



# United States Department of the Interior



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IN REPLY REFER TO:  
1790/5400 (ORL040)

## **DECISION RECORD #1 FOR LOST ANALYSIS EA #DOI-BLM-OR-L014-2011-001, MID SPENCER TIMBER SALE**

### **INTRODUCTION**

The effects of the forest management actions included in this Decision Record (DR) are analyzed in the Lost Analysis Environmental Assessment #DOI-BLM-OR-L014-2011-001. For this Decision Record the Lost Analysis Environmental Assessment will be referred to as the “Lost EA”. The Lost EA analyzed multiple proposed actions in the Lost EA analysis area. It is anticipated that separate Decision Records will be prepared at the time specific projects are proposed. This decision addresses the Mid Spencer Timber Sale, and silvicultural, fuel hazard reduction, road maintenance, and watershed improvement actions.

The Klamath Falls Resource Area (KFRA) Interdisciplinary Team analyzed the projects based on: (a) current resource conditions in the project area, (b) the results of monitoring the previous decade of forest management and harvest activities, (c) meeting the purpose and need as identified in the Lost EA, (d) implementation of the management action and direction stipulated in the 1995 Klamath Falls Resource Area Resource Management Plan (RMP), (e) comments from the public, and (f) the need to comply with the 2011 revised spotted owl recovery plan and the 2012 proposed rule to revise spotted owl critical habitat. The proposals presented and evaluated in the Lost EA reflect what the KFRA Interdisciplinary Team recommended to be the best balance and integration of resource conditions, resource potentials, competing management objectives, expressed interests of the various publics, and the concerns of surrounding communities.

### **DECISION**

After careful consideration of the alternatives, I have decided to implement Alternative 1 with selected actions from portions of all of the alternatives as they apply to the Lost Analysis Area. The approved action will result in implementation of several forest management projects selected from the three action alternatives in the EA (see Map 1) and the “No Action” alternative for some areas. The approved action is therefore a hybrid action composed of portions of the three action alternatives and the No Action alternative. As part of this action, applicable Best Management Practices (BMPs) in Appendix D of the KFRA ROD/RMP and the Project Design Features (PDFs) in Appendix B of the EA will be applied.

Table 1 below displays the actions I have selected for each unit that was proposed and analyzed in the EA. A table that represents selected alternatives and the acres of individual units is available in Appendix A of this DR. Rational explaining the reasons for choosing the various alternatives is explained in the Decision Rationale Section below.

Table 1 Treatment Acres, Units and Alternatives in the Proposed Action

<b>Treatment</b>	<b>Proposed Action Treated Acres*</b>	<b>Unit #'s</b>	<b>Alternative Applied to this Unit</b>
Mid Spencer Timber Sale	635 acres: 587 acres Density Mgmt 48 acres patch cut unit (7 total acres Patch cuts)	all	1,2,3, and No Action
Aspen Restoration-Mechanical	30	19-1	1
Aspen Restoration-Manual	6	19-1IR	1
Density Management	587 (approximately 18 of these acres are patch cuts)	21-1, 21-2, 22-1, 23-1, 26-1, 33-2, 4-1 4-2	1 (4-1 and 33-2 Alt. 2)
Diameter Limit Density Management	47	6-2, 6-3	3
Density Management and Underburn	106	35-1, 35-3	1
Diameter Limit Density Management and /Underburn	40	35-2	3
DDR Patch Cuts	48 (approximately 7 acres of this unit will actually be PCs the rest will remain untreated)	27-1 (p)	1
DDR density management	12	27-1(p)	1
Developed OHV Recreation site	2	35-4	2
Thin From Below-Manual	35	25-1, 25-2 27-2	1
Thin From Below-Mechanical	68	15-1, 25-3 30-1, 33-1	1
Riparian Treatment-Mechanical	45 (approximately 11 acres of RR treatment will be implemented in the Mid Spencer Timber Sale)	19-1R 21-1R 27-1R(pp) 33-2R 35-3R** 4-1R	1 (4-1R, 27-1R, 33-2R and 35-3R Alt. 3)
Riparian Treatment-Manual	42	21-1R 21-2R 22-1R 25-1R 25-2R 27-1IR 27-2R 27-2IR 33-1R	1 (27-1IR Alt. 3)
No Action	78	6-1	No Action Alt.
Temporary Road Construction	300 feet **	35-2	1
Conifer Planting	100	all	1
Road Re-opening, OHV area access	1,000 feet*	35-4	2

Total Treated Acres	1,068	--	
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\* Acres and feet in this table are approximate. Rounding differences may result in acreage and distance variances.

\*\* This riparian unit will be diameter limit, density management with under burning.

p= Partial unit--48 acres of this unit will be patch cuts only, The remaining 12 acres will be density management

pp= partial unit--6 acres of this riparian unit will be mechanically treated, 5 acres manually treated.

\*\*\*In addition to the road work in this DR, significant amounts of road improvement and decommissioning have been recently conducted within the general Spencer Creek watershed and Lost analysis area (see Table 23, Projects for Watershed Restoration in the EA). Also, in the Lost EA, see Table D-5, Road Work, Closures and Improvements in Lost Analysis Area.

### **Timber Sale**

- The Mid Spencer Timber Sale, approximately 635 acres of vegetation treatments, including density management, culturing and thinning. Density Management would include variable density thinning, approximately 25 acres of patch cuts, and culturing around preferred species. All timber sale harvest would be ground based.
- Approximately 11 Acres of RRs will be treated with variable density management in the Mid Spencer Timber Sale (11 acres of RR treatment are part of 635 acre timber sale).

### **Manual and Mechanical Thinning**

- Approximately 113 acres will be implemented in stewardship or service contracts.
- Understory trees will be thinned (cut and yarded to a loading point) to the density and stocking levels necessary to reduce competition for water and nutrients. Treatments will consist of thinning of over-stocked stands and culturing around large legacy trees. Legacy trees would include ponderosa pine, sugar pine, white pine, Douglas-fir and incense cedar trees generally larger than 20 inches DBH. The focus for trees selected for removal is suppressed smaller trees within two drip lines of legacy trees, trees judged unlikely to recover and thrive following harvest, and damaged residual trees. Trees may also be thinned to reduce competition and to allow for the development of a more vigorous residual stand. Leave trees will include the healthiest and most vigorous trees, with a target stand composition objective as summarized in Appendix E of the RMP (p. E-10), and will be spaced 15-40 feet apart. The wider spacing will be used for larger leave trees and areas with lower site productivity. Mechanical thinning will include yarding of severed trees to a landing. This material will be utilized for firewood, biomass energy production, fiber, lumber production or other products. Manual thinning is identified for units where the slope and other factors preclude mechanical methods. Manual thinning and piling within the District Designated Reserve (DDR, Unit 27-2) will target overstocked white-fir trees 1 -10" DBH. Mechanical and manual thinning that takes place in Riparian Reserves and District Designated Reserve Buffers (DDRBs) will target the development and maintenance of late successional forest structure with the focus on retaining large trees and snags and shade intolerant species (RMP, p.18).

### **Conifer Planting**

- Following timber sale and thinning treatments approximately 100 acres of planting of mixed conifer trees in patch cuts, openings and under stocked areas.
- Manual brushing may be necessary in planted areas to ensure seedling survival. Areas needing brushing will be determined after seedlings are planted.

### **Hazardous Fuels Treatments**

- Where operationally feasible, whole tree yarding of all material designated for mechanical removal will be done to reduce activity generated hazardous fuel loading.

- In all treatment areas, residual materials will be treated with a variety of methods to reduce hazardous fuels including: whole tree yarding, hand and/or machine piling, lopping and scattering, and/or burning.
- Piles will be utilized for firewood, chips, hog fuel and/or other products, wildlife habitat, or burned.
- Broadcast burning (under-burning) and jackpot burning (burning of small piles or fuel concentrations) will be conducted on approximately 150 acres of harvest/treatment units if residual fuel levels and/or conditions following treatment meet criteria for prescribed burning treatments.

## **Roads**

- Routine road maintenance.
- Construction of approximately 300 feet of temporary roads.
- Opening of approximately 1,000 feet of existing road for OHV access.

## **Project Design Features**

- Wildlife - Northern Spotted Owl
  - Project Design Features (PDFs) pertaining to wildlife and wildlife habitat described in Appendix B of the Lost EA and the BMPs in the KFRA ROD/RMP applying to the planned actions, will be implemented for all actions conducted.
  - A seasonal restriction will be implemented during the nesting season (March 1-September 30) if northern spotted owls are found to be nesting. If non-nesting is determined during the critical nesting period, the seasonal restriction may be waived by the local biologist.

A segment of the Miner's Creek road passes within ¼ mile of the Miner's Creek site, coming as close as 300 yards to the site center. The road can be used during the critical period (March 1-Sept 30). However, restrictions for use of this segment of road for activities associated with the Lost project would include: no maintenance (brushing, resurfacing), no stopping of log trucks or adjusting log loads, and no use of "Jake brakes". If the Miner's Creek territory is found to be unoccupied or non-nesting, then the use restrictions on this segment of road could be waived and normal haul activities could commence.

## **KEY ISSUES**

### **Roads**

The BLM recognizes the impacts associated with existing roads and road construction and has addressed them in the Soils, Hydrology and Water Quality sections of the EA. No new permanent road construction is planned under the Lost EA. Some roads are necessary for access to and management of the BLM lands in the Lost EA area. In addition, there are approximately 50 Valid Existing Rights granted by the BLM to various state and federal agencies and private individuals pertaining to use of roads in and connected to the proposed project areas (see Lost Project Record Specialists Input Section). The BLM cannot decommission or close these roads without agreement of the Grant holder. As a result of the existing Right-of-Way (ROW) situation and the need to maintain BLM access, it is difficult to achieve the RMP recommendation of 1.5 miles of road per square mile in all areas. In the recent past the BLM has worked alone and with adjacent landowners to reduce road densities in the Spencer Creek Watershed (see Table 23 in The Lost EA and a summary titled "Watershed Restoration Treatments Implemented and Planned in the Spencer Creek Watershed" available at the KFRA Office). Analysis of the road system for the current EA concluded that there is little opportunity for further reductions in existing roads in the Lost EA analysis area.

### **Riparian Thinning**

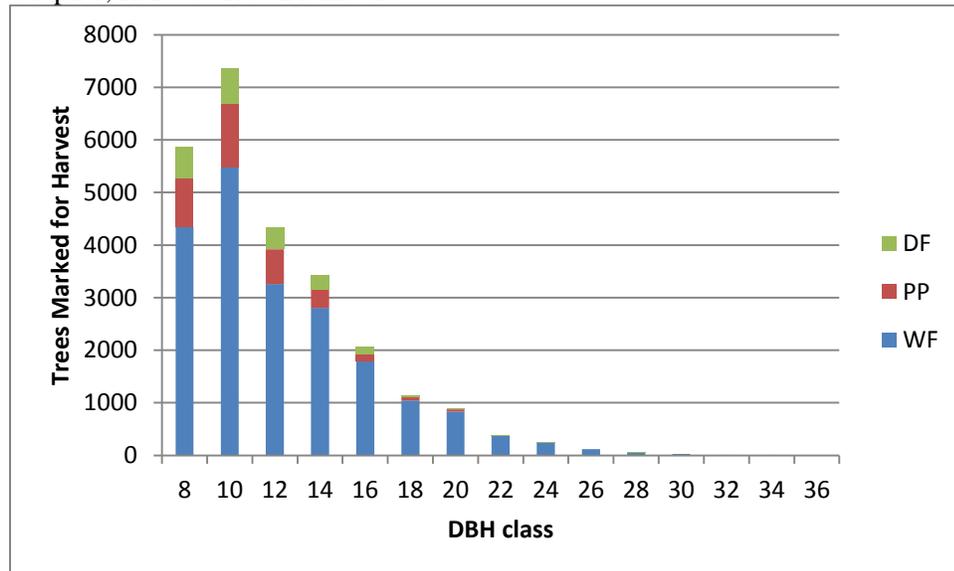
The Lost EA as analyzed includes approximately 45 acres of riparian thinning. However, the Mid Spencer Timber Sale will implement approximately 11 acres of riparian thinning. In the EA analysis process, thinning in the outer half of some riparian reserves was developed by resource specialists

including a Hydrologist and Fisheries Biologist to improve conditions in the RRs and meet Aquatic Conservation Strategy (ACS) objectives. Thinning will maintain shade and improve growing conditions for many of the larger shade intolerant trees growing in the RRs. The RR thinning has little benefit to the economics or overall volume of the Mid Spencer Timber Sale.

### Harvesting Large Trees

The 1995 RMP, requires managing forests to provide a sustained yield of forest products through an uneven-aged silvicultural system. Uneven aged management does prescribe management of all diameters but it does not focus on removing all or most of the larger/older trees. The trees proposed for removal in the Mid Spencer Timber Sale come primarily from the small to mid-sized diameter classes (see Graph 1, Harvest Tree Diameters). Approximately 99% of the trees proposed for harvest are in the 24 inch DBH class and smaller. Approximately 97% of the trees proposed for harvest are in the 20 inch DBH class and smaller. The vast majority of the larger trees in the Lost EA analysis area are retained and most will have adjacent shade tolerant trees thinned providing improved growing conditions for the larger trees. The Lost EA attempts to provide a balance between restoring older forests and providing a sustainable level of forest products while implementing the 1995 RMP.

Graph 1, Harvest Tree Diameters



### Deferral of Harvest on Some 2010 Proposed Spotted Owl Critical Habitat Acres

In order to assist in meeting the recovery objectives of proposed critical habitat unit ECS-1 (USDI FWS 2012) a landscape assessment was completed by the KFRA using a process suggested in the Proposed Critical Habitat (PCH) rule. This assessment used the best available information currently available to BLM, but it is recognized that there were many holes in the data and the assessment process is new and untested or verified. The landscape assessment process suggests deferring timber harvest on the highest quality, and most ecologically sustainable NSO habitat within the proposed critical habitat unit. This assessment showed 78 acres of high quality habitat (Unit 6-1) in the Lost analysis area and it is deferred from treatment with this Decision. The No Action alternative was selected for Unit 6-1.

The landscape analysis indicated that approximately 6,447 acres of KFRA lands in unit ECS-1 are potentially high quality NSO habitat and should be considered for treatment deferral. The Lost analysis area included the approximately 78 acres of Unit 6-1. These deferral acres will be subject to review and refinement as one or more of the following occur: the BLM completes a new Resource Management Plan (RMP), further data is collected resulting in re-analysis, the analysis process itself is refined or modified

by BLM or USFWS, or, the USFWS final rule for critical habitat does not include some or all of the KFRA ECS-1 lands.

The analysis process employed to identify the stands I am deferring as part of this decision record is described in the appendix C of the EA and in the Lost Biological Assessment. The deferred acres are depicted on Maps in the project file.

### **Monitoring**

- The BLM will monitor soil impacts of ground disturbing operations implemented as part of the Lost EA to assure compliance with the KFRA Resource Management Plan on no less than 20% of the mechanically thinned areas.
- Vegetation treatments will be monitored.
- The KFRA annually monitors nesting status of all known northern spotted owl sites and will continue to monitor those sites in the Lost EA.

### **DECISION RATIONALE**

The decision to implement the actions described in the Proposed Action meets the Purpose and Need identified in the Lost EA and furthers the intent established in the Klamath Falls Resource Area RMP to manage and protect resource values as described in the Lost EA and other sections of this Decision Record. The forest development treatments covered in this decision record are primarily from Alternative 1 with selected portions of all of the action alternatives and one portion of the No Action Alternative (see Appendix A).

The alternatives selected from the Lost Analysis EA proposed action are designed to meet a variety of needs listed below. A main purpose of the project is to implement the 1995 Klamath Falls Resource Area Record of Decision (ROD)/Resource Management Plan (RMP).

#### **Rational for selection of Alternative 1 for most units (see Appendix A)**

Alternative 1 harvests timber and increases stand growth by reducing stem densities from all canopy layers and tree size classes. Analysis area and stand level diversity would be maintained or improved through promotion of an uneven-aged stand structure with variable densities. The variable density management treatments including culturing, riparian thinning and patch cuts would:

- Target restoring pine and Douglas-fir in stands where those components have been lost or substantially reduced (RMP Appendix E, p. 9).
- Design a timber sale project and other vegetation treatments that are economically practical (RMP Appendix E, p. 7).
- Reduce natural and activity-based fuel hazards to protect resources and local communities through methods such as prescribed burning, mechanical or manual manipulation of forest vegetation and debris, removal of forest vegetation and debris, and combinations of these methods (RMP p. 75).
- Manage riparian reserves to restore and maintain the ecological health of watersheds and aquatic ecosystems (RMP p. 7, 12).
- Protect and enhance late-successional reserves through silvicultural and non-silvicultural treatments that are beneficial to the creation and maintenance of late-successional habitat (RMP p. 18).
- Reduce mortality and restore the vigor, resiliency, and stability of forest stands (RMP p. 53).

#### **Rational for selection of Alternative 2 for Units 4-1, 33-2, and 35-4**

Similar to Alternative 1, Alternative 2 harvests timber and increases long term stand growth by reducing stem densities from all canopy layers and tree size classes. Project area and stand level diversity would be maintained or improved through the promotion of an uneven-aged stand structure with variable canopy closures.

Alternative 2 was originally developed to meet the requirements of the 2008 RMP which is no longer in effect. However, the analysis determined that the variable canopy closures and slightly lower retained basal areas prescribed in Alternative 2 would help restore and promote the pine and Douglas-fir components in the units identified above. These units have a higher component of shade intolerant pines and/or Douglas-fir. These shade intolerant species will benefit from the lower average basal areas prescribed in Alternative 2. Analysis determined that, in the units listed for Alternative 2, the prescriptions also meet the requirements of the 1995 RMP.

Rational for selection of Alternative 3 for Units 4-1R, 6-2, 6-3, 27-1R, 27-1IR, 33-2R, 35-2 and 35-3R  
Alternative 3 was developed in response to comments received during the public scoping period. This alternative analyzes the use of a diameter limit for the timber harvests. The alternative as designed is similar to Alternative 1 with the addition of incorporating a diameter limit for harvesting Douglas-fir, ponderosa pine, sugar pine, incense cedar and Shasta red fir that are greater than 20 inches DBH. Alternative 3 does allow the harvest of white fir greater than 20 inches DBH. Analysis determined that although the 20 inch diameter limit for preferred species would reduce the volumes harvested and reduce the economic returns in these units, the reductions would be minimal. The units identified for implementation of Alternative 3 have low stocking levels of preferred species larger than 20 inches DBH. For other units in the analysis, it was determined that Alternative 3 would not promote a sustainable flow of forest products under an uneven aged silvicultural system.

#### Rational for selection of No Action Alternative for Unit 6-1

In response to the analysis of spotted owl habitat in the Lost EA pages 30-56 and Appendix C of the EA, Unit 6-1 will be deferred from harvest treatment at this time. See Deferral of Harvest on Some 2010 Proposed Spotted Owl Critical Habitat Acres above.

#### No Action Alternative for Other Units

The No Action Alternative as a whole is rejected because it does not meet the resource management objectives identified in the 1995 Klamath Falls Resource Area RMP and the Northwest Forest Plan or the 2008 Klamath Falls RMP. It would not address or alter many of the existing conditions and trends relative to desired healthy vegetative conditions, resource protection, and watershed restoration that were identified in the Lost EA. With No Action, these conditions would not be improved or mitigated; certain undesirable ecological trends would continue unchanged, and, in some cases, would be exacerbated with the passage of time. In addition, no thinning or fuels reduction benefits would be realized.

#### Other Alternatives Considered

Other alternatives and actions were also considered but were dropped from detailed analysis including Regeneration Treatments, Fuels Treatment Only, Development of a Spencer Creek Trailhead and Trail, and Restoration Only treatments. These alternatives were rejected either because they would not meet one or more parts of the Purpose and Need for the project or because the actions proposed in these alternatives were included and analyzed in other alternatives.

#### **Surveys**

Surveys for wildlife (great gray owl, northern spotted owl, northern goshawk, white-headed woodpecker, terrestrial mollusks) and botanical resources have been completed.

- Great gray owl surveys were conducted (1996-1997; 2006-2007, and 2011) within suitable habitat. Individual Great gray owls were detected twice during the 2011 survey, but no nests were located, and no sites were established as per the current interagency survey protocol. Consequently, no changes in the proposed prescription or other modifications to the proposed project are required for this species.
- Potential terrestrial mollusk habitat proposed for treatment under this EA was surveyed for S&M terrestrial mollusks (surveys occurred in spring and fall 2011). The terrestrial mollusk protocol (USDA/USDI 2003) identified priority habitat for surveying for specific species. Under the 2001

S&M ROD there are four terrestrial mollusk species (see Table 6) that require pre-disturbance surveys that may occur in the project area. Management direction for locations where S&M mollusks are found is to protect the microsite of the habitat feature. (USDA/USDI 2004b, 2005).

- Required cultural surveys are completed, no cultural resources were located.

### **Mitigation**

No additional mitigation was deemed necessary and thus none was described in the EA or in this Decision Record.

### **Consultation and Coordination**

Consultation with the U.S. Fish and Wildlife Service (FWS) as required under Section 7 of the Endangered Species Act (as amended) was completed for the Lost Analysis EA including the timber harvest described in decision record #1. Conferencing with the USFWS on the effects of the proposed action on 2012 proposed critical habitat for the northern spotted owl was conducted concurrently with the formal consultation. The action consulted and conferenced on was the hybrid proposed action as described above.

On the hybrid proposed action, the BLM made a “May Affect, Likely to Adversely Affect” determination for the northern spotted owl due to the downgrading of suitable habitat to dispersal habitat. The BLM made a determination of “No Effect” in regard to designated critical habitat for the northern spotted owl. For 2012 proposed critical habitat for the northern spotted owl, the BLM entered into conferencing with the USFWS concurrently with the formal consultation. The BLM made a determination of “May Affect, Likely to Adversely Affect” for 2012 proposed critical habitat.

In the biological opinion #08EKLA00-2012-F-0026 ( issued on September 4, 2012) the Service agreed with these determinations and found that the Lost project as proposed in the BA was not anticipated to result in incidental take of northern spotted owls and was not likely to jeopardize the survival or recovery of the species.

A “No Effect” determination was made for all other listed species and designated critical habitat.

The State Historic Preservation Office (SHPO) was notified of this project in accordance with 36 CFR §805.5(b). They have raised no objections to the BLM’s finding that it would not adversely impact sites of cultural or historic significance.

### **Public Involvement**

Public scoping input and EA comments were considered in development and refinement of the proposed action and alternatives and in this decision. Refer to Appendix G of the Lost EA for a list of comments and BLM responses.

### **Initial Scoping**

The KFRA requested public input on the Lost EA in a letter mailed to “All Interested Persons” dated March 18, 2011. This scoping letter outlined the proposed treatments for the analysis area and was mailed to approximately 110 persons and groups on KFRA’s NEPA mailing list.

### **2011 Field Tours**

On June 10, 2010, April 27, 2012 and April 30, 2012 the Klamath Falls Field Office conducted public tours of the Lost EA area including portions of the proposed Mid Spencer Timber Sale and the proposed OHV area. Three members of the public attended the 2010 tour, ten members of the public came to the April 27, 2012 tour and another nine came to the April 30, 2012 tour.

## **Public Input from Scoping and Field Tours**

Individuals and persons representing groups provided 16 written (emails or letters) scoping/tour responses to the BLM. Ten of the written responses were from individuals and groups supporting development of the OHV area and other OHV routes.

## **EA Comments**

Upon completion of the draft EA, the public was notified on July 17, 2012 via a letter to all on the EA mailing list and given an opportunity to comment on the EA during a formal thirty (30) day public comment period. The draft EA was also made available on the BLM website at <http://www.blm.gov/or/districts/lakeview/plans/index.php>. Three written comments (emails) from individuals representing three different organizations were received.

## **BLM Actions Pertaining to Comments Received**

Initial scoping comments were considered in the development of the EA and alternatives. Later comments on the EA were reviewed and compared to the alternatives and actions proposed. None of the later EA and Field Tour comments were of a nature to cause the interdisciplinary team to revise the Environmental Assessment. However, they were considered in sale layout, development of silvicultural prescriptions and in this Decision. BLM responses to the comments can be found in Appendix G of the EA.

## **CONCLUSION**

### **A. Consideration of Public Comments**

I have reviewed the public comments and responded to them in Appendix G of the Lost EA. The comments have been discussed with the interdisciplinary team of specialists on my staff and carefully considered. The comments received do not provide any substantially new information or new analysis. Nor do they identify substantial new data gaps that would indicate additional analysis is needed. The Lost EA and this DR contain the requisite site specific information to implement the proposed actions. Finally, the comments do not identify any significant new data which would alter the effects described in the EA. I am confident that the Lost EA plus the supplemental information in addition to the more comprehensive analysis done in the Klamath Falls Resource Area RMP/EIS to which the EA is tiered, represents a thorough analysis of potential effects associated with the Projects identified in this DR.

### **B. Plan Consistency**

Based on the information in the Lost EA and in the record, I conclude that this action is consistent with the 1995 Klamath Falls Resource Area Resource Management Plan. The action will help to move this portion of the landscape towards the desired future condition considered in development of the 1995 RMP.

Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Klamath Falls 2008 ROD and RMP, the KFRA evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, I have determined that the selected alternative is consistent with the 1995 ROD/RMP and the 2008 ROD/RMP. Although the selected alternative contains some design features not mentioned specifically in the 2008 ROD/RMP, these design features are consistent with the ROD and RMP.

The actions will comply with the Endangered Species Act, the Native American Religious Freedom Act, cultural resource management laws and regulations, and Executive Order 12898 (Environmental Justice). This decision will not have any adverse effects to energy development, production, supply and/or distribution (per Executive Order 13212).

### **C. Finding of No Significant Impact**

No significant impacts were identified. No impacts beyond those anticipated in the KFRA RMP/EIS would occur. Refer to the accompanying Finding of No Significant Impact.

D. Summary

In consideration of public comments, conformance with the RMP, and the finding that there would not be any significant impacts, this decision allows for vegetation management projects including commercial timber harvest, density management, patch cuts, mechanical and manual thinning, riparian reserve thinning, conifer planting, plantation brushing, temporary road construction, road maintenance and development of an OHV recreation area.

As outlined in 43 CFR § 5003 Administrative Remedies at § 5003.3 (a) and (b), protests may be made within 15 days of the publication date of a notice of sale. Publication of such notice in the Klamath Falls Herald and News, Klamath Falls, Oregon constitutes the decision date from which such protests may be filed. Protests shall be filed with the authorized officer and contain a written statement of reasons for protesting the decision.

43 CFR 5003.3 subsection (b) states: "Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision." This precludes the acceptance of electronic mail or facsimile protests. Only written and signed hard copies of protests that are delivered to the Klamath Falls Resource Area office will be accepted.

          /S/ Heather A. Bernier (Acting)            
Donald J. Holmstrom, Field Manager  
Klamath Falls Resource Area  
Lakeview District, Bureau of Land Management

  9/4/12    
Date



**APPENDIX A**  
**Alternatives Selected and Acres for Mid Spencer Units**

Unit Number	Selected Alternative	Proposed Treatment	Approximate Acres
15-1	1	Thin_From_Below / Mechanical	14.5
19-1	1	Aspen_Restoration	29.4
19-1IR	1	Aspen_Restoration / Manual	6.7
19-1R	1	Aspen_Restoration	11.4
21-1	1	Density_Management	100.5
21-1R	1	Thin_From_Below / Manual	11.4
21-2	1	Density_Management	118.9
21-2R	1	Thin_From_Below / Manual	14.4
22-1	1	Thin_From_Below / Mechanical	34.2
22-1R	1	Thin_From_Below / Manual	2.5
23-1	1	Density_Management	71.8
25-1	1	Thin_From_Below / Manual	24.7
25-1R	1	Thin_From_Below / Manual	2.8
25-2	1	Thin_From_Below / Manual	8.2
25-2R	1	Thin_From_Below / Manual	2.0
25-3	1	Thin_From_Below / Mechanical	14.8
26-1	1	Density_Management	40.5
27-1	1	DDR_Density_Management	60.2
27-1IR	3	Thin_From_Below / Manual	6.1
27-1R	3	Diameter_Limit_DDR_Density_Management	11.5
27-2	1	Thin_From_Below / Manual	2.4
27-2IR	1	Thin_From_Below / Manual	2.8
27-2R	1	Thin_From_Below / Manual	4.1
30-1	1	Thin_From_Below / Mechanical	29.2
33-1	1	Thin_From_Below / Mechanical	8.9
33-1R	1	Thin_From_Below / Mechanical	3.1
33-2	2	Density_Management	9.8
33-2R	3	Diameter_Limit_Density_Management	8.4
35-1	1	Density_Management / Underburn	40.7
35-2	3	Diameter_Limit_Density_Management / Underburn	40.1
35-3	1	Density_Management / Underburn	64.8
35-3R	3	Diameter_Limit_Density_Management / Underburn	4.7
35-4	2	Developed OHV area / Phased in per demand and funding	5.0
4-1	2	Density_Management	68.1
4-1R	3	Diameter_Limit_Density_Management_NRF	8.1
4-2	1	Density_Management	141.9
6-1	N/A	No Action - Potential Owl Deferral Area	78.0
6-2	3	Diameter_Limit_Density_Management	38.7
6-3	3	Aspen_Restoration	8.3

1153.5\*

\*acres are approximate, rounding differences and different combinations of treatment categories may create variances in acres between this table and Table 1.

## APPENDIX B

### 2001 ROD COMPLIANCE REVIEW: SURVEY & MANAGE WILDLIFE AND BOTANY

Environmental Analysis File  
Lakeview District BLM – Klamath Falls Field Office

**Project Name:** Lost

**Prepared By:** Matt Broyles (wildlife), Rob Roninger (aquatics), Johanna Fickenscher (botany/fungi/lichens and bryophytes)

**Project Type:** Timber harvest; road maintenance, closures, obliteration, construction; prescribed burning; mechanical and manual thinning, conifer planting.

**Date:** 08/28/2012

**Location:**

Proposed Treatment Area	Location		
	Township	Range	Sections
Lost Project Area	T38S	R05E	15,24,25,36
	T38S	R06E	1920,21,22,23,26,27,28,29,30,33,34,35
	T39S	R06E	4,5,6

**S&M List Date:** January, 2001

Species listed below were compiled from the 2001 Record of Decision and include those vertebrate and non-vertebrate wildlife and non-vascular and vascular botanical species whose known or suspected range includes the Klamath Falls Resource Area according to the protocols listed below. There are no known sites for Category B, D, E, and F species within the project area.

- Survey Protocols for Survey and Manage Strategy 2 Vascular Plants Version 2.0 (December 1998)
- Management Recommendations for Survey and Manage Lichens Version 2.0 (March 2000)
- Natural History and Management Considerations for the Northwest Forest Plan Survey and Manage Lichens Based on Information as of the Year 2000 (USDA Forest Service R6-NR-S&M-TP-03-03 2003). Survey Protocols for Survey and Manage Category A & C Lichens in the Northwest Forest Plan Area Version 2.1 (2003)
- 2003 Amendment to the Survey Protocol for Survey and Manage Category A and C Lichens Version 2.1 (2003)
- Survey Protocols for Survey and Manage Component 2 Bryophytes Version 2.0 (1997)
- Survey and Manage Protocols Protection Buffer Bryophytes 2.0 (1999)
- Handbook to Strategy 1 Fungal Species in the Northwest Forest Plan (PNW-GTR-476 October 1999), and

- Survey Protocol for the Great Gray Owl within the Range of the Northwest Forest Plan v3.0 (Jan. 2004)
- Survey Protocol Aquatic Mollusk Species From the Northwest Forest Plan Version 2.0 (Oct. 1997)
- Survey Protocol for S&M Terrestrial Mollusk Species v 3.0 (Feb. 2003).

### **Statement of Compliance**

On July 21, 2011 the KFRA received direction (Instruction Memorandum No. OR-2011-063) in consideration of the Survey and Manage Settlement Agreement reached on July 6, 2011 pertaining to *Conservation Northwest et al. v. Sherman et al.*, Case No. 08-1067-JCC (W.D.Wash). The Courts set aside the 2007 RODs, putting into effect the *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures, Standards and Guidelines* (USFS et al. 2001) (2001 ROD) (hereinafter referred to the 2001 S&M ROD). Projects within the range of the northern spotted owl are subject to the Survey and Manage Standards and Guidelines in the 2001 S&M ROD as modified by the 2011 Survey and Manage Settlement Agreement. The 2011 Survey and Manage Settlement Agreement makes four modifications to the 2001 S&M ROD: (A) acknowledges existing exemption categories (2006 Pechman Exemptions); (B) updates the 2001 Survey and Manage species list; (C) establishes a transition period for application of the species list; and (D) establishes new exemption categories (2011 Exemptions). Pre-disturbance surveys and management of known sites required by protocol standards to comply with the *2001 Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (2001 ROD) were completed for the great gray owl, terrestrial mollusks and vascular plants. The terrestrial mollusk protocol (USDA/USDI 2003) identified priority habitat for surveying for specific species. Using this protocol the Bureau of Land Management (BLM) identified priority habitat for the species, and surveyed all priority habitat within the analysis area.

Based on the survey results, there are no known sites of Survey & Manage species that require management within the analysis area. Therefore, based on the information (Table A) regarding the status of surveys for Survey & Manage wildlife species and the results of those surveys, it is my determination that the Lost Decision Record #1 complies with the provisions of the *2001 Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (2001 ROD).

Heather A. Bernier (Acting)  
Donald J. Holmstrom, Field Manager  
Klamath Falls Resource Area

9/4/12  
Date

**Table A - Survey & Manage Wildlife and Botany Species**

Species	S&M Category	Survey Triggers			Survey Results			Site Management
		Within Range of Species?	Contains Suitable habitat?	Project may negatively affect species/habitat?	Surveys Required?	Survey Date Month/ year	Sites Known or Found?	
<b>Vertebrates</b>								
Great Gray Owl (Strix nebulosa) <sup>1</sup>	A	Yes	Yes	Yes	Yes	1996-1997 2006-2007 2011	0	N/A
<b>Mollusks</b>								
Chace Sideband (Monadenia chaceana) <sup>2</sup>	B	Yes	Yes	Yes	Yes	Spring and fall 2011	8	N/A
Crater Lake Tightcoil (Pristiloma arcticum crateris) <sup>3</sup>	A	Yes	Yes	Yes	Yes	Spring and fall 2011	0	N/A
Evening Fieldslug (Deroceras hesperium) <sup>4</sup>	B4	Yes	Yes	No	No	Spring and fall 2011	0	N/A
Oregon shoulderband (Helminthoglypta hertieni) <sup>2</sup>	B4	No	No	No	No	0	0	This species was removed from the list under the S&M settlement agreement
Fluminicola no. 3	A	Yes	Yes	Yes	Yes	2001	Yes	A 160-foot no treatment riparian reserve buffer will be utilized adjacent to the perennial, occupied section of Miners Creek. See 6 below.
Fluminicola no. 1	A	Yes	Yes	Yes	Yes	2001	Yes	A 160-foot no treatment riparian reserve buffer will be utilized adjacent to the perennial, occupied section of Miners Creek. See 6 below.
<b>Vascular Plants</b>								
Cypridium fasciculatum <sup>5</sup>	C	Yes	Yes	Yes	Yes	7/2010	0	N/A
Cypridium montanum <sup>5</sup>	C	Yes	Yes	Yes	Yes	7/2010	1	Buffer (30 meters)

<sup>1</sup>Pre-disturbance surveys for great gray owls are required since there is suitable nesting habitat within the project area. The required habitat characteristics of suitable habitat include: (1) large diameter nest trees, (2) forest for roosting cover, and (3) proximity [within 200m] to openings that could be used as foraging areas (Survey Protocol for the Great Gray Owl within the range of the Northwest Forest Plan v3.0, January 12, 2004). Surveys for the great gray owl were conducted 2004 protocol designed to meet the 2001 Survey and Manage Standards and Guidelines. Survey protocol used was “Survey protocol for the Great Gray Owl within the Range of the Northwest Forest Plan (2004).” Two great gray owl detections were found within the Lost Analysis area. No nest sites were located.

<sup>2</sup>Equivalent-effort pre-disturbance surveys are required for the Chace Sideband and the Oregon Shoulderband (Survey Protocol for S&M Terrestrial Mollusk Species v3.0, 2003). The chace sideband is associated with open talus or rocky areas in forested habitat. Vegetation types include dry conifer/hardwood forest as well as oak communities (unpublished USDA/USDA 2005) The Oregon shoulderband is associated with rocks and wood debris in rocky areas within forest habitat often adjacent to areas with substantial grass or seasonal herbaceous vegetation (USDA/USDI 2004b). The Oregon shoulderband was removed from the Resource Area survey list in 2002 under the Annual Species Review process due to the change in the known and suspected range. No Chace sideband or Oregon Shoulderband snails were located in the Lost project area.

<sup>3</sup>Suitable habitat for the Crater Lake tightcoil is “perennially wet situations in mature conifer forests, among rushes, mosses and other surface vegetation or under rocks and woody debris within 10 meters of open water in wetlands, springs, seeps and riparian areas...” (pg. 43, Survey Protocol for S&M Terrestrial Mollusk Species v3.0, 2003). No Crater Lake tightcoil snails were located in the Lost project area.

<sup>4</sup>The evening field slug’s range was extended to include the KFRA in March 2003 (pg. 2 and 3 2002 Annual Species Review and Appendix A pg32. Survey Protocol for S&M Terrestrial Mollusk Species v3.0, 2003). This species may be found in perennial moist situations in mature conifer forests or meadows amongst rushes, mosses and other surface vegetation or under rocks or woody debris within 10 m of open water in wetlands, springs, seeps, and streams. No evening field slugs were located in the Lost project area.

<sup>5</sup>Surveys for *Cyperpidium fasciculatum* and *Cypripedium montanum* were conducted in 2010 within the project area. One site was found.

<sup>6</sup>*Fluminicola* no. 1 and 3 -have been documented in Miners Creek within the analysis area. The pebblesnail is generally found in bodies of water with gravel-boulder substrates and moderate flow. It prefers cold, oligotrophic water with high dissolved oxygen content. It is typically found in springs and avoids areas with dense macrophyte beds. In 2001, Miners Creek was surveyed for aquatic mollusks to meet the requirements of the 2001 Survey and Manage Record of Decision. During these surveys, the Klamath pebblesnail (*Fluminicola sp.*) was documented in section 33 within the perennial section of Miners Creek. Riparian Reserve Buffers, Best Management Practices (BMP’s) and Project Design Features (PDF’s) have been established to protect aquatic mollusks and their habitat See pages 75 and 95 in the Lost Analysis Environmental Assessment.