



United States Department of Agriculture

Kahler Dry Forest Restoration Project

Record of Decision



**Umatilla
National Forest**

**Heppner Ranger
District**

**Project Number
40712**

June 2016



for the greatest good

Record of Decision

Kahler Dry Forest Restoration Project

USDA Forest Service
Heppner Ranger District,
Umatilla National Forest
Grant and Wheeler Counties, Oregon

Legal Description: T7S, R24E, Sec 13, 14; T7S, R24E, Sec 8-18, 20-24; T7S, R25E, Sec 4-10, 14-27, 34-36; T7S, R26E, Sec 31; T8S, R25E, Sec 1, 2, 11-14; T8S, R26E, Sec 5-30, 33-35 (Willamette Meridian).

Background

The Kahler Dry Forest Restoration project was initiated in 2011 and has been a focal project for the Umatilla Forest Collaborative Group (UFCG). The Kahler project was planned in cooperation with the UFCG including collaborative development of the purpose and need and proposed action in July 2012.

The Kahler landscape is dominated by dry forest and grassland communities typical of the southern Blue Mountains. Decades of wildfire suppression and historic management activities have resulted in a forest landscape that is departed from its historic range of variation (HRV) and overall resiliency. Mixed severity fire effects are expected in the future if composition, structure, and density continue to trend further away from HRV. In turn, this shift may alter the availability, condition and distribution of terrestrial wildlife habitat, including forest plan management indicator species and Region 6 sensitive wildlife species.

The purpose and need of the Kahler Dry Forest Restoration Project is to restore dry forest conditions and thereby create a resilient, fire adapted landscape by trending the project area towards its HRV in forest structure, tree density, species composition, and associated wildlife and aquatic habitat. The final environmental impact statement (EIS) documents the analyses of four alternatives that respond to significant issues identified from the public and address the purpose and need in varying degrees.

Decision

Based upon my review and consideration of environmental analysis disclosed in the Kahler Dry Forest Restoration Project final EIS, the project file, and public comment, I have decided to select Alternative 3 as described in Chapter 2 of the final EIS, with the modifications listed below:

1. Trees greater than 21 inches diameter at breast height (DBH) will not be harvested with this decision.
2. Satisfactory cover, marginal cover, and the habitat effectiveness index within Kahler Basin and Monument Elk Winter Ranges (Management Area C3) will not be reduced below existing levels.

As a result of 1 and 2 above, commercial harvest has been dropped in a portion of Units (4b and 71), and Units 18a, 20, 21a, 21b, 21d, 21g, 26, 28, 29, 32, 35, 36, 36a, 36b, 37, 38, 41, 44, 60, 60a, 60b, 61, 89 & 92; other treatments, such as thinning or fuels treatment may occur.

3. Activities will be restricted in the vicinity of a recently discovered, active golden eagle nest in coordination with US Fish and Wildlife Service.

4. In working through objection resolutions I have dropped commercial treatment within Class IV RHCA's and allowed for noncommercial thinning to include: removal of 9" DBH and below; along with removal of all Juniper under 21", change treatment in CG-1(Fairview Campground) to noncommercial thin, drop commercial treatment within these units or portions of units that have no evidence of past management including the west side of Unit 71, Unit 73 and 91.

As part of my decision, I will implement project-specific design features including design criteria and best management practices listed in the Chapter 2 of the final EIS, (Table 2-2 on pages 17 to 26) to minimize the effects of management activities (also see attached map). The following table summarizes outcomes of this decision.

Table 1: Summary of selected alternative activities and approximate acres/miles treated

Activities for Selected Alternative	Approximate Acres or Miles
Commercial Treatments	
Upland forest commercial thinning	7,166 acres
Shrub/steppe enhancement	1,535 acres
Aspen restoration in harvest units	10 acres
Non-Commercial Treatments	
Noncommercial thinning in harvest units	3,965 acres
Noncommercial thinning outside of harvest units	840 acres
Riparian treatment (Class 4) within harvest units	510 acres
Fuels Treatments	
<i>Activity Fuels</i>	
Activity fuels treatment (mechanical)	1,460 acres
Activity fuels treatment (burning)	5,550 acres
<i>Natural Fuels</i>	
Landscape under burning	31,020 acres
Other Activities	
Hand line Construction (miles)	2.0 miles
Mechanical Line Construction (miles)	6.1 miles
Reforestation in Wheeler Point fire area	5,000 acres
Roads – Haul (miles)	
Open	76.9 miles
Closed	53.5 miles
Seasonal	5.7 miles
OHV Trail	1.5 miles
New Road Construction	0.4 miles
Temporary Road – New	3.0 miles
Temporary Road – Existing	6.9 miles
Other Road Activities (miles)	
Road Decommissioning	5.6 miles
Road Closure – Open to Closed Year Round	9.9 miles
Road Closure – Open to Closed Seasonally	5.7 miles
Forest Plan Amendment	
Tamarack Lookout re-allocate Management Area C1 to E1	12 acres
Tamarack Lookout re-allocate Management Area E1 to C1	16 acres

Decision Rationale

Alternatives Considered

The final EIS considered six alternatives, four were analyzed in detail and two were considered but eliminated from detailed study for the reasons stated in the final EIS, Chapter 2, pages 26 to 27. A detailed description of the four alternatives analyzed in detail can be found in the final EIS, Chapter 2, pages 9 to 16. A comparison of these alternatives by activity, issue, and purpose and need can be found in, Chapter 2, Tables 2-4, 2-5, and 2-6 of the final EIS (pages 27 to 29).

Alternative 1 – No Action

The theme of the No Action alternative was to allow current biological and ecosystem processes to continue with the associated risks and benefits, and to provide a baseline for comparison with other alternatives. A No Action alternative is required by NEPA. Previously approved (ongoing) activities such as fire protection, monitoring, and road maintenance would proceed.

Alternative 2 – Proposed Action

Harvest – Approximately 10,000 acres of timber harvest to restore stand conditions to more closely resemble the historic range of variation, and reduce wildfire intensity. Treatment of approximately 680 acres of Class 4 RHCA will occur. Alternative 2 addresses use of commercial treatments with skips and gaps to reduce tree density, shift species composition, and promote and maintain old forest. It also analyzes improvement of habitat conditions in grassland and shrub-steppe where encroachment has occurred. Alternative 2 would promote ponderosa pine dominated stands trending towards old forest; reduce insect and disease risk; reestablish frequent fire regime characteristics; reduce conifer encroachment in steppe-shrubland habitats; provide and enhance habitat effectiveness for big game and other wildlife species; and reduce risk of loss from wildfire.

Prescribed Fire – Alternative 2 will have approximately 7,000 acres of activity fuels treatment and up to 31,020 acres of landscape underburning.

Forest Plan Amendments – Four amendments:

- Amend HEI and cover standards in the C3 Winter Range Management Area (Monument and Kahler Basin Winter Ranges)
- Amend HEI in the western portion of project area
- Allow harvest of young (less than 150 years in age) and large (trees greater than or equal to 21 inches DBH) that currently exist within stands proposed for harvest activities that adhere to the guidance in the “Restoration of Dry Forests in Eastern Oregon” Field Guide.
- Replace 12 acres of C1 – Dedicated Old Growth Management Area immediately surrounding the Tamarack lookout site to E1 Management Area with 16 acres located north of the existing old growth stand. These 16 acres would be connected to the existing old growth area, and would provide similar habitat as those acres that would move from the C1 to the E1 management area allocation.

Alternative 3

This alternative was developed to respond to issues related to wildlife and management of the transportation system. Some harvest units were dropped or modified to provide additional big game cover, which also eliminated some designated roads not to be open for harvest activities.

Harvest – Approximately 9,170 acres of timber harvest to restore stand conditions to more closely resemble the historic range of variation, and reduce wildfire intensity. Treatment of approximately 660 acres of Class 4 RHCA will occur.

Prescribed Fire – Alternative 3 will have approximately 6,620 acres of activity fuels treatment and up to 31,020 acres of landscape underburning.

Forest Plan Amendments – Same as Alternative 2

Alternative 4

Under this alternative, trees greater than 21 inches at DBH will not be harvested, commercial harvest in Riparian Habitat Conservation Areas will not occur, and no new temporary roads will be constructed.

Harvest – Harvest acres in this alternative would be approximately 8,230 acres.

Prescribed Fire – Alternative 4 will have approximately 5,760 acres of activity fuels treatment and up to 31,020 acres of landscape underburning.

Forest Plan Amendments – One

- Replace 12 acres of C1 – Dedicated Old Growth Management Area immediately surrounding the Tamarack lookout site with 16 acres of E1 Management Area located north of the existing old growth stand. These 16 acres would be connected to the existing old growth area, and would provide similar habitat as those acres that would move from the C1 to the E1 management area allocation.

Summary of Alternatives

Table 2: Comparison table between all action alternatives including the selected alternative

Proposed Activity	Alternative 2	Alternative 3	Alternative 4	The Decision
Upland forest commercial thinning (acres)	10,000	9,170	8,230	7,166
Noncommercial thinning outside of harvest units (acres)	690	845	790	840
Noncommercial thinning in harvest units (acres)	5,000	4,580	4,110	3,965
Shrub/steppe enhancement (acres)	1,540	1,540	1,465	1,535
Dry forest Riparian Treatment (Class 4 Buffers) (acres)	680	660	0	510 (Noncommercial thin only)
Aspen restoration (acres)	10	10	10	10
Reforestation in Wheeler Point fire (acres)	Up to 5,000	Up to 5,000	Up to 5,000	Up to 5,000
Mechanical Line (miles)	6.1 miles	6.1 miles	6.1 miles	6.1 miles
Handline (miles)	2.0 miles	2.0 miles	2.0 miles	2.0 miles
Activity fuels treatment (mechanical) (acres)	1,770	1,680	1,680	1,460
Activity fuels treatment (burning) (acres)	7,000	6,620	5,760	5,550
Landscape underburning (acres)	31,020	31,020	31,020	31,020

Reasons for Not Selecting Alternative 1 (No Action)

Alternative 1 was not selected because it will not meet the purpose and need. Without treatment, the planning area would remain departed from HRV and the departure would increase with time. Forest vegetation within the Kahler planning area would remain overly dense with a higher proportion of Douglas-fir and grand fir compared to historic conditions. These conditions would negatively impact stand health, landscape resilience, and quality habitat for dry forest-associated wildlife. In addition, opportunities to contribute to local and regional economies through commercial harvests and restoration activities would not be realized.

Lastly, I did not select Alternative 1 because fire sighting capability from the Tamarack lookout would continue to deteriorate as trees adjacent to the lookout continue to deter site capabilities and capital investments (communication site, rental cabin) would remain at risk. In-action would reduce the agency's ability to protect fire fighters, forest visitors, and capital investments at risk in this area.

Reasons for Not Selecting Alternative 2 (Proposed Action)

Alternative 2 would maximize the acres of restoration treatment and economic benefits while converting the most acres of existing big game cover to a forage condition. Commercial thinning proposed in Alternative 2 would reduce the quantity and distribution of dense dry forest stands used by elk and other wildlife. This alternative would construct the most temporary roads, utilize the most miles of existing closed roads, and commercially harvest the most acres of Riparian Habitat Conservation Areas when compared to the other action alternatives.

Issues raised by the public during scoping of the proposed action highlighted conflicts between Alternative 2 and unwanted impacts to big game habitat including disturbance from roads and reduction in cover across the Kahler landscape. While Alternative 2 does mitigate or avoid some anticipated impacts to the significant issues, I concluded a better balance in restoration treatments while still gaining economic benefits is possible, therefore I did not select Alternative 2.

Reasons for Not Selecting Alternative 4

Alternative 4 was developed to respond to public concerns to consider elimination of construction of temporary roads, elimination of harvest within Class 4 Riparian Habitat (RHCA's), and elimination of harvesting of trees greater than 21 inches DBH.

In lieu of building 3 miles of temporary roads, under Alternative 4 longer skid trails would be utilized to remove commercial material. Skid trails could remain on the landscape for years after harvest activities and could contribute to increased sediments into streams for 2 to 3 years until sufficient groundcover is established (see final EIS Table 2-2, Design Criteria RD2, on page 26; Soils section beginning on page 230, and the Soils Report in Appendix K, Volume 3). Temporary roads are subject to closure and subsequent obliteration as directed in the forest plan. I did not select Alternative 4 because the 3 miles of temporary road construction and subsequent obliteration would allow for better placement on the landscape by avoiding resource concerns and provide efficiency for logging systems.

Alternative 4 eliminated harvest within Class 4 RHCA's In working through objection resolutions I have dropped commercial treatment within Class IV RHCA's . In order to reduce risk of detrimental riparian effects associated with wildfire I will allow for noncommercial thinning to include: removal of 9" DBH and below; along with removal of all Juniper under 21".

Purpose and Need

The following purpose and need statements and considerations highlight how my decision affirmatively addresses the purpose and need for action, responds to comments received on the draft EIS and meets Forest Plan management direction identified in the final EIS, Chapter 1.

Restore and promote open stands of old forest dominated by ponderosa pine, thereby moving the area toward its historical range of variability in structure, density, and species composition.

My decision emphasizes dry forest restoration through treating approximately 16,000 acres of overstocked stands to promote or maintain old forest structure, reduce stand densities, and reduce the incidence of shade tolerant/fire intolerant species. This decision emphasizes development and retention of large diameter fire tolerant species and old forest stands contributing to the overall goal of maintaining historic dry forest conditions. Proposed treatments would not reduce existing late and old forest structures and would accelerate development of resilient mature stand characteristics by realigning structures and compositions at the stand and landscape scale. Stands would develop and retain mature stand components and continue on a trajectory toward old forest attributes. Treatment in old forest stands would maintain late and old characteristics while reducing densities and promoting appropriate stand structures and compositions.

Some of the stands that were dropped from commercial treatment are overstocked sites dominated by ponderosa pine with abundance of trees greater than 21" in diameter. To trend stands such as these towards historic range of variation, all size classes should be treated. -In addition, by dropping harvest of 21 inch trees units scheduled for cable and/or helicopter logging may not be economically feasible.

Reduce insect and disease risk, where currently outside the historical range, for dry upland forests and associated wildlife.

The Forest Plan identifies a goal to protect forest and range resources and values from unacceptable losses due to destructive pests (final EIS, Chapter 4 page 122). Existing high stand densities result in an increased vulnerability to an array of insect and disease agents. All action alternatives are consistent with the goal of reducing this risk to varying degrees. This decision includes approximately 16,000 acres of treatment of overstocked stands, leading to an increased resilience to these agents and lowering the severity of fire effects within the stand and across the landscape.

Provide, develop, and enhance effective and well-distributed habitats throughout the Forest for all existing native and desired nonnative vertebrate wildlife species, particularly those associated with late and old structural stages in dry upland forest stands (e.g. white-headed and Lewis' woodpecker).

Old Forest Single Stratum in dry, upland-forest is currently under-represented across the Kahler landscape. Old forest across the Kahler landscape is within historic ranges. My decision will deliberately decrease the amount of old forest multi-stratum by converting some of the multi-stratum into single stratum, to increase single stratum stand conditions. I am aware that even with these increases; the old forest single stratum condition will continue to be under-represented across this landscape.

Currently, two density classes in the dry upland forest within the Kahler landscape are outside of historic range. After implementation of my decision the low-density class will trend toward its historic range. The high density class will be reduced while remaining slightly above the historic range. Increasing representation of the low density class while retaining the high density class improve distributed quality cover for big game and provide a diversity of habitat conditions across the Kahler landscape.

Douglas-fir in the dry upland forest within the Kahler landscape is over-represented and outside of historic range. My decision will decrease the amount (acres and percentage) of Douglas-fir bringing the representation of Douglas-fir within historic ranges and increase the representation of ponderosa pine.

The effects and tradeoffs described are considered necessary to trend habitats towards historic ranges which will benefit old forest single stratum associated wildlife habitats (e.g. white-headed and Lewis' woodpeckers). This decision will increase old forest single stratum habitat conditions by 380 acres (an increase from 5 percent of the analysis area to 7 percent), benefitting white headed and Lewis' woodpecker habitat. The proportion of the analysis area in an old forest multi-stratum condition would decrease to 7 percent; this would be consistent with the historic range for this structure stage, and would provide for wildlife dependent on multi-stratum habitat conditions. This decision reflects a thoughtful trade-off of reducing some multi-stratum habitat (left within historic range) in order to create more of the under-represented old forest single story habitat.

This Decision improves heterogeneity across the landscape by incorporating skips (untreated patches of vegetation ranging in size from 0.5 to 2 acres or larger, where appropriate given potential vegetation and other site-specific factors) and gaps (areas where existing openings will be enhanced to promote open habitat types and regeneration of preferred conifer species). Skips and gaps are expected to provide a range of stand density and habitat conditions for elk, woodpeckers and other wildlife across the Kahler landscape.

Maintain and promote old trees (greater than 150 years old) throughout the project area.

This Decision recognizes the importance of maintaining large old trees and promoting the growth and development of large old trees on the landscape by reducing competition for limited resources.

Reestablish the character of a frequent fire regime to the landscape to aid in maintaining open stand conditions and fire-tolerant species, improve big game forage, and reduce conifer encroachment

This Decision will trend vegetation within the Kahler planning area toward or within historic ranges. Vegetative and fuels treatments associated with this decision would lay the groundwork for the reestablishment of frequent fire in the dry upland forest landscape including Class 4 RHCA areas that were historically shaped by frequent fires. In addition, my decision also provides for flexibility in implementing prescribed burning across boundaries in cooperation with adjacent landowners.

Provide a supply of commercial forest products to support and maintain local infrastructure

This Decision will produce a mix of commercial and non-commercial forest products. The sale of these products will provide opportunities for economic benefits (jobs and dollars) to flow into and contribute to the regional and local economy. The sale of forest products would result in additions to the KV trust fund, in turn funding resource improvement projects within the sale area following the completion of timber harvest.

Reduce encroachment of western juniper and conifers into areas where they did not historically occur to improve big game forage, the quality of grassland and steppe-shrubland habitat for wildlife, the diversity and productivity of riparian plant communities, and water availability for native vegetation.

Based on historic range of variation referenced from aerial photos, the Kahler landscape was historically more open and supported higher densities of upland shrubs. This Decision promotes removal of over-represented western juniper and conifers within this landscape. Predicted changes in the composition and structure would improve grassland and shrubland condition in the short and long term by reducing

competition for limited resources and allowing for the reintroduction of periodic fire. Habitat quality would improve for those wildlife species that utilize grassland and shrubland habitats.

Provide for a high level of potential habitat effectiveness at the landscape scale to meet the needs of big game in the winter range management area.

Several factors, including the habitat effectiveness index (HEI), the existing road system, and the distribution of habitat across the landscape were considered when making this Decision. The Decision results in relatively high HEI in the winter range analysis area and would enhance forage through vegetative treatment and prescribed burning. The Decision would be consistent with the goals of the C3 management area to provide high levels of potential habitat effectiveness (HEI) and high quality forage for big game species, and would contribute toward meeting and maintaining the numerical management objectives (currently in excess of minimum viable populations) of the Oregon Department of Fish and Wildlife. The decision addresses the Habitat Effectiveness Index by assessing the road system and identifying roads that will be closed following implementation to reduce disturbance across the landscape. The project would also be consistent with the overall goals of the E1 management area to emphasize production of wood fiber (timber) and encourage forage production (USDA 1990, page 4-178). This decision addresses concerns about impacts to habitat effectiveness to a greater degree than the Proposed Action by retaining existing high quality cover and providing for improved security habitat.

Address issues in big game habitat including the existing extent and distribution of cover, the quantity and quality of forage, and disturbance associated with roads and trails open to full-sized vehicles and OHVs.

I considered several factors, including the habitat effectiveness index (HEI), elk cover habitat, existing road system, and distribution of habitat across the landscape when making this Decision. The existing Kahler landscape is currently below forest plan HEI standards and guidelines within two winter range management areas (C3). Any further reduction in HEI or elk cover would require a forest plan amendment (final EIS, Chapter 2, page 16).

This decision excludes approximately 900 acres of harvest from Alternative 3 to retain larger landscape patches of cover habitat distributed across the planning area. In addition, “skips” within treated areas will be strategically placed to retain existing cover patches increasing heterogeneity at the stand scale. This decision will maintain the current condition of HEI and elk cover habitat.

To address issues associated with disturbance from road and trail use, this decision will close 9.9 miles of road and seasonally close 5.7 miles to reduce big game disturbance within the Kahler landscape. I recognize there is controversy around road closures with some of our public. I also recognize road and trail use can impact other resources and under a multiple use mandate I must consider how this use affects other resources and uses. These road closures are necessary to improve elk distribution, mitigate loss of cover and maintain HEI at current levels

Vegetative treatment activities and prescribed fire will improve forage conditions for elk at certain times of the year. The decision will provide effective forage and cover habitat in elk winter and summer ranges contributing to maintenance of elk populations at or near current levels, contribute toward meeting the objectives of the Oregon Department of Fish and Wildlife, and maintain HEI in the winter range analysis area consistent with the Forest Plan goals for the C3 – Winter Range management area.

Reduce the risk of loss from wildfire by improving fire sighting capabilities and creating defensible space around Tamarack Rental Cabin, Fire Lookout, and communication sites

My decision amends the forest plan by reallocating approximately 12 acres of C1 – Dedicated Old Growth management area immediately surrounding the Tamarack Lookout site and into the E1 – Timber

and Forage management area. Approximately 16 acres of the E1 – Timber and Forage management area north of the lookout and adjacent to the old growth stand would be re-allocated to the C1 – Dedicated Old Growth management area as replacement for the 12 acres reallocated around the Tamarack facilities.

The amendment addresses a need to maintain the administrative site and long-term visibility from the Tamarack lookout located. Administrative site maintenance and the removal or topping of trees obstructing the view as seen from the Tamarack lookout are activities consistent with management area direction for E1. The changes in management area allocation will remain in place until the forest plan is amended further or revised.

Issues

Issues and concerns raised by individuals and groups during the development of this project were considered and helped to guide development of alternatives and shape this decision. Four significant issues were used to develop alternatives to the proposed action and an explanation of how these issues were considered in this decision is provided below. More detailed information concerning additional issues considered can be found in Chapter 1, pages 6 and 7 of the final EIS.

Elk Habitat and Distribution

A number of comments were received that expressed concern over the existing condition of elk habitat in the Kahler area, and the potential impacts of the proposed treatment activities on the quantity, quality, and distribution of elk habitat and elk distribution. Commenters noted that the elk Habitat Effectiveness Index (HEI), amount (percent of the analysis area) of satisfactory cover, and amount percent of the analysis area) of total cover in the winter range (Management Areas C3) portion of the analysis area is currently below Forest Plan standards. Commenters also noted that the proposed activities would cause the HEI in the E1 (West) analysis area to drop below the Forest Plan standard for this management area. Alternative 3 was developed to address these and other concerns raised during scoping. Selected units or portions of units containing elk cover habitat and providing moderate to high elk use were dropped from commercial treatment. By retaining these acres in their current condition, larger patches of cover would be distributed across the planning area and provide refugia for elk during periods of high disturbance (e.g. hunting season).

Given these comments and my examination of the analysis contained in the final EIS and project record, I have chosen to retain existing quality cover patches and manage road related disturbance to maintain and provide for quality elk habitat and distribution. Without the retention of cover and road closures Alternative 3 would have required amending the Forest Plan standards for elk habitat in the C3 and E1 management areas. My decision does not preclude future management of these stands and incorporation of future revised forest level analysis, guidance and recommendations for elk habitat.

Dry Upland Forest Mixed Conifer Habitat and Associated Species

A number of commenters expressed concern that the level of treatment proposed would affect species like the pileated woodpecker that utilize dense mixed conifer and ponderosa pine stands in the dry upland forest potential vegetation group (PVG) at the landscape scale.

In my review of the analysis contained in the final EIS and the project file, I have found that existing heterogeneity at the larger scale is sufficient for dry forest. The HRV analysis indicates that a portion of the dry forest landscape would be expected to have moderate and high density stands represented providing habitat for a number of species, including the pileated woodpecker. Alternative 3 addresses this concern by dropping some units or portions of units that contain dense, mixed conifer stands across the landscape. In most cases, these stands coincided with stands identified as providing elk cover and

exhibiting moderate to high elk use. Retention of patches of cover in the C3 and E1 (West) Management Areas will maintain habitat for dense, mixed conifer-associated species. My decision provides for larger scale heterogeneity across the planning area by retaining a mixture of open and dense stand structures.

Use of Closed and Temporary Roads and Sedimentation

A number of comments were received that expressed concern over the amount of closed road that would be reopened and the amount of temporary road construction necessary to implement management activities. Commenters were concerned that opening up closed road beds and constructing temporary roads would cause sedimentation into streams. In my review of the analysis contained in the final EIS and the project file, I found that while the construction of temporary roads will elevate the risk of erosion, best management practices (BMPs) will mitigate or diminish most, if not all, short term effects from erosion.

This decision provides for measures to mitigate or eliminate potential sedimentation associated with temporary roads and provides for reducing overall levels of existing disturbed areas by identifying and using existing user-made trails and legacy trails as temporary roads followed by reclamation.

Commercial Treatment in Class 4 Riparian Habitat Conservation Areas

Commenters also expressed concern over the commercial treatment of vegetation in Class 4 Riparian Habitat Conservation Areas (RHCAs), and potential sedimentation in streams. In my review of the analysis contained in the final EIS and the project file, I have found that the vegetation conditions within Class 4 RHCA acres proposed for treatment are similar to upland forest stands and have been shaped by the same disturbances as adjacent upland the upland forests. As such, managing these areas in conjunction with adjacent upland forests is consistent with maintaining ecologically appropriate stand conditions and patterns and enhancing resiliency across the landscape.

Concerns over impacts of vegetation removal on water quality including potential effects on stream temperature and sedimentation associated with ground disturbance. Following objections, I decided to drop commercial harvest within RHCAs because social concerns expressed during comment periods. And while I believe our actions in RHCAs would have reduced risks to these, commercial harvest in RHCAs is socially unacceptable at this time.

Forest Plan Amendments

My decision includes modifications to Alternative 3 that eliminate the need for all but one forest plan amendment. In order to address the concerns associated with the Tamarack lookout, communication site and cabin facilities; there is still a need to reallocate approximately 12 acres of C1 – Dedicated Old Growth management area immediately surrounding the Tamarack lookout site into the E1 – Timber and Forage management area. Approximately 16 acres of the E1 – Timber and Forage management area north of the lookout would be re-allocated to the C1 – Dedicated Old Growth management area.

The amendment to the forest plan (described above) is specific to, and addresses a unique, site-specific need to maintain the administrative site and long-term visibility from the Tamarack lookout located within the Kahler Project. Administrative site maintenance and the removal or topping of trees obstructing the view as seen from the Tamarack lookout are activities consistent with management area direction for E1 management area. The changes in management area allocation will remain in place until the forest plan is amended further or revised. On the basis of information and analysis contained in the final EIS, 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 a significant amendment to the Forest Plan.

The amendments found in Alternatives 2 and 3 for removal of trees greater than 21 inches DBH are not needed because this decision will not result in removal of any 21 inch or larger DBH trees.

The amendments found in Alternatives 2, 3, and 4 for reductions in satisfactory cover, total cover, and HEI within the C3 winter range and E1 (West) management area are not needed because this decision avoids reductions in the current condition value for satisfactory cover (C3), total cover (C3), and HEI (C3 and E1 West). I recognize the existing condition for cover and HEI are below the forest plan standard within the two C3 winter ranges. This decision specifically avoids any reduction to elk cover and HEI values below (E1 West) or further below (C3) Forest Plan standards therefore an amendment is not necessary for this decision.

Public Involvement

The Kahler Project was initiated in March of 2013 with a letter to interested parties. The scoping comment period was from March 11, 2013 to April 10, 2013. A Notice of Intent for an EIS was published in the Federal Register on August 1, 2014 to notify the public that the NEPA document was elevated to an EIS. Using comments from the public, other agencies, and Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Warm Springs Reservation, the interdisciplinary team developed a list of issues to address.

Main issues of concern from scoping included the impact of big game habitat, affect to the quantity and distribution of dense multi-strata ponderosa pine and mixed conifer stands at the stand and larger landscape scale in the dry upland forest, the use of temporary roads and re-opening of existing closed roads and impacts to stream sedimentation, and mechanical treatments in Class 4 Riparian Habitat Conservation Areas (RHCA) could increase stream sedimentation. (See final EIS page 6). To address these concerns, the Forest Service created the alternatives described above, Alternative 3 was developed after the initial public scoping period, and Alternative 4 was developed from comments on the draft EIS.

On October 10, 2014, a draft EIS was posted on the project website, email notifications and letters regarding the draft EIS comment period were sent to interested and affected parties, including other public agencies, tribes, adjacent property owners, and interested groups and individuals. On October 10, 2014, a Notice of Availability was published in the Federal Register and a legal notice was published in the *Eastern Oregonian*, beginning the 45-day comment period. Comments were received from 18 parties during the 45-day comment period ending on December 29, 2014. Comments on the draft EIS are summarized and addressed in Appendix P of Volumes 4 and 5 of the final EIS.

On February 5, 2016, a legal notice was published announcing the public notice of a draft Record of Decision (ROD) and objection period for the Kahler Dry Forest Restoration Project final EIS in the *East Oregonian*. Four objections were received from AFRC, Hells Canyon Preservation Council, Blue Mountains Biodiversity Project, and Roberta Vandehey.

Findings Required by Other Laws and Regulations

NEPA at 40 CFR 1502.25(a) directs “to the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with ...other environmental review laws and executive orders”. This section describes how the action alternatives comply with applicable state and Federal laws, and Forest Service policies and regulations and can be found in Chapter 4, pages 316 to 318 in the final EIS.

National Historic Preservation Act

Heritage surveys have been completed. State Historic Preservation Office consultation was 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 Oregon State Historic Preservation Officer regarding Cultural Resource Management on National Forests dated April 1997. Identified sites and any newly recorded sites are protected from all project activities associated with Kahler Dry Forest Restoration Project. Because heritage resources would not be affected by proposed activities under any action alternative, there would be no effect to any historic property listed in or eligible to the National Register of Historic Places.

Endangered Species Act and Regional Forester's Sensitive Species

The Endangered Species Act requires protection of all species listed as "Threatened" or "Endangered" by Federal regulating agencies (Fish and Wildlife Service and National Marine Fisheries Service). The Forest Service also maintains through the Federal Register a list of species which are proposed for classification and official listing under the Endangered Species Act, species which appear on an official State lists, or that are recognized by the Regional Forester as needing special management to prevent their being placed on Federal or State lists.

A Biological Assessment on the effects of the Kahler project to ESA listed species was submitted to National Marine Fisheries Service for Section 7 consultation (dated July 20, 2015). A Letter of Concurrence was received August 19, 2015 (NMFS reference WCR-2015-3196).

Biological Evaluations have been completed for all plants, aquatic, and terrestrial wildlife threatened, endangered, and sensitive species. Details are found in the Botanical Resources (plants), Fisheries, and Wildlife sections of the Volume 1 of the final EIS, and Appendices A, C and M of Volumes 2 and 3.

The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c)

Enacted in 1940, and amended several times since then, prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald or golden eagles, including their parts, nests, or eggs (USFWS, 2012). Activities will be restricted in the vicinity of a recently discovered, active golden eagle nest in coordination with US Fish and Wildlife Service. Any other knowledge or discovery of bald and golden eagle nest sites on the Kahler project will be protected and the Forest Service will adhere to this Act, in coordination with the US Fish and Wildlife Service, to mitigate or eliminate potential impacts to bald and golden eagles.

Project activities proposed for the Kahler are in compliance with the Lacey Act. The Kahler project will not import, export, sell, acquire, or purchase fish, wildlife or plants that are taken, possessed, transported, or sold: 1) in violation of U.S. or Indian law, or 2) in interstate or foreign commerce involving any fish, wildlife, or plants taken possessed or sold in violation of State or foreign law USFWS, 2012b.

Executive Order (EO) 13186 (January 10, 2001)

Responsibilities of Federal Agencies to Protect Migratory Birds. Executive Order 13186 states that environmental analysis of Federal actions (through the NEPA) will evaluate the effects of actions and agency plans on migratory birds, and attempt to reduce unintentional take of migratory birds where it is expected to have a negative effect on migratory bird populations.

We have evaluated potential effects and have incorporated design measures to reduce potential impacts. Unintentional take that would have a negative effect on populations is not expected.

Treaty Trust Responsibilities

In this analysis, the primary focus of the federal government trust responsibility is the protection of the treaty rights and interests that tribes reserve on land included in this project.

For this project, we have consulted with the Confederated Tribes of the Warm Springs Indian Reservation and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) at our annual program of work meetings and also had additional meeting with the separate staffs from CTUIR. No specific comments or concerns for the Kahler project were presented by tribal staff members after the government to government consultation scoping letter or Program of Work meetings. Tribal staff members have identified for similar past projects the rights they believed most at risk. Of major concern are potential effects on Treaty rights, fish habitat and populations, water quality, and protection of archaeological sites, traditional cultural properties, and first foods resources.

Cultural resource surveys are currently on-going, and all protocols for reporting to the State Historic Preservation Office and tribes will be followed.

Timber harvest has the potential to negatively affect water quality and thus indirectly aquatic habitat. The effects of harvest and associated activities on water quality are discussed in the Hydrology section in this chapter. It was found that effects of the action alternatives would not adversely or measurably affect water quality. The action alternatives were designed to prevent damage to RHCAs. Riparian and channel components that protect water quality would be maintained. Other design features and BMPs would control disturbance that could lead to erosion and sedimentation.

The effects of harvest and associated activities on aquatic species and habitats are found in the Fisheries section. It was determined that action alternatives may effect – not likely to adversely affect threatened species and may impact some sensitive species.

Based on the information summarized above, it is reasonable to assume that treaty rights would be protected during implementation of the proposal.

Environmental Justice

No local minority or low income populations were identified during scoping or environmental effects assessment. No minority or low-income populations are expected to be affected by implementation of any of the alternatives, in accordance with Executive Order 12898.

Wild and Scenic River Act

There are no Wild and Scenic Rivers within the project area. No designated or potential wild and scenic river sections would be affected by implementation of any alternative.

Prime Farmland, Range Land, and Forest Land

No adverse effects on any prime farmland, range land, and forest land not already identified in the final EIS for the Forest Plan would be expected to result from implementation of any alternative.

Civil Rights, Women, and Minorities

No adverse effects on civil rights, women, and minorities not already identified in the final EIS for the Forest Plan would be expected to result from implementation of any alternative. All alternatives would be governed by Forest Service contracts, which are awarded to qualified contractors and/or purchasers regardless of race, color, sex, religion, etc. Such contracts also contain nondiscrimination requirements.

National Forest Management Act Compliance

The National Forest Management Act of 1976 (P.L. 94-588), (NFMA) including its amendments to the Forest and Rangeland Renewable Resources Planning Act of 1974 (P.L. 93-378), states that when trees are cut to achieve timber production objectives, the cuttings shall be made in such a way that “there is assurance that such lands can be adequately restocked within 5 years after harvest” (P.L. 93-378, Sec. 6, (g), (3), (E), (ii)).

The Kahler project is in compliance with this reforestation policy based specifically on language from 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): “Sec. 3 (d) (1) It is the policy of the Congress that all forested lands in the National Forest System be maintained in appropriate forest cover with species of trees, degree of stocking, rate of growth, and conditions of stand designed to secure the maximum benefits of multiple use sustained yield management in accordance with land management plans.”

Roads Analysis

A Forest-wide Roads Analysis was completed in March 2004 on the Umatilla National Forest. The forest scale analysis addressed only those National Forest System Roads maintained for passenger car traffic, arterial, and collector roads. The Kahler project planning area has arterial, collector, and local roads. These roads are seasonally opened or are closed system roads. A site-specific project Roads Analysis containing a road risk value for each road was completed for this project and is located in the project file. This project analysis also includes maps showing the risk value for each road and the operational maintenance level of each road in the project planning area (also see Appendix J in Volume 2 of the final EIS). A summary list of miles of roads used as haul routes for each alternative and other proposed road activity such as temporary road construction, and proposed decommissioning of roads is found in Tables 2-5 and 2-6 of the final EIS Volume 1 , and Appendix J.

Floodplains, Executive Order 11988

Executive Order (EO) 11988 requires the Forest Service to avoid “to the extent possible the long and short term adverse impacts associated with the occupation or modification of floodplains...” The proposed alternatives would avoid all floodplains and affects to floodplains and is consistent with this EO.

Wetlands, Executive Order 11990

Executive Order (EO) 11990 requires the Forest Service to “avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands.” The proposed alternatives would avoid all wetlands and affects to wetlands and is consistent with this EO.

Municipal Watersheds

There is no de-facto or designated municipal watershed in the Kahler project planning area.

Energy Requirements

No adverse effects on energy requirements would be expected to result from implementation of any alternative.

Public Health and Safety

Public health and safety would be improved with all action alternatives removing danger trees along open forest routes, haul routes, developed recreation sites, and administrative sites within the Kahler project planning area.

Environmentally Preferred Alternative

In this ROD, I have described the selected alternative, Alternative 3-Modified, and given rationale for its selection. Based upon the description of alternatives and associated analysis detailed in the FEIS, I believe Alternative 2 is the environmentally preferred alternative. My rationale is as follows:

- Alternative 2 is best for realigning vegetation and fire regime condition classes with historic range of variation as it treats more landscape;
- The stands within the Kahler project area are overstocked and as a result, insect, disease, and impacts from drought could become problematic. By treating more acres in Alternative 2, some of these factors could be reduced, particularly in a dry forest environment such as Kahler;
- Harvesting in RHCAs would decrease chance of catastrophic wildfire in the RHCAs; and
- Alternative 2 allows for commercial harvest of forest products for community economic well-being while protecting biological, physical, and social resources in the area

Administrative Review or Objection Opportunities

A draft of this Record of Decision was subject to objection pursuant to 36 CFR Part 218. Four objections were filed by way of regular mail, fax, e-mail, hand-delivery, or express delivery with the Objection Review Officer: Regional Forest, USDA Forest Service, Pacific Northwest Region, Attention: 1570 Objections, PO Box 3623, Portland, OR 97208-3623. The fax number is 503-808-2339.

Objections, including attachments, were filed within 45 days from the publication date of notice in the *East Oregonian*, the newspaper of record. The publication on February 5, 2016 in the newspaper of record was the exclusive means for calculating the time to file an objection.

Individuals or organizations who submitted comments during the comment period specified at 36 CFR 218.25 were eligible for filing an objection to this project. All notices of objection meet the content requirements at 36 CFR 218.8 and were considered during the objection review process following the closing of the objection period on March 21, 2016. Of the four objections received, three objections were resolved. See the public involvement section of this decision document for details.

Implementation

The Kahler Dry Forest Restoration Project may be implemented immediately upon my issuance of this Decision. I will notify interested or affected parties of the availability of this ROD as soon as practical after signing (36 CFR Section 220.5(g)).

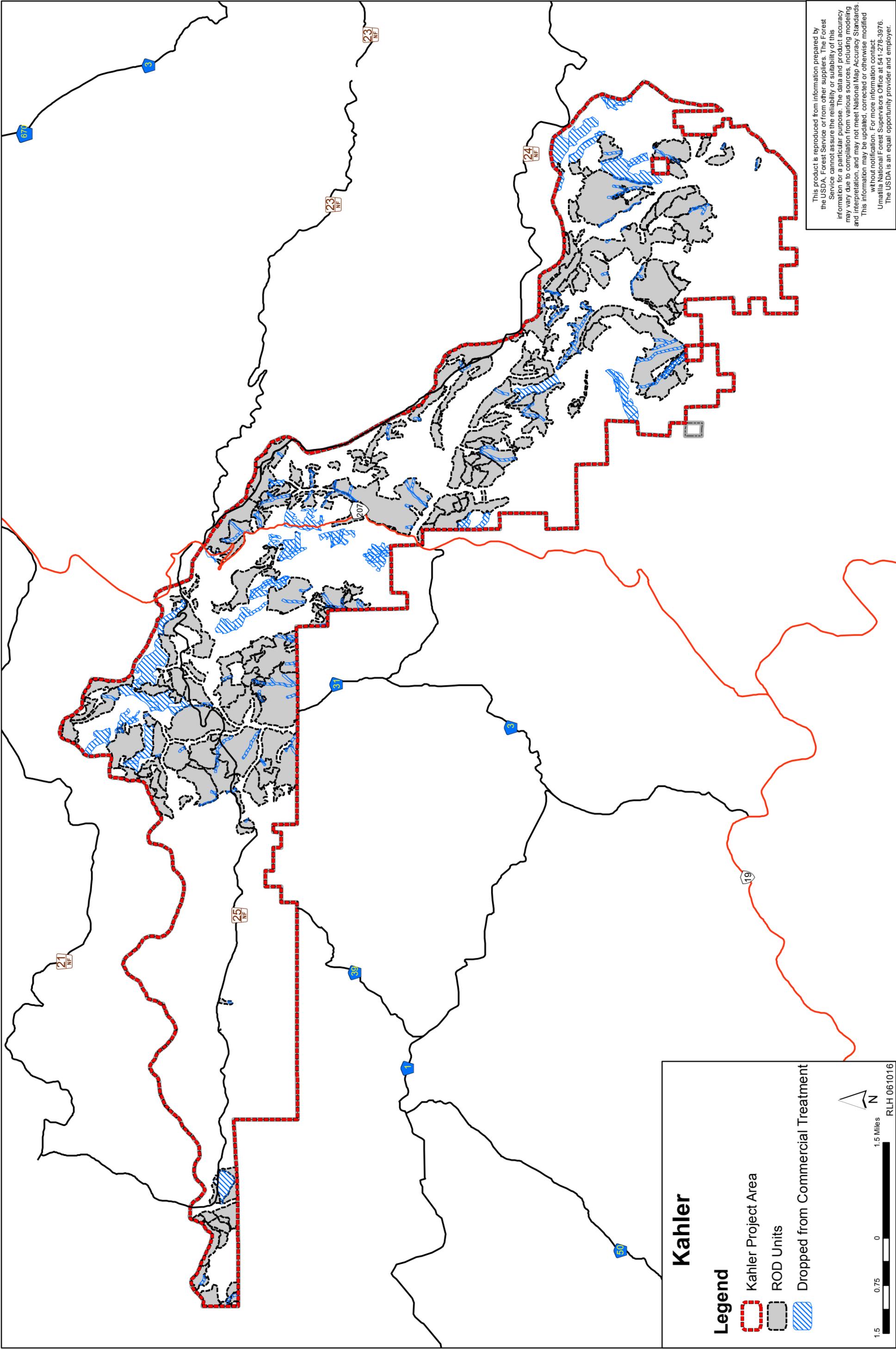
Contact Person

For additional information concerning this Decision, contact Ann Niesen, Ranger, Heppner Ranger District, PO Box 7, Heppner, OR 97836, 541-676-9187, or amniesen@fs.fed.us.



Genevieve Masters
Forest Supervisor
Umatilla National Forest

6/23/16
Date



Kahler

Legend

-  Kahler Project Area
-  ROD Units
-  Dropped from Commercial Treatment



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