study areas or national recreation areas</td>
<td>No</td>
<td>No effect</td>
</tr>
<tr>
<td>Inventoried Roadless Areas or potential wilderness areas</td>
<td>No</td>
<td>No effect</td>
</tr>
<tr>
<td>Research Natural Areas</td>
<td>No</td>
<td>No effect</td>
</tr>
<tr>
<td>Archaeological sites, or historic properties or areas</td>
<td>Yes</td>
<td>Four historic properties or potential historic properties were identified and flagged in the proposed project area. Treatments that may occur in these locations are hand felling with no commercial removal in order to ensure historic properties are not affected.</td>
</tr>
</tbody>
</table>

Findings Required by Other Laws and Regulations

The proposed project is expected to meet Forest-wide standards and guidelines and Management Area standards and guidelines as described in the Ochoco National Forest Land and Resource Management Plan as amended.

Management allocations for the project area include:

- General Forest
- General Forest Winter Range
- Visual Management Corridors (Partial Retention)

I find that this project complies with all laws, regulations and policies regarding salvage of dead and/or dying trees.

Scoping and Public Involvement

The proposed project has been listed on the Ochoco National Forest Schedule of Proposed Actions (SOPA) since November 28, 2016 (http://www.fs.usda.gov/projects/ochoco/landmanagement/projects). A scoping letter was emailed and mailed to members of the public and organizations who have previously expressed an interest in similar projects on January 30, 2017. The scoping letter, project details, and a map were uploaded to the project website on January 31, 2017.

Comments on the proposed project were accepted from January 31 to February 28, 2017. Comments were received from two individuals and considered in the final decision (see Appendix A). Names and addresses of those who commented are considered part of the public record and are available for public inspection in the project file available at the Lookout Mountain Ranger District.
During internal scoping, Lookout Mountain Ranger District resource specialists raised no issues and found no significant effects on the human environment in relation to implementing this proposed action. All supporting documentation is located in the project file available at the Lookout Mountain Ranger District.

**Administrative Review (Appeal) Opportunities**

Effective March 5, 2014, the Forest Service will no longer offer notice, comment and appeal opportunities for categorically excluded projects pursuant to 36 CFR Part 215. On February 7, 2014, the President signed into law the Agricultural Act of 2014, Pub. L. No. 113-79 (i.e., Farm Bill). Section 8006(a) of the 2014 Farm Bill repealed the Appeals Reform Act, Pub. L. No. 102-381, 106 Stat. 1419 (1992). Section 8006(b) directs that the pre-decisional objection process established in Section 428 of division E of the Consolidated Appropriation Act of 2012, Pub. L. No. 112-74, shall not be applicable to categorically excluded projects or activities. The Forest Service will continue to offer public involvement opportunities for categorically excluded projects as provided for in the agency’s NEPA Procedures, see 36 CFR 220.4(d) (SOPA) and 36 CFR 220.4(e) and 220.6(c) (scoping). Comments received on the proposed action were reviewed and considered prior to making a final decision; however, the project is not subject to appeal.

**Implementation Date**

Implementation is anticipated to begin April 2017.

**Contact Information**

For further information, please contact Elydia Retzlaff, Environmental Coordinator, Ochoco National Forest, at elysiamretzlaff@fs.fed.us or 541-416-6436.

Approved by:

[Signature]
Slater Turner  
District Ranger  
Lookout Mountain Ranger District  
Ochoco National Forest

Date: 3/14/17

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Figure 1 – Project Area
### Appendix A

**Response to Public Comments**

<table>
<thead>
<tr>
<th>Comment</th>
<th>Response to Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Your proposal is not clear. Is the FS to remove only dead trees or dead and danger trees also? We think you should include all non-healthy trees in this project. It would make sense to clean the area at one time. Would also save money and return the health of the forest.</td>
<td>The proposed project would include the felling and removal of roadside fire killed trees and trees with severe fire damage that have a low probability of survival in a potential failure zone which is defined as 150 feet or one and a half tree lengths from the road prism. Within this zone, all trees with “Imminent” or “Likely” potential for failure and where, if the tree falls it will in part or entirely land within the road prism, will be felled. Trees with “Imminent” potential for failure are identified as so defective or decayed that it would take little effort to make them fail. These trees or parts have a high probability of failure within one year. Trees with “Likely” potential for failure are identified as defective or decayed, but it would take moderate effort to make them fail. These trees or parts have a high probability of failure within 3 to 5 years.</td>
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Appendix B
Design Criteria

Wildlife

**Bald Eagle, Golden Eagle and Osprey**

- **Bald Eagle** – A seasonal restriction (January 1 to August 31) will exist for all activities within 0.25 mile (non-line-of-sight), 0.5 mile (line-of-sight), or 1 mile (for blasting) of known bald eagle nests.
- **Golden Eagle** – A seasonal restriction (March 1 to August 15) will exist for all activities within 0.5 mile of known nests.
- **Osprey** – A seasonal restriction (March 1 to August 1) will exist for all activities within 0.25 mile of known osprey nests.
- Restrictions on haul would not apply to arterial and collector roads but site specific measures would be developed to reduce disturbance; for example restrict compression braking or avoid parking near nest site (consult District wildlife biologist).
- Restrictions may be waived, with approval of District Ranger, in a particular year if reproductive success surveys reveal that the species in question are non-nesting or that no young are present (consult District wildlife biologist). Waivers are valid only until January 1 of the following year.
- If a previously unknown active eagle or osprey nest is discovered during implementation, efforts would be made to avoid any further disturbance. Site-specific measures would be determined by District wildlife biologist.

**All Other Raptors**

- No management activities (including underburning) would occur within 330 feet of nest site (primary zone). Between 330 and 660 feet around a nest site (secondary zone), modified habitat treatments are permitted. Modified treatments are intermediate treatments between that required in the primary zone, and that normally prescribed outside the whole protection zone. Operations would be restricted for both primary and secondary zones between March 1 and August 1. Exceptions would be evaluated on a case by case basis by District wildlife biologist.
- Seasonal restrictions may be waived, with approval of District Ranger, in a particular year if reproductive success surveys reveal that the species in question is non-nesting or that no young are present (consult District wildlife biologist). Waivers are valid only until January 1 of the following year.

**Deer and Elk**

- A seasonal restriction (December 1 to May 1) will exist for all activities within designated big game winter range (Management Area 20 and 21).
- A seasonal restriction (May 15 to June 30) will exist for all activities within known elk calving areas. If any new calving areas were found they would receive the same protections.
• A seasonal restriction (September 1 to October 15) will exist for all activities within 0.25 mile of known elk wallows.

• Seasonal restrictions for deer and elk may be waived, with approval of District Ranger, in a particular year depending upon multiple biological and environmental factors (consult District wildlife biologist)

Aquatics
• Danger trees proposed for removal in Riparian Habitat Conservation Areas (RHCA) will be felled and left on site to meet INFISH Riparian Management Objectives (RMOs).

• If a spring is located adjacent to the road prism, a no harvest 50 foot buffer will apply.

Heritage
• Four sites have been flagged for avoidance. Treatments that may occur in these locations are hand felling with no commercial removal in order to ensure historic properties are not affected.

Recreation

General Forest
• Commercial harvest, thinning, and burning activities would be coordinated with special use permit holders or their representatives and the District recreation specialist, as needed to reduce conflicts between these activities.

Dispersed Recreation
• Activities adjacent to dispersed recreation sites identified in the Forest Plan will be designed to retain visual screening and will be coordinated with the District recreation specialist. Activity-generated slash within 25 feet of these dispersed sites that is useable as firewood will be stacked.

• Forest Plan designated dispersed recreation sites which are located on existing landings may be reused for log decks, piling slash, or storing road rock. Reuse will be coordinated with the recreation specialist and the site will be rehabilitated after use.

• Avoid allowing industrial (contractor) camps at Forest Plan designated dispersed campsites.

Scenic Corridor
• Previous landings would be used whenever possible to protect Visual Management Corridors. Avoid creating new landings giving strong preference for past landing footprints particularly those greater than 100ft from Road 16.

• Stumps will be no taller than eight inches from level ground in Visual Management Corridors (Road 16).

Rangeland Management
• Livestock fences and other structural range Improvements would be protected and/or returned to their pre-activity conditions if damaged during activities.

• Logging and road closure activities would be coordinated with permittee(s) as needed. Efforts will be made to minimize conflicts between livestock use and logging activities.
Sensitive Plants

- Treatments associated with danger tree removal as well as use of ground based equipment will not occur within 30 feet of areas with potential sensitive riparian plant habitat. Exceptions include the use of existing roads as landings as well as lateral falling.
- Vehicles, including off-highway or all-terrain vehicles, would not be operated within areas identified as sensitive riparian plant species habitat, except on existing roads.
- Any new sensitive plant sites or habitat found during implementation would be protected similarly to documented populations.

Invasive Plants

- To prevent the introduction of seeds and non-native, invasive plants onto National Forest System lands, the Contractor shall ensure all equipment moved onto National Forest System land is free of soil, seeds, vegetative matter, or other debris that could contain, or hold, seeds. The Permittee shall employ whatever cleaning methods are necessary to ensure compliance with the terms of this provision. The Permittee shall notify the responsible Forest Service Officer prior to moving each piece of equipment onto National Forest System land, unless otherwise agreed in writing. Notification shall include identification of the location of the equipment’s most recent operation. Upon request by the Forest Service, arrangements shall be made for Forest Service inspection of each piece of equipment prior to entry upon National Forest System lands. The Contractor shall certify compliance with the terms of this provision, in writing, prior to each entry of equipment onto National Forest System lands. For the purpose of this provision, “equipment” includes all construction and/or maintenance machinery, excluding pickup trucks, cars, and other passenger vehicles, used in the daily transport of personnel.
- Minimize ground disturbance and the exposure of mineral soil during project activities, thereby reducing the potential for invasive plants to become established on new sites and the need to conduct revegetation activities.
- Site shall be revegetated using native plant species approved by a Forest Service Botanist/Silviculturist. The Forest Service Botanist/Silviculturist may provide native seed or provide information where it can be purchased. Revegetation will be a light soil prep and broadcast seeding in the first season of moisture (i.e., fall or spring) immediately following project completion.
- Contractor shall use only gravel, fill, sand, and rock that is judged to be weed free by District or Forest weed specialists.