

**Decision Notice/Finding of No Significant impact:  
Smooth Juniper Timber Sale**

Decision Notice & Finding of No Significant Impact

**SMOOTH JUNIPER TIMBER SALE**

USDA Forest Service

Cowlitz Valley Ranger District, Gifford Pinchot National Forest

Lewis and Skamania Counties, Washington

T. 10 N., R. 8 E., Sections 1, 2, 11 - 14, 23, 24, and 25;

T. 10 N., R. 9 E., Sections 1 - 23, 26, and 27;

T. 10 N., R. 10 E., Sections 6, 7, and 18;

T. 11 N., R. 8 E., Sections 11 - 15, 22 - 26, and 36;

T. 11 N., R. 9 E., Sections 18 - 21, and 27 - 36;

T. 11 N., R. 10 E., Section 31; W.M.

**Decision and Reasons for the Decision**

**Background**

The Cowlitz Valley Ranger District proposed a timber sale in 1999 in the Smooth Juniper planning area. The purposes of the proposed project are to promote structural and species diversity, provide needed timber commodities and local employment opportunities, and provide a portion of the programmed timber harvest for the Gifford Pinchot National Forest. Actions associated with this project include harvesting of timber, reconstruction of permanent roads, treatment of logging slash, and road decommissioning following project activities.

Associated with the timber harvest would be connected Knutson-Vandenburg Act (KV) or other funded projects. The environmental analysis (EA) for this project identified resource needs (EA, page I-11) and management objectives (EA, pages I-18-19) for this project that are intended to move the area closer toward the desired future conditions of the landscape, as identified in the *Gifford Pinchot National Forest Land and Resource Management Plan* (Forest Plan), as amended, and as recommended by the Cispus Adaptive Management Area (AMA) Landscape Design (part of the *Cispus AMA Guide*). Other recommendations in the *Cispus AMA Guide* are also followed to the extent they are compatible with current management direction. The recommendations from the *Upper Cispus Watershed Analysis* are actions identified as necessary to attain the Aquatic Conservation Strategy objectives at the 5<sup>th</sup> field watershed scale.

The Smooth Juniper planning area is located about twenty miles southeast of Randle, Washington. It is within the Cispus AMA, one of ten such areas identified in the Northwest Forest Plan for the purpose of encouraging the development and testing of technical and social approaches to achieving desired ecological, economic, and other social objectives. The Smooth Juniper planning area is in the Cispus River and Cat Creek drainages, and includes approximately 26,000 acres.

The environmental assessment documents the analysis of five (5) alternatives to meet this need.

**Decision**

Based upon my review of all alternatives, I have decided to implement a modified version of Alternative 5. This decision includes all of the required mitigation as listed in the EA. Implementation of this alternative will result in the harvest of about 9,985 CCF (hundred cubic feet) or approximately 5.2 million board feet of timber from ten thinning harvest units totaling approximately 386 acres. To provide access for the harvest activities approximately 1.4 miles of temporary roads will be constructed and approximately 1.9 miles of existing closed permanent roads will be opened. Following harvest activities

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1.9 miles of the permanent roads will be decommissioned. All temporary roads will be removed following harvest activities. Logging slash will be disposed of by hand piles scattered around the unit to provide cover and habitat or by hand piles scattered around the unit to augment coarse woody debris accumulation.

The changes to Alternative 5 (as it was described in the EA on pages II-16 to II-27) and to the Mitigation Measures (as described in the EA on pages II-31 to II-42) are as follows:

1. Unit 16 has been dropped because it is within the Blue Lake Inventoried Roadless Area as it is currently depicted in maps of areas subject to the Roadless Rule.
2. Unit 19S has been dropped because the canopy closure is below 70% in the riparian reserves which occupies most of the unit. The few acres left outside the riparian reserves does not make this unit economically feasible to harvest. The forest road, FR 2300135, which is associated with this unit, will not be decommissioned under this action. However, opportunities to decommission FR 2300135 in the future will be pursued.
3. The harvest prescription for Unit 8 will be increased from thinning to a RD (relative density) of 30 to thinning to a RD of 35, which will result in an estimated post-harvest canopy cover of 50-55%. Even though Unit 8 is **not** within the known home range of an historic spotted owl pair it is still considered suitable spotted owl foraging habitat (EA, pages III-24 to III-25). Changing the prescription will ensure that the canopy cover remains well above the 40% figure that is presently defined by the Gifford Pinchot National Forest as the minimum for suitable spotted owl habitat (EA, page III-24). Slash treatment will remain as specified in Alt. 5.
4. To protect occurrences and habitat for three Sensitive Species (*Peltigera pacifica*, *Tetraphis geniculata*, and *Ramaria cyaneigranosa*) those portions of Units 15 and 20 west of Forest Road 2300181 will be dropped from the sale (EA, pages II-41 to II-42). This area contains prime habitat for these species (EA, page III-31).
5. The underplanting described for Alternative 4 (EA, page II-29) will be included in Modified Alternative 5. Approximately one acre in Unit 15 and two acres in Unit 20 will be underplanted with western hemlock and western redcedar. This would be accomplished by planting 1/4 acre plots distributed within the wide-spaced treatment area in areas devoid of natural regeneration. Approximately two acres will be underplanted within Unit 24 to provide future visual screening for big game around a wet meadow complex and from vehicular traffic on Forest Road 23. One acre of underplanting will also occur in Unit 26 for screening around a wet meadow complex.

This modification results in environmental consequences that are less than those described for Alternative 5 in the Smooth Juniper EA because Unit 16 is not included, a greater canopy closure is maintained in Units 8, and fewer acres are impacted in Units 15 and 20.

Implementation of this alternative will provide the opportunity for Knutson-Vandenburg (K-V) funds to be collected from timber sale receipts. It is projected that the sale will generate sufficient revenue to complete the following projects, listed below in order of priority:

1. Snag creation as described in Mitigation Measures 2e and 2f (EA, page II-37 and Appendix A).
2. Stream bank stabilization of Doe Creek in Unit 8 (EA, page II-29).
3. Underplanting a total of about 6 acres in Units 15, 20, 24, and 26 (EA, page II-29).

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4. Precommercial/stewardship thinning about 10 acres in a plantation adjacent to Unit 7 (EA, page II-29).
5. Release of bigleaf maples near Sensitive Species mollusk sites by felling and leaving conifers that are over-topping the maples (EA, page II-29).
6. Additional road and skid trail restoration activities that would prevent sedimentation into the Cispus River and associated tributaries (EA, page II-30).
7. Addition of large woody debris in streams within the sale area (EA, page II-30).

The following tables are summaries of project harvest and road activities for Modified Alternative 5 of the Smooth Juniper Timber Sale:

**Table I: Timber Harvest Activities**

UNIT #	HARVEST TYPE	UNIT ACRES	VOLUME (CCF)	LOGGING SYSTEM	SLASH DISPOSAL
7	HTH, VDT	24	369	Skyline (24 ac.)	NT
8	HTH, VDT	36	1,044	Ground (36 ac.)	HPH
15	HTH, VDT	57	877	Skyline (55 ac.) Ground (14 ac.)	HPWD
20	HTH, VDT	63	2,181	Skyline (74 ac.)	HPWD
24	HTH, VDT	8	262	Ground (8 ac.)	HPWD
26	HTH, VDT	28	377	Ground (28 ac.)	HPH
27	HTH, VDT	35	1,010	Ground (35 ac.)	HPH
28	HTH, VDT	52	1,300	Ground (52 ac.)	HPH
31	HTH, VDT	67	2,319	Skyline (67 ac.)	HPH
44	HTH, VDT	16	246	Ground (16 ac.)	NT
<b>TOTALS</b>		<b>386</b>	<b>9,985</b>		

HTH, VDT - Commercial thinning, variable density thinning

CCF - Hundred Cubic Feet (1 CCF = approx. 0.52 MBF -Thousand Board Feet)

HPH - Hand piles scattered around unit to provide cover and habitat

HPWD – Hand piles scattered around unit to augment coarse woody debris accumulation

NT - No treatment except slash at landings

**Table II: Road Projects**

ROAD NUMBER	NEW ROAD CONSTRUCTION	OPEN EXISTING ROAD	CLOSE ROAD AFTER USE
*Temp Rds.	*(1.4 miles approx.)		*(1.4 miles)
2300181		1.1 miles	1.1 miles (D)
2300202		0.8 miles	0.8 miles (D)
<b>TOTALS</b>	<b>0.0 miles</b>	<b>1.9 miles</b>	<b>1.9 miles</b>

\* Temporary roads, if in use more than one season, would be weatherized prior to the onset of wet weather in the fall. After use, any drainage structures would be removed and the road would be subsoiled, outsloped, waterbarred, revegetated, and blocked.

D - Decommission after use, except leave a dispersed recreation site at beginning of road.

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When compared to the other alternatives this alternative better responds to the issues and management objectives used to formulate alternatives and develop site-specific activities. This alternative meets requirements under *Gifford Pinchot National Forest Land and Resource Management Plan* as amended and recommendations found in the *Cispus AMA Guide*, *Upper Cispus Watershed Analysis*, and the *Gifford Pinchot National Forest Roads Analysis*.

#### Rationale for the Decision

- The Selected Alternative does not harvest any late-successional stands as recommended by the *Cispus AMA Guide*.
- The Selected Alternative best responds to the stand structure distribution Management Objectives for the Old Growth Landscape Design Unit and the Habitat Development Landscape Design Unit as recommended by the *Cispus AMA Guide* (EA, pages I-18 to I-19).
- The Selected Alternative will not result in incidental take of any known spotted owl pair. There will be no removal of suitable spotted owl habitat under the selected alternative. Suitable spotted owl habitat in unit 8 will be temporarily degraded.
- The Selected Alternative provides opportunities for learning about different thinning prescriptions and ways of implementing the landscape analysis portion of the *Cispus AMA Guide*.
- The Selected Alternative does not include helicopter thinning volume, making the alternative more economically viable.
- In the Selected Alternative, Road 2300202 is removed following harvest to help meet Tier 2 Key Watershed recommendations and general recommendations in the *Upper Cispus Watershed Analysis*. The purpose for removing the road is to restore connectivity between the river and its floodplain.
- The Selected Alternative includes thinning in Riparian Reserves that are expected to produce late-successional conditions sooner than if they were not managed, and it provides learning and monitoring opportunities of stand development in Riparian Reserves.

#### Other Alternatives Considered

In addition to the selected alternative, I considered 4 other alternatives. A comparison of these alternatives can be found in the EA on pages II-49 to II-56.

##### Alternative 1

##### No Action

Under the No Action alternative, current management plans would continue to guide management of the project area. Alternative 1 was not selected because the development of late-successional characteristics in stands proposed for thinning would take place over a longer period of time and at an unpredictable degree and rate of change. This would not meet project objectives for improving stand structure distribution and accelerating late-successional conditions in Riparian Reserves. There would be no opportunities to practice and observe the results of various methods of thinning and related vegetation management activities to determine how best to manage stands to meet the desired future condition for the planning area. Additionally, no roads in Riparian Reserves would be decommissioned, nor would any

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sites on existing closed roads needing stabilization be treated to reduce the potential for road failures or road-related erosion.

**Alternative 2**

Alternative 2 was not selected because far fewer acres are thinned (174 acres compared to 386 acres in the Selected Alternative) to accelerate development of late-successional conditions, with little difference in effects to other issue-related resources. Correspondingly, there would be fewer opportunities to practice and observe the results of various methods of thinning and related vegetation management activities to determine how best to manage stands to meet the desired future condition for the planning area. Additionally, no roads in Riparian Reserves would be decommissioned, nor would any sites on Forest Road 2300202 needing stabilization be treated to reduce the potential for road failures or road-related erosion. Alternative 2 proposed helicopter yarding. The current market for small timber is estimated to result in poor economic returns given the high cost of helicopter yarding in these thinning units combined with the current low value for small diameter trees.

**Alternative 3**

Alternative 3 was not selected because it would result in incidental take of 3 pairs of spotted owls. By not thinning in Riparian Reserves, this alternative would delay the development of large trees near streams. Compared to the Selected Alternative, the attainment of trees averaging 21 inches in diameter (one of the common measures of late-successional conditions) in Riparian Reserves would be delayed by about 10 years. Also, there are fewer different prescriptions for thinning in this alternative compared to the Selected Alternative, and thus fewer opportunities to practice and observe the results of various methods of thinning and related vegetation management activities to determine how best to manage stands to meet the desired future condition for the planning area. The prescriptions provide fewer opportunities for improving stand structure distribution and accelerating late-successional conditions in Riparian Reserves and for observing and comparing the results from different post-harvest relative densities. Additionally, no roads in Riparian Reserves would be decommissioned. Alternative 3 proposed helicopter yarding. The current market for small timber is estimated to result in poor economic returns given the high cost of helicopter yarding in these thinning units combined with the current low value for small diameter trees.

**Alternative 4**

Alternative 4 was not selected because there are fewer different prescriptions for thinning in this alternative compared to the Selected Alternative, and thus fewer opportunities to practice and observe the results of various methods of thinning and related vegetation management activities to determine how best to manage stands to meet the desired future condition for the planning area. The prescriptions provide fewer opportunities for improving stand structure distribution and accelerating late-successional conditions in Riparian Reserves and for observing and comparing the results from different post-harvest relative densities. Additionally, only two roads in Riparian Reserves would be decommissioned. Alternative 4 proposed helicopter yarding. The current market for small timber is estimated to result in poor economic returns given the high cost of helicopter yarding in these thinning units combined with the current low value for small diameter trees.

## **Public Involvement**

As described in the background, this project was initiated by the Cowlitz Valley District Ranger in December 1998. A proposal to harvest approximately 8.0 million board feet of timber, construct 1.4 miles of new temporary road (removed after completion of project activities), reconstruct 0.2 miles of existing road, and decommission 1.5 miles of existing road was first listed in the January 1999 Schedule of Proposed Actions. An initial scoping letter, dated January 12, 1999, was sent to about 380 interested individuals, groups, and agencies. The scoping letters for this project were also sent to the Cowlitz Indian

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office, the Yakama Indian Nation, and the Nisqually, Puyallup, Squaxin Island, and Steilacoom Tribes. This letter was followed by two interdisciplinary team/public scoping meetings, one in Randle on January 28, 1999 and the other in Vancouver on February 2, 1999. The notes from the public meetings and an update on the analysis process were sent in a letter dated February 19, 1999 to an abbreviated mailing list consisting of individuals and groups who responded to the first letter or attended one of the meetings. Another interdisciplinary team /public meeting was held on March 3, 1999. At this meeting former District Ranger Harry Cody identified a preferred alternative and presented his rationale to the public for review and comment. The attending public participated in discussions with the Ranger and interdisciplinary team about the issues, effects, and alternatives. A letter containing the notes from this meeting was sent on March 8, 1999 to the abbreviated project mailing list. Another letter describing an adjustment to the preferred alternative was sent on March 17, 1999. Copies of these letters and the mailing lists are in the Analysis File.

Responses to the scoping letters were received from 20 individuals and/or organizations (EA, page I-20).

Using the comments from the public, other agencies, and interested organizations, the interdisciplinary team identified several issues regarding the effects of the proposed action. Main issues of concern included:

- Issue 1 - Impacts to Watershed Hydrology (formerly Stream Condition/Function) (EA, pages I-21 to I-22)
- Issue 2 - Impacts to Northern Spotted Owl Habitat (EA, page I-22)
- Issue 3 - Deer and Elk Winter Range (EA, pages I-22 to I-23)
- Issue 4 - Survey and Manage Plant and Animal Species (EA, pages I-23 to I-24)
- Issue 5 - Thinning in Riparian Reserves (EA, page I-24)
- Issue 6 - Fragmentation of Interior Habitat (EA, pages I-24 to I-25)
- Issue 7 - Impacts to Unroaded Areas (EA, page I-25)

To address these concerns, the Forest Service created Alternatives 1 - 4 described above.

During the summer of 2003 the Gifford Pinchot Collaborative Working Group (CWG) was invited to review the draft Smooth Juniper Environmental Assessment for the purpose of developing another alternative that addresses the Purpose and Need. This alternative would have the potential to accomplish many of the CWG's social and ecological objectives. The CWG is made up of individuals representing the timber industry, labor, environmental groups, local and county government, and businesses interested in finding common ground for the purpose of creating economic opportunities on the Gifford Pinchot National Forest. The CWG started alternative development in October 2003 and submitted an alternative on March 18, 2004. The alternative is included in this Environmental Assessment as Alternative 5 (EA, pages II-16 to II-27).

A letter announcing the availability of the Smooth Juniper Environmental Assessment for review and comment was mailed to 69 individuals, agencies, and organizations on September 10, 2004. Nine copies of the EA were mailed to interested parties. A legal notice announcing the availability of the Smooth Juniper Environmental Assessment for review and comment was published in the *Chehalis Chronicle* (the newspaper of record) on September 15, 2004. The 30-day comment period ended on October 15, 2004. Two individuals submitted comments within the comment period. One organization submitted comments after the comment period ended. Copies of these letters and the mailing list are in the Smooth Juniper analysis file. Comments received expressed concerns with Alternative 4 and were supportive of Alternative 5.

## **Finding of No Significant Impact**

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant affect on the quality of the human environment considering the context and

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intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base by finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. I find there will be no significant affects to public health and safety. No activities are proposed that would affect Trail #118 (EA, page III-47) and Trail #270 (EA, pages I-29, II-39).
3. I find there will be no significant affects on unique characteristics of the area because there are no unique characteristics or ecologically critical areas such as historic or cultural resources, park lands, prime farmlands, rangelands, wetlands, or wild and scenic rivers (EA, pages I-29, I-31, III-50). There are no Wild and Scenic Rivers on the Cowlitz Valley District.
4. The effects on the quality of the human environment are not likely to be highly controversial. There is no known scientific controversy over the impacts of the project. The comments to the EA indicate that this project is not considered to be controversial (Analysis File, 2004 30-Day Comments).
5. Through implementation of similar vegetation management and road decommissioning projects in the Cowlitz Valley Ranger District, the Forest Service has considerable local experience with the types of activities to be implemented. Thus, I have determined that the effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA, pages III-1 to III-50).
6. I find that this action is one of several similar actions and is not likely to establish a precedent for future actions with significant effects, or represent a decision in principle.
7. I find that the cumulative impacts are not significant. Cumulative impacts are addressed by issue in Chapter III of the EA.
8. I find that the action will have no significant adverse affect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because there are no cultural resources in the proposed activity area and no sites were found during field reviews (EA, page I-31).
9. I find the action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. For Threatened and Endangered aquatic species, all construction activities will follow the conservation recommendations to avoid, minimize, or otherwise offset affects to aquatic resources described in the *Endangered Species Act - Section 7 Informal Consultation (NOAA-Fisheries Informal Consultation 4/29/1999, Reinitiated Consultation 3/15/2000, Reinitiated Consultation 12/02/2004) & Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation* (EA, pages III-49 to III-50). Essential Fish Habitat in the Cowlitz River subbasin has been designated for Coho and Chinook slamon (NOAA 2004). In the Lower Cowlitz River basin: The proposed action in alternative 5 will have “No Effect” to EFH on the Lower Cowlitz for Lower Columbia River Coho and Lower Columbia River Chinook. In the Upper Cowlitz: The effects of Alternative 5 proposed action was determined to have no direct or indirect effects. Determination of cumulative effects may indicate a slight short-term increase in sediment and turbidity which leads to the may affect determination.

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This action was determined to: *may affect, and is likely to adversely affect* northern spotted owls; *may affect, not likely to adversely affect* gray wolf, grizzly bear, peregrine falcon, and lynx; *no effect* on spotted owl critical habitat and bald eagle. (USFWS Formal Consultation 1-3-F-99-1389, Formal Reinitiated 1-3-00-FR-1487 8/24/2000) (EA pages III-25, III-49 to III-50).

10. I find that the action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (EA, pages I-3, I-7, III-49 to III-50). The action is consistent with the *Gifford Pinchot National Forest Land and Resource Management Plan* as amended.

## **Findings Required by Other Laws and Regulations**

As required by the National Forest Management Act, this decision is tiered to the Gifford Pinchot National Forest Land and Resource Management Plan (1990) as amended by the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (1994), Amendments to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001), Amending Resource Management Plans for Seven Bureau of Land Management Districts and Land and Resource Management Plans for Nineteen National Forests Within the Range of the Northern Spotted Owl - Decision to Clarify Provisions Relating to the Aquatic Conservation Strategy (2004), and by the March 2004 Record of Decision for the EIS titled: To Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (2004). The March 2004 Record of Decision indicated that for “(p)rojects that are in development but have not yet fully complied with survey requirements of the Survey and Manage Mitigation Measure Standards and Guidelines may, at the discretion of the line officer responsible for the project decision, continue under those standard and guidelines..”. Smooth Juniper project planning is continuing under the Survey and Manage Mitigation Measure Standards and Guidelines.

I find that the only irreversible or irretrievable commitment of resources will be use of rock for road surfacing and the small loss of soil productivity (about 1%) (EA, page III-48). All landings and skid roads are temporary and will be subsoiled and reseeded upon completion of the project.

*Vegetation Manipulation (National Forest Management Act)* - Proposed actions often carry out management prescriptions selected and scheduled during land and resource management plan development. This decision is consistent with the requirements for management prescriptions. The regulations found at 36 CFR 219.27 require that “Management prescriptions that involve vegetative manipulation of tree cover for any purpose shall” comply with the following seven requirements:

- *Be best suited to the goals in the Forest Plan.* The applicable goals (Resource Needs, Stand Structure Distribution & the Cispus AMA Landscape Design, and Management Objectives) are stated in the EA on pages I-11 to I-19. This decision is responsive to those goals and is best suited to meet those goals.

- *Assure that technology and knowledge exists to adequately restock lands within five years after final harvest when trees are cut to achieve timber production.*

Restocking is not applicable; the area treated will remain fully stocked after treatment as described in the silvicultural prescription. All treatments are commercial thinnings (see Table I above).

- *Not to be chosen primarily because they give the greatest dollar return or the greatest output of timber (although these factors shall be considered).* This decision was based on a variety of reasons. It was not primarily chosen for its expected dollar return (EA, page II-31). Economics was only one of the many factors considered.



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- *Be chosen after considering potential effects on residual trees and adjacent stands.* The effects on residual trees and adjacent stands were considered in development of the Forest Plan. The decision, including adherence to applicable Forest Plan Standards and Guidelines and the Mitigation Measures, is designed to provide the desired effects of management practices on the resource values. This decision is consistent with the Forest Plan and provides the desired effect on residual trees and adjacent stands.

- *Be selected to avoid permanent impairment of site productivity and to ensure conservation of soil and water resources.* This decision avoids impairment of site productivity. The nature of the decision and use of Best Management Practices and the Mitigation Measures will protect soil and water resources.

- *Be selected to provide the desired effects on water quality and quantity, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation users, aesthetic values, and other resource yields.* The decision, including adherence to applicable Forest Plan Standards and Guidelines and the Mitigation Measures, is designed to provide the desired effects of management practices on the resource values. This decision is consistent with the Forest Plan and provides the desired effect on the above resources.

- *Be practical in terms of transportation and harvesting requirements and total costs of preparation, logging, and administration.* The project area has adequate access, no new permanent roads are necessary to implement this decision. The treatment in this decision is appropriate to accomplish project objectives, and is economically practical.

I find that this action is consistent with the *Record of Decision for the Final Environmental Impact Statement for Managing Competing and Unwanted Vegetation* (USDA, 1988b) as amended by the *Amendment to the 1988 Record of Decision for the Final Environmental Impact Statement for Managing Competing and Unwanted Vegetation* (USDA, 1992), further supplemented by the Mediated Agreement. Specific mitigation is included by this decision to prevent or control the spread of noxious weeds within the project area and along roads.

I find that this action is consistent with the Sustainable Fisheries Act of 1996 (Public Law 104-267) (which amended the Magnuson-Stevens Fishery Conservation and Management Act).

I find that all applicable state and federal requirements associated with the Clean Water Act (CWA) will be met through planning, application, and monitoring of BMP's in conformance with the CWA and Federal guidance and management direction.

I find that this action does not violate other Federal, State, or local laws designed for the protection of the environment.

## **Administrative Review or Appeal Opportunities**

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215 (revised, June 2004). The written appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at:

Gifford Pinchot National Forest  
Claire Lavendel, Appeal Deciding Officer,  
10600 N.E. 51st Circle, Vancouver, WA 98682

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FAX (360) 891-5045

email: [appeals-pacificnorthwest-giffordpinchot@fs.fed.us](mailto:appeals-pacificnorthwest-giffordpinchot@fs.fed.us).

The office business hours for those submitting hand-delivered appeals are: 8:00 AM to 4:30 PM Monday through Friday, excluding federal holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), Word (.doc), or portable document format (.pdf). In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification. E-mails submitted to email addresses other than the one listed above, or in formats other than those listed or containing viruses, will be rejected. It is the responsibility of the appellant to confirm receipt of appeals submitted by electronic mail.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the *Chehalis Chronicle*, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the *Chronicle* is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

### **Implementation Date**

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

### **Contact**

For additional information concerning this decision or the Forest Service appeal process, contact Andy Stevenson, North Zone Team Planner, during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at the Cowlitz Valley Ranger District office (Address: P.O. Box 670, Randle, WA 98377; Phone: voice (360) 497-1138, TDD (360) 497-1101 (hearing impaired); Fax: (360) 497-1102; e-mail: [astevenson@fs.fed.us](mailto:astevenson@fs.fed.us)).

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**DAVE OLSON**  
**Acting District Ranger**  
**Cowlitz Valley Ranger District**

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**Date**

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