Thorn Fire Salvage Recovery Project

Record of Decision

And Finding of Non-Significant Forest Plan Amendment #63

Malheur National Forest, Blue Mountain Ranger District, Grant County, Oregon
RECORD OF DECISION

and

FINDING OF NON-SIGNIFICANT FOREST PLAN AMENDMENT
(Forest Plan Amendment #63)

for the

Thorn Fire Salvage Recovery Project

USDA Forest Service
Malheur National Forest
Blue Mountain Ranger District
Grant County, Oregon

T14S, R28E, Sections 3-24 and 28, 32 and 33, Willamette Meridian.

Introduction
This Record of Decision (ROD) documents my decision and rationale for the Thorn Fire Salvage Recovery (TFSR) Project. On August 22, 2006, lightning started a cluster of 10 fires near Aldrich Mountain, southeast of Dayville, Oregon. The 14,527 acre cluster of fires was called the Shake Table Fire Complex. When it was contained on September 29, 2006, it had burned most of the upper drainages of Widows and Todd Creeks, and much of upper Fields Creek. Of the acres burned; 13,536 acres were located on the Malheur National Forest, 936 acres were on private lands and 55 acres had burned on Bureau of Land Management (BLM) lands.

On December 11, 2006, I decided to initiate a project called the Thorn Fire Salvage Recovery (TFSR) to assess the environmental impacts of salvaging burned timber from the Shake Table Fire Complex. The geographic scope of the entire analysis area was approximately 7,783 acres – encompassing that portion of the Shake Table Fire area on National Forest System lands, but excluding Dry Cabin, Cedar Grove and Shake Table Inventoried Roadless Areas (IRAs). I later changed the project area to only encompass 7,456 acres which is reflected in Figure 1 – Project Location Map. The IRAs were defined and mapped under the Roadless Area Conservation Rule (USDA Forest Service 2001a). Maps showing the location of the IRAs can be found in FEIS Appendix A-Figure 9.

A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was placed in the Federal Register on December 15, 2006. The notice of availability for the final environmental impact statement was published in the Federal Register February 22, 2008.
Figure 1: Project Location Map
The Purpose and Need for This Project

I directed the TFSR Interdisciplinary Team (IDT) to address the following purposes with the proposed action and alternatives:

(1) Recover the economic value of the available dead and dying trees as rapidly as practicable to maximize potential economic benefits consistent with reasonable protection of other resource values;
(2) Improve public safety within the burned area by removing potential danger trees along open forest travel routes;
(3) Reforest acres burned within the Thorn Fire Salvage Recovery Project area, to achieve Forest Plan objectives. Provide for reforestation, artificial and natural, consistent with Management Area Objectives. The goal on salvaged lands will be to have successful reforestation within 5 years following harvest. Un-salvaged lands will be reforested as soon as practicable.

Decision and Reasons for the Decision

I have decided to select Alternative 3 from the TFSR Final Environmental Impact Statement (FEIS) because I believe that this alternative represents the best option for realizing economic benefits from burned timber while still protecting the majority of the burned area from disturbance. I also believe that this alternative is the most attentive to balancing both the economic needs of the community and the budgetary needs of the agency.

As Forest Supervisor for the Malheur National Forest (MNF), I make decisions in full consideration of the land, national interests, and the local communities that would be affected by Forest action or inaction. When I make decisions regarding forest management, I search for a balance among the ecological, economic, and socio-political considerations. I want to use the available resources for the present generation, but also conserve and preserve the forest for future generations. I live and work in the community of John Day, and I know well how dependent this community is on the wood industry. I also know that this industry is struggling due to timber supply and market fluctuations, and that the jobless rate in our local community exceeds the state average (Oregon Employment Division (OED) 2006). I know that no single salvage of forest timber will likely solve these problems, but I also know the significance of each contribution.

I know how people feel about the Thorn Salvage Project. I have listened to the diverse presentations of fact and belief conveyed by individuals, groups, and political and civic leaders. All of these factors highlight the importance of this decision to the people of this community and I thank them for their thoughts on the management of their National Forest. Their issues and concerns are summarized in the FEIS (see FEIS Summary pages 7 to 8).

I am also well aware of my land stewardship responsibility. Scientific monitoring over the years indicates a decline in populations or snag habitat of cavity-nesting birds such as Lewis’, black-backed and white-headed woodpeckers. The decline in populations or habitat, as well as the effects to these species from the alternatives, is thoroughly discussed in the FEIS. I know that there are those that feel strongly about the protection of unroaded areas that have potential to be designated as wilderness. I have heard the concerns for the Aldrich Semiprimitive Nonmotorized
Area (MA-10), and the Dry Cabin and Cedar Grove areas. I have carefully considered the analysis and policies regarding all of these factors presented in the FEIS.

I also have a responsibility to be a fiscally sound manager. I must carefully weigh the costs of implementing and administering timber sales against the income realized by the taxpayers from timber sales receipts. The economics analysis in the FEIS presents a clear case regarding the costs and benefits of each alternative and I have considered all of those findings.

I believe that, by selecting Alternative 3, I have achieved a balanced decision that maintains a natural landscape in the majority of the area that may meet potential wilderness inventory criteria as well as maintaining scenic quality and recreational experiences in the Aldrich Semiprimitive Nonmotorized MA-10; retains snag habitat over the majority of the fire area and yet offers a contribution to the social and economic health of the local community.

**Rationale:**

I think that it is important that I describe the thought process that went into making this decision. In summary, the choices I faced were as follows:

1) Should I proceed with a proposal to harvest burned timber within the Shake Table Fire area?
2) Can I achieve balance between the recovery of wood products from the fire area, the protection of cavity-nesting species, and the retention of potential wilderness areas?
3) Which alternative best balances the potential economic gains from timber sale alternatives and Forest budget requirements?

The Malheur Land and Resource Management Plan (Forest Plan) clearly establishes direction to evaluate actions that provide public economic returns and maximum outputs when these actions are consistent with the various resource objectives and environmental standards (Forest Plan Goal #25 and #26, IV-2). In addition, the Forest Plan requires us to operate and maintain a safe and economical transportation system (Malheur LRMP Goal #35). These clearly defined goals in the Forest Plan coupled with the desire to reforest burned areas that otherwise might not naturally regenerate as quickly as practicable led me to establish the purpose and need for action. We formulated a range of alternative actions, based on scoping comments and issues that could address the purpose and need.

I evaluated all of the environmental consequences of the alternatives, including the no action alternative, to determine which alternative will best meet my purpose and need for the project while minimizing environmental impacts. Alternative 1 fails to meet the purpose and need; however, it provides the least impact on the environment. Since no salvage harvest takes place, no economic returns emanate from Alternative #1. In addition, inaction on the part of the no action alternative would leave about 35 miles of road with trees that threaten public safety. Leaving these danger trees unattended would be irresponsible and place my employees and forest visitors at risk. As a result, Alternative #1 is not responsive to either the purpose and need or the Forest Plan direction. I, therefore, chose not to select Alternative #1.

Since all the action alternatives address the purpose and need to a varying extent, I carefully considered each of these action alternatives in terms of both their economic and environmental...
benefits and their economic and environmental costs to determine which one to select. This evaluation process required me to assess each of the action alternatives in light of the significant issues: effects on semiprimitive nonmotorized recreation in Aldrich Semiprimitive Area MA-10, effects on potential wilderness areas and effects on snag dependent species.

Alternative 4 clearly provides the greatest degree of protection for snag dependent species, potential wilderness and MA-10, but provides the least economic benefit to the community. Alternative 2 provides maximum economic return to the community, but has more risk of impacts to snag dependent species, more impacts to potential wilderness areas and the MA-10 area. Alternative 3 presents the best compromise between all of these factors - it retains suitable habitat for snag dependent species and it completely avoids salvage in the Aldrich Semiprimitive Nonmotorized Area (MA-10).

When I compared Alternative 3 to Alternative 4, I could clearly see that if I made the decision to select the latter, it would result in 50% less timber volume (11 MMBF) being offered for sale than under Alternative 3, with a resulting comparable decrease in timber sale receipts. The analysis pertaining to potential wilderness designation showed a 5% reduction in potential wilderness when direct effects were measured and a 33% reduction when both direct and indirect effects were measured as a consequence of implementing Alternative 3 rather than Alternative 4 (entry into the Dry Cabin and Cedar Grove potential wilderness areas). Alternative 3, just like Alt 4, also completely avoids entering the Aldrich Semiprimitive Nonmotorized Area (MA-10). I weighed the 33% reduction in potential wilderness against the 50% increase in timber volume and chose to select Alternative 3. Alternative 3 also had a much higher stumpage value than any other alternative (stumpage is defined as returns to the government). Alternative 3 presents the best balance between environmental impacts and economic gains.

**Decision Description – Alternative 3**

The following is first a table summarizing my decision followed by a detailed description. See Table 1 for a summary list of project activities for Alternative #3. This table corresponds to FEIS Table 18, page 46 and the Comparison of Alternatives Table 32, page 67.
Summary of My Decision:

Table 1 - Alternative #3: Summary of Salvage Treatments, Road Management Activities and Net Sawtimber Volume (MMBF)

<table>
<thead>
<tr>
<th>Salvage Harvest Treatment Description</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helicopter yarding</td>
<td>2,135</td>
</tr>
<tr>
<td>Tractor skidding</td>
<td>394</td>
</tr>
<tr>
<td>Commercial salvage harvest (total)</td>
<td>2,529</td>
</tr>
<tr>
<td><strong>Reforestation Activities</strong></td>
<td></td>
</tr>
<tr>
<td>Reforestation planting</td>
<td>3,742</td>
</tr>
<tr>
<td><strong>Road Management Activities</strong></td>
<td></td>
</tr>
<tr>
<td>Danger tree removal along roads (outside of salvage units)</td>
<td>24.2</td>
</tr>
<tr>
<td>Maintenance of Existing Classified Roads (all haul routes)</td>
<td>35.4</td>
</tr>
<tr>
<td>Maintenance of Haul Road (inside project area)</td>
<td>19.4</td>
</tr>
<tr>
<td>Maintenance of Haul Roads (outside project area)</td>
<td>16.0</td>
</tr>
<tr>
<td><strong>Net Sawtimber Volume</strong></td>
<td></td>
</tr>
<tr>
<td>Net Sawtimber Volume*</td>
<td>21.9</td>
</tr>
</tbody>
</table>

*Harvest volumes may be lower due to minor changes during layout, areas eliminated from harvest through project design features and decay values.

Detailed Description:

The following detailed description of my decision is excerpted from the FEIS (Chapter 2.2.3 Alternative 3 on pages 45 to 50) and I incorporate by reference the detailed description of Alternative 3 presented in that document; including the maps and legal descriptors that denote locations of actions. The maps can be found in ROD Appendix A starting on page 29. ROD Appendix A - Alternative 3 maps have been excerpted from Alternative 3 maps found in FEIS Appendices – Appendix A.

**Salvage Harvest**

I am authorizing salvage of dead and dying trees (outside Aldrich Semiprimitive Nonmotorized MA-10) from approximately 2,529 acres. More specifically, I have decided to allow removal of merchantable logs from dead and dying trees 9 inches diameter at breast height (DBH) and greater. A summary of salvage actions and estimated net salvage volume is displayed in Table 18 (page 46 in FEIS) and Table 32 (page 67 in FEIS).

Tree survival probability in low, moderate and high severity burned areas will be determined using “Factors Affecting Survival of Fire Injured Trees: A Rating System for Determining Relative Probability of Survival of Conifers in the Blue and Wallowa Mountains (Amended 2006)” [commonly referred to as the “Scott Guidelines”]. Dying trees to be salvage harvested must be rated as having a low probability of survival based on the Scott Guidelines. Trees within areas of very high burn severity with any green foliage will remain uncut and only trees with no remaining green foliage will be harvested. Trees with no remaining green foliage and trees with a low probability of survival will be salvaged within areas of low, moderate and high burn severity.
No timber salvage is authorized in RHCAs, Dedicated Old Growth (DOG) or Replacement Old Growth (ROG) under this decision except danger tree removals along haul roads. Danger trees may be cut but not removed in RHCAs, DOGs and ROGs; with the exception of those portions of the tree that are within the roadway (road prism) or outside the boundaries of these areas.

Salvage harvest methods authorized under this decision include ground-based (15%) and helicopter logging systems (85%). Table 2 shows the breakdown of acres by burn severity class. There will be no commercial harvest in the Dry Cabin, Cedar Grove, and Shake Table IRAs. We will harvest 733 acres in the portion of the Cedar Grove Potential Wilderness Area outside of the Cedar Grove IRA and 117 acres in the Dry Cabin Potential Wilderness Area outside of the Dry Cabin IRA. These actions will reduce the total potential wilderness acreage from approximately 17,800 to 12,000 acres (see Table 164 on page 401 of the FEIS).

Table 2 - Salvage Harvest Summary (acres by burn severity and yarding system) for Alternative 3

<table>
<thead>
<tr>
<th>Logging System</th>
<th>Low</th>
<th>Moderate</th>
<th>High</th>
<th>Very High</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helicopter</td>
<td>436</td>
<td>435</td>
<td>317</td>
<td>946</td>
<td>2,135</td>
</tr>
<tr>
<td>Tractor</td>
<td>185</td>
<td>9</td>
<td>9</td>
<td>191</td>
<td>394</td>
</tr>
<tr>
<td>Total</td>
<td>621</td>
<td>444</td>
<td>327</td>
<td>1,137</td>
<td>2,529</td>
</tr>
</tbody>
</table>

As part of the connected actions to this salvage harvest, I am authorizing the construction of 21 landings for helicopter harvest operations and 32 landings for tractor harvest (approximate locations are identified in ROD Appendix A – Figure 3A Map). Existing landings already present in the project area will be used where available to minimize ground disturbance, and harvest operations will include landing construction adjacent to existing roads. Helicopter landing size would range from one to four acres, depending on topography. Tractor landing size would range from 1/10 to two acres. In some cases landing locations may require felling of incidental live trees which may include live trees greater than 21 inches) to facilitate safe, efficient and cost-effective operations. Tree felling will be accomplished by manually operated chainsaws or mechanized fellers. Mechanized felling equipment (feller bunchers) will only be used on those units designated for tractor skidding.

**Danger Tree Removal**

I am authorizing the cutting of danger trees along an estimated 24 miles of roads outside of salvage units, inside and outside the project area boundary (see Table 3). Danger trees are trees that have an imminent or likely potential to fall and are within reach of roads utilized by forest workers, areas where people congregate, or frequently traveled roads. Identification of potential danger trees will follow the Regional guidelines established in the publication entitled, *Field Guide for Danger Tree Identification and Response*. An estimated 1-2 danger trees per mile (or 1-2 trees every 36 acres) will be removed along roads outside of the project area. Within the project area, danger tree numbers vary depending on burn severity; an estimated 8 trees per acre will be removed along areas of moderate burn severity, and 65 trees per acre will be removed along areas of very-high burn severity.
Danger trees may be cut in RHCAs, DOGs and ROGs but not removed or sold; with the exceptions of those portions of the tree that are within the roadway (road prism) or outside of the RHCA, DOG or ROG.

All other merchantable danger trees cut under Alternative 3 will be removed and sold as part of a salvage sale if economically feasible. Slash from danger trees will remain in place (on site). Concentrations of slash in key visual areas will be hand-piled and burned or chipped.

Table 3 - Alternative #3: Danger Tree Removal Summary

<table>
<thead>
<tr>
<th>Treatment</th>
<th>Miles²</th>
<th>Acres³</th>
</tr>
</thead>
<tbody>
<tr>
<td>Danger trees within project boundary</td>
<td>8.7</td>
<td>306</td>
</tr>
<tr>
<td>Danger trees outside project boundary</td>
<td>15.5</td>
<td>564</td>
</tr>
<tr>
<td><strong>Total miles</strong></td>
<td><strong>24.2</strong></td>
<td><strong>870</strong></td>
</tr>
</tbody>
</table>

1 Danger tree felling will occur on a total of 35.4 miles of roads, of which 24.2 miles are outside of harvest units. Danger trees will be salvaged or removed based on merchantability and restrictions.

2 An estimated 1-2 danger trees per mile (or 1-2 trees every 36 acres) will be removed along roads outside of the project area. Within the project area, danger tree numbers vary depending on burn severity; an estimated 8 trees per acre will be removed along areas of moderate burn severity, and 65 trees per acre will be removed along areas of very-high burn severity (J. Hensley, pers. Com).

3 Acres estimated using a 150 ft buffer on each side of road (= 36 acres per mile); actual danger tree removal will depend on tree height and slope.

Slash Treatment

Trees to be salvaged will be limbed and topped onsite. Tree tops will be removed within the areas of low and moderate burn severity designated for tractor skidding. Limbs will remain on site. The tops will be piled and burned at landings.

The intent is to leave unmerchantable trees of all sizes standing when possible. Timber sale purchasers will not be required to remove non-saw logs. Incidental amounts of non-sawlog material skidded or yarded to the landing will be decked separately and made available for public firewood use based on availability and location. Where possible, non-saw logs will be decked near access roads to prevent disturbance to rehabilitated landings by people cutting firewood. Concentrations of slash (approximately 674 acres) within immediate foreground (300 feet) of Aldrich Ridge Road (2150), Cedar Grove National Recreation Trail, dispersed campsites, and Fields Creek Road (21) will be hand-piled and burned or chipped.

Reforestation

Burned areas will be reforested through site preparation and hand planting, or prescribed natural regeneration on a total of approximately 4,952 acres. Of that, natural reforestation is planned on
approximately **1,210 acres** and approximately **3,742 acres** will be hand planted (See ROD Appendix A – Figure 3B map). In all areas planted, I am limiting site preparation for planting to a two-foot square scalp at each tree planting site to clear away debris or vegetation that may interfere with planting a tree, and to reduce competing vegetation immediately adjacent to planted seedlings. Trees will be placed when possible into favorable micro-site to take advantage of favorable site and provide irregular spacing of planted trees. Seedlings may need protection from animal damage; however the need is not known, and is not planned for the first year after planting. If planting success is diminished because of animal damage, then netting could be used to protect seedlings.

Hand planting of conifer seedlings is proposed for all harvest units that became non-stocked or under-stocked as a result of the fire, or as a result of secondary fire effects (insects and disease). Planting of salvage harvest units is required by Regional Forester policy (Goodman, 2002). All units with very high, high, or moderate burn severity are planned for hand planting. Ponderosa pine will be planted on the lower elevation, dryer and warmer environments. Other units will be planted with a mix of ponderosa pine, Douglas-fir and western larch. Planting density will be determined after salvage and slash treatments are completed and will correspond to the management area objectives. On average, planting densities are expected to average 300 seedlings per acre.

Planting outside salvage harvest units is planned, but not required, and will be accomplished with appropriated funds if and when they become available. The objective is to have established stands within 10 years. I am authorizing the following planting activities as part of my decision:

- Planting in moderate to very high burn severity areas within Riparian Habitat Conservation Areas (RHCA), which could include conifer and hardwood planting, if native hardwood planting stock such as aspen, willow, dogwoods, and cottonwood, are available.

- Planting in Alaska yellow cedar stands outside of Cedar Grove IRA and Cedar Grove Botanical Area (Forest Plan Management Area 8). After the fire, seed was collected from surviving cedars specifically to re-establish seedlings in this area.

- Planting along Road 2150 in the burned area, to accelerate recovery of visual objectives along this popular travel route.

Additional information regarding planting assumptions can be found in the FEIS Timber/Silviculture section of Chapter 3, Table 54 page 102. See Table 4 for a summary of reforestation planting acres.

**Table 4 - Alternative #3: Reforestation Summary**

<table>
<thead>
<tr>
<th>Reforestation Actions</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planting within harvest units</td>
<td>1,916</td>
</tr>
<tr>
<td>Planting outside harvest units</td>
<td>1,826</td>
</tr>
<tr>
<td><strong>Total Planting</strong></td>
<td><strong>3,742</strong></td>
</tr>
<tr>
<td>Natural reforestation within harvest units</td>
<td>613</td>
</tr>
<tr>
<td>Natural reforestation outside harvest units</td>
<td>597</td>
</tr>
<tr>
<td><strong>Total Natural</strong></td>
<td><strong>1,210</strong></td>
</tr>
<tr>
<td><strong>Grand total all reforestation</strong></td>
<td><strong>4,952</strong></td>
</tr>
</tbody>
</table>
**Transportation System**

Road activities associated with salvage and restoration will be limited to opening and re-closing existing roads and maintenance. No new roads will be built.

Only the following road maintenance-related activities are authorized in RHCAs: use of existing roads as haul routes, opening closed roads to serve as access or haul routes, cleaning culverts, culvert repairs, danger tree removals, and water withdrawal from streams. Best management practices (i.e. Project mitigations/design criteria) for these activities will be followed (FEIS Table 30 on pages 55-61).

Approximately **35.4 miles** of existing roads will be used to transport (haul) the harvested logs. The haul road maintenance plan is presented in Table 1 on Page 6 of this Record of Decision. These roads will receive maintenance to improve surface conditions prior to the commencement of log hauling.

The existing gate on Road 2140 located 0.3 miles west of the junction with Road 2100 will be closed to the public prior to commercial harvest activities, during commercial harvest activities, and remain closed until reforestation activities are complete. Upon completion of reforestation activities, area roads will be returned to pre-fire conditions. Roads to be closed are displayed on the Post Project Closure map (ROD Appendix A – Figure 3D). Earth berms will be created to block vehicle traffic.

**Area and Road closure for Public Safety**

An area closure to motorized use is currently in effect for the Shake Table Fire Area with the exception of Road 2150 (Aldrich Mountain Lookout Road). I have decided to implement an area closure on National Forest System lands and roads within the salvage area while the project is underway for public safety. The area will be closed to all public entry, including foot travel. Forest Service Roads 2140, 2150 and associated roads will be closed to all public vehicles except as follows: to lessen the inconvenience to hunters during general deer and elk hunting seasons, limited access will be provided on Forest Service Road 2150 to permit hunters to access areas and set up camp in areas beyond the fire perimeter, in the direction of Aldrich Lookout. Hunters will be allowed to enter and leave their camps via Forest Road 2150 outside of log harvest operating hours including established weekend hours.
Forest Plan Amendments

I have decided to amend the Forest Plan to bring this decision into consistency with the Plan (Forest Plan Amendment # 63). The specific non significant Forest Plan amendments are as follows:

**Dry Cabin Wildlife Emphasis Area (MA-20A) – Recreation Opportunity Spectrum (Recreation 2)**

I am amending the Malheur Forest Plan MA-20A – Dry Cabin Wildlife Emphasis Area (with Scheduled Timber Harvest), Goal and associated Standard #1, p. IV-121 because the Thorn Fire Salvage Recovery (TFSR) Project will change the semiprimitive nonmotorized (SPNM) recreation opportunity spectrum (ROS) classification to a modified setting for up to 5 years after completion of the project. *This amendment will apply only for the duration of, and to those actions proposed for the site-specific project called Thorn Fire Salvage Recovery Project.*

**Management Area 13 – Dedicated Old Growth (Wildlife 1)**

I am amending the Malheur Forest Plan MA-13 – Dedicated Old Growth (DOG) to relocate old growth because several existing DOGs and Replacement Old Growths (ROGs) were catastrophically burned in the Shake Table fire. New DOGs and ROGs are being relocated to suitable habitat, requiring a change in some of the management areas. *The amendment will last beyond project duration and will remain in effect until the Forest Plan is amended or revised.*

**Dry Cabin Wildlife Emphasis Area (MA-20A) – Long Term Wildlife Plan (Wildlife 2)**

I am amending the Malheur Forest Plan MA-20A – Dry Cabin Wildlife Emphasis Area (with Scheduled Timber Harvest), Standard #6, p. IV-123 to forego the need to do a long range plan for achievement of wildlife objectives through the use of timber harvest in order to meet the purpose and need of recovering the economic value the available dead and dying trees. *This amendment will apply only for the duration of, and to those actions proposed for the site-specific project called Thorn Fire Salvage Recovery Project.*

**Live and Dead Tree Definitions - Regional Forester’s Eastside Forest Amendment #2 (Wildlife 3).**

I am amending the Regional Forester’s Forest Plan Amendment # 2, (commonly referred to as the “Eastside Screens”) Eastside Screen wildlife standard at 6d(2)(a) to define both live and dead trees in order to meet the purpose and need of recovering the economic value of the available dead and dying trees. *This amendment will apply only for the duration of, and to those actions proposed for the site-specific project called Thorn Fire Salvage Recovery Project.*
Goshawk - Regional Forester’s Eastside Forest Amendment #2 (Wildlife 4)

I am amending the Regional Forester’s Forest Plan Amendment # 2, (commonly referred to as the “Eastside Screens”) Interim wildlife standard that provides protection measures for goshawk because if nest sites are found during the 2008 surveys, the project economic viability will be adversely affected if log haul is restricted during the period April 1 to September 30. This amendment will apply only for the duration of, and to those actions proposed for the site-specific project called Thorn Fire Salvage Recovery Project.

Public Involvement

Given the controversial nature of most post-fire timber salvage projects, I directed my Interdisciplinary Team (IDT) to involve the public early and often throughout the pre-NEPA and NEPA process. I am well aware of the strongly held beliefs and opinions of various individuals and groups regarding post-fire management.

The Blue Mountain Ranger District offered numerous site visits and tours to adjacent landowners, interested individuals, groups, and legislative representatives as well as many formal and informal meetings to coordinate and consult with local government agencies. A detailed list of contacts, contact dates, and actions taken to involve and make information known to interested parties is disclosed in the FEIS, Chapter 1.6, pages 26 to 27. Meeting notes are available upon request and are kept in the project file.

Initial scoping notices published in the Federal Register (12/08/2006) or sent to the public via postal mail, indicated that two separate EIS projects were being considered (Thorn Project and Chrome Project). Subsequently direction was changed to propose and scope a single EIS project (TFSR Project) rather than two. An updated scoping letter with maps (12/11/2006) was mailed to approximately 153 interested and affected parties and an updated NOI was published in the Federal Register (12/15/2006) which began a 30 day public scoping period requesting comment on the proposal. Responses were received from approximately 31 parties during this public scoping period. These comments addressed a wide range of concerns and interests and were used in the development of a reasonable range of alternatives, including the No Action alternative and the identification of a key issue. One significant issue was identified (FEIS, page 29).

In addition to the scoping letters, a public meeting was held on January 3, 2007 at the Forest headquarters office to solicit comments from interested people. There were 28 members of the public in attendance.

On May 21, 2007 letters (approximately 200) were mailed to Tribes, federal and state agencies, elected officials, and interested publics informing them of the availability of the Draft EIS and 45-day comment period. On June 1, 2007 the Environmental Protection Agency (EPA) published a Notice of Availability in Federal Register beginning the 45 day comment period. Responses were received from approximately 181 individuals or organizations during the 45 day comment period.

1Approximately 120+ various signers used an identical form letter on Columbia Helicopters, Inc letterhead; those letters were submitted in bundles to the Malheur NF by representatives of Columbia Helicopters, Inc. These letters were counted as one public response and also as one letter in the formal response to comments FEIS Appendix O, as all letters were similar, if not identical in many cases, and raised similar issues and concerns.
period on the Draft EIS. Public comments and Forest Service responses are located in Appendix O of the FEIS. During the comment period, two additional issues were raised which resulted in the development of an additional alternative, referred in the FEIS as Alternative 4. The three significant issues plus analysis issues\(^2\) that were of concern are discussed in the next section of this ROD. As part of the release of the DEIS, the public was informed that I intended to request an Emergency Situation Determination for this project.

Around February 22, 2008 letters (50) were mailed to Tribes, federal and state agencies, elected officials, and interested publics informing them of the availability of the Final EIS. EPA’s Notice of Availability for the Final EIS appeared in the Federal Register on February 22, 2008.

Starting January 1, 2007 the Thorn Fire Salvage Recovery Project has been listed in the Forest’s Schedule of Proposed Activities (SOPA) and has been updated quarterly since then to inform the public of changes in the status.

**Issues**

During public scoping and comment on the Draft EIS we received and evaluated individual comments to determine whether they constituted issues relevant to this planning process. We then determined where in the planning process they most appropriately applied: project design; alternative development, or environmental effects. The concerns that applied to all parts of the planning process were further evaluated to determine Significant Issues. “Significant issues” were defined as those issues that drove the development of an alternative. “Analysis issues” were factors that were analyzed to allow comparison of the alternatives.

The significant issues that were weighed most heavily in my decision making process are discussed in “Decision and Rationale”. Analysis issues used in this analysis are incorporated by reference from the DEIS and FEIS. (See FEIS Table 5 and Table 6 on pages 29 to 32 for a complete list of significant and analysis issues).

**Alternatives Considered**

In addition to the selected alternative, I considered three other alternatives, which are discussed below. The No Action Alternative was the environmentally preferred alternative because it would result in no salvage disturbance within the burned area and therefore had no environmental impacts. A more detailed comparison of these alternatives can be found in the FEIS on pages 37 to 62.

**Alternative 1 (No Action)**

Under the No Action Alternative, no salvage of fire-killed timber will occur, no reforestation will occur and no additional danger tree removal will occur. Other ongoing actions such as recreation, hunting, firewood gathering will continue as permitted.

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\(^2\) Analysis issues are defined as those directly or indirectly caused by implementing the proposed action; however, the effects could be reduced with normal BMPs and PDFs and an alternative was usually not developed to address these analysis issues.
**Alternative 2**

The proposed action includes salvage of dead and dying trees on approximately **3,668 acres** and removal of potential danger trees for public safety for approximately **24.3 miles** along haul routes and open forest travel routes. Salvage harvest methods will include ground-based (13%) and helicopter logging systems (87%). Approximately **3,200 acres** will be salvaged by helicopter and approximately **468 acres** will be salvaged using ground-based yarding. No commercial harvest activities are proposed within Dry Cabin, Cedar Grove and Shake Table Inventoried Roadless Areas. Road activities associated with salvage and restoration will be limited to opening and closing existing roads, and maintenance. No new roads will be constructed. Approximately **22 landings** will be constructed to facilitate helicopter operations and **37 landings** will facilitate tractor harvest operations. Existing landings will be used where available. Following site preparation, approximately **4,669 acres** will be planted with conifer seedlings. Forest Plan amendments related to modification of Eastside Screens to define live and dead trees, old growth replacement, visual quality standards, development of long range wildlife plans, timber harvest within MA-10 Aldrich Semiprimitive Nonmotorized (SPNM) area and MA-20A Dry Cabin Wildlife Emphasis Area recreation opportunity spectrum (ROS) of SPNM, and a change to goshawk seasonal restrictions are included. See Table 5 for a summary list of project activities for Alternative 2.

**Table 5 - Alternative 2: Summary of Salvage Treatments and Road Management Activities.**

<table>
<thead>
<tr>
<th>Salvage Harvest Treatment Description</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helicopter yarding</td>
<td>3200</td>
</tr>
<tr>
<td>Tractor skidding</td>
<td>468</td>
</tr>
<tr>
<td><strong>Commercial salvage harvest (total)</strong></td>
<td><strong>3,668</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reforestation Activities</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reforestation planting</td>
<td>4669</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Road Management Activities</th>
<th>Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Danger tree removal along roads (outside of salvage units)</td>
<td>24.3</td>
</tr>
<tr>
<td>Maintenance of Existing Classified Roads (all haul routes)</td>
<td>36.5</td>
</tr>
</tbody>
</table>

**Alternative 4**

This alternative was developed in response to: 1.) Concerns over areas of potential wilderness identified in the Blue Mt Forest Plan Revision process, and 2.) Impacts of the proposed activities on snag-dependent wildlife. In this alternative, no salvage will occur in the area covered by the potential wilderness area titled “Cedar Grove as noted on the Blue Mt. Forest Plan Revision website (http://www.fs.fed.us/r6/uma/blue_mtn_planrevision/mal-maps.shtml).

This alternative includes salvage of dead and dying trees from approximately **1,624 acres** (outside the Cedar Grove and Dry Cabin Potential Wilderness areas) and removal of potential danger trees for public safety along **25.1 miles** of haul routes and open forest travel routes outside of harvest units. Salvage harvest methods will include ground-based (15%) and helicopter logging systems (85%). Approximately **1,388 acres** of the harvest area will be salvaged by helicopter and approximately **236 acres** will be salvaged using ground-based yarding. No commercial harvest or road maintenance is proposed within Inventoried Dry Cabin,
Cedar Grove and Shake Table Roadless Areas. Road activities associated with salvage and restoration will be limited to opening and re-closing existing roads, and maintenance. No new roads will be built. Approximately **17 landings** will be constructed to facilitate helicopter harvest operations and **19 landings** will facilitate tractor harvest operations. Existing landings will be used where available. Following site preparation, approximately **3,611 acres** will be planted with conifer seedlings. Forest Plan amendments related to modification of Eastside Screens to define live and dead trees, old growth replacement, development of long range wildlife plans, timber harvest within MA-20A Recreation Opportunity Spectrum (ROS) of SPNM, and a change to goshawk seasonal restrictions are included. See Table 6 for a summary list of project activities for Alternative 4.

Table 6 - Alternative 4: Summary of Salvage Treatments and Road Management Activities.

<table>
<thead>
<tr>
<th>Salvage Harvest Treatment Description</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helicopter yarding</td>
<td>1,388</td>
</tr>
<tr>
<td>Tractor skidding</td>
<td>236</td>
</tr>
<tr>
<td>Commercial salvage harvest (total)</td>
<td>1,624</td>
</tr>
<tr>
<td><strong>Reforestation Activities</strong></td>
<td></td>
</tr>
<tr>
<td>Reforestation planting</td>
<td>3,611</td>
</tr>
<tr>
<td><strong>Road Management Activities</strong></td>
<td></td>
</tr>
<tr>
<td>Danger tree removal along roads (outside of salvage units)</td>
<td>25.1</td>
</tr>
<tr>
<td>Maintenance of Existing Classified Roads (all haul routes)</td>
<td>35.4</td>
</tr>
</tbody>
</table>

**Findings Required by Other Laws and Regulations**

After consideration of the discussion of environmental consequences (FEIS, Chapter 3), I find Alternative 3 is consistent with all applicable laws and regulations. This decision incorporates by reference the detailed discussion of policy and law consistency presented in the FEIS, Chapter 3, Pages 445 to 452.

**Consistency with the Planning Rule**

On December 22nd, 2004 the Under Secretary of Agriculture approved regulations for National Forest System land management planning (36 CFR 219, published in the Federal Register on January 5, 2005). These regulations became known as the 2005 Planning Rule. On March 30, 2007 the court in *Citizens for Better Forestry v. USDA Civ. No. 05-1144* and *Defenders of Wildlife v. Johanns Civ. No. 04-4512*, in the Northern District of California, enjoined the Forest Service from implementation and utilization of the 2005 Planning Rule. On July 3, 2007 the same court refused to amend its prior judgment and affirmed that the March 30, 2007 order applied nationwide. The result of these two rulings is that the entire Forest Service is currently operating under the prior planning rule, adopted in November 2000 at 36CFR 219 and subsequently interpreted in an Interpretative Rule at 69 Fed. Reg. 58055 (September 29, 2004). This project is planned under the regulation at 36CFR 219.35 (2000) and the Interpretative Rule of September 29, 2004. As required by 36 CFR 219.35, I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant
scientific information, consideration of responsible opposing views, and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

**Consistency with Forest Plan Direction**

The selected alternative is consistent with the Malheur National Forest Land and Resource Management Plan Final Environmental Impact Statement, Record of Decision, the accompanying Land and Resource Management Plan, as amended, (USDA Forest Service 1990), dated May 25, 1990 (FEIS Chapter 3, pages 127 to 128, 155 to 156, 162, 193 to 194, 285 to 289, 326, 335, 353, 365 to 367, 389 to 391, 411, 435 to 438, and 444). As discussed in the FEIS, Chapter 3, pages 412 to 438, all action alternatives will provide timber to help meet the demand for wood products and provide socioeconomic benefits to the American people. The action alternatives will recover timber volume and economic value from dead and dying trees, thereby contributing to a portion of the Forest Plan’s allowable sale quantity (Forest Plan, Chapter II). The Malheur National Forest Land and Resource Management Plan permits salvage timber harvest to occur in all management area allocations identified for salvage harvest in Alternative 3 and the proposed reforestation activities will help desired future condition goals from the Forest Plan (Forest Plan, Chapter IV).

**Consistency with the National Forest Management Act (NFMA)**

Salvage harvest is a silvicultural activity authorized by the National Forest Management Act of 1976 (P.L. 94-588); including its amendments to the Forest and Rangeland Renewable Resources Planning Act of 1974 (P.L. 93-378). It is one of the activities permitted by NFMA when a response is needed to the “natural uncharacteristic conditions” created by agents “such as fire, insect and disease attack or windstorm”(Sec. 6, (g), (3), (F), (iv)). Since salvage harvest is a tool uniquely defined as a response to catastrophic events, NFMA exempts this type of harvest from the maximum size limits for openings requirement (Sec. 6, (g), (3), (F), (iv)), permits salvage harvesting to occur both on lands suitable for timber production and on lands not suited for timber production (Sec. 6, (k)), and excludes salvage harvest activities from CMAI requirements (Sec. 6, (m), (1)). NFMA further permits the Agency to either substitute salvage volume for annual planned volume or offer it in addition to the planned volume (Sec. 13, (b)).

In the Thorn Fire Recovery Project, reforestation needs were created by wildfire, not by timber harvest. All of the trees proposed for removal in salvage units were killed or injured by fire, or by insects or diseases that are associated with the fire. Even though fire was the tree-killing agent in the Thorn Fire Salvage area (i.e., the trees were not killed by the proposed action of salvage timber harvest), Forest Service policy and interpretation of NFMA require salvage units to be reforested within 5 years of harvest (Goodman 2002). For burned areas where the fire-killed trees are not salvaged, NFMA does not require that reforestation occur, whether within a 5-year timeframe or at all. We, however, are interested in reforesting many of these areas outside the salvage units as promptly as practical, particularly when tree planting can attain a Forest Plan desired future condition more quickly than by waiting for natural plant succession to restore appropriate forest cover (Goodman 2002).
Consistency with Other Laws and Regulations

Regional Forester’s Sensitive Species List (Update): On January 31, 2008, Regional Forester Linda Goodman released an updated Sensitive Species List which includes federally listed, federally proposed and sensitive species lists.

In the cover letter for the updated species list (Regional Forester Linda Goodman, January 31, 2008) the Regional Forest states that projects initiated prior to the date of this letter may use the updated sensitive species list or the list that was in effect when the project was initiated. The Responsible Official for the project has authority to decide which list to use. “Initiated” means that a signed and dated document such as a project initiation letter, scoping letter, or Federal Register Notice for the project exists.

The Thorn Fire Salvage Recovery Project EIS meets the criteria for “initiated” because the EIS was published in the Federal Register as a Notice of Intent on December 12, 2006 and because the updated list was released just as the FEIS was being completed. I have decided to use the 2004 Regional Forester Sensitive Species list as documented in the FEIS.

The National Historic Preservation Act: State Historic Preservation Office consultation has been conducted under the Programmatic Agreement among the United States Department of Agriculture, Forest Service, Pacific Northwest Region (Region 6), the Advisory Council on Historic Preservation, and Washington State Historic Preservation Officer regarding Cultural Resource Management on National Forests dated April 1997. Identified sites and any newly recorded sites will be protected from all project activities associated with Thorn Fire Salvage Recovery Project. Because heritage resources will not be affected by proposed activities under any action alternative, there will be no effect to any historic property listed in or eligible for listing in the National Register of Historic Places.

Clean Air Act Amendments, 1977: Alternative 3 is designed to be in compliance with the Clean Air Act and the Oregon State Smoke Management Plan. Burning of any kind will not occur unless prior approval is granted by Oregon Department of Forestry. The Clean Air Act sets air quality standards for particulate matter (PM) for particles less than 10 microns in diameter (PM10) and less than 2.5 microns in diameter (PM2.5—the main concern for human health). All amounts of PM10 and PM2.5 emissions will be calculated using the CONSUME software in the Fast-tracks reporting system, which is also submitted with planned burn operations to the Oregon Department of Forestry to determine compliance with the Clean Air Act. Even though no visibility-protection periods have been set for wilderness Class 1 airsheds in Eastern Oregon, all burning will occur outside visibility-protection periods set for Central Oregon of July 1 to September 15. Burning will be planned for times when transport winds are sufficient to displace much of the smoke from the area.

The Clean Water Act, 1982: Alternative 3 will meet and conform to the Clean Water Act as amended in 1982 (FEIS, Chapter 3 pages 163 to 194). This act establishes a non-degradation policy for all federally proposed projects. The Selected Alternative meets anti-degradation standards agreed to by the state of Oregon and the Forest Service, Region 6, in a Memorandum of Understanding (Forest Service Manual 1561.5). This will be accomplished through planning,
application, and monitoring of Best Management Practices (BMPs). Site-specific BMPs have been designed to protect beneficial uses (FEIS, Chapter 2 pages 55 to 61).

**The Endangered Species Act of 1973, as amended and Magnuson-Stevens Fishery Conservation and Management Act (MSA) of 2000:** Details regarding actual species found with the Thorn Fire Salvage Recovery Project area and potential effects of proposed activities on those species and their habitat are discussed in the Fisheries, Wildlife, and Threatened and Endangered Plant sections in Chapter 3 of the FEIS. All alternatives will be consistent with the Endangered Species Act. Alternatives will be expected to have *No Effect* to endangered gray wolf and threatened Canada lynx. Based on these effects call, consultation with US Fish and Wildlife Service was not necessary. The National Marine Fisheries was consulted with on this project and on December 14, 2007, they concurred with the Forest Service determination that the project is *Not Likely to Adversely Affect* Middle Columbia River steelhead and its critical habitat, and Middle Columbia River spring/summer run Chinook salmon and its critical habitat. The letter of concurrence from USDC, National Marine Fisheries Service also included the results of their analysis of the effects of project activities on Essential Fish Habitat (EFH) pursuant to section 305 (b) of the Magnuson Steven Act, implementing regulations at 50 CFR 600.920, and concludes that the action, is not likely to adversely affect EFH designated for Chinook salmon.

**Executive Orders 11988 and 11990: Flood Plains and Wetlands:** These orders were applicable to riparian areas found in the project area. Through recognition of Riparian Habitat Conservation Areas and the design of all action alternatives to not have harvest activities within PACFISH riparian buffers, the implementation of Alternative 3 with prescribed design features will not impact floodplains and wetlands (FEIS, Chapter 3 pages 163 to 194).

**Executive Order 12898: Environmental Justice:** This order requires that federal agencies adopt strategies to address environmental justice concerns within the context of agency operations. With implementation of any of these alternatives, there will be no disproportionately high and adverse human health or environmental effects on minority or low-income populations (FEIS, Chapter 3 pages 412 to 438). Proposed actions will occur in a remote area and nearby communities will mainly be affected by economic impacts as related to timber harvest.

**Executive Order 13443: Facilitation of Hunting Heritage and Wildlife Conservation:** The purpose of this order is to direct Federal Agencies that have activities that have a measurable affect on public land management to facilitate the expansion and enhancement of hunting opportunities for the public. With implementation of any of these alternatives, there will be no effects to hunters or hunting seasons. Although area closures will be implemented during the duration of the project, hunter access will still be allowed (see detailed description of Alternative 3).

**Secretary of Agriculture Memorandum, 1827:** Alternative 3 is in conformance for prime farmland, rangeland, and forest land.

**Energy:** Alternative 3 will not have unusual energy requirements.
Public Health and Safety: Alternative 3 will improve public health and safety by removing danger trees along open forest routes and haul routes within and adjacent to the Thorn Fire Salvage Recovery Project area.

Forest Plan Amendment #63 and Determination that the Forest Plan Amendment is Not Significant under NFMA

I have determined that the Forest Plan Amendment is not a significant amendment under the National Forest Management Act implementing regulations [36 CFR 219.10(f)] (1982) and are consistent with the planning rule adopted in November 2000 at 36 CFR 219 and subsequently interpreted in an Interpretative Rule at 69 Fed. Reg. 58055 (September 29, 2004). The Forest Service Land and Resource Management Planning Manual (Forest Service Manual 1926.51) lists the changes to the land management plan that are not significant can result from:

1. Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management. (Forest Plan Level);

2. Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management (MA area);

3. Minor changes in standards and guidelines;

4. Opportunities for additional projects or activities that will contribute to achievement of the management prescription.

While I believe Alternative 3 to be consistent with most aspects of the Forest Plan, there are five aspects of Alternative 3 that are inconsistent with existing management area (MA) goals and standards. The following non-significant amendments will bring all aspects of my decision into compliance with the Forest Plan.

1). Dry Cabin Wildlife Emphasis Area (MA-20A) - Recreation Opportunity Spectrum (Recreation 2)

Amendment Summary:

- Amended Goal: Allow short-term degradation (up to 5 years after completion of the TFSR Project) of the natural beauty and character of the area through resource management. Opportunities for high quality semi-primitive dispersed recreation with emphasis on big game hunting will still be available after harvest activities are completed. The goal to manage for wildlife habitat, and high quality water at the confluence with Murderers Creek, while allowing for scheduled timber harvest will not change from the existing goal and will not be amended. The amendment to the goal applies only for the duration of, and to those actions proposed in MA-20A for the site-specific project called Thorn Fire Salvage Recovery Project.
• Amended Standard: Allow short-term degradation of “semi-primitive” setting to “roaded modified” through vegetative changes. Prohibitions against motorized recreation use will not be amended. Manage dispersed recreation for goals of semi-primitive non-motorized recreation within 5 years after completion of the Project. The amendment to the standard applies only for the duration of, and to those actions proposed in MA-20A for the site-specific project called Thorn Fire Salvage Recovery Project.

Amendment determination of significance:

1. There are three management areas (MAs) on the Forest that have a recreation opportunity spectrum (ROS) of semiprimitive, nonmotorized (SPNM). These areas include MA-7 (Vinegar Hill - Indian Rock Scenic Area), MA-10 (Semiprimitive, Nonmotorized which includes the Aldrich SPNM area) and MA-20A (Dry Cabin Wildlife Emphasis Area). Total acres within these three MAs are approximately 76,839 acres.

Since approval of the Forest Plan in 1990, there have been 62 non-significant Forest Plan amendments. Of these amendments, only two projects, totaling 1,240 acres, have amended SPNM ROS. Both projects (Summit Fire Recovery Project and Powder Fire Project) were implemented as part of fire salvage projects 9-12 years ago and both areas were planted and have started to recover. The MAs that were amended were MA-7 and the Bear Creek SPNM area included in MA-10.

The TFSR Project along with the two past projects will total 1,440 acres of SPNM that were amended by non-significant Forest Plan amendments. All past projects were helicopter logged with no road construction. Combined amendments for the three projects impacts approximately 1.9% of SPNM acres. None of the MAs are located in proximity to each other. The amendment will not apply to any other management areas.

2. Management area boundaries are not being adjusted, however management goals and standards are changing for a period up to 5 years after completion of the TFSR Project. The amendment will affect only 254 acres of the 14,629 acres in MA-20A (Dry Cabin Wildlife Emphasis Area), which is approximately 1.7 percent of the total MA-20A acres.

3. A portion of the goals and standards for MA20A will be amended, but only for those acres that are affected as part of the TFSR Project.

Harvest activities within the MA 20A area include helicopter and ground based systems with no new roads being constructed. Planting is planned in harvest units. After completion of the project, there will be a 3 - 5 year short term degradation of the natural beauty and character of the area.

The natural appearing environment will deviate from a semi primitive setting to a modified setting in the short term due, in part, to salvage harvest activities resulting in stumps and slash. A modified setting would persist until the growth of new grasses, shrubs, and planted trees begin to soften the effects of the salvage operations. As trees reach a height of 15 to 20 feet, the setting will return more fully to semi-primitive settings. Opportunities for high quality semi-primitive
dispersed recreation with emphasis on big game hunting will still be available after harvest activities are completed. (See FEIS Recreation Chapter 3.9 for further discussion).

4. In the short term, proposed activities are not intended to contribute to the achievement of the management prescriptions. In the long term, proposed activities will not prevent achievement of the management prescription (see items 1-3 above).

2) Management Area 13 - Dedicated Old Growth (Wildlife 1)

Amendment Summary:

- Amendment: Dedicated Old Growth Areas within the project area (that burned and no longer provide suitable old growth habitat) will be relocated to suitable habitat outside the fire area. This will result in changes in Forest Plan Management Area allocations within and outside the project area. The amendment will last beyond project duration and will remain in effect until the Forest Plan is amended or revised.

Amendment determination of significance:

1. There are currently 81,192 acres of mapped Dedicated Old Growth (DOG) and Replacement Old Growth (ROG) on the Forest with a MA-13 designation. The Forest Plan estimated 72,690 acres of MA-13 in the old growth network. The Forest Plan describes MA-13 as “being composed of mature/overmature sawtimber (150 years old or older) which provides habitat for wildlife species dependent on mature/overmature forest conditions…..These acres are evenly distributed across the Forest.” MA-13 tracked acres include only those acres outside of wilderness, research natural areas, semiprimitive areas, and wild and scenic rivers. Within the TFRS Project area, MA-10 (Aldrich Semiprimitive Nonmotorized), MA-21 (Wildlife Emphasis Area) and MA-20A (Dry Cabin Wildlife Emphasis Area) are not reflected in MA-13 acres. When DOGs or ROGs are relocated to these three MAs, the acres are tracked as part of the old growth network even though they don’t classify as MA-13. Nor does the addition of a DOG or ROG within these three MAs increase the number of acres within MA-10, MA-20A or MA-21.

Since 1990, there have been a total of 62 non-significant amendments to the Forest Plan. Of these past amendments, 21 amendments have affected the location of old growth areas. Most non fire related old growth replacements were minor relocation or adjustments to old growth area boundaries to better meet Forest Plan requirements for old growth habitat. Four of the 21 amendments relocated DOGs or ROGs that were rendered unsuitable due to catastrophic fire. Some of the areas overlap with other management acres due to the Malheur Forest Plan Management Area hierarchy; MAs are based on hierarchy by priority of management (Malheur Forest Plan, IV-46) and, as stated above in item 1, some DOG and ROG acres do not count towards the MA-13 acre total. They are considered as part of the old growth habitat network.

With the TFSR Project DOG/ROG relocations, the acres within the old growth network will increase by 238 acres; however because of the Malheur Forest Plan hierarchy, the MA-13 mapped acres will actually decrease by 361 acres. This will reduce the total MA-13 tracked acres
to 80,831 acres, which is still more than the Forest Plan estimate of 72,690 acres in 1990. Although the acres within MA-13 decrease, the old growth habitat network is retained; newly relocated old growth will be protected. The relocation of DOGs and ROGs will not significantly alter multiple use goals and objectives for long-term land and resource management because the changes in MA will not alter the long term relationship between goods and services projected by the Forest Plan nor will it forgo the opportunity to achieve an output in latter years.

2. Due to the Shake Table Fire, 1,291 acres of old growth habitat within the TFSR Project area were affected. As mentioned above, some of the old growth habitat was originally located within areas that do not contribute to MA-13 acres due to the Forest Plan hierarchy. When DOGs and ROGs no longer meet old growth habitat requirements, they can be relocated to suitable habitat. When they are relocated, the underlying area reverts to a management area from the Forest Plan. For example, Table 7 shows that after the fire DOG 012 no longer meets habitat requirements of MA-13 and reverts back to the underlying designation in the Forest Plan of MA-3 (Riparian Area), MA-4A (big game winter range maintenance) and MA-14 (Visual corridors).

Table 7 - Old Growth areas – Original Management Areas and Underlying Management Areas

<table>
<thead>
<tr>
<th>Post Fire/Pre-Implementation: Original MA of Old Growth DOG or ROG</th>
<th>Post-Implementation: Reversion to Underlying MA after DOG/ROG Relocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>MA 10</td>
<td>MA 13</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>DOG 012</td>
<td>500</td>
</tr>
<tr>
<td>ROG 012</td>
<td>251</td>
</tr>
<tr>
<td>DOG 207</td>
<td>367</td>
</tr>
<tr>
<td>ROG 207</td>
<td>173</td>
</tr>
</tbody>
</table>

In addition, when DOGs and ROGs are relocated to suitable habitat, the new location will be re-designated as MA-13 unless the new location is within an area of exclusion or greater protection such as MA-10, MA-20 or MA-21 for the TFSR Project. (See Item 1 above). Table 8 shows the original MA for each DOG and ROG and shows the new acres and MA after they are relocated.

Table 8 - Old Growth Areas – Original Management Areas and New Relocation Management Areas

<table>
<thead>
<tr>
<th>Post Fire/Pre-Implementation: Original MA of Old Growth DOG or ROG</th>
<th>Post-Implementation: Relocation of Old Growth DOG/ROG to New MA</th>
</tr>
</thead>
<tbody>
<tr>
<td>MA 10</td>
<td>MA 13</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>DOG 012</td>
<td>500</td>
</tr>
<tr>
<td>ROG 012</td>
<td>251</td>
</tr>
<tr>
<td>DOG 207</td>
<td>367</td>
</tr>
<tr>
<td>ROG 207</td>
<td>173</td>
</tr>
<tr>
<td>ROG 208</td>
<td></td>
</tr>
<tr>
<td>(new)</td>
<td></td>
</tr>
</tbody>
</table>

22
For example, Table 8 shows: DOG/ROG 012 were located in MA-13. After relocation to areas that meet habitat requirements, DOG/ROG 012 will change from MA-13 to MA-20A/21 (which will not contribute to the amount of MA-13 tracked acres).

Two old growth areas (DOG 205 and DOG 208) were located within the TFSR Project area but still has functioning old growth habitat. ROG 208 did not exist in the past and will be designated as part of this amendment. The acres within ROG 208 will contribute to the MA-13 network.

With the changes described, the new DOG/ROG locations will provide better opportunities to manage for old growth given the level of fire damage in the original locations and will implement the direction found in the Forest Plan at IV-105. Although some DOGs and ROGs will not be tracked through MA-13, management constraints on those acres would continue to be the same or stricter than found in MA-13. The loss of acres within MA-13 does not equal a loss of the old growth habitat network. Manipulation of DOGs and ROGs will implement direction found at IV-105 in the Forest Plan:

- The decrease of General Forest acres (MA-1) by 200 acres from the current total of approximately 544,081 acres is less than a 0.04 percent Forest-wide acreage change.
- The net increase of 189 acres of Visual Corridor acres (MA-14) to the approximate 187,496 acres is less than a 0.1 percent forest wide acreage change.
- The decrease of replacement old growth in a MA-13 allocation from the current total of approximately 81,192 acres is about a 0.4 percent Forest-wide acreage change (although in reality there will be a net increase of 244 acres within the old growth network.)
- The net increase of 476 acres in Big Game winter Range (MA-4a) from an estimated current total of 178,281 acres will be about a 0.3 percent Forest-wide acreage change.

There is a relationship between MA acres and the allowable sale quantity (ASQ) under the current Forest Plan; however, the increase or decrease in acres does not mean that there will be a corresponding increase or decrease in ASQ. The Forest Plan does allow scheduled timber harvest in ROGs that “maintain or enhance the capability of timber stands to provide suitable old-growth habitat in future” (Forest Plan, page IV-106).

3. There will be no changes to the standards and guidelines for any management area due to this amendment.

4. The amendment is intended to facilitate achievement of management prescriptions for a continuous old growth network. Region 6 developed a network of old growth habitat areas to provide blocks of old growth coniferous forest across the landscape designed to support old growth management indicator species populations and allow for dispersal of individuals. Due to the Shake Table fire which resulted in severe mortality of trees, a gap was created in the old growth network. This amendment provides for the relocation of DOGs and ROGs which will provide for the integrity of the old growth network to achieve management prescriptions.
3). Dry Cabin Wildlife Emphasis Area with Scheduled Timber Harvest (MA-20A) – Long Term Wildlife Plan (Wildlife 2)

Amendment Summary:

- Amended Goal: Same as Recreation 2.
- Amended Standard: A long-range plan for achievement of wildlife objectives through the use of timber harvest will not be developed due to the catastrophic nature of the fire event and the need to rapidly recover economic benefits. This amendment will apply only for the duration of, and to those actions proposed in MA-20A for the site-specific project called Thorn Fire Salvage Recovery Project.

Amendment determination of significance:

1. There are currently six Wildlife Emphasis areas on the Forest. They are allocated as MA-20 (A or B) and MA-21. Under each MA there is a standard that requires development of a long range plan for achievement of wildlife objectives through use of timber harvest that will be the basis of scheduled or non scheduled entries. The Forest Plan estimated 45,750 acres of wildlife emphasis areas.

Since 1990, there has not been an imminent need to complete wildlife management plans because wildlife emphasis areas have not been a priority for management on the Forest. The only compelling need to treat wildlife emphasis areas has been after wildfires. Since the Forest Plan was approved in 1990, there have been 62 non-significant forest plan amendments. Of these non-significant amendments, only one project (Summit Fire Recovery Project) amended the requirement to develop a long range plan for wildlife objectives. That project impacted a total of 410 acres of the Jump Off Joe Wildlife Emphasis Area.

Past impacts in wildlife emphasis areas has resulted in 0.09% of the acres being impacted. With the addition of the TFSR Project amendment, only 1.4% of the total acres would be impacted by an amendment. The amendment of the MA-20A requirement to complete a wildlife plan will not significantly alter multiple use goals and objectives for long-term land and resource management because the amendment will not alter the long term relationship between goods and services projected by the Forest Plan.

2. The TFSR Project will not complete a wildlife plan for activities in MA-20A (Dry Cabin Wildlife Emphasis Area). In the short term, foregoing the wildlife plan does not cause significant changes in the ability to meet goals and objectives for MA-20A. The amendment will not alter multiple-use goals and objectives for long-term land and resource management because this amendment only applies to the TFSR Project. The amendment will not apply to any other management areas and the requirement to develop a long-range plan for achievement of wildlife objectives will continue to apply to future projects planned for the MA-20A area.

In addition, the amendment will only affect 254 acres of the total 420 acres of MA-20A within the project area. The entire MA-20A has a total of overall 15,829 acres which means this
amendment would only affect 1.6% of the MA-20A area. Although a long range plan for achievement of wildlife objectives through timber harvest will not be developed due to the need to rapidly recover economic benefits, it is likely that a long term plan (if it were developed) will have recommended similar activities as proposed in the TFSR Project for restoring the burned landscape for the benefit of big game (See FEIS Chapter 3.5, page 289).

3. Actions included in the TFSR Project affecting MA-20A will not preclude doing a plan in the future due to the small number of acres included in the amendment in relation to the larger number of acres within MA-20A.

4. The TFSR Project would not authorize management activities other than those already permitted under MA-20A direction. Of the six wildlife emphasis areas, MA-20 (MA-20A and MA-20B) is the only wildlife emphasis area that allows scheduled harvest in the wildlife emphasis areas. (MA-20B is Utley Butte Wildlife Emphasis Area – a semiprimitive motorized area that located on the Emigrant Creek Ranger District).

4). Live and Dead Tree Definitions – Regional Forester’s Eastside Forest Plan Amendment #2 (Wildlife 3)

Amendment Summary:

- Amended standard: (a) Maintain all remnant late and old seral and/or structural live trees >=21" diameter at breast height that currently exist within stands proposed for harvest activities. A live tree is defined as a tree rated to have a high or moderate probability to survive the effects of a fire as determined by the ”Factors Affecting Survival of Fire Injured Trees: A Rating System for Determining Relative Probability of Survival of Conifers in the Blue and Wallowa Mountains” (Scott et al. 2002, as amended August 30, 2006) (commonly referred to as the Scott Guidelines). This amendment will apply only for the duration of, and to those actions proposed for the site-specific project called Thorn Fire Salvage Recovery Project.

Amendment determination of significance:

1. Since approval of the Forest Plan in 1990, there have been 62 non-significant Forest Plan amendments. Of these amendments, the TFSR Project is the only project on the Malheur National Forest that will modify Eastside Screens to define live and dead trees specifically for a fire salvage recovery sale. Through implementation of this amendment, the multiple use goals and objectives for long-term land and resource management will not be affected because the amendment does not delete wording from the Forest Plan; the amendment does not change standards and guidelines for other resources in the Forest Plan and the amendment does not change the goals and objectives for other resources in the Forest Plan.

2. Management area boundaries are not being adjusted. Management prescriptions are not being changed through this amendment.
3. Narrative wording will be added to the Eastside Screens’ wildlife standard at 6d. (2) (a) to define a “live tree” and applies to, and only for the duration of, the Thorn Fire Salvage Recovery Project. The amendment does not delete wording from the Forest Plan. The amendment does not change standards and guidelines for other resources in the Forest Plan.

4. In the short term, proposed activities are not intended to contribute to the achievement of the management prescriptions. In the long term, proposed activities will not prevent achievement of the management prescription (see items 1-3 above).

5). Goshawk Seasonal Restrictions – Regional Forester’s Eastside Forest Plan Amendment #2 (Wildlife 4)

Amendment Summary:

- Amended Standard: Log haul will not be restricted if a nest site is found adjacent to a haul route.” *All other protections will remain in force as noted in the Regional Foresters Amendment #2. This amendment will apply only for the duration of, and to those actions proposed for the site-specific project called Thorn Fire Salvage Recovery Project.*

Amendment determination of significance:

1. Since approval of the Forest Plan in 1990, there have been 62 non-significant Forest Plan amendments. Of these amendments, the TFSR Project is the only project on the Malheur National Forest that will amend Eastside Screens to ease seasonal restrictions on log haul if a goshawk nest is found existing in or immediately adjacent to the project area during project implementation. The 2007 goshawk survey found no goshawk nest sites existing in or immediately adjacent to the project area, so risks of impacting goshawks is considered minimal. In 2008, the project area will be re-surveyed to determine any additional presence of goshawk nests in the area. In the event that a goshawk nest is identified during these surveys, the nest site will be protected with a 30 acre no harvest buffer and a 300 acre post fledging area. There are 53 known goshawk territories that are being tracked on the southern half of the Blue Mountain Ranger District (i.e. south of the John Day Valley). Foregoing seasonal restrictions in the TFSR area on log haul for one season is considered non significant given protections of other nest sites across the District and Forest.

The amendment will not alter multiple-use goals and objectives for long-term land and resource management because this amendment only applies to the Thorn Project. This amendment will not affect any other goshawk protection measures found in the Eastside Screens.

2. Management area boundaries are not being adjusted.

3. Narrative wording will be added to Eastside Screens’ wildlife standard at 6d. (5)(a) allowing log haul if a goshawk nest site is found adjacent to a haul route. The amendment will not allow similar actions across the Forest, it will not delete wording from the Forest Plan and will not
change the goals and objectives for other resources in the Forest Plan. Risks to goshawks are low given no nest sites have been found in the project area to date.

4. In the short term, proposed activities are not intended to contribute to the achievement of the management prescriptions. In the long term, proposed activities will not prevent achievement of the management prescription (see items 1-3 above).

**Summary - Amendment Determination of Significance:**

The Malheur National Forest Plan was approved in 1990 and is currently in the process of being revised. Four out of the five amendments are specific to the Thorn Fire Salvage Recovery Project and are expected to be short term in nature and specific to the TFSR area. The exception is the amendment for Management Area 13 – Dedicated Old Growth (Wildlife 1) which will last beyond the project and will remain in effect until the Forest Plan is amended or revised. Since the Forest Plan Revision is currently on-going, the duration of the amendment for MA-13 would be limited to a short timeframe as the revision is expected to be completed in 2010.

In addition, the total amount of acres affected by all of the amendments is small and the management areas being amended are not in proximity to other management areas with similar goals and objectives. The planned amendments do not change the goals and objectives for resources in the Forest Plan nor do they change the desired future condition of the land and resources or the anticipated goods and services to be produced.

On the basis of information and analysis contained in the FEIS, and all other information available as summarized above, it is my determination that adoption of the management direction reflected in my decision does not result in significant amendments to the Forest Plan.

**Environmentally Preferable Alternative**

I find that Alternative 1 – (No Action) is the environmentally preferable alternative because it does not authorize any salvage harvest of burned timber; and therefore does not result in any disturbance of the burned areas.

**Implementation Date**

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

**Administrative Appeal**

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR Part 215. Only individuals or organizations who submitted comments or expressed an interest in the project during the comment period may appeal. Any appeal of this decision must be in writing and fully consistent with the content requirements described in 36 CFR 215.14. A written appeal must be postmarked or received by the Appeal Reviewing Officer (the Regional Forester) within
45 days of the date of publication of the legal notice regarding this decision in the *Blue Mountain Eagle* newspaper.

Send appeals to:

Linda Goodman, Regional Forester  
USDA Forest Service  
ATTN: 1570 Appeals  
PO Box 3623  
Portland, Oregon 97208-3623

Street location for hand delivery is 333 SW First Ave., Portland, OR (office hours: 8-4:30 M-F). Send faxes to (503) 808-2255. Appeals may be e-mailed to: appeals-pacificnorthwest-regionaloffice@fs.fed.us. Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word, rich text format or portable document format only. E-mails submitted to e-mail addresses other than the one listed above or in other formats that those listed or containing viruses will be rejected. Any written appeal, including attachments must be postmarked or received (via regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) within 45 days of the date of publication of the legal notice. The publication date of the legal notice in the Blue Mountain Eagle newspaper is the exclusive means for calculating the time to file an appeal (§215.5 (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source. If no appeals are received, implementation of this project will not occur prior to 50 days (45 day appeal, plus 5 days) following the date on which the legal notice announcing this decision appeared in the Blue Mountain Eagle (215.9(a)). If an appeal is filed, implementation will not occur prior to 15 days following the date of appeal disposition. In the event of multiple appeals of the same decision, the implementation date is controlled by the date of the last appeal disposition (215.9(b)). For further information regarding these appeal procedures, contact the Malheur Forest Environmental Coordinator Carole Holly at (541) 575-3026.

**Contact Person**

For additional information concerning this decision contact Carole Holly, Malheur Forest Environmental Coordinator, 431 Patterson Bridge Road, P.O. Box 909, John Day, Oregon 9785 or at (541) 575-3000.

/s/ **Gary L “Stan” Benes**  
Gary L “Stan” Benes  
Malheur Forest Supervisor  

[DATE]  

03/07/08
APPENDIX A- FIGURE 3A. ALTERNATIVE #3 LOGGING SYSTEMS MAP
APPENDIX A- FIGURE 3C. ALTERNATIVE #3 HAUL ROUTES MAP
APPENDIX A - FIGURE 3D. ALTERNATIVE #3 ROAD CLOSURE MAP
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