Silvies Canyon Watershed Restoration Project

Record of Decision and Forest Plan Amendment #55

USDA Forest Service
Pacific Northwest Region

Malheur National Forest
Emigrant Creek and Blue Mountain Ranger Districts

Grant and Harney Counties
John Day, Oregon
July 2003

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Record of Decision and *Forest Plan Amendment #55*

Introduction

This Record of Decision (ROD) documents my decision and rationale for the selection of the alternative to be implemented for the Silvies Canyon Watershed Restoration Project. It also includes non-significant Forest Plan Amendment #55 to allow activity within portions of the project area.

The Silvies Canyon Watershed comprises about 81,000 acres within seven subwatersheds. The watershed is located about 20 air miles north of Burns, Oregon on the Emigrant Creek and Blue Mountain Ranger Districts (formerly Burns and Bear Valley Ranger Districts) of the Malheur National Forest. Restoration activities will be focused on about 65,000 acres in these subwatersheds: Myrtle Park, Sage Hen Creek, Stancliffe Creek, Burnt Mountain, Boulder Creek/Fawn Creek, Myrtle Creek, and Red Hill.

Purpose and Need/Proposed Action

The purpose of proposed activities is fully described in Chapter 1 of the FEIS. The purpose and need generally included:

- **Purpose:** Reduce road related-impacts to water quality, fish habitat, and wildlife habitat.
  Need: There is a need to reduce road densities to meet Forest Plan standards and to reduce erosion and sedimentation from roads within RHCAs.
- **Purpose:** Enhance riparian vegetation, and manage upland and riparian vegetation structure and composition.
  Need: There is a need for proper management of aspen and cottonwood to prevent the loss of these important components of the ecosystem. Riparian habitat (spring) restoration activities are also needed for wildlife habitat and watershed enhancement.
- **Purpose:** Improve the health, vigor, and resiliency of vegetation to insects, disease, wildfire, and other disturbances, to more closely resemble historical conditions in order to promote long-term forest sustainability and wildlife species diversity.
  Need: There is a need to implement management actions that would begin to move non-forested and forested vegetation toward its historic range and composition and to reestablish fire regimes near historical cycles to reduce the risk of wildfires.
- **Purpose:** Adjust dedicated old growth (DOG) areas and identify replacement old growth (ROG) and feeding areas as appropriate to meet habitat needs for old-growth dependent species.
  Need: In order to meet Forest Plan requirements, there is a need to adjust DOG boundaries and establish ROG and pileated woodpecker feeding areas.
- **Purpose:** Capture the economic value of those trees that are surplus to other resource needs on lands identified in the Forest Plan as suitable for harvest.
  Need: There is a need to provide raw materials to aid in community stability.

My proposed action consisted of a variety of vegetation activities including

commercial harvest, precommercial thinning, landscape scale prescribed fire, aspen and cottonwood restoration, riparian habitat (spring) restoration, post and pole sales, juniper reduction and noxious weed control. My proposed action also included road closures, decommissioning, maintenance, reconstruction, and temporary road construction.

Environmental Impact Statement

I determined that proposed restoration actions and their effects could best be analyzed and disclosed to the public through an environmental impact statement (EIS). A Notice of Intent to prepare an EIS was published in the *Federal Register* on December 9, 1999. This was followed by release of the Silvies Canyon Watershed Restoration Project Draft Environmental Impact Statement (DEIS) the week of February 27, 2001. The Notice of Availability for comment on the DEIS was published on March 9, 2001.

In response to concerns raised during the DEIS comment period, I decided to prepared a supplement to the DEIS. One principal concern prompted my decision:

- I concluded that additional analysis was needed for unresolved issues relating to social and economic impacts before a decision could be made.

A Notice of Intent to prepare an SDEIS was published in the *Federal Register* on August 16, 2001. A Notice of Availability was published in the Federal Register on November 9, 2001. The Supplemental Draft EIS (SDEIS) was published in November 2001. The final EIS (FEIS) and ROD were completed in July 2003.

Consultation with Tribes

Consultation with the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Burns Paiute Tribe occurred prior to and during my decision.

The inherently sovereign status of federally recognized Indian tribes requires that land managing agencies consult with tribes on a government-to-government basis over planned actions that may affect tribal interests. Some examples of tribal interests include: traditional cultural practices, sacred sites, cultural resource sites, certain plant and animal resources, and socio-economic opportunities. The Malheur National Forest Land and Resource Management Plan also directs the Forest to consult with tribes about the effects of projects planned within their areas of historic interest.

The northern segments of the Silvies Canyon project area are within the lands ceded to the federal government by the Confederated Tribes of the Warm Springs Reservation of Oregon in the Treaty with the Tribes of Middle Oregon, June 25, 1855. The entire project area is within areas of interest to the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Burns Paiute Tribe.

My decision is guided by the federal government's responsibility to these Tribes. The Forest Service has an obligation to manage National Forest resources in a manner that harmonizes the Federal trust responsibility to tribes and the statutory mission of the agency. This is one of several legal obligations that I considered as I made my decision, and consultation with

the tribes provided me with valuable information in making that decision.

Particularly helpful was the information received from the Burns Paiute Tribe. The Burns Paiute Tribe has informed me that the project area is used for "hunting, fishing, gathering, and religious purposes," and "every tribal family uses this region for cultural purposes" (Burns Paiute Tribe 2001). The importance for these practices to continue into the future for their culture cannot be overly stressed. I also understand that a portion of the Silvies Canyon Watershed was part of the original proposed Malheur Reservation. Because of these reasons, the lands included within the Silvies Canyon project area, the health of the vegetation, wildlife, water, geology, and soils, have been in the past, and remain today, integral to the life ways of members of the Burns Paiute Tribe.

The anticipated direct and indirect social effects to American Indians, especially the Burns Paiute Tribe are primarily due to changes in motorized access from road closures and decommissioning.

Issues

In response to my proposed action, the public and the Forest Service identified five significant issues. Significant issues were then used to develop alternatives to the Proposed Action. Issues include:

- **Access and Travel Management:** Roaded access provides for tribal, recreational, commercial and management activities. Road densities within the Silvies Canyon Watershed are exceeding Forest Plan standards in both winter and summer range for big game. Additionally, there are almost 33 miles of roads within RHCAs that cross or parallel several tributaries. Sixty-three miles of roads, identified as either previously closed, proposed to be closed under past environmental documents, historic closures, or those closures which have been breached, are contributing to road densities and impacts to watershed function.

- **Roadless Areas:** The National Roadless Area EIS was completed in November 2000, and a final rule at 36 CFR 294 published in the Federal Register (66 FR 3244) on January 12, 2001. Other roadless area direction was published as part of the final planning regulations 36 CFR 219 (65 FR 67514) on November 9, 2000. Recently, there has been interest expressed by environmental groups in designating the Myrtle-Silvies Roadless Area as wilderness.

- **Riparian Habitat, Water Quality, and Fish Habitat:** Myrtle Creek is listed on the final 1998 303(d) list for not meeting temperature standards set by the federal CWA. Current USDA Forest Service data indicate the Silvies River does not meet the temperature standard. The Silvies River may be listed in the future as a 303(d) stream for not meeting the temperature standard and both Myrtle Creek and the Silvies River may be listed in the future because current sediment loads exceed standards of the CWA administered by the State of Oregon.

  Quaking aspen and black cottonwood are special habitats that are isolated, declining, and smaller in number than they were historically. Over 80% of the aspen surveyed in the watershed are classified as over mature to decadent and at risk of loss. Black cottonwood occurs on only two sites in the watershed and is declining due to competition and lack of reproduction.

Many springs in the project area connect to the stream network and augment flows and influence water temperatures. Several springs also appear to be linked with roads and may be the result of intercepted subsurface flows brought to the surface by road cuts.

- **Vegetation Condition:** Many non-forested and forested stands in the watershed are outside Historical Range of Variation (HRV) in terms of composition, density and structure. The Silvies Canyon Watershed is within the low-severity fire regime where fire is frequent (every 5-23 years) and of low intensity (Maruoka and Agee 1994). Past timber harvest activities and effective fire suppression have changed the vegetation composition, density and structure, radically changing the landscape ecology of the fire regime. Wildfires are now infrequent but much more intense, resulting in almost total tree mortality.

- **Big Game Habitat:** Studies indicate that Rocky mountain elk and mule deer need a mixture of hiding and thermal cover as well as forage areas, calving/fawning and rearing areas. Forest Plan cover standards are specific to thermal cover. Harvesting timber could reduce thermal cover below Forest Plan standards. Hiding cover is important to reduce potential vulnerability to hunting and harassment but is not addressed in the Forest Plan. The habitat effectiveness index (HEI) model is used to analyze the arrangement and quality of cover and forage, and miles of open roads within the analysis area.

Twelve additional issues were considered in the assessment of effects, but were not used as the basis for alternative development as they were resolved in other ways (see FEIS, Chapter 1).

Alternatives Considered in Detail

Seven action alternatives and a no action alternative were analyzed in the FEIS. The seven action alternatives considered in the FEIS examine varying combinations and degrees of restoration activities and were developed to address the significant issues and the purpose and need. For additional details on these alternatives, see the FEIS Chapter 2.

No Action Alternative (Alternative 1)

The No Action alternative does not propose restoration activities within the project area. This alternative is the baseline against which the effects of all other alternatives are measured. Activities already planned for the project area, based on previous decisions, will be implemented as originally determined.

The Proposed Action (Alternative 2)

The proposed action would move about 29,000 acres of forested stands in the project area towards historic ecosystem conditions with the use of commercial, noncommercial and precommercial activities. Aspen, cottonwood and riparian (spring) habitat restoration activities are proposed as well as manual treatment of 12 noxious weed sites. Prescribed burning would be utilized on 39,277 acres to move the area towards HRV (5-23 year fire cycle) and reduce the risk of large stand-replacement wildfires. Miles of open road in the watershed would be reduced to 45% of current levels by closing and decommissioning. Reconfiguration and precommercial treatments are planned in Dedicated Old Growth. Designation and

treatments of Replacement Old Growth are also proposed.

Alternative 3

This alternative was developed in response to an agreement made to analyze a non-harvest restoration alternative during an informal appeal resolution for the Crater Vegetation and Watershed Management Project EA and Decision Notice July 26, 1999, as well as comments made during the scoping process.

This proposal would move about 16,500 acres of forested stands in the project area towards historical ecosystem conditions with the use of noncommercial and precommercial activities. Stand compositions and densities of trees less than 9" dbh would move toward more resilient, historic levels. However, trees greater than 9" dbh would not be treated. Aspen, cottonwood and riparian (spring) habitat restoration activities are proposed as well as manual treatment of 12 noxious weed sites. Prescribed burning would be utilized on 39,277 acres to move the area towards HRV (5-23 year fire cycle) and reduce the risk of stand-replacement wildfires. Miles of open roads in the watershed would be reduced to 41% of current levels by closing and decommissioning. Reconfiguration and precommercial treatments are planned in Dedicated Old Growth. Designation and treatments of Replacement Old Growth are also proposed.

Alternative 4

Alternative Four would move about 33,000 acres of forested stands in the project area toward historical ecosystem conditions with the use of commercial, noncommercial and precommercial activities. Aspen, cottonwood and riparian (spring) habitat restoration activities are proposed as well as manual treatment of 12 noxious weed sites. Prescribed burning would be utilized on 39,277 acres to move the area towards HRV (5-23 year fire cycle) and reduce the risk of large stand-replacement wildfires. Miles of open roads in the watershed would be reduced to 41% of current levels by closing and decommissioning. Reconfiguration and precommercial treatments are planned in Dedicated Old Growth. Designation and treatments of Replacement Old Growth are also proposed.

Alternative 5

This alternative would move about 24,500 acres of forested stands in the project area towards historical ecosystem conditions with the use of commercial, noncommercial and precommercial activities. Aspen, cottonwood and riparian (spring) habitat restoration activities are proposed as well as manual treatment of 12 noxious weed sites. Prescribed burning would be utilized on 25,311 acres to move the area towards HRV (5-23 year fire cycle) and reduce the risk of large stand-replacement wildfires. Miles of open roads in the watershed would be reduced to 74% of current levels. Reconfiguration and precommercial treatments are planned in Dedicated Old Growth. Designation and treatments of Replacement Old Growth are also proposed.

Alternative 6

This alternative was developed in response to management concerns over availability of appropriated funding. This proposal would move about 11,000 acres of forested stands in the project area towards historical ecosystem conditions with the use of noncommercial and precommercial activities. Stand compositions and densities of trees less than 9" dbh would move toward more resilient, historic levels. However, trees greater than 9" dbh would not be treated. In ponderosa pine stands, the goal of moving stand compositions and

densities of smaller diameter trees (less than 9 inches dbh) toward more resilient, historic levels would be attempted with the use of prescribed fire. Aspen, cottonwood and riparian (spring) habitat restoration activities are proposed as well as manual treatment of 12 noxious weed sites. Prescribed burning would be utilized on 36,454 acres to move the area towards HRV (5-23 year fire cycle) and reduce the risk of large stand-replacement wildfires. Miles of open roads in the watershed would be reduced to 61% of current levels by closing and decommissioning. Roads not closed that are identified as contributing sediment to streams would be reconstructed. Reconfiguration and precommercial treatments are planned in Dedicated Old Growth. Designation and treatments of Replacement Old Growth are also proposed.

The Preferred Alternative (Alternative 7)

The Preferred Alternative would move about 33,000 acres of forested stands in the project area toward historical ecosystem conditions with the use of commercial, noncommercial and precommercial activities. Aspen, cottonwood and riparian (spring) habitat restoration activities are proposed as well as manual treatment of 12 noxious weed sites. Prescribed burning would be utilized on 39,277 acres to move the area towards HRV (5-23 year fire cycle) and reduce the risk of stand-replacement wildfires. Miles of open roads in the watershed would be reduced to 61% of current levels. Eighty-seven miles would be closed or decommissioned. Roads not closed that are identified as contributing sediment to streams would be reconstructed. Reconfiguration and precommercial treatments are planned in Dedicated Old Growth. Designation and treatments of Replacement Old Growth are also proposed.

Alternative 7a

Alternative 7a was developed in response to comments made on the DEIS. Generally, public comments were opposed to any activities within the Myrtle-Silvies Roadless Area. Alternative 7a proposes the same activities as the Preferred Alternative, except it has no activities within the Myrtle-Silvies Roadless Area.

Decision and Rationale

It is my decision to select the Preferred Alternative (Alternative 7) as the Forest Service restoration plan for the Silvies Canyon Watershed Restoration Project area with modifications. I have decided to modify Alternative 7 in response to public comments. Modifications will reduce adverse impacts to northern goshawks and big game cover. I have made the following modifications:

- Alternative 7 proposed commercial thinning in goshawk nest stands; I have elected to not treat about 55 acres of goshawk nest stands and treat about 155 acres with precommercial thinning (Refer to Goshawk and Bald Eagle Changes, Schwenke, July 11, 2003).

- Alternative 7 proposed commercial and precommercial thinning in goshawk post-fledging areas (PFAs); I have elected to modify commercial treatment prescriptions on about 325 acres in PFAs, eliminate commercial treatments but still implement precommercial thinning on about 390 acres, and eliminate both commercial and precommercial treatments on about 105 acres. About 690 acres in PFAs will be treated as originally planned under Alternative 7 (Refer to Goshawk and

Bald Eagle Changes, Schwenke, July 11, 2003).

- I have decided that treatment of 144 acres in the Bald Eagle Management Area (BEMA) will be done through precommercial thinning to match the activities described in consultation with the USFWS and concurred with by the USFWS in their September 26, 2001 letter (FEIS Appendix C). Seven acres of goshawk nest stand that overlap with the BEMA will be precommercially thinned rather than commercially thinned. Because this treatment has already been consulted on with USFWS, there is no need for further consultation.

These modified treatments will maintain canopy cover necessary for northern goshawks and will meet the intent of the Malheur Forest Plan, as amended by the Regional Forester's Forest Plan Amendment #2. The effects of these modifications to Goshawk and Big Game Habitat are discussed on pages R-10 and 11. These changes are within the range of effects discussed in the FEIS Chapter 4.

During the decision process for this project, I realized that I would not be able to fully satisfy all public concerns, as many of them are mutually exclusive. I have selected an alternative that is ecologically sound, both for the short and long term. It also includes a practical restoration approach that reflects sensitivity to conflicting public concerns. In making this decision, I considered and balanced numerous factors:

Access and Travel Management

Road management, whether it includes construction, reconstruction, decommissioning, or closure, is highly controversial, with much passion on all sides.

In deciding how to manage the road system for the future, I had to consider the concerns of a variety of users. I wanted to maintain a road system that will permit adequate access to the area in the future, both for resource management and for recreational enjoyment of the area. I must also reduce the miles of road within the project area and reduce the watershed impacts from remaining roads if I am to adequately protect and improve fish habitat and facilitate hydrologic recovery of the watershed.

The selected alternative will change access from motorized to non-motorized on approximately 87 miles of road. This has the potential to impact the Burns Paiute Tribes ability to participate in traditional cultural practices especially since many elders are not capable of long walks to procure needed plants (Jerofke 2001). Because there are still areas in and next to the project area where road access is not changed and because tribal members and others can request a permit to use a closed road, the social effects are not anticipated to be disproportionately high or adverse to these populations.

An additional consideration is that, through commercial harvest sales, I can close roads using funds generated by the sales, thus reducing the amount of other, unidentified funds needed to do this work. It is my objective to close as many of the 87 miles of existing roads as possible through timber sale contracts.

I have determined that 3.5 miles of temporary roads must be built. All temporary roads will be closed or decommissioned when restoration activities are completed.

When evaluated on a watershed scale, all action alternatives would meet summer and

winter range road density requirements from the Forest Plan.

I considered several alternatives for dealing with road related issues. I did not select the No Action alternative because I believe it would not be appropriate to forego the opportunity for restoration through the Silvies Canyon Watershed Restoration Project. If I selected the No Action alternative, existing watershed problems would not be rehabilitated unless a future opportunity to correct them arose.

I did not select Alternatives 2, 3 or 4 because I believe that they would not retain an adequate travel system for public and administrative access in the project area. I did not select Alternative 5 because I believe that it would not close or decommission enough roads to benefit wildlife habitat and the watershed condition in the project area. Alternatives 6 and 7A would manage open roads at the same level as Alternative 7.

Roadless Areas

How roadless areas are managed remains controversial to many people. In considering what restoration activities were appropriate within the roadless area, I weighed a number of factors: 1) the need to reduce fuel loadings and thus the risk of future wildfires; 2) potential effects to roadless character, including naturalness and opportunities for solitude; and 3) achievement of objectives from the Malheur Forest Plan.

I considered two alternatives (No Action and Alternative 7a) that did not include activities within the Myrtle-Silvies Roadless Area. I did not select these alternatives because I have determined the treatments in the potential bald eagle roost areas are essential for sustaining eagle habitat. Additionally, fuels treatments in the Silvies River portion are essential for continuing the fuels reduction program already in progress in that area. I believe the long term benefits of activities in the roadless area far outweigh the short-term negative impacts on recreationists (FEIS Chapter 4). All activities in the Roadless Area proposed in the other Action Alternatives including the selected alternative are consistent with the direction for Roadless Area Protection published in the *Federal Register* on January 12, 2001 (66 FR 3244) (FEIS pg. 1-24).

Riparian Habitat, Water Quality, and Fish Habitat

Myrtle Creek, Stancliffe Creek and the Silvies River have been monitored for water temperature and all have exceeded the maximum water temperature standards established by ODEQ at least once during the period of 1995-1999. To date, Myrtle Creek is listed on the 303(d) list for not meeting temperature standards (FEIS Chapter 3).

I did not select the No Action alternative because it would allow stand densities within the watershed to continue to increase influencing water yield and timing of stream flows. Low water flows would likely continue as juniper and other conifer species increase across the landscape. This is a result of increased transpiration and decreased water available for soil storage, spring recharge, and downstream water yield. As fuel levels and stand densities increase, so do the chance for stand replacement fires. An intense wildfire can adversely modify soil conditions, water quality, water quantity and fish populations in the watershed and downstream areas, leading to increased cumulative watershed effects and diminishing watershed health.

With implementation of any of the action alternatives, stream temperatures are not expected to increase because riparian

buffers following INFISH standards and guidelines will be applied. INFISH stream buffers will keep harvest units and related skid trails far enough away from streams so potential sediment from these sources will not negatively impact streams (FEIS chapter 4).

No significant impacts are expected from the commercial harvesting of timber due to the implementation of design features, BMPs, INFISH RHCA buffers and monitoring (FEIS chapter 4).

Based on these factors I chose Alternative 7 as modified, over the other action alternatives, because it was no more likely to exacerbate cumulative watershed effects because of design features, mitigation, and monitoring.

Vegetation Condition

The vegetation patterns in the project area are largely a product of human intervention, which include fire suppression, timber harvesting, livestock grazing, fuels management, and road construction. Regardless of the forest type, most stands are generally overstocked and susceptible to insect and diseases (FEIS Chapter 3).

Historical Range of Variability (HRV) was used to compare historical (approximately 1860 to 1900) and current conditions on forest structural stages. Current conditions show:

1. A decrease in non-forested acres and a subsequent increase in the Dry Forest, Hot Dry plant association group. Current conditions display a significant decrease in non-forested acres (27-50%) and resulting increase in the Dry Forest, Hot Dry plant association group (33-35%) in the Stancliffe subwatershed alone.
2. A decrease in large trees stands (0-63% in Hot Dry plant association group and 10-53% in Warm Dry plant association group) compared to historic numbers.
3. An increase in the number of small tree stands (10-65% in Hot Dry plant association group and 14-39% in Warm Dry plant association group) compared to historic numbers (FEIS pg. 3-31).

I based my decision on these conditions. I concluded that active restoration, including commercial harvesting, is an appropriate course of action in this watershed. I realize the one activity that is more controversial than road management activities is commercial harvesting of timber. In weighing my decision, I considered both the vegetation condition (species, amount, size, and arrangement) and habitat for wildlife.

I considered several alternatives for dealing with vegetation issues. I did not select the No Action alternative because I believe it would not be appropriate to forego the opportunity for vegetation restoration through this project. If I selected the No Action alternative, existing vegetation conditions would not be corrected unless a future opportunity to correct them arose.

I did not select Alternatives 3 or 6 because they did not treat vegetation of all sizes (0-21 inches diameter at breast height (dbh)). In order to adequately treat vegetation we should not ignore trees over 7 or 8 inches dbh. I did not select Alternatives 2, 5 or 7a because they did not take advantage of the opportunity to treat an adequate number of acres to make a difference on the landscape. Alternative 4 would manage vegetation at the same level as Alternative 7.

I understand my decision to treat vegetation will have short-term negative

effects on big game habitat and goshawk. These effects are described in latter sections of the ROD.

Natural Fuels

There are unnaturally high fuel loads across the project area, largely due to our past fire suppression efforts. Historically, hot-dry / warm-dry and cool-moist biophysical environments experienced low to moderate severity underburns. Absent a source of ignition, high fuel loads would not be a problem. However, from 1959 to 1999, the Silvies Canyon project area has incurred an average of 4.8 fires per year.

Based on these conditions, I concluded that active restoration is an appropriate course of action. In weighing this decision, I considered both fuel characteristics (amount, size, arrangement, continuity, and moisture content) and the likelihood of ignition.

Eventually, I would like to reduce fuel loadings to the point where fire can be returned to its natural role, particularly within the hot-dry and warm-dry biophysical environments. This would require that fuel loads be low enough to allow fire to burn through stands without severely damaging them. However, it is likely to be several decades before those reduced fuel loadings can be achieved.

I considered several alternatives for dealing with fuels issues. I did not select the No Action alternative because I believe it would not be appropriate to forego the opportunity for fuel reductions through this project. If I selected the No Action alternative, existing fuel levels would not be corrected unless a future opportunity to correct them arose.

The action alternatives treat fuel conditions similarly; the significant differences in the alternatives are that some reduce fuel levels through commercial means and some do not. I have concluded that commercial harvesting is an appropriate course of action in this watershed. Therefore I did not select Alternatives 3 or 6 because they did not treat vegetation of all sizes (0-21 inches diameter at breast height (dbh)). In order to adequately treat fuel levels we should not ignore trees over 7 or 8 inches dbh. I did not select Alternatives 2, 5 or 7a because they did not treat enough acres to make a difference in the fuel condition across the landscape. Alternative 4 would manage fuels at the same level as Alternative 7.

Big Game Habitat

Modified treatments in goshawk nest stands and PFAs, and in the Bald Eagle Management Area (as described in the section titled “Decision and Rationale” on page 6) will retain an additional 692 acres of marginal cover and 34 acres of satisfactory cover previously planned for short-term reduction to non-cover. These modified treatments will retain an additional 5% of existing cover across the watershed.

While all subwatersheds will have some level of cover retention, cover retention will occur mostly in the southern 2/3 of the project area. These modifications reduce the consequences to big game when compared to those effects displayed under Alternative 7 cover and habitat effectiveness index (HEI) in the FEIS, Chapter 4. Modified treatments will leave more cover that will slightly increase components of HEI, which could, in turn, increase HEI values. While modified treatments could improve HEI values slightly, the effect on elk will be minor, is not expected to be measurable, and will not meet Forest Plan standards. Nevertheless, HEI values will not be reduced as much in Alternative 7.

Although the Selected Alternative will have short-term negative impacts on big game habitat, I have determined the future benefits will outweigh the immediate impacts. Big game habitat quality will not be substantially degraded lower than the current condition. Although thermal cover will be reduced, in most subwatersheds HEI values will slightly improve over the current condition. Proposed activities, such as thinning, prescribed burning, and road closures / decommissions will have positive effects in developing and maintaining habitat components such as cover (both thermal and hiding) and forage quality. Riparian restoration activities will improve calving and fawning habitat. Ultimately, activities that will result in improved watershed sustainability and reduced risk of stand replacing events will ensure that habitat for big game is maintained in the project area in the long-term.

I also considered the historical amounts of cover that existed in the project area. Crown closure can be modeled from historical data sets recorded by Thornton Munger (1917) and Erickson and Conover (1918) from stands in Eastern Oregon. Modeling shows that historical crown closure varied from 15% to 46%. Only 2 of the 9 data sets had crown closure over 40%, which is considered marginal cover. None of the 9 data sets met current satisfactory cover standards. Two of the 9 data sets had crown cover fewer than 20%.

Aerial photos taken in the summer of 1949 in the project area show stands that are currently proposed for commercial treatment as non-forested areas. In fact areas that are now Dedicated Old Growth (DOGs) show up as two distinct stands of timber in the 1949 photos and between the stands it appears to be non-forested. Aerial photos taken in 1989 show this area as one large stand.

All of these factors combine to display the need for reducing crown closure below Forest Plan Standards but moving them towards HRV.

Goshawk

In the areas where treatments were modified or eliminated, the Selected Alternative will provide habitat in the short-term that meets the needs of nesting and fledgling goshawks. About 690 acres within PFAs will have commercial thinning completed as proposed in Alternative 7, allowing these stands to develop into areas with larger, more resilient trees that may be more capable of providing sustainable goshawk habitat in the future. Implementing modified treatments in PFAs allows us to provide a balance between providing short-term and long-term habitat for goshawks. Precommercial thinning will reduce understory canopy cover but is not expected to measurably reduce overstory canopy cover. Since overstory canopy will remain at or near existing levels, goshawks will benefit from precommercial thinning; this treatment will maintain goshawk prey densities, enhance goshawk hunting success, and reduce hazardous fuels as described in Chapter 4 of the FEIS.

Modified prescriptions applied to goshawk nest stands will meet the short-term needs of nesting goshawks in all nest stands. Modified prescriptions applied to goshawk PFAs will meet the short-term needs of goshawks in all PFAs except Ranger Spring. Canopy cover in PFAs will be completely retained (Myrtle Creek) or retained in adequate amounts (HJ Spring, Van Zandt, Bellows Spring, FL Spring, Crane Creek, South Fawn) to meet the needs of fledgling goshawks; therefore, no detrimental short-term effects to goshawk are anticipated in these PFAs.

In the Ranger Spring PFA, 137 acres of treatment will be modified from commercial thin to precommercial thin to match activities described in consultation with the USFWS about bald eagles. This will benefit goshawks in this PFA in the short term by retaining existing canopy cover on these acres. Commercial harvest of other acreage in this PFA will reduce the amount of habitat providing quality fledgling canopy cover to below Reynolds et al.'s (1992) recommendations, but the commercial harvest units in the Ranger Spring PFA are being proposed to enhance bald eagle nesting habitat. Modified commercial harvest in the PFA will benefit bald eagles, but reduce the quality of goshawk habitat. Much of the younger forest (117 acres) in the Ranger Spring PFA will retain its canopy cover because of modified treatment, providing additional, though likely lower-quality, fledging habitat; this change in treatment should reduce the potential for short-term negative effects to goshawks in the Ranger Spring PFA.

While retaining canopy cover in nest stands and PFA stands with modified prescriptions retains habitat for goshawk in the short-term, it can also lead to the loss of large live trees, canopy cover, and other habitat elements important to goshawk in the long-term. Competition for water and sunlight will continue; forests will continue to provide goshawk nesting, foraging, and fledging habitat, but will tend to degrade over the foreseeable future until habitat characteristics may be lost to a stand-replacing event.

Most of the multi-storied stands in the nest cores are identified as moderate to high risk for stocking-induced mortality and related outbreaks of pests or disease. The proposed precommercial thinning treatments will begin to move stand structure in the area toward historic conditions, and contribute to restoring ecological balance to forest habitat in the project area.

Without further treatment, insects and disease may kill large overstory trees in nest stands, and some stands may fall out of old growth classification (Vegetation Specialist's Report). A reduction in large trees will reduce habitat suitability. Canopy cover may or may not be available depending on insect infestations. Over time, and without further treatment, these stands could become ineffective as nesting or fledging habitat.

Trees in younger nest stands (Van Zandt and South Fawn) will likely continue to grow and provide nesting habitat, though growth may be slow due to high tree densities. Potential for insect outbreaks, which could result in removal of canopy cover, will continue to increase.

I have considered the trade-offs involved in modifying treatments in goshawk habitat. Deferred and reduced treatments in goshawk habitat provides short-term habitat to maintain goshawk in the project area, while PFAs that are treated as originally described in Alternative 7, will provide long-term sustainable habitat for goshawk. Many other treated areas outside goshawk nest stands and PFAs may also develop characteristics that provide quality goshawk habitat. As treated stands develop, stands previously deferred could be treated so that the area can provide adequate goshawk habitat on a continuous basis.

Noxious Weed Control

All alternatives except the No Action alternative propose to manually treat twelve noxious weed sites. In addition, 65 sites will be manually treated as approved in a previous decision. The effects would be identical between Alternatives; manual

treatments will result in limited reduction of size and potential spread of known weed sites, but these treatments are unlikely to lead to eradication of noxious weeds in the project area.

Economics

The economics of the alternatives are important for several reasons. First, if fuel reductions cannot be accomplished through economically viable timber sales, there is no practical way to meet long-term resource objectives, such as reducing fuel levels. Second, providing viable timber sales is important to the local community, both in terms of providing job opportunities and personal income. While I recognize the importance of economic considerations, and in particular the importance of forestry and forest products in the local economy, meeting this need was one of many factors I considered in the design and selection of the modified Alternative 7.

The No Action alternative does not meet the purpose and need to provide economic benefits to local communities so I did not find it to be an acceptable alternative (FEIS, page 2-2). Alternatives 4, 7 and 7A would provide the highest level of jobs and personal income. Alternatives 2 and 5 would provide a somewhat lower level of jobs and personal income. Alternatives 3 and 6 would provide the lowest level of jobs and personal income of any action alternative, and would not meet the purpose and need to capture the economic value of those trees that are surplus to other resource needs on lands identified in the Forest Plan as suitable for harvest, and to provide raw materials to aid in community stability.

In initiating ecosystem restoration in the Silvies Canyon Watershed, I view timber sales principally as a means of achieving resource objectives—in this case, reducing excess fuels, moving towards HRV, and helping provide a practical way to meet the area's transportation system objectives. A number of aspects of my decision to implement the modified Alternative 7 reflect this viewpoint: closing or decommissioning 87 miles of roads, choosing precommercial over commercial thinning in goshawk habitat to protect necessary cover, choosing precommercial over commercial thinning in the BEMA to protect bald eagle nesting habitat, as well as requiring numerous design criteria and mitigation measures (FEIS pg. 2-33) to reduce short term impacts from commercial harvesting. These components of the Selected Alternative all tended to reduce the harvest volume and value of the timber sales (and thus their economic contribution), but they are also components that I believe will add substantially to the success of the recovery effort. The Selected Alternative reduces the amount of timber harvest and thus economics. The economics of the Selected Alternative more closely matches those analyzed under the Proposed Action and therefore are within the range of effects discussed in the FEIS, Chapter 4.

Livestock Grazing

Livestock grazing was not directly addressed in the Silvies Canyon Watershed Restoration Project; changes to existing permitted livestock grazing were considered outside the scope of the project (FEIS pg. 1-27). I realize livestock grazing on National Forest lands is a controversial subject, however I chose not to include this action pursuant to 40 CFR 1502.4 (c)(2). Livestock grazing will be addressed as part of NEPA for allotment management plans, which are tentatively, scheduled for Silvies, Big Sagehen, Crooked Creek and Scotty allotments in 2005 (FEIS pg. 1-27). The effects of current and ongoing livestock grazing were considered in the cumulative effects section of the FEIS (Chapter 4).

Cumulative Effects from Ongoing Activities and the Selected Alternative

Current and ongoing uses in and around the project area include permitted livestock grazing, recreation (including hunting, fishing, gathering of forest products, hiking, on- and off-road vehicle use, and camping), and firewood gathering. Recently completed environmental decisions approved closure and / or decommissioning of 63 miles of open road and manual treatment of 65 noxious weed sites. Foreseeable future actions include ongoing road maintenance, road closures, removals and / or replacements of culverts, increasing recreation levels, and additional vegetation and fuels treatments in 25-30 years following the completion of this project. In the event of stand-replacing wildfire or insect / disease outbreak, it is likely that restoration projects, including timber salvage and reforestation would occur after appropriate NEPA is completed. Implementation of this project is not expected to contribute to adverse cumulative effects in the project area. Beneficial cumulative effects include increased health and sustainability of the watershed, improved water quality in the long-term, reduction of noxious weed populations, maintenance and / or improvement of wildlife habitat, and maintenance and / or improvement of public experience in the watershed.

Consultation/Conferencing with USFWS and NMFS

Consultation with USFWS was initiated on activities proposed in Alternative 2 (the Proposed Action) and their effects on bald eagles. It was determined through analysis that the Proposed Action May Affect but is not likely to Adversely Affect bald eagles. USFWS issued a letter of concurrence with these findings on September 26, 2001; this letter is included in the FEIS (Appendix C) and is in the project file.

I have modified the Selected Alternative (Alternative 7) so that it matches the activities in the Proposed Action in the Bald Eagle Management Area; effects to bald eagles will be the same as in the Proposed Action. Additionally, there were No Effects to any other Threatened or Endangered species. Therefore, no additional consultation is necessary.

Legal Requirements and Policy

In reviewing the FEIS and actions involved in Alternative 7, I have concluded that my decision is consistent with the following laws and requirements:

The Preservation of American Antiquities Act, June 1906

The Selected Alternative will have no effect on heritage resources, due to design criteria and mitigation measures. New sites discovered during operations will be protected by provisions in the timber sale contract.

The National Historic Preservation Act

Prior to project implementation, State Historic Preservation Office consultation will be completed 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 the Oregon State Historic Preservation Officer regarding Cultural Resource Management on National Forests in the State of Oregon, dated March 10, 1995, pursuant to the stipulated Forest

Archeologist review dated November 15, 1996.

The National Environmental Policy Act (NEPA), 1969

NEPA establishes the format and content requirements of environmental analysis and documentation, such as the Silvies Canyon Project area. The entire process of preparing an environmental impact statement was undertaken to comply with NEPA.

The Endangered Species Act of 1973, as amended

A biological assessment has been prepared to document possible effects of proposed activities on endangered and threatened species in the Silvies Canyon Project area. Appropriate coordination, conferencing, and consultation with USFWS and NMFS have been completed.

The National Forest Management Act (NFMA), 1976

All alternatives were developed to be in full compliance with NFMA.

Clean Air Act Amendments, 1977

The Selected Alternative is designed to meet the National Ambient Air Quality standards through avoidance of practices that degrade air quality below health and visibility standards. The Oregon State Implementation Plan and the Oregon State Smoke Management Plan will be followed to maintain air quality.

The Clean Water Act, 1982

The Selected Alternative will meet and conform to the Clean Water Act as amended in 1982. 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.

Satisfaction of State Forest Worker Safety Codes

The Oregon Occupational Safety and Health Code for Forest Activities (OAR 437, Division 6) regulations will be met when the Selected Alternative is implemented.

Environmental Justice

Executive Order 12898 on environmental justice requires federal agencies to identify and address any disproportionately high and adverse human health or environmental effects on minority and low-income populations. In this assessment, elderly people, especially those on low-incomes that are fixed, were also identified with potential to be impacted by various alternatives. There is no quantifiable information on how much use the area receives from these populations other than the information shared by the Burns Paiute Tribe. None of the alternatives would prevent continuation of these traditional practices. The anticipated direct and indirect social effects to these populations are primarily due to change of motorized access from road closures and decommissions proposed in the action alternatives. This change from road to non-road access will have its greatest effect on the young, elderly, and disabled. Those with other forms of non-motorized transportation – horses, off-highway

vehicles, mountain bicycles, et cetera – will be less affected than those without these opportunities. The action alternatives change access on approximately 37 miles of road (Alternative 5), 87 miles of road (Alternatives 6, 7 & 7a), 143 miles of road (Alternative 2), and 160 miles of road (Alternatives 3 & 4). Because there are still areas in and next to the project area where road access is not changed and because tribal members and others can request a permit to use a closed road, the social effects are not anticipated to be disproportionately high or adverse to these populations.

Other Policy or Guiding Documentation

A Biological Evaluation was prepared to assess potential effects to sensitive species as identified by the Regional Forester. This evaluation determined that while there may be impacts to individual sensitive species, those effects are not likely to contribute to a trend towards federal listing or loss of viability of the population or species.

The Malheur National Forest Land and Resource Management Plan, as amended, provided the framework for the development of all the alternatives.

I have reviewed the scientific assessment from the Interior Columbia Basin Ecosystem Management Project (ICBEMP) and have incorporated principles from it.

Public Participation

The NEPA scoping process (40 CFR 1501.7) was used to invite public participation, to refine the scope of this project, and to identify preliminary issues to be addressed. The Forest Service sought information, comments, and assistance from Federal, State, and local agencies, the tribes, and other groups and individuals interested in or affected by the Proposed Action. The scoping period lasted 30 days.

The Silvies Canyon Watershed Restoration Project Draft Environmental Impact Statement (DEIS) was distributed for comment to the tribes, the public, and other organizations and agencies in March 2001. In response to the DEIS, 18 comment letters were received (FEIS, Chapter 1).

Unresolved issues that remained after comments on the DEIS were received, prompted me to initiate a supplemental DEIS. An SDEIS was distributed for comment to the tribes, the public, and other organizations and agencies in November 2001. In response to the SDEIS, 9 comment letters were received (FEIS, Chapter 1). Responses to these comments are found in Appendix D of the FEIS.

The public was provided numerous opportunities to participate in the Silvies Canyon Watershed Restoration Project. For additional discussion and details, refer to the FEIS Chapter 1.

The Environmentally Preferable Alternative

Under the National Environmental Policy Act, the agency is required to identify the environmentally preferred alternative (40 CFR 1505.2(b)). This is interpreted to mean the alternative that would cause the least damage to the biological and physical components of the environment, and, which best protects, preserves, and enhances historic, cultural, and natural resources (Council on Environmental Quality, Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, 46 FR 18026). Factors considered in identifying this alternative include: (1) fulfilling the responsibility of this generation as trustee of the environment for future generations,

(2) providing for a productive and aesthetically pleasing environment, (3) attaining the widest range of beneficial uses of the environment without degradation, (4) preserving important natural components of the environment, including biodiversity, (5) balancing population needs and resource use, and (6) enhancing the quality of renewable resources.

In the case of the Silvies Canyon Project area, I have determined that the environmentally preferable alternative is Alternative 4. Alternative 4 would close or decommission 306 roads for a total of 143 miles, thereby reducing the negative effects of roads to wildlife and the watershed more than any other Alternative. In the long term, Alternative 4 combines the best restoration activities with the lowest risk of additional watershed damage by closing and decommissioning the most roads, correcting other known sediment sources, moving the most acres of vegetation and fuel levels towards more sustainable levels (HRV), establishing and protecting riparian vegetation such as aspen and cottonwood, and minimizing sediment risk from commercial harvest activities through design criteria and mitigation measures. Forest health, risk of stand-replacing events, and long-term sustainability would be improved over the most acreage.

If I were only concerned with the short term, I would have chosen Alternative 3 as the Environmentally Preferred. However I must take into account long-term sustainability of vegetation, risk of stand-replacing events, and their effects to the environment. I did not chose Alternatives 7 and 7A as the environmentally preferred because they do not close or decommission as many roads as Alternative 4. Alternatives 2 and 5 are not environmentally preferable because of their lower level of road closures and decommissioning, and reduced levels of vegetation treatments. The No Action alternative is not environmentally preferable because it does not allow for additional road closures and decommissions, nor does it correct existing road-related sediment sources, or move vegetation towards sustainable levels (HRV), or protect aspen and cottonwood, and it does not lower the risk of a future stand replacement fire.

Design Features and Mitigation Measures

Design features and mitigation measures are site-specific management activities designed to reduce the adverse impacts of timber harvest and associated activities. Design features and mitigation measures will be applied to project design and layout, in timber sale contracts, and permit requirements. Design features and mitigation measures will be implemented through project design, contract specifications, contract administration, and monitoring by Forest Service officers.

As part of my decision, I am choosing to implement the design features and mitigation measures identified in the FEIS Chapter 2. I am confident that selected measures will adequately minimize significant adverse effects for the following reasons: the selected design features and mitigation measures are practices we have used successfully in the past; they are State-recognized best management practices for protecting water quality; or they are based on current research. I have decided to monitor the implementation of these measures and, in some instances, to monitor their effectiveness, as described in the following section.

Monitoring

Resource monitoring will be implemented with the selected alternative. The objectives are to determine if management activities

are moving resources toward desired management objectives. In addition to any monitoring requirements that may apply from the Malheur National Forest Monitoring Plan, monitoring activities will include the following:

- Post treatment soil monitoring will be conducted in stands that are expected to have detrimental soil impacts at or above 20%.
- Post-treatment snag and down wood surveys will be conducted as needed to determine the need to create additional snags and down wood. Treatment activities may increase or decrease snag and down wood densities. These surveys will be necessary to determine what action, if any, is needed to move the project area toward Forest Plan standard levels for snags and down logs.
- Roads that have been closed or decommissioned will be monitored over a five-year period to inspect the effectiveness of the closure or decommissioning and hydrologic function of the remaining roadway. If monitoring determines the closure or decommissioning is not effective, it will be corrected to meet objectives.
- Noxious weeds will be monitored for changes in populations. Annual monitoring of landings will continue for a minimum of four years following activity.
- Monitoring of fuels treatment areas will occur pre-treatment, during treatment, and for five years post-treatment, as follows. Prior to implementation of the project, fuel loading information will be gathered by the use of photo series books. Fuels personnel will monitor during implementation of mechanical slash treatment and prescribed fire treatments to assure adequate reduction of fuel loadings and ladder fuels. Fuels personnel will also monitor after the fuels treatments have been accomplished to determine if fuel loadings have been moved towards historic levels.
- Stream temperature, sediment monitoring and fish surveys will continue at established sites.
- Aspen protection measures (4-foot and 8-foot fences, and cages) for protection of regeneration will be monitored for effectiveness.
- Post-harvest monitoring of active goshawk nest sites will be accomplished to determine how nesting territories are affected.
- Post-harvest canopy cover monitoring will occur in 5% of commercially treated acres in goshawk post-fledging areas to determine if remaining cover provides recommended canopy closure for fledgling goshawks. Methods of cover analysis may range from satellite imagery analysis to field surveys with a densiometer.
- Prior to any treatments, surveys will be conducted for nesting gray flycatchers and sage grouse in sagebrush/juniper habitats that have activities planned during the springtime.
- Monitoring of raptor nests will occur when treatments are proposed in buffer zones during raptor nesting season. Known raptor nests, and those discovered during implementation, will be monitored prior to treatment to determine whether nests are active, and therefore will determine if treatments can occur during the proposed time frame. If nests are determined active, treatments will

be prohibited until after nesting season.
- The condition of grazing allotment fences and trails will be monitored during prescribed burning, precommercial thinning, and timber activities to identify damage or destruction of fences and trails.
- Range Forest Officer in Charge and grazing permittees will monitor livestock distribution and location during commercial operations.
- The four springs that will have water developments for livestock will be monitored to assure that spring dewatering does not take place during periods of livestock use.
- Pastures will be monitored annually following prescribed burning activities to determine the amount of area burned and intensity of burn.
- Stands identified for treatment will be monitored following marking to ensure that they comply with the marking instructions.
- Sale administrators will monitor timber harvest to ensure that harvest activities comply with all design criteria and mitigation measures.
- Following commercial treatment, a silviculturist will monitor the resulting stand conditions to determine if treatment objectives were met, and to determine if secondary treatments are still necessary or need to be modified.
- Following secondary and tertiary treatments, a silviculturist will monitor the resulting stand conditions to determine if treatment objectives were met, and to determine if any additional treatments are necessary.
- Where precommercial thinning is to be the primary treatment, a Contracting Officer's Representative will monitor the treatments. Following precommercial treatment, a stand exam will be done to ensure that objectives were met.
- Prior to layout and marking of commercial harvest units, layout and implementation of thinning units, piling and burning activities, road closure, decommissioning and temporary road construction, burning preparation, layout of fence lines, an archaeologist would monitor to ensure cultural resource sites are protected.
- The archaeologist would monitor any over-snow logging operations. Over-snow operations during which logging over sites may be approved, must be conducted within an environment of active and continuous consultation with the Oregon State Historic Preservation Office (SHPO), by the archaeologist.
- Known sensitive plant sites will be monitored for changes in populations.

Forest Plan Consistency

While I believe Alternative 7 to be consistent with long term management objectives discussed in the Malheur National Forest Plan as amended, there are two aspects of Alternative 7 that are inconsistent with the existing standards and guidelines. In order to permit prompt and necessary vegetation activities, I have decided to amend two Forest Plan standards for this specific project:

1) Reduction of big game cover, habitat effectiveness index (HEI), and components of HEI below Forest Plan standards or further reduction of existing conditions that currently do not meet standards.
2) Adjustment of Dedicated Old Growth (DOG) and establishment of

Replacement Old Growth (ROG) boundaries.

Non-Significant Forest Plan Amendment #55

The purpose of this non-significant amendment is to allow for short-term management activities that are not consistent with current Forest Plan direction to lead to long-term resource benefits.

Big Game Cover

My decision will cause big game cover, Habitat Effectiveness Index (HEI), and components of HEI to be below Forest Plan Standards and Guidelines. In some instances, the current conditions do not meet Forest Plan Standards and Guidelines and the commercial thinning I am proposing will reduce them further. Total Cover in summer range will be below standards and guidelines in all subwatersheds. Satisfactory Cover and Total Cover in winter range will be below standards and guidelines in the Boulder/Fawn and Sage Hen Creek subwatersheds. The Habitat Effectiveness, Spacing (HEs), component will be below standards and guidelines in Myrtle and Stancliffe creek subwatersheds. The reduction of HEs will cause the HEI to be below standards and guidelines in Myrtle and Stancliffe creek subwatersheds (FEIS Chapter 4).

The areas I have selected for commercial thinning treatments are areas where high tree densities are increasing their risk to stand replacement fire events and insect outbreak. I have elected to treat these areas now because if I don't, cover is expected to be reduced in quantity and quality in the foreseeable future due to the increased risk of stand replacement fire and insect defoliation and tree mortality. An insect outbreak or stand replacement fire will reduce the ability of the stand to function as cover and will not leave adequate stocking to recover this loss in an acceptable time frame. In order to produce more sustainable cover in the long term I am proposing to treat these stands now while we have adequate stocking to work with. The canopy cover that will develop is expected to be more sustainable because it will be provided by fewer, but larger and healthier trees that are more adapted to site conditions than those there presently.

DOG/ROG Boundaries

My decision will adjust the existing boundaries of DOG 02011, 02012, 02015, 02016, 02017, and 02039 to better align their boundaries to existing GIS vegetation polygon layers and/or logical breaks such as vegetative changes or roads. These changes will better define the DOG boundaries and ease their identification on the ground. These adjustments will decrease the total acres of DOGs in the planning area by 38 acres, see table 4-32 in the FEIS. This reduction is mainly due to a reallocation of 75 acres in DOG 02017 to ROG 02017. The 75 acres are young forest and do not meet management direction for suitable DOG habitat. Moving the 75 acres into a ROG provides me the opportunity to implement activities to move this stand to future old growth forest stand structure (see FEIS Chapter 4).

I am also designating Replacement Old Growth areas for each of the DOGs listed above as directed by Standard 5 for Management Area 13 (MA 13). This will add 1,146 acres to MA 13 (FEIS Chapter 4). These areas are designated to counter possible catastrophic damage or deterioration of the DOGs.

Determination that the Forest Plan Amendment is Not Significant under NFMA

I have determined that this amendment is not a significant amendment under the national Forest Management Act implementing regulations [36 CFR 219.10(f)]. In reaching this conclusion, I considered the following factors from Forest Service Handbook (FSH) 1909.12:

Timing

A change is less likely to result in a significant plan amendment if the change is likely to take place after the plan period (the first decade). The proposed changes are taking place after the first decade of the current 1990 plan; but will be enacted before the next scheduled revision. The next scheduled revision for the Malheur National Forest is to begin in 2004 with an anticipated completion date of 2008. Therefore, the timing of the two changes in this amendment is not significant because of how late the changes are occurring under the current Forest Plan.

Location and Size

The smaller the area affected, the less likely the change is to be a significant change to the Forest Plan.

Although cover will be affected on approximately 50% of the summer range and 22% of the winter range for about 20 years, proposed vegetative treatments will create more sustainable cover in the long term. After about 20 years marginal cover is expected to develop in the younger stands while older stands will mostly remain below 40% canopy cover. The canopy cover that does redevelop is expected to be more sustainable because it will be provided by fewer, but larger and healthier trees that are more adapted to site conditions than those there presently. Since prescribed vegetative treatments will benefit cover in the long term the amendment is not significant.

This amendment will reduce DOG by 38 acres, establish about 1,146 acres of new ROG areas (this includes about 75 acres of DOG 02017 reallocated as ROG); resulting in a total addition of 1,108 acres to MA 13. The Silvies watershed area encompasses 81,000 acres; the total acreage change of 1,108 acres is about 1 percent of the total watershed area. Since their location remains within the project area and their size change (about 1 percent) is a small percentage of the watershed area, the location and size of this amendment is not significant when compared with the Forest as a whole.

Goals, Objectives, and Outputs

An action is more likely to be a significant Forest Plan amendment if it alters the long-term relationship between the levels of goods and services projected by the Forest Service and particularly if it would forgo the opportunity to achieve an output in later years. The proposed amendment does not change any goals and objectives stated in the Forest Plan.

The short-term reduction in the cover variables from treating these acres now will create more sustainable cover in the long term. Although cover is being reduced, habitat effectiveness improves in most subwatersheds in summer and winter range due to road closures. Harvest generally occurs over a 2-year period, and will occur in about 1/3 of the project area at a time. Road closures will be conducted as treatments allow. Big-game animals might move from an area because of changes in habitat and disturbance (noise) during treatments, but they are expected to return upon completion of treatments. Although

cover is being reduced, the effect on big-game populations is not expected to be measurable.

The manipulation of the DOGs and ROGs will implement direction for old growth found at IV-105 in the Forest Plan. The decrease of General Forest acres (MA 1) by 1,108 acres from the current total of approximately 544,700 acres is about a 0.2 percent Forest-wide acreage change.

There is a relationship between MA 1 acres and the allowable sale quantity (ASQ) under the current Forest Plan; however, the decrease in acres does not mean there will be a corresponding decrease in ASQ. The Forest Plan does allow scheduled timber harvests in ROGs that "maintain or enhance the capability of timber stands to provide suitable old-growth habitat in the future" (Forest Plan at IV-106).

I have also considered this decrease in relation to the cumulative effects of other changes to MA 1 acreage from the other 54 amendments to the Forest Plan. The Forest Plan estimated 553,053 acres of MA 1 in 1990, with this decision there will be approximately 543,592 acres. This is less than a 2 percent cumulative change in MA 1 acres. As the Chief determined in his 9/10/84 appeal decisions for the San Juan and Grand Mesa, Uncompahgre and Gunnison National Forest plans, there is no assurance that projected Forest Plan outputs will occur due to limitations of modeling, changes in law and regulations, changes in economic conditions, changes in budgets, site-specific conditions, and other situations. Therefore, this reduction of MA 1 acres is an insignificant change to the potential timber output or other services for the Malheur National Forest.

Management Prescription

A change is more likely to require a significant amendment if it would apply to future decisions throughout the planning area and whether or not the change alters the desired future condition of the land and resources or the anticipated goods and services to be produced.

The reduction of cover values applies only to this planning effort. The changes would not affect future actions and meets the desired future conditions of cover habitat by providing more sustainable habitat in the future.

Although the changes to the DOGs and ROGs will apply to future management in the planning area, it will not alter the desired future condition of the land and resources, standards and guidelines, or the anticipated goods and services to be produced. The decision complies with Forest Plan standards for MA 13. It will also contribute to Forest Plan goals to maintain or enhance ecosystem functions and provide connective and old growth habitat for old growth dependant species. The planned activities will not detract from or jeopardize any of the Forest Plan goals. Because of the small magnitude of change, about a 0.2 percent of MA 1 acreage decrease Forest-wide. This change is insignificant.

Other Factors

After review of the environmental impact statement and project file, I have determined there are no other factors or unique circumstances affecting the Forest Plan from this amendment.

Since I have determined that there is not significant change based on the factors, I conclude that this amendment is not a significant change to the overall Forest Plan

direction as defined in the 1990 Malheur Land and Resource Management Plan and its Record of Decision as amended. Therefore, an environmental impact statement for a forest plan revision following the 10 step planning process found at 36 CFR 219.12 does not need to be prepared.

Consistency with NFMA Requirements

In all other respects, I find this decision to be consistent with the Malheur Forest Plan and with the requirements of the National Forest Management Act implementing regulations; specifically:

Silvicultural Practices

The selected alternative is consistent with the management requirements from 36 CFR 219.27(c). No timber harvest is proposed on lands classified as not suited for timber production during forest planning.

Even-aged Management/Clearcutting

The selected alternative is consistent with the management requirements from 36 CFR 219.27(d). This project does not propose even-aged management / clearcutting activities.

Vegetative Manipulation/Management Requirements

The selected alternative is consistent with the management requirements from 36 CFR 219.27 and the seven vegetation requirements from 36 CFR 219.27(b).

Maintaining Viable Populations of Fish and Wildlife Species

The selected action is consistent with the viable population requirements of 36 CFR 219.19.

Implementation

I have reviewed the Silvies Canyon Watershed Project FEIS and its associated appendices. I have determined there is adequate information within these documents to provide a reasoned choice of action. I am fully aware of the possible adverse environmental effects that cannot be avoided, and the irreversible / irretrievable commitment of resources associated with the Selected Alternative. I have determined that these risks will be outweighed by the likely benefits (FEIS, Chapter 4).

Implementing the Selected Alternative is expected to begin in fall / winter of 2003. A schedule for implementing this decision can be found in the FEIS Chapter 2, Table 2-21 and Chapter 4 pg. 4-2. For some activities, the rate of implementation may vary depending on funding received.

Implementing the Selected Alternative will cause no unacceptable cumulative impact to any resource. There will be no significant impact to cultural resources, consumers, civil rights, minority groups, or women. There are no unusual energy requirements for implementing the Selected Alternative. The FEIS adequately documents how compliance with these requirements is achieved.

Procedure for Change During Implementation

Minor changes may be needed during implementation to better meet on-site resource management and protection objectives.

In determining whether and what kind of further NEPA action is required, the Responsible Official will consider the criteria for whether to supplement an existing Environmental Impact Statement in

40 CFR 1502.9(c) and FSH 1909.15, sec. 18, and in particular, whether the proposed change is a substantial change to the intent of the Selected Alternative as planned and already approved, and whether the change is relevant to environmental concerns. Connected or interrelated proposed changes regarding particular areas or specific activities will be considered together in making this determination. The cumulative impacts of these changes will also be considered.

The intent of field verification prior to my decision was to confirm inventory data and to determine the feasibility and general design and location of a road or unit, not to locate the final boundaries or road locations. For example, harvest unit prescriptions may be modified if site conditions dictate and if other resource objectives can be met. Minor adjustments to unit boundaries may be needed during final layout for resource protection, to improve logging system efficiency, and to better meet the intent of my decision. Many of these minor changes will not present sufficient potential impacts to require any specific documentation or action to comply with applicable laws.

Appeal Rights

My decision is subject to administrative appeal. Organizations or members of the general public may appeal my decision according to Title 36 CFR Part 215. The 45-day appeal period begins the day following the date the legal notice of this decision is published in the *Blue Mountain Eagle*, John Day, Oregon, the official newspaper of record. The Notice of Appeal must be filed with the Reviewing Officer:

Appeal Deciding Officer
Pacific Northwest Region
USDA Forest Service
Attn. 1570 Appeals
PO Box 3623
Portland, OR 97208-3623

Appeals can also be filed electronically at appeals-pacificnorthwest-regional-office@fs.fed.us.

It is the responsibility of those who appeal a decision to provide the Regional Forester sufficient written evidence and rationale to show why my decision should be changed or reversed. The appeal must be filed with the Appeal Deciding Officer § 215.8 in writing. At a minimum, an appeal must include the following:

1. Appellant's name and address (§ 215.2), with a telephone number, if available;
2. Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
3. When multiple names are listed on an appeal, identification of the lead appellant (§ 215.2) and verification of the identity of the lead appellant upon request;
4. The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
5. The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (§ 215.11(d));
6. Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
7. Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;

9. How the appellant believes the decision specifically violates law, regulation, or policy.

Contact Persons

For additional information concerning the specific activities authorized with my decision, you may contact:

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Roger W. Williams — August 4, 2003
Date

ROGER W. WILLIAMS
Forest Supervisor
Malheur National Forest
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