

Decision Memo
Black Canyon Danger Tree Abatement Project
Ochoco National Forest
Paulina Ranger District, Crook County, Oregon

Decision

The Black Canyon Wildland Fire Use fire affected the Forest Road system, resulting in some danger trees immediately adjacent to the 38 and 5810 roads. These danger trees have the potential of reaching the road right-of way and are a potential hazard to Forest users and Forest Service personnel. I have decided to cut down all and commercially remove some of these danger trees. Commercial removal will occur along approximately .1 mile of the 38 road and approximately 1.25 miles along the 5810 road (see enclosed map).

This decision will increase public safety by felling *Likely* or *Imminent* danger trees. This decision will allow for the harvest of merchantable danger trees in management allocations where removal is allowed.

A large number of non-merchantable (many < 8 inches diameter at breast height) danger trees will be felled and left in place.

No tree will be felled unless it meets the danger tree guidelines described below. Activity fuels will be piled and burned and/or lopped and scattered after danger tree felling operations are completed.

The following table gives the Forest Road number, road type, miles of road that would be treated, access point, and the Management Allocation for each road segment.

Forest Road	Road Type	Miles of Road	Management Allocation
38	Collector	1.5	General Forest
5810	Local	2	General Forest
Total		3.5 miles	

Trees have been evaluated and rated for danger levels and risk according to the guidelines in “Field Guide for Danger Tree Identification and Response (Field Guide)” by Toupin and Barger (2005). Guidelines of applicable Occupational Safety and Health Act (OSHA) publications, the Oregon Occupation Safety and Health Code and “Oregon Guidelines for Selecting Reserve Trees” have also been used in the design of the project. The following is a summary of how the “Field Guide” defines a danger tree. The potential failure zone is defined as one ½-tree height (generally less than 150 feet) distance on the upslope and downslope sides of the road. Within this zone, all those trees with an imminent or likely potential for failure and where, if the trees falls it will in part or entirely land within the road corridor, will be felled. Trees are defined as likely to fall if identified as having undermined root systems and/or the trees are dead but still sound. Trees defined as having imminent potential of failure are identified as missing bole wood due to fire or damage, having loose

bark and/or are dead and not sound. Trees with an imminent or likely potential of failure on flat ground or below the road with a 10% or greater lean away from the road will remain standing. Trees with an imminent or likely potential of failure above the road, with a 10% or greater lean away from the road, and which do not pose a risk of rolling onto the road if they fall, will remain standing.

Project Design Criteria (elements that will be used during project design and implementation.)

Hydrology/Soils

Danger trees in Riparian Habitat Conservation Areas (RHCAs) will be felled but not removed. No heavy equipment will be allowed in RHCAs. In addition, any activity fuels in riparian areas will be lopped and scattered.

Fell and leave trees that will cause excessive resource damage.

Do not remove down logs present on the forest floor. .

Burn piles will be located at least 100 feet from intermittent channels and at least 50 feet from riparian vegetation.

Do not deck trees or create landings in RHCAs.

Use existing road and skid trail infrastructure where possible.

The implementation of a new skid trail will occur only where other harvest and yarding options are not viable or will cause unacceptable resource damage.

Newly designated skid trail parallel to the road corridor may be used if they will help reduce soil disturbance.

Yarding with rubber-tired skidders will occur only on existing or newly designated skid trails. Multiple passes of ground-based machinery will be allowed on existing or newly designated skid trails.

Danger trees within riparian reserves and in other areas where excessive resource damage could occur from yarding operations will be hand-felled and left on site.

Machine traffic for piling of limbed material in these areas will not be allowed.

Piling, if needed, will be done by hand.

A soil scientist will be involved in parallel skid trail designation.

Cutting of hand-felled material to log length before machine yarding will be minimized to limit the number of machine trips. Larger trees that are too heavy to be processed in one piece or too large in diameter to be grabbed by an articulating head of a log loader will be cut to log length in order to be yarded.

Logs accumulated and yarded to the primary roads are to be decked on or along the primary roadbed for loading onto haul trucks.

Rubber tire, grapple skidders utilized for yarding are limited to travel on areas of existing impact such as old skid trails from previous activities or newly designated skid trails.

Snags may be removed to reduce hazards to humans.

Specific RHCA Design Criteria

There are four drainages that flow northwest across Forest Road 5810 and a wetland area adjacent to the 38 road to the southeast. The following are listed in order as you travel east up the 5810 road and the site on 38 road. No landings will be placed at or within 150 feet of these sites. Heavy equipment will not be driven across these channels. There is no commercial removal proposed in or around the first three RHCAs. Hazard trees within these areas will be felled with chainsaws in random directions and left. No landings would be allowed within 25 feet of culverts.

Area 4: The stream is a class-5 channel that is flat and open. Equipment will not enter within 30 feet of the center of this channel. Trees to be removed will be directionally felled out of the channel.

Area 5: Is a wet meadow complex adjacent to the 38 road. Machines would not be allowed within 50 feet of the outer edge. The boundary will be flagged.

Botany

Use timber sale contract clauses to prevent the inadvertent introduction of invasive plant species by contractors.

Heritage

Danger trees located within Heritage sites would be felled away from concentrations of lithic material and left on site. Do not skid logs through Heritage sites.

Invasive Plants

Use Timber Sale Contract Clause C6.36 (5/01) to ensure that equipment is washed before entering the project area to avoid the importation of invasive plants.

Visual Quality

Applicable for all Foreground landscape areas

Activity fuels disposal for Foreground areas will be completed within two years.

Minimize ground disturbance in Foreground areas.

Slash clean up will be completed by a low impact techniques such as pile and burn and/or lop and scatter, except for landings which will be machine piled.

Stumps in the immediate Foreground area should be cut to 8" or lower.

Recreation

Several popular dispersed campsites are located in the project area. Avoid locating log decks, landings, and slash piles at these locations.

Purpose and Need

The *purpose* of the project is to provide for public and employee safety. The area is now exposed to an elevated risk from numerous danger trees along these two roadways.

There is a *need* to reduce risk through the felling of danger trees.

There is also an *opportunity* for the utilization of danger trees as timber products from areas where management direction allows removal of felled trees.

Categorical Exclusion

Decisions may be categorically excluded from documentation in an environmental assessment or environmental impact statement when they are within one of the categories identified in the Forest Service Handbook (FSH) 1909.15, Chapter 30. Specifically, this project falls within category 31.12 (4). Repair and maintenance of roads, trails, and landlines.

Extraordinary Circumstances

To determine the appropriateness of using a categorical exclusion, in addition to fitting within a Category, a review of the potential impact to specific resource conditions in the project area as identified in FSH 1909.15 Section 30.3(2) is also necessary. The resource areas to be considered are floodplains, wetlands, municipal watersheds, congressionally designated areas (such as Wilderness), inventoried roadless areas, research natural areas, federally listed threatened and endangered species, sensitive species, and Native American religious or cultural sites. I have reviewed project effects to these resources (see discussion below) and have determined that the project, as designed, will have little to no effect relative to the natural or human environment and will not result in any extraordinary circumstances; therefore I am categorically excluding this project from documentation in an environmental assessment or environmental impact statement. Information that is more detailed is in the specialist's reports on file at the Paulina Ranger District.

Wetlands, Floodplains, Municipal Watersheds

There are no anticipated effects to wetlands or floodplains because harvest activities within Riparian Habitat Conservation Areas (RHCAs) are consistent with Riparian Management Objectives for RHCAs and the required project design criteria in the NMFS Fish Habitat Restoration Biological Opinion (April 28, 2007).

There will be no effect to municipal watersheds because there are no municipal watersheds within the project area or downstream of this project area.

Congressionally designated areas such as Wilderness, Inventoried Roadless Areas, and Research Natural Areas

There is no congressionally designated or proposed, Wilderness, Inventoried Roadless or Research Natural Areas within this project area. The Black Canyon Wilderness area is adjacent to the project area to the east

Native American religious or cultural sites

During project review, cultural sites were identified within the project area. No commercial removal would occur in these areas. If new cultural sites are encountered during project implementation, project activities at the site will be discontinued and the Cultural Resources specialist will be consulted.

Federally Listed and Forest Service Sensitive species

Biological evaluations were prepared for terrestrial, aquatic, and botanical species. The three biological evaluations are contained in the project file. Regarding aquatic species, the proposed action will not significantly affect threatened or endangered species or their critical habitat. The cutting and removal of hazard trees in these areas may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to sensitive species; will have No Effect on threatened bull trout and may effect but is likely to not adversely affect threatened Mid-Columbia River steelhead trout; and will have No Impact to essential fish habitat. There are no endangered aquatic species on the Ochoco National Forest. For sensitive terrestrial species, a finding of no impact has been made for all 13 species. Finally, a finding of No Impact has been made for all sensitive plants documented or suspected on the Ochoco National Forest.

Other areas of concern

I have considered the effect of removing large woody material (logs) from the project area and the potential impacts to cavity nesters and species dependent on down woody habitat. The wildfire has produced ample snag and down wood across the landscape. Even if one were to ignore the fact the project area is just a fraction of the area affected by the fire, the project area itself will provide large down wood. For instance, in all but one Riparian Habitat Conservation Area (RHCAs), danger trees will be felled and left in place. All existing large down logs, trees felled by the fire, trees felled as part of the fire suppression efforts, and trees felled as part of this project but lacking commercial value, will be left on site. In addition, because of the conservative marking of trees to be felled and removed (only trees with no live foliage), it is expected that additional large trees will become snags and down wood over the next ten years.

I have reviewed the potential impact of project activities as related to invasive plants. The risk and spread of invasive plants has been determined to be high using a standardized noxious weed risk assessment system. The risk is directly related to the use of heavy equipment during project implementation. I am confident that timber sale contract clauses (equipment washing, etc) will mitigate the potential importation of invasive plants into the project area.

Public Involvement

On October 30, 2008, the project proposal was provided to the public, other agencies, and tribes for comment. Three response letters were received during public involvement efforts.

On December 31, 2008, the project proposal was again provided to the public, other agencies, and tribes for comment. Formal Notice was given in The Bulletin newspaper on December 31, 2008. The 30-day comment period ended on February 2, 2009. Two letters were received. One commenter questioned the need for cutting trees up to 150 feet from the road when most trees are far shorter than 150 feet. This is a correct observation, and felling many trees at the outer most limit (150 feet) is unlikely. The decision is to fell trees, regardless of their size, only if there is a potential of hitting the road when they fall. So, a 100-foot tree, 150 feet from the road, is unlikely to be cut down; whereas, a 30-foot tree, 40 feet from the road, is more likely to be.

Findings Required By Other Laws:

This project is consistent with the Forest Plan as amended by PACFISH; the Clean Water Act; Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; and the Endangered Species Act.

Land and Resource Management Plan Direction

The project is expected to meet Forest-wide standards and guidelines and Management Area standards and guidelines as described in the Ochoco National Forest Land and Resource Management Plan (LRMP) as amended.

Management allocations for the project area include:

- General Forest
- Riparian Habitat Conservation Areas
- Visual Management Corridors
- Dispersed Recreation Sites

Administrative Review or Appeal Opportunities/Implementation Date

This decision is not subject to appeal (36 CFR 215.12). Implementation may begin immediately.

Contact Person/Further Information

The Decision Memo documenting this decision is available for review at the Ochoco National Forest Headquarters, 3160 NE Third Street, Prineville, Oregon, and at the Paulina District Office, 7803 Beaver Creek Road, Paulina, Oregon. Copies are available upon request. Additional information regarding this action can be obtained from Paul Cuddy at the above address, or by telephone at (541) 416-6500. The Decision Memo is also available on the internet at: <http://www.fs.fed.us/r6/centraloregon/projects/units/crooked/index.shtml>.

SLATER TURNER
Acting District Ranger
Enclosure

Date