

Decision Memo

27 Road Fuel Break Project

U.S. Forest Service
Barlow Ranger District, Mt. Hood National Forest

Purpose and Need

The purpose of the 27 Road Fuel Break project is to reduce the risk of landscape level disturbance by establishing a linear fuel break along National Forest System (NFS) Roads.

Project Location

The project area totals about 2,807 acres located along NFS Roads 2700000, 2710000, 2710140, 2711000, 2711120, 2720000, 2730000, 2730120, and 4421000¹. The area runs roughly north to south from Fifteenmile Creek to Bonney Crossing Campground. The Badger Creek Wilderness makes up part of the western planning area boundary. See the maps in Appendix A.

Decision

To address the purpose and need, I have decided to implement the 27 Road Fuel Break Project which will create up to a 1,000-foot-wide fuel break along segments of the 27 Road system. Total acres treated will be approximately 2,807. See the Unit Treatment Table (Appendix B) for information about stands in each unit. My decision excludes Units 73-79 along NFS Road 2711000. See the “Decision Rationale” section later in this document for details.

Unit conditions were determined through field reviews, common stand exams, LiDAR mapping, and remotely sensed and modeled datasets that are available for the area. All areas proposed for treatment will be thinned from below. Thinning from below means that small-diameter trees are thinned first. Diameter size increases as more trees are thinned, until reaching a target basal area. By default, this method prioritizes the retention of the largest trees within the stands. To accomplish this, mechanical and non-mechanical (i.e., hand-crews) methods will be used. These methods include but are not limited to non-commercial thinning, commercial thinning, and fuels treatments (including but not limited to mastication, piling, and prescribed burning). Non-commercial units will be treated with non-commercial thinning and fuels treatments. Commercial unit treatments may include a combination of non-commercial thinning, fuels treatments, and commercial thinning. Trees and other vegetation targeted for removal would be that which is contributing to dense canopies and excessive ladder fuels. Small diameter standing dead or dying trees up to 12 inches diameter-at-breast height (DBH) may be thinned, piled and burned.

Treatments would reduce densities to approximately 60-80 ft² per acre basal area. Canopy cover as a result of treatment would range from 35-50 percent. Treatments would primarily remove small diameter trees occupying the mid-story, increasing canopy base height after treatment. Some young trees would be retained to promote regeneration of desired species and maintain a healthy age structure.

¹ Townships 2 South and 3 South; Ranges 10 East and 11 East

Where necessary, brush and piling treatments will occur to reduce the existing and activity-created surface fuels. Prescribed fire, including underburning and pile burning, will occur where safe and effective to implement.

Proposed treatments in designated Riparian Reserves were designed to maintain or improve the health of the stands. Treatments will range from a minimum of 40% to 50% canopy cover according to plant community. See project design criteria (PDC) for details about activities proposed in different riparian treatment zones.

The proposed action will not construct any system roads. Road maintenance and repairs will occur as needed along a timber haul route. It is expected that approximately 10 miles of temporary roads will be needed to facilitate activities. See maps in Appendix A. The project includes new temporary roads as well as temporary roads that may be located on previous alignments, such as decommissioned roads. Although the exact location of temporary road segments are unknown at this time, all project design criteria and best management practices will be followed. Final temporary road locations will be determined during implementation per Forest Service approval. All temporary roads will be obliterated as soon as practicable, but no later than three years after the project has been completed. During obliteration, temporary roads are de-compacted or recontoured as needed, which includes having major fills, embankments and areas with higher risk of failure pulled up onto the roadbed and stabilized. Slash and other debris will be placed on the former temporary road surface to prevent un-authorized motorized use and facilitate natural revegetation.

Appendix C includes PDC that were designed specifically for this project to protect resource values and will be implemented as part of my decision.

The proposed action appropriately addresses the purpose and need and incorporates restrictions and requirements of Section 40806 of the Infrastructure Investment and Jobs Act (P.L. 117-58) and incorporates sideboards that I provided to interdisciplinary team members for this project. It also considers information shared with me throughout the collaboration process, including input from the Wasco County Forest Collaborative and comments from other entities and members of the public. Appendix E shows how comments were considered.

Decision Rationale

Many items factored into my decision to implement this project. Below is a discussion of details I feel are important to highlight. I feel these details are important to explain because of the importance of meeting law, regulation and policy requirements; the value of collaboration processes and input from members of the public; and the resource concerns that are special for this area of the Mt. Hood National Forest. Also, an important factor in making this decision is centered on the Mt. Hood National Forest's designation as a national priority landscape to safeguard communities and resources against wildfires. This decision will help to support our ongoing efforts in addressing the agency's Wildfire Crisis Strategy². Not every item of concern brought forth by public comments is discussed below. See Appendix E for additional information about comments which I considered in my decision.

² <https://www.fs.usda.gov/managing-land/wildfire-crisis>

Consistency with Section 40806 of the Infrastructure Investment and Jobs Act (P.L. 117-58)

Section 40806 of the Infrastructure Investment and Jobs Act (P.L. 117-58), also known as the Bipartisan Infrastructure Law, established a new categorical exclusion (CE) for forest management activities with a primary purpose of establishing and maintaining linear fuel breaks. The project is consistent with requirements for use of this CE. Requirements are listed below followed *in italics* by how requirements are met.

- Fuel breaks must be a maximum of 1,000 feet in width contiguous with or incorporating existing linear features, such as roads, water infrastructure, transmission and distribution lines, and pipelines of any length on Federal land.
 - *Fuel breaks will not exceed 1,000 feet in width. Fuel breaks will be along existing National Forest System roads which are linear features.*
- Fuel breaks must be intended to reduce the risk of uncharacteristic wildfire on Federal land or catastrophic wildfire for an adjacent at-risk community.
 - *The project intends to reduce the risk of uncharacteristic wildfire on National Forest System lands and reduce the risks of catastrophic wildfire for an adjacent at-risk community. The entire planning area is located in fire regime I or III, with almost all treatment units in a fire regime condition class 2 or 3, which represents a moderate or highly departed condition. See the Fuels Report and Appendix E (Consideration of Comments) for details.*
- Activities permitted include mowing or masticating; thinning by manual and mechanical cutting (including commercial and/or non-commercial thinning); piling, yarding, and removal of slash or hazardous fuels; selling of vegetation products, including timber, firewood, biomass, slash, and fence posts; targeted grazing; application of pesticide, biopesticide or herbicide; seeding of native species; controlled burns and broadcast burning; and burning of piles, including jackpot piles.
 - *Project activities fit within these requirements.*
- Project activities may not occur in Wilderness, on Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress, Presidential proclamation (including the applicable implementation plan or regulation); in a wilderness study area; or in an area in which carrying out the activity would be inconsistent with the applicable land management plan or resource management plan.
 - *No treatments will occur in these areas.*
- The project must apply the extraordinary circumstances procedure (36 CFR 220.6).
 - *The project is consistent with 36 CFR 220.6. Interdisciplinary team members included resource specialists in hydrology, fisheries, soils, botany, invasive plants, wildlife, heritage, recreation, visuals (scenic resources), fuels, silviculture, roads, and timber. Through analysis, team members concluded the project would not create resource conditions leading to an extraordinary circumstance that would preclude use of this categorical exclusion. See section titled “Extraordinary Circumstances Consideration Summary” later in this document.*
- Acres treated may not exceed 3,000 acres.
 - *The project includes treatments on approximately 2,807 acres.*
- Acres treated must be primarily located in:
 - The wildland-urban interface (WUI) or a public drinking water source area;

- If located outside the wildland-urban interface or a public drinking water source area, an area within Condition Class 2 or 3 in Fire Regime Group I, II, or III that contains very high wildfire hazard potential; or
- an insect or disease area designated by the Secretary as of November 15, 2021.
- *All units are located in fire regime I or III, and are primarily classified as Fire Regime Condition Class 2 or 3 and mapped as having high to very high wildfire risk. Units overlap an insect and disease area designated by the Secretary of Agriculture (April 16, 2019).*
- The project must consider the best available scientific information.
 - *The project considered the best available scientific information. See specialist reports and appendices on the project website³.*
- No permanent roads shall be established.
 - *No permanent roads will be established.*
- Maintenance and repairs on existing permanent roads may be carried out.
 - *Maintenance and repairs on existing permanent roads will occur as necessary.*
- Any temporary roads constructed shall be decommissioned not later than 3 years after the date on which the project is completed.
 - *Temporary roads constructed will be decommissioned not later than 3 years after the date on which the project is completed.*
- Projects using this CE must be prepared collaboratively among State and local governments and Indian Tribes and with participation of interested persons.
 - *The Forest has engaged with the Confederated Tribes of the Warm Springs Reservation of Oregon about this project.*
 - *The project considered input from the Wasco County Forest Collaborative group members and comments received from members of the public and other entities. See Appendix E (Consideration of Comments) for details.*

Douglas Cabin Late-Successional Reserve Treatments (LSR)

Scoping for this project included proposed treatment units along NFS Road 2711000 in the Douglas Cabin LSR (Units 73-79). My decision excludes these units from treatment. Many comments expressed concern about conducting any thinning and fuels treatments in the Douglas Cabin LSR. Many of the concerns involved consistency with the Northwest Forest Plan because the Northwest Forest Plan directs how LSRs should be managed. A comment from the Wasco County Forest Collaborative (WCFC) group stated: “Some members of the group oppose these treatments because the fuel break in the LSR is redundant with an adjacent proposed fuel break along the 27 Road, the treatments will impact habitat connectivity, and a more holistic approach to restoration and management beyond fuel breaks is necessary to meet the objectives of the Douglas Cabin LSR Assessment.”

I believe the analysis conducted by my team addressed most of the concerns expressed by the public. The Northwest Forest Plan Record of Decision (ROD) provides guidance for treatments in LSR. The ROD standards and guidelines state that treatments to reduce risks of large-scale disturbance east of the Cascades are permitted and encouraged within LSR, where they are susceptible to major fires that may eliminate spotted owl habitat. Risk reduction treatment in older stands is appropriate if: (1) the proposed management activities will clearly result in greater assurance of long-term maintenance of habitat, (2) the

³ <https://www.fs.usda.gov/project/mthood/?project=63368>

activities are clearly needed to reduce risks, and (3) the activities will not prevent the Late-Successional Reserves from playing an effective role in the objectives for which they were established. (Northwest Forest Plan Standards and Guides C-13). Consistency reviews were conducted for areas proposed for treatment within the Douglas Cabin LSR and Surveyor's Ridge LSR, ensuring consistency with the Northwest Forest Plan. Habitat connectivity, another concern expressed by the WCFC and other commenters, would be protected and is discussed in the Wildlife Report and Appendix E. Finally, Appendix E discusses the redundancy issue. Redundancy can be beneficial in fighting fire. Treating two roads that are parallel to one another provides treatment overlap, which can increase treatment effectiveness and would provide a primary and secondary containment line, creating more flexibility for fire managers.

I decided to exclude these units from treatment for two reasons. First, the analysis revealed existence of a historic northern spotted owl site along this road. While my team could have conducted additional consultation work with U.S. Fish and Wildlife Service staff to design the project to adequately protect for this site, I concur with the WCFC's comment that the Douglas Cabin LSR needs restoration work that the scope of this project cannot fully address. Second, it was determined that the project can still meet its purpose and need even if these units are excluded. Although redundancy creates additional opportunities for firefighters to engage in wildfire safely and effectively, the remaining fuel break will still be able to improve conditions for defendable containment lines. Appendix E provides more information about redundancy and how considerations such as topography play a role in fuel break design, such as the case with NFS Roads 2720000 and 2730000.

Other units that are within the Douglas Cabin LSR will be treated. These areas are classified as Fire Regime Condition Class III. The Douglas Cabin LSR Assessment states: "current conditions will support high intensity and severity fires in fire groups two and three. Such fires would eliminate any existing late successional and old growth stands and the potential to move existing stands towards the characteristic old growth structure quickly."

For more information about LSRs, LSR-dependent species, and treatments, see the Vegetation Report, Wildlife Report, Fuels Report, Appendix B, Appendix C, and Appendix E.

Diameter Limits

Many comments expressed concern about large trees and their relation to mature and old-growth forests. Some suggested that diameter limits should be applied, citing the recent Executive Order 14072.⁴ The Aquatic Resources and Silviculture sections in Appendix C include project design criteria for diameter limits for inner riparian zones and some portions of LSRs. And the Vegetation Report discusses how diameter limits may be applied for individual species within treatment units.

However, I decided not to include a general diameter limit for the entire project area. While blanket diameter limits are not necessary to meet law, regulation and policy requirements, including direction provided by the Executive Order, I appreciate concerns about the ecological importance of large trees. As described in the "Decision" section earlier in this document, the "thinning from below" method will be used, which will protect the largest, healthiest trees that do not present abnormally high fire risk during a wildfire event.

⁴ Executive Order 14072: Strengthening the Nation's Forests, Communities, and Local Economies. April 22, 2022.

See the Appendix E section titled “Old-Growth and Mature Forests” and the Vegetation Report for more about mature and old-growth forests. For information about wildlife species that depend on old-growth and mature forests, refer to the Wildlife Report.

Collaboration, Public Involvement, and Tribal Consultation

This project was shared with the Wasco County Forest Collaborative (WCFC) on May 5, 2023, which included a field trip with collaborative group members, Forest Service interdisciplinary team members, and me. The purpose of the field trip was to introduce information about fuel breaks and the project area specifically. The field trip included a stop overlooking portions of the Douglas Cabin LSR and Badger Creek Wilderness. The collaborative group shared a letter with the District on May 16, 2023, with pre-scoping project comments and recommendations. A second field trip with the WCFC, interdisciplinary team, and myself took place on June 29, 2023. On this day the group discussed topics including proposed activities, LSR, Wilderness, Riparian Reserves, and adjacent non-Forest lands. The group then shared a letter on August 3, 2023, with their comments during the 30-day public scoping period. Throughout this time and until the signing of this decision, I and my staff attended monthly meetings with the collaborative group to talk about the project.

This action was originally listed as a proposal on the Mt. Hood National Forest Schedule of Proposed Actions (SOPA). The Forest contacted about 230 interested individuals and entities about this project during a 30-day scoping period beginning July 7, 2023. Most were contacted via email through the “Gov Delivery” online system because they signed up for project updates through the Forest website⁵. One entity was sent a letter via United States Postal Service.

The Confederated Tribes of the Warm Springs of Oregon were consulted for this project.

We received scoping comments from: American Forest Resource Council (AFRC), Bark, Oregon Wild, Wasco County Forest Collaborative, Wild Earth Guardians, and ten individuals. I met with the interdisciplinary team to discuss these comments, and Appendix E shows how comments were considered.

Extraordinary Circumstances Consideration Summary

Based on discussions with agency specialists, partners, and other stakeholders, I have determined that this project meets each of the criteria specified in Section 40806 of the Infrastructure Investment and Jobs Act (P.L. 117-58). Additionally, as described in 36 CFR 220.6, I considered the seven resource conditions and concluded that there are no extraordinary circumstances that might cause the action to have significant effects. I have described the rationale for my decision in the “Decision and Rationale” section above. Below is a summary of extraordinary circumstances consideration.

- **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat.**

Federally listed wildlife species potentially present within the project area include northern spotted owl and gray wolf. Designated critical habitat for the northern spotted owl is present within the project area.

⁵ Members of the public can sign up for project updates by navigating to the "Get Involved" section at this website: <https://www.fs.usda.gov/projects/mthood/landmanagement/projects>

Northern spotted owl and critical habitat – Project activities that **may affect and are likely to adversely affect (LAA) northern spotted owl** include downgrading approximately 119 acres of foraging habitat to dispersal habitat. Although habitat would be downgraded in the short term on the 119 acres, treatments are not expected to prevent owls from occupying or producing and rearing young in treated areas. PDC are in place to ensure nest patches will be protected if found during surveys. Treatments designed to decrease ladder fuels and discourage crown fire may help preserve habitat on the landscape in the long term in event of a large-scale fire. All other project activities **may affect but are not likely to adversely affect (NLAA) northern spotted owl** (Wildlife Report section 2.3).

Project activities that **may affect and are likely to adversely affect (LAA) northern spotted owl critical habitat** include downgrading approximately 119 acres of foraging habitat (PBF⁶ 3) to dispersal habitat (PBF 4). These areas would no longer provide or would reduce the quality of PBFs for dispersal, reproduction, and survival of the northern spotted owl for 25 to 75 years. However, creation of the fuels break may help ensure that the habitat is retained on the landscape long-term in the event of a large-scale fire. The project is consistent with the eight special management considerations for East Cascades North (ECN) subunit ECN 7 (USDI, USFWS 2012), as discussed on pp. 16-17 of the Wildlife Report. As examples, the project maintains the highest quality habitat within the project area boundary; will facilitate dispersal of northern spotted owl across the landscape; will help to maintain key structural components by reducing fuels and reducing risks of the loss of these components due to fire, insects, and disease; and would not remove the largest and oldest trees, remove downed logs, or cut snags unless required for safety. All other project activities **may affect but are not likely to adversely affect (NLAA) northern spotted owl critical habitat** (Wildlife Report section 3.3). As discussed in the section later in this document “Endangered Species Act,” the project was consulted on and is consistent with the 2023 Updated Biological Opinion on Mt. Hood National Forest Timber Harvest and Routine Activities (USFWS Ref # 01EOW00-2020-F-0170).

Gray wolf – No dens or rendezvous sites have been detected within the project area. If any are found, activities would be restricted within one mile of the site from April 1 to July 15. The project could indirectly benefit the gray wolf by increasing the availability of prey within the planning area. Therefore, the project **may affect but is not likely to adversely affect (NLAA) gray wolves**.

See the Wildlife Report for more information about northern spotted owls, northern spotted owl critical habitat, and gray wolves.

There would be **no effect to federally listed aquatic species or designated critical habitat** in the project area because none are present. See the Fisheries Report for details.

There would be **no effect to federally listed botanical species or designated critical habitat** in the project area because none are present, including the recently listed whitebark pine. See the Botany Report and Appendix E section titled “Whitebark Pine” for details.

⁶ See Wildlife Report sections 3.1-3.4 for definitions of Physical and Biological Features (PBFs).

- **Forest Service sensitive species** – There are three Region 6 sensitive and/or survey and manage wildlife species that are or may be present in the project area: white-headed woodpecker, Lewis’ woodpecker, and the Dalles sideband - a terrestrial mollusk listed as both a sensitive species and a survey and manage species. Project activities would have beneficial effects for white-headed woodpeckers, and a mix of beneficial and negative impacts for Lewis’ woodpeckers. Snags will be protected by PDC. For the Dalles sideband, known sites will be protected with PDC. For all three species, activities **may impact individuals or habitat but will not likely contribute to a trend towards Federal listing or cause a loss of viability to the population or species (MIIH)**. See the Wildlife Report for more information.

There are three Region 6 sensitive aquatic species that are or may be present in the project area: Inland Columbia Basin redband trout, Cope’s giant salamander, and Rocky Mountain dusksnail. There are two survey and manage species that may be present in the project area: Rocky Mountain dusksnail and basalt juga. For all species, there is a slight possibility of impacts to individuals from stress-induced responses, desiccation, and crushing; and to their habitat from sedimentation, reduction in large woody material frequency and recruitment, and water withdrawals. However, PDC would limit impacts to individuals and habitat and risks to their habitat from future fires would be mitigated. Therefore, for all aquatic species, activities **may impact individuals or habitat but will not likely contribute to a trend towards Federal listing or cause a loss of viability to the population or species (MIIH)**. See the Fisheries Report for more information.

There are five Region 6 sensitive and/or Survey and Manage botanical species that are or may be present in the project area. Botrychium species include common moonwort (a Region 6 sensitive species) gray moonwort (a Survey and Manage Species), and mountain grape-fern, which is included on both lists. These three species were not found during surveys, but suitable habitat for these species was found in this project area. Buffers around riparian areas and wetlands should protect undiscovered individuals from the proposed activities. Nevius’ onion, a Region 6 sensitive species, was not found during surveys but potential habitat may exist. Mechanical activities would negatively impact the species, but proposed under burning would benefit it. Like the previously mentioned species, mechanical buffers in seasonally moist openings would help protect undiscovered individuals. Last, new sites were discovered in the project area for Mountain lady’s-slipper, and there is likely habitat within the project area for this Survey and Manage species. Mechanical activities would negatively impact the species, but proposed under burning would benefit it. All known sites will be mechanically avoided but undiscovered individuals may be impacted by mechanical activity. For all Region 6 sensitive and/or Survey and Manage species, activities **may impact individuals or habitat but will not likely contribute to a trend towards Federal listing or cause a loss of viability to the population or species (MIIH)**. See the Botany Report for more information.

- **Floodplains, wetlands, or municipal watersheds** –There are no jurisdictional floodplains within the project area as per Executive Order 11988, which are features identified by the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps (FIRM). There exist however small, localized unmapped floodplain features along some stream reaches in the project area. These would be considered part of the Riparian Reserve network, a land allocation designated by the Northwest Forest Plan. Management within Riparian Reserves is directed by the standards and guidelines in this plan, which are intended to maintain or enhance riparian

conditions and function. Activities proposed within Riparian Reserves would be limited in intensity and in extent as defined by PDC consistent with achieving the Northwest Forest Plan standards and guidelines. See Hydrology Resource Considerations Report, Appendix C (PDC) and Appendix D (Aquatic Conservation Strategy (ACS) Objectives consistency).

There would not be impacts to wetlands because of the proposed activities. The no-activity buffer, along with other PDC described in Appendix C and best management practices (USDA 2012), would ensure that the proposed action would be consistent with Section 404 of the Clean Water Act.

There are no surface water municipal watersheds within or adjacent to the project area.

- **Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas** –The project area is adjacent to the Badger Creek Wilderness. No actions are proposed within designated Wilderness and there will be no adverse impacts to Wilderness. There are no other congressionally designated areas within the project area.
- **Inventoried roadless areas or potential wilderness areas** – None present.
- **Research natural areas** – None present.
- **American Indians and Alaska Native religious or cultural sites** – The proposed action will have no, or extremely minor, direct effects to American Indians and Alaska Native religious or cultural sites due to PDC and the location of the treatment areas. The project area is located within the ceded lands of the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO) and CTWSRO was contacted about this project. See the Cultural Resource Inventory Report that was submitted to the Oregon State Historic Preservation Office (SHPO) and CTWSRO for more details.
- **Archaeological sites, or historic properties or areas** – All cultural resources within or immediately adjacent (approximately 100 feet) to project activities will be avoided. Therefore, this project will have no, or extremely minor, direct effects on archaeological sites, or historic properties or areas. This project meets the criteria under the terms of the 2004 Programmatic Agreement with the State of Oregon for a *No Historic Properties Affected* determination (Stipulation III (B)(5)). See the Cultural Resource Inventory Report that was submitted to SHPO for more details.

I have closely examined the degree of potential effects of the proposed action on the resource conditions described above and have concluded that the individual effects from the proposed action do not constitute an extraordinary circumstance. The degree of effects would be minor and further lessened through application of BMPs and PDCs. I also considered whether this project combined with effects of past, current, or future projects presented uncertainty in my mind about the significance of impacts on any resource. I would like to specifically share how I considered this for northern spotted owl and its critical habitat given that the downgrade of 119 foraging (and PBF3) acres resulted in the effects determination of “may affect and are likely to affect” (LAA) the owl or its critical habitat. While I recognize these impacts, I have concluded that there is no uncertainty about the significance of those impacts. This is because of the small scope and scale of the project, the small number of acres impacted under the LAA determination, the fact that most activities are not likely to adversely affect (NLAA) owls, and the

potential benefits of treatments to owl habitat as disclosed in the Wildlife Report. I also considered the project design criteria that will be applied to protect the owl, and the thoughtful and close work between my staff and U.S. Fish and Wildlife staff in applying the requirements of the 2023 Biological Opinion that will guide all aspects of implementation, including how timing of implementation will interface with other project implementation activities across the watershed and the Forest. Lastly, I think it is important to point out that while the downgrade of foraging (and PBF3) habitat leads to the determination of LAA in the 2023 Biological Opinion, these impacts would occur on only 119 acres. The Wildlife Report concludes that this short-term downgrade would not prevent owls from occupying or producing and rearing young in treated areas or the larger planning area. The report explains PDC are in place to ensure nest patches will be protected if found during surveys, and that treatments designed to decrease ladder fuels and discourage crown fire may help preserve habitat on the landscape in the long term in the event of a large-scale fire. Although the ESA determination is LAA, I find that the impacts of this project do not equate to an extraordinary circumstance or NEPA significance. Based on these findings, I believe that the effects on the quality of the human environment are not individually or cumulatively significant; therefore, the action is categorically excluded from documentation in an environmental assessment (EA) or environmental impact statement (EIS).

Findings Required by Other Laws and Regulations

This decision is consistent with all relevant law, regulation and policy as described previously and in the following sections.

National Forest Management Act

This decision is consistent with the Mt. Hood Land and Resource Management Plan (Forest Plan), as amended, including relevant standards and guides for C1-Timber Emphasis, B4-Pine-Oak Habitat, and B6-Special Emphasis Watershed. The goal of C1-Timber Emphasis is to “provide lumber, wood fiber, and other forest products on a fully regulated basis, based on the capability and suitability of the land.” A secondary goal is to “enhance other resource uses and values that are compatible with timber production” (Forest Plan, page Four-289). The primary goal of the B4-Pine-Oak Habitat land use allocation is to “maintain key deer and elk winter habitat with additional emphasis on nesting and forage production for year-round turkey and squirrel habitat.” Secondary goals are “to maintain a healthy forest condition through a variety of timber management practices and to provide summer dispersed and developed recreational opportunities” (Forest Plan, page Four-234). The primary goal of the B6-Special Emphasis Watershed land use allocation is to “maintain or improve watershed, riparian, and aquatic habitat conditions and water quality for municipal uses and/or long-term fish production.” A secondary goal is to “maintain a healthy forest condition through a variety of timber management practice” (Forest Plan, page Four-246). In this case, the Special Emphasis Watershed is Fifteenmile Creek, a Tier 1 Key Watershed. This represents a small portion of the planning area. Most of the project area overlaps the Tygh Creek Watershed.

This decision is consistent with the Northwest Forest Plan land use allocations for the planning area including those for Matrix, Late-Successional Reserve (LSR), and Riparian Reserves. Most treatments will be in Matrix lands. Matrix lands “consist of those federal lands outside the six categories of designated areas” under the Northwest Forest Plan (Record of Decision and Standards and Guidelines, page A-5). LSR has an objective to “protect and enhance conditions of late successional and old-growth forest ecosystems, which serve as habitat for late-successional and old-growth forest related species including the northern spotted owl” (page A-4). Riparian Reserves “provide an area along all streams, wetlands, ponds, lakes, and unstable or potentially unstable areas where riparian-dependent resources

receive primary emphasis" (page A-5). Appendix A of this decision includes maps showing land use allocations.

This project is also consistent with Northwest Forest Plan requirements for Aquatic Conservation Strategy (ACS) objectives and survey and manage species. Appendix C includes measures to protect riparian features along with best management practices, and Appendix D includes a table showing how activities will meet ACS objectives. Aquatic and wildlife survey and manage species include the Dalles sideband and Rocky Mountain dusksnail. The botany resource review included consideration of survey and manage botanical species. Verified sites for survey and manage species discovered during surveys will be buffered from activities to manage them appropriately according to policy direction.

The stands proposed for treatment were examined for suitability in accordance with 36 CFR 219.13. The stands were found to be suitable for timber management by the Forest Plan; and all silvicultural activities would be implemented on lands meeting the definition of forest land (16 U.S.C. 1604). See the Vegetation Report for more information.

This project is consistent with the Pacific Northwest Invasive Plant Program Preventing and Managing Invasive Plants Record of Decision (USDA 2005) and the Site-Specific Invasive Plant Treatments for Mt. Hood National Forest and Columbia Gorge Scenic Area in Oregon Record of Decision (USDA 2008) that amended the Forest Plan. Invasive plant surveys were conducted to identify known infestations and risk. This project has a high risk of invasive species infestation. Project design features associated with the Proposed Action would provide mitigation for the introduction of new weed species and would help reduce the spread of current invasive species into areas without infestation as well as to other areas of the forest. This prevention would occur through the cleaning of equipment and use of weed-free materials. Large scale restoration with native seed will be fundamental in maintaining open, defensible conditions while also preventing invasive plant expansions. Long-term treatments would be conducted under a separate NEPA decision (FEIS for Site-Specific Invasive Plant Treatments for Mt. Hood National Forest and Columbia River National Scenic Area in Oregon including Forest Plan Amendment #16). See the Invasive Species Report.

Clean Water Act

The Clean Water Act of 1948 (as amended in 1972 and 1987) establishes as federal policy for the control of point and non-point source pollution and assigns the States the primary regulatory authority for enforcing the Act. Clean Water Act compliance will be achieved through the application of effective BMPs (USDA 2012). All activities are designed to protect water quality and aquatic resources through the use of BMPs, which are the primary mechanism to enable the achievement of state water quality standards and minimize non-point impacts. There are no 303(d) listed streams or streams for which total maximum daily loads (TMDLs) have been developed within the project area.

Endangered Species Act

The Endangered Species Act of 1973 (as amended) requires Federal agencies to ensure that any activities they authorize, fund, or carry out do not jeopardize the continued existence of any species that is Federally listed, or proposed for listing, as Threatened or Endangered (Section 7). Proposed activities are consistent with this Act. It was determined that some project activities **may affect but are not likely to adversely affect (NLAA)** the gray wolf. It was determined that some project activities **may affect and are likely to adversely affect (LAA)** the northern spotted owl and its designated critical habitat. For the gray wolf, the project has been designed to be in accordance with the 2017 Biological Assessment for

Routine Land Management Activities with a Potential to Modify Habitat which are Not Likely to Adversely Affect (NLAA) Federally Listed Species within the Willamette Planning Province of Oregon (USFWS 17, Ref # 01EOFW00-2017-1-0667). For the northern spotted owl, the project has been designed to be consistent with the 2023 Updated Biological Opinion on Mt. Hood National Forest Timber Harvest and Routine Activities (USFWS Ref # 01EOFW00-2020-F-0170). See section earlier in this document titled “Extraordinary Circumstances Consideration Summary” for information on these species.

Migratory Bird Treaty Act (Executive Order 13186)

This executive order requires agencies to ensure that environmental analyses evaluate the effects of federal actions and agency plans on migratory birds, with emphasis on species of concern. Species that may benefit from thinning in the analysis area included the white-headed woodpecker, olive-sided flycatcher, Williamson’s sapsucker, and chipping sparrow. Species that may be negatively impacted by thinning include the brown creeper, Swainson’s thrush, and hermit warbler.

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) directs all Federal agencies to consider the effects of their undertakings (actions, financial support, and authorizations) on properties included in or eligible for the National Register. A Cultural Resource Inventory Report was submitted to SHPO on July 27, 2023. In accordance with 36 CFR 800 and Section 106 of NHPA, all sites eligible or potentially eligible for listing under the National Register of Historic Places will be protected throughout the lifecycle of the project. All cultural resources within or immediately adjacent (approximately 100 feet) to project activities will be avoided. Survey and monitoring results conclude that this project will have *no effect* on cultural resources. See the Cultural Resource Inventory Report that was submitted to SHPO for more details.

Clean Air Act

The Clean Air Act of 1977 (as revised 1991) requires the Environmental Protection Agency (EPA) to identify pollutants that have adverse effects on public health and welfare and to establish air quality standards for each pollutant. The Clean Air Act (Section 110) requires states to develop State Implementation Plans which identify how the State will attain and maintain national air quality standards. Three elements of the Clean Air Act generally apply to management activities that produce emissions: (1) protection of ambient air quality standards; (2) conformity with state implementation plans; and (3) protection of visibility in Class 1 airsheds. To comply with the Clean Air Act, the Forest Service is operating under the Oregon Administrative Rule (OAR) 629-048. Therefore, actions would be in compliance with the Clean Air Act.

Environmental Justice (Executive Order 12898)

On February 11, 1994, President Clinton signed Executive Order 12898 requiring each Federal agency to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority and low-income populations. The transparent, nonexclusive collaborative process used to develop this project, as well as communication with CTWSRO, ensured fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. No

environmental justice issues were identified for this project as it is not expected to lead to disproportionately high and adverse impacts on minority or low-income populations.

Administrative Review (Objection) Opportunities

Decisions that are categorically excluded from documentation in an environmental assessment (EA) or environmental impact statement (EIS) are not subject to an administrative review process (pre-decisional objection process), as per Healthy Forest Restoration Act, Section 603(a)(2).

Implementation Date

This project is expected to begin implementation in 2024.

Contact

For additional information about this decision, contact:

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Kameron C. Sam

Kameron C. Sam
District Ranger, Barlow and Hood River Ranger Districts

Date

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