



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Coos Bay District Office

1300 Airport Lane, North Bend, OR 97459

Web Address: <http://www.blm.gov/or/districts/coosbay>

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Telephone: (541) 756-0100 Toll Free: (888) 809-0839 Fax: (541) 751-4303



IN REPLY REFER TO

5400/1792 (ORC040)

TS-OR120-13-30

Vaughn's Jct. DM

DOI-BLM-OR-C040-2010-0005-EA

Cherry Vaughn Environmental Assessment

September 28, 2012

Dear Concerned Citizen:

We have prepared the Decision Documentation for the *Vaughn's Jct. DM* Timber Sale, OR120-13-30. The *Vaughn's Jct. DM* Timber Sale is a portion of the Proposed Action of the Cherry Vaughn Environmental Assessment (EA).

We have posted the Decision Documentation on the District Internet site: <http://www.blm.gov/or/districts/coosbay/plans/index.php>.

Please direct requests for copies, questions, or comments to Coos Bay District BLM, 1300 Airport Lane, North Bend, Oregon 97459-2000; call (541) 756-0100; FAX (541) 751-4303, or email to BLM_OR_CB_Mail@blm.gov, ATTN: Aimee Hoefs.

Sincerely,

/s/ Kathy Hoffine

Kathy Hoffine

Myrtlewood Field Manager



United States Department of the Interior

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Vaughn's Jct. DM

DOI-BLM-OR-C040-2010-0005-EA

Cherry Vaughn Environmental Assessment

DECISION DOCUMENTATION

For the

Vaughn's Jct. DM Timber Sale (OR120-13-30)

Cherry Vaughn Environmental Assessment

Background:

The Myrtlewood Field Office, Coos Bay District Bureau of Land Management (BLM), previously prepared an Environmental Assessment (Cherry Vaughn; DOI-BLM-OR-C040-2010-0005-EA) which contained analysis of the effects of conducting density management thinning and hardwood conversion treatments within the Cherry Vaughn project area as well as analysis of a No Action alternative. This EA, which is incorporated by reference, resulted in a FONSI (Finding of No Significant Impact) signed April 13, 2012. The *Vaughn's Jct. DM* Timber Sale is composed of units included in the Proposed Action of this EA and is located in T. 27 S., R. 10 W., Sections 5, 6, 7 and 8, Willamette Meridian.

The following table (Table 1-1) shows the EA unit number and the corresponding timber sale unit number for clarification. Table 1-1 also includes the EA estimated acreage and the timber sale final acreage. The EA had the original *Vaughn's Jct. DM* Timber Sale consisting of three units. The final timber sale is the same number of units but EA Unit 3 has been divided between this and a future timber sale, reducing the total acreage.

Table 1-1 Comparison of EA numbers and Timber Sale numbers for units and final acreage

					Totals
Cherry Vaughn EA	Unit #	3	4	5	-
	Acreage	117	31	51	199
Timber Sale	Unit #	1	2	3	-
	Acreage	57	28	44	129

Proposed Action:

The *Vaughn's Jct. DM* Timber Sale will consist of 129 acres of density management thinning in the Late-Successional Reserve and Riparian Reserve land use allocations (LUAs). While there are no acres identified as hardwood conversion, scattered alders would be removed. The *Vaughn's Jct. DM* Timber Sale will require construction of 0.03 miles of new road, renovation/reconstruction of 0.45 miles of existing road and improvement of 0.44 miles of existing road. This timber sale will include decommissioning of 0.21 miles of newly constructed and renovated roads. The following table (Table 1-2) shows the comparison between the EA estimates and the final timber sale roadwork.

Table 1-2 Comparison of total harvest acres and road work between the EA and the Timber Sale

	New Road Construction (Miles)	Road Renovation/ Reconstruction (Miles)	Road Improvement (Miles)	Road Decommissioning (Miles)	Full Road Decommissioning (Miles)
EA Estimate	0.14	0.45	0.47	0.69	0.37
Timber Sale	0.03	0.47	0.44	0.56	0.21

The BLM will thin stands to achieve the objectives for the Late-Successional and Riparian Reserve LUAs as well as wildlife habitat (EA p. 4). These include enhancing conditions of stands that serve as habitat for late-successional dependent species, implementing silvicultural activities to benefit creation of late-successional habitat, actively managing the Riparian Reserve to restore the ecological health of aquatic systems, and designing projects to improve conditions for healthy wildlife populations.

The EA included a complete list of Project Design Features (pp. 17-23) which are measures to avoid, minimize, or rectify impacts on resources and are included as part of the Proposed Action. These and additional descriptions of the Proposed Action are hereby incorporated by reference. The following is a brief summary of some of these Design Features:

- Stream channels will have no-harvest buffers.
- Additional buffers will be maintained on naturally occurring red alder sites.
- Harvest activities will use a combination of skyline cable and ground-based equipment.
- Snags and/or down wood creation will be created.
- All road-related activities will use applicable Best Management Practices as described in the RMP.

Compliance and Conformance:

The BLM developed the Cherry Vaughn EA under the management direction of the *1995 Coos Bay District Record of Decision and Resource Management Plan* (1995 ROD/RMP). The analysis supporting this decision tiers to the *Final Coos Bay District Proposed Resource Management Plan/Environmental Impact Statement* (USDI 1994). The 1995 *Record of Decision* is also supported by, and consistent with, the *1994 Final Environmental Impact Statement on Management of Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* and its associated *Record of Decision* (USDA/USDI 1994).

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey et al.*, No 08-1067 (W.D. Wash.) (Coughenour, J.) granting Plaintiffs' motion for partial summary judgment and finding of a variety of NEPA violations in the *Final Supplement to the 2004 Supplemental Environmental Impacts Statement to Remove or Modify the Survey and Management Mitigation Measure Standards and Guidelines* (USDA and USDI, June 2007). In response, parties entered into settlement negotiations in April 2010, and the Court filed approval of the resulting Settlement Agreement on July 6, 2011. Projects that are within the range of the northern spotted owl are subject to the survey and manage standards and guidelines in the 2011 ROD, as modified by the 2011 Settlement Agreement.

I have reviewed the NEPA document for the *Vaughn's Jct. DM* Timber Sale project and have determined it is consistent with the Coos Bay District Resource Management Plan as amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001 ROD), as modified by the 2011 Settlement Agreement. Most of the project is exempt from surveys (Pechman; thinning in stands less than 80 yrs. of age). Required surveys have been completed on the portions of the project where habitat is available (EA pp. 40-42, Appendices B and D).

The BLM requested formal and informal consultation with the U.S. Fish and Wildlife Service for evaluation of effects to the northern spotted owl and the marbled murrelet. On June 24, 2011, the BLM received a Biological Opinion, which includes a finding that “implementation of the proposed actions would not jeopardize the continued existence of the spotted owl or the marbled murrelet, and will not adversely modify designated critical habitat for the spotted owl or murrelet.”¹

Consultation with the National Marine Fisheries Service is not required, as the Cherry Vaughn Project has been determined to have “*no effect*” to threatened Oregon Coast coho salmon and its associated critical habitat. Additionally, project activities will not result in adverse effects to Essential Fish Habitat under the Magnuson-Steven Fishery Conservation and Management Act (16 U.S.C. 1855(b)).

Analysis has also concluded that implementation of the Proposed Action will not increase the likelihood of or the need for listing of any Special Status Species under the ESA as identified in BLM Manual 6840 and BLM OR/WA 6840 Policy. Botany Special Status Species surveys are complete on all units for species in which surveys are practical and are included in the 2011 State Director’s Special Status Species List.

This project complies with the Coastal Zone Management Act and I have determined that there will be no adverse effects to Coastal Zone resources from implementing this project. There will be no effects to water quality (EA pp. 44-50) and the Aquatic Conservation Strategy Objectives would be restored or maintained (EA pp. 63-73).

The Cherry Vaughn EA complies with the Clean Water Act, the National Historic Preservation Act, and the Clean Air Act. This project area does not contain any Areas of Critical Environmental Concern, designated Wilderness, Wild & Scenic Rivers, or prime or unique farmlands. There were no concerns identified regarding Cultural Resource Values, Native American Religious Concerns, or Environmental Justice Issues. The Cherry Vaughn EA (DOI-BLM-OR-C040-2010-0005-EA) resulted in a Finding of No Significant Impact (FONSI), thus development of an Environmental Impact Statement (EIS) is not required.

Public Involvement:

The public was informed of the availability of the EA and preliminary FONSI for review through a direct notification (January 26, 2011) to those on the Field Office’s mailing list, which included adjacent landowners, the web update group, and others who requested notice of this type of project. BLM also posted an announcement on the District’s Internet site, <http://www.blm.gov/or/districts/coosbay/plans/index.php>. The EA and preliminary FONSI were available for review until February 27, 2012. The BLM received two comments from four organizations.

Upon reviewing the external and internal comments, the BLM made a few notable changes to the EA to provide additional information, refine the Proposed Action, and further clarify project design features. These did not constitute substantive changes and additional effects analysis is not needed. The following is a summary of these changes:

¹ Biological Opinion on the Cherry Vaughn Density Management Thinning and Hardwood Conversion Harvest Project. June 24, 2011. TAILS# 13420-2011-F-0157.

Road Decommissioning: The BLM failed to identify two roads proposed for full decommissioning only in the project that are within the Cherry Creek Tier 1 Key Watershed. These have been described on page 16 of the EA.

Port-Orford-cedar: There was some confusion about the design features for Port-Orford-cedar, which have now been clarified on page 23 of the EA.

White-footed vole: In response to concerns over this species, we have added analysis on white-footed voles on page 41 of the EA.

Maps: We have clarified on the Map Legends the four different treatments and the two components of Treatment 1.

One letter stated confusion about design features for each treatment. The design features for each treatment are specific for that treatment and that treatment only. For example, a design feature, such as canopy cover in Treatment 2, does not apply in any of the other treatments.

Rationale for the Decision:

Using the Decision Factors for this project (EA p. 5) I am choosing to offer the *Vaughn's Jct. DM* Timber Sale for the following reasons:

- Implementation of the Proposed Alternative best meets the Purpose and Need described in the Cherry Vaughn EA (pp. 3-4); the No Action does not meet the Purpose and Need.
- It will enhance stand structure and habitat complexity for late-successional forest-dependent species and create additional habitat components through snag and down wood creation.
- It provides for the recovery of threatened species, such as the northern spotted owl and the marbled murrelet.
- It is consistent with the *1995 Record of Decision and Resource Management Plan* for the Coos Bay District of the Bureau of Land Management.
- It provides collateral economic benefits to the local community.
- It complies with other major applicable laws, regulations, and Bureau policies.

Administrative Remedies:

The decision described in this document is a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer *Kathy Hoffine* within 15 days of the publication date of the notice of decision/timber sale advertisement in *The World*, Coos Bay, Oregon.

43 CFR § 5003.3 subsection (b) states: "Protests shall be filed with the authorized officer and would contain a written statement of reasons for protesting the decision." This precludes the acceptance of electronic mail (email) or facsimile (fax) protests. Only written and signed hard copies of protests that are delivered to the Coos Bay District Office will be accepted.

The protest must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

43 CFR § 5003.3 subsection (c) states: "Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered." Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information to her. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party (ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 5003.3(f).

If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of the decision notice, this decision will become final. If a timely protest is received, the project decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Coos Bay District Office will issue a protest decision.

For further information, contact Aimee Hoefs, Team Lead, at 1300 Airport Lane, North Bend, Oregon 97459 or (541) 756-0100.

Decision Approved by:

/s/ Kathy Hoffine

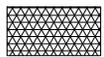
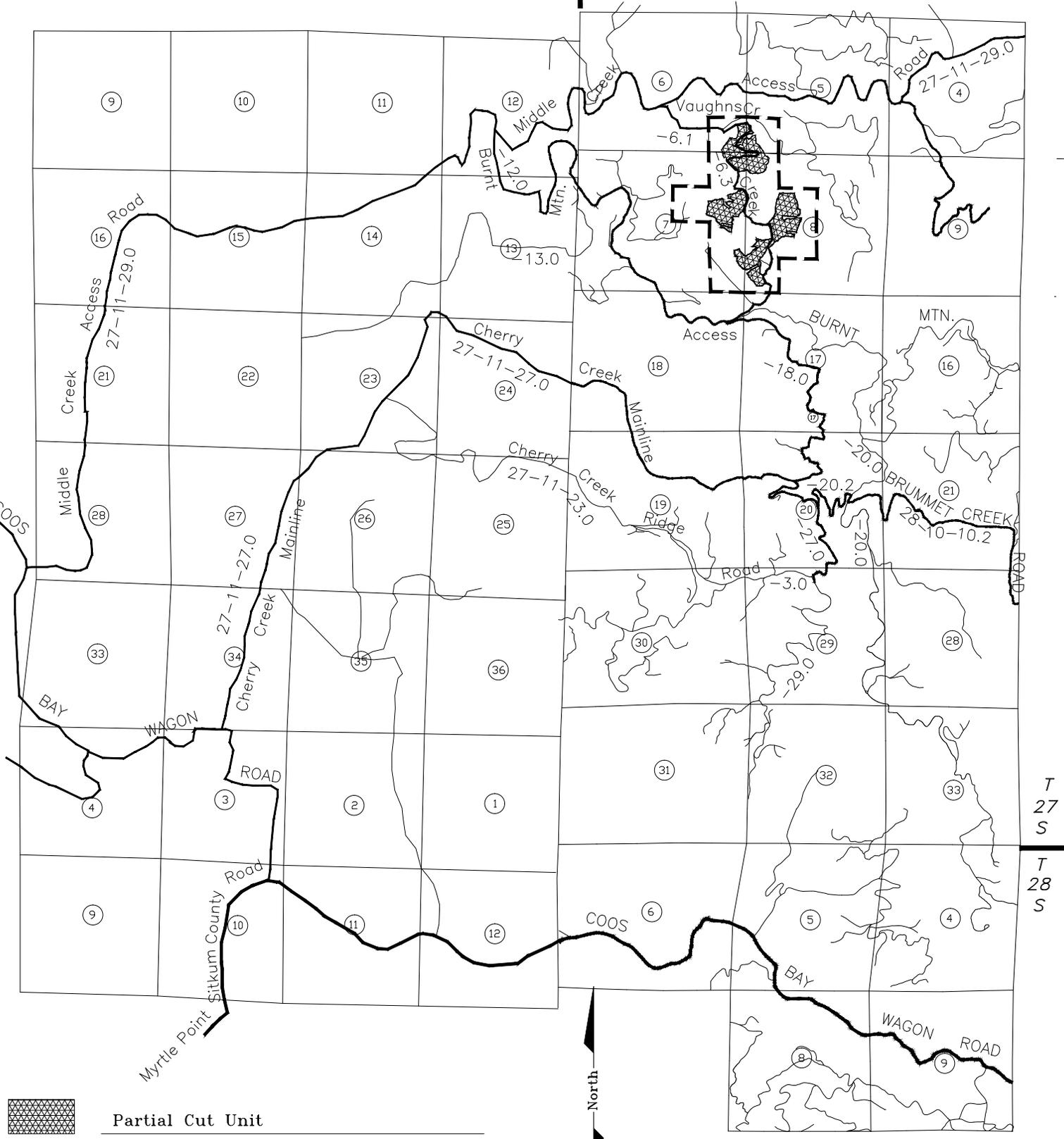
September 28, 2012

Kathy Hoffine
Myrtlewood Field Manager

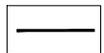
Date

Enclosures: Timber Sale Prospectus Maps (Exhibit A, and A-1; 3 pages)

R 11 W | R 10 W



Partial Cut Unit



Existing Road



Boundary of Contract Area



SCALE 1" = 1 Mile

T
27
S

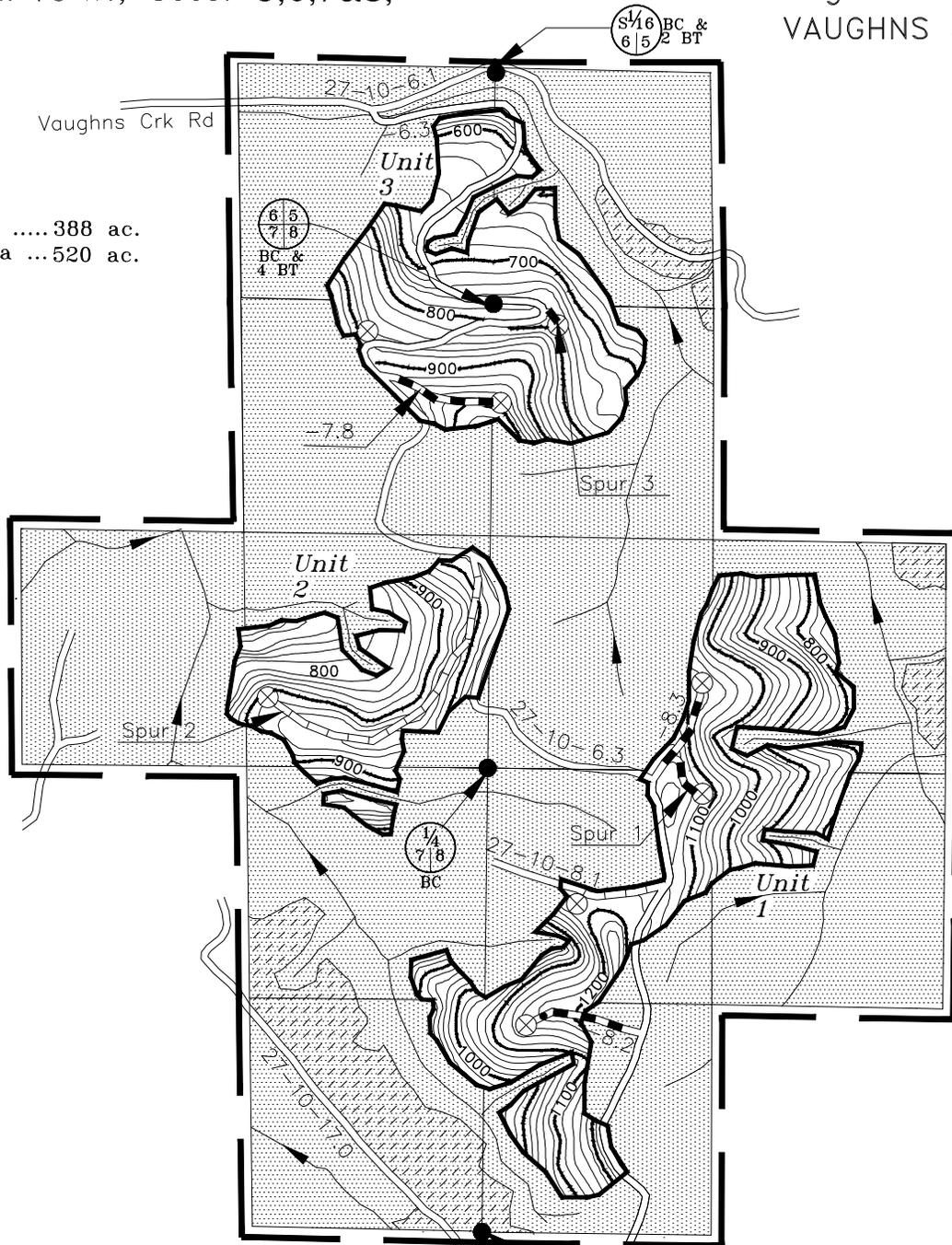
T
28
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TIMBER SALE CONTRACT MAP
 USDI-BLM COOS BAY DISTRICT
 T. 27 S., R. 10 W., Secs. 5,6,7&8, Will. Mer.

SALE NO. 12-30
 EXHIBIT A
 Page 1 of 2
 VAUGHNS JCT. DM

Unit 1..... 57 ac.
 Unit 2..... 28 ac.
 Unit 3..... 44 ac.
 R/W 3 ac.
 Total ... 132 ac.

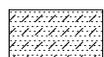
Total Reserve Area 388 ac.
 Total Contract Area ... 520 ac.



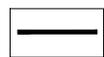
Partial Cut Unit



Reserve Area



Other Timber Sales
 in Reserve Area



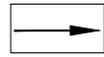
Boundary of Cutting Area, Blazed,
 Posted and Painted



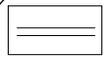
Boundary of Contract Area



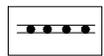
Corner Found



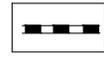
Stream Channel



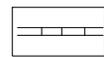
Existing Road



Road to be Constructed



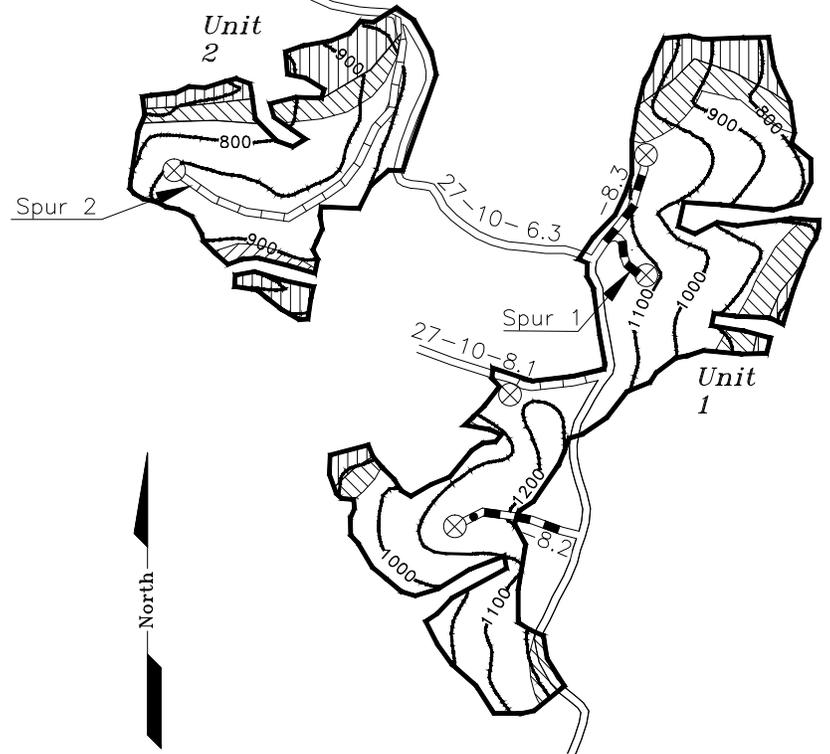
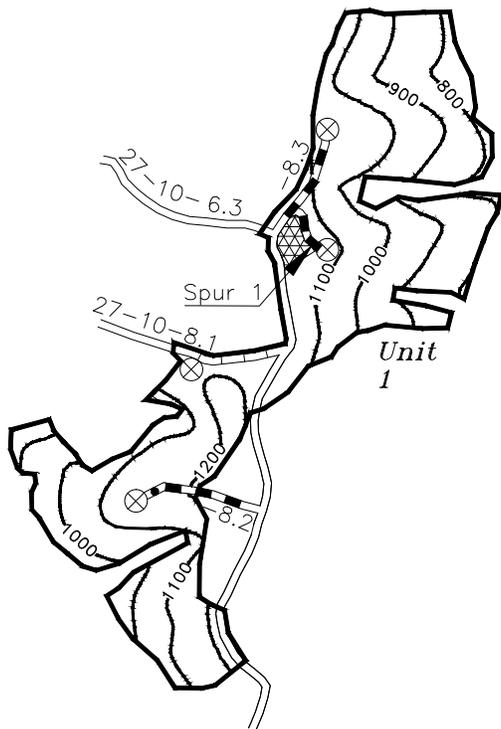
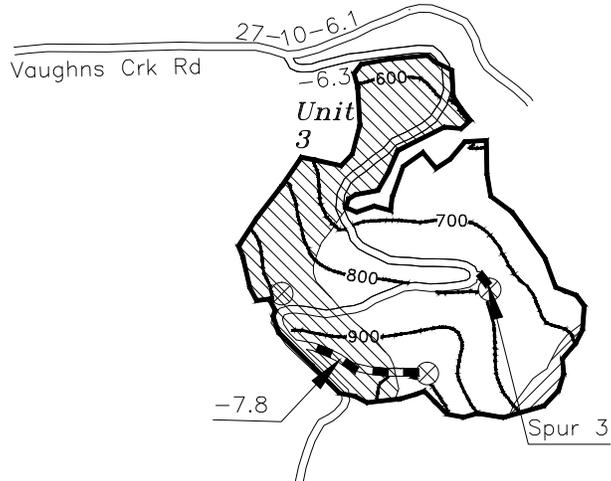
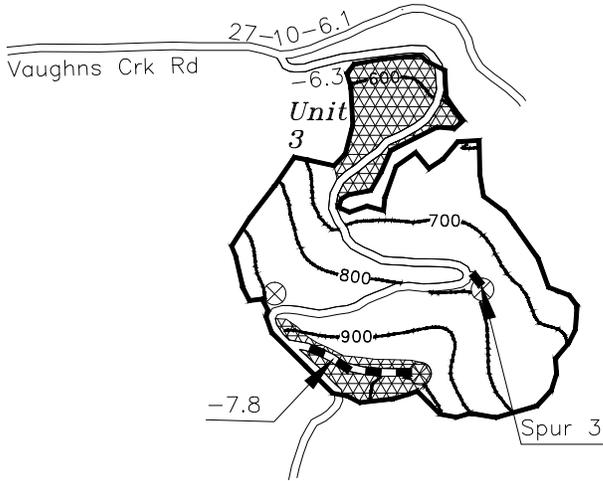
Road to be Improved



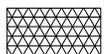
Road to be Renovated



Proposed Landing



SCALE 1" = 1000'



Ground-base area (9 acres)



Seasonal Restriction Area (NSO)



Seasonal Restriction Area (MM)



Timing Restriction Area (MM)