



# United States Department of the Interior

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## *Deer Willy Fuel Hazard Reduction* (EA# OR117-08-02)

### **DECISION RECORD and FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

#### **I. INTRODUCTION**

The BLM's interdisciplinary planning team has designed the Deer Willy Fuel Hazard Reduction (Deer Willy FHR) Project based on current resource conditions in the project area, and to meet the objectives and direction of the Medford District Resource Management Plan (RMP), the Northwest Forest Plan (NWFP) and the Southwest Oregon Late-successional Reserve Assessment (LSRA). The proposal presented and evaluated in the Deer Willy FHR Environmental Assessment (EA) reflects what the planning team believes to be the best balance of resource conditions, resource potential and competing management objectives.

This document is designed under the auspices of the Healthy Forest Initiative (HFI) and the Healthy Forest Restoration Act (HFRA) and complies with the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA; 40 CFR Parts 1500-1508) and the Department of the Interior's manual guidance on the National Environmental Policy Act of 1969 (516 DM 1-7).

#### **II. BACKGROUND**

The proposed Deer Willy FHR project is located within the 51,971 acre Williams Creek 5<sup>th</sup> field Watershed and a portion (1,843 acres) within the 72,679 Deer Creek 5<sup>th</sup> field watershed and within the Applegate Adaptive Management Area (AMA). Lands within the Deer Willy FHR project area are a "checker board" of federal, private, county and state ownership. Approximately 17,207 acres are BLM-administered Late Successional Reserve; 7,892 acres are US Forest Service land; and an estimated 3,460 acres are privately/county owned. The legal description for the project area is shown in Table DR-1.

**Table DR-1. Legal description\* of Deer Willy project area**

<b>Township</b>	<b>Range</b>	<b>Sections</b>
38S	5 W	5, 7, 8, 9, 17, 18, 19, 20, 21, 29, 30, 31
38S	6 W	13, 22, 23, 24, 25, 26, 27, 34, 35
39S	5 W	19, 30, 31,
39S	6 W	1, 3, 11, 12, 13, 14, 15, 23, 24, 25, 26

\*Willamette Meridian, Josephine County, Oregon

The Deer Willy FHR project proposed to thin vegetation within 200 feet of roads located in the Deer Williams LSR for fuel hazard reduction and the development of strategic fuel modification zones (FMZ) along strategic ridges. The EA proposed that fuel hazard reduction may be extended further

than 200 feet from roads where it is reasonable to extend to the top of strategic ridge systems. Along with thinning treatments, Port-Orford Cedar (POC) sanitation treatments were proposed within 50 feet of roads in the Deer Williams LSR in areas that have a significant component of POC that are currently infected or at risk for infection. Management of the roads in the Deer Williams LSR is also included in the project proposal, and would include maintenance, restoration and gate closures. The final component of the proposed action was noxious weed treatment in the project area.

Two alternatives are considered and analyzed in detail, a No-Action Alternative and one action alternative. Only one action alternative was analyzed as per guidelines of HFI and HFRA.

### **III. DECISION AND RATIONALE**

#### **A. Decision and Rationale**

The decision is to implement the proposed action for the Deer Willy Fuel Hazard Reduction Project as described in alternative 2 of the environmental assessment (EA). Implementation of this decision will include all project design features as described in the EA (pp. 16-26) to minimize potential short and long term adverse effects of the actions.

The No Action alternative was rejected because it does not meet the RMP's objective for reducing wildfire hazard in rural interface areas (RMP pp. 88-89) and does not meet the purpose and need of the Deer Willy HFR project (EA pp. 6-7).

#### **Fuel Hazard Reduction**

Approximately 4,571 acres of strategic roadside (within 200 feet of roads) and ridgeline treatments encompassing natural fuels in the WUI would be treated under this action alternative. Two levels of fuel hazard reduction intensity have been determined to achieve objectives identified in the EA.

*Fuel Hazard Reduction Level 1* – Selectively thin conifer trees less than 12 inch DBH and hardwoods less than 8 inch DBH on approximately 3,694 acres in strategic areas (roadsides and ridgelines). This would occur in forest stands >80 years old.

*Fuel Hazard Reduction Level 2* – In stands less than 80 years of age trees <20" dbh would be selectively thinned on approximately 877 acres to achieve 50% canopy retention.

Biomass may be removed during initial fuel hazard reduction. Approximately 3,386 acres of ground based extraction and 645 acres of cable based extraction are proposed in all vegetation treatments (i.e. commercial, non-commercial, riparian and LSR).

Implementation of alternative 2 will create a network of strategic areas with reduced fuels along roads and ridges, and improve fire suppression capabilities. Alternative 2 would also provide for long term maintenance of treated areas.

Implementation of alternative 2 would also provide resources to the local community through stewardship contracting, biomass removal and availability of forest products (e.g., firewood, biomass, poles, sawlogs), as well as providing wood for instream restoration projects. Biomass removal would

provide commodities to the regional economy and reduce smoke that would otherwise occur through more extensive piling and burning.

#### Use of Logs for Instream Restoration

Desired condition targets for Riparian Reserves are identified in the EA as 40 pieces of in-stream large woody debris per mile and 15 pieces of down wood per acre (p. 25). Due to the likelihood of theft near roads and possible negative effects on culvert structures and fish species, trees may not be felled into channels where treatments are within one site potential tree of coho critical habitat (CCH). Trees  $\geq 12''$  DBH designated as desired condition trees for LWD targets along CCH may be removed and decked for placement at other locations. Hazard trees within one site potential tree of CCH may also be removed and decked for placement at other locations.

#### **Road Maintenance**

Approximately 173.5 miles of existing road would be maintained to reduce erosion and sediment deposits into streams. Road drainage would be improved, and deteriorated surfacing would be replaced. Additional drainage structures would be installed on existing roads to improve drainage. Approximately 30 miles of road in the project area would be managed as designated firebreaks and 25 miles of road will be designated as escape routes. Thirteen water sources (pump chances) on established roads will be managed as permanent sources for fire suppression.

Road maintenance would improve access to anchor points, and safe ingress and egress for the public and firefighters. It would also provide for maintenance of sites where water is pumped to suppress fires (RMP, p. 90).

#### **Port-Orford Cedar Sanitation**

Roadside Sanitation: all POC trees less than 20'' dbh would be eliminated from a buffer zone of up to 50 feet on either side of identified roads in the project area. The relative amount of POC within this buffer zone is generally less than 10% of the total tree cover, with a highly variable pattern of establishment. Live POC trees outside the buffer zone would be reserved from cutting.

Gate management: Gates on lateral roads will be evaluated on a site specific basis as to whether the current design has effectively closed the area. If a gate is found to be ineffective as designed, new design features on each gate would be implemented by the contractor and/or by BLM engineers to better meet the purpose and need for each gate. Signs informing the public of the need for the gate will also be installed on each gate.

Protection of genetic diversity: Natural POC that shows resistance to *Phytophthora lateralis* will be reserved from cutting. There are three outplanting sites in the project area that will also be reserved from treatment by flagging a no treatment buffer within 100 ft. of planted seedlings.

This suite of actions for control of Port-Orford cedar root disease would help to maintain POC on the landscape. The combination of sanitation, gate management, and protection of genetic diversity is designed to reduce the risk of spread of Port-Orford Cedar root disease. Monitoring will be implemented in sanitation areas to test the efficacy of this approach to reduction of *Phytophthora lateralis* on the project area and in the watershed.

Monitoring: The removal of Port-Orford Cedar along roads will be monitored using bait trees planted at specific intervals from the road edge in a manner similar to a study conducted by Marshall and Goheen (2003) on roadside sanitation treatments in Southwest Oregon.

### **Noxious Weeds**

The proposed treatment would reduce, control, contain, or eradicate species on BLM lands using the Integrated Pest Management process based on the species and the conditions in accord with the criteria established under the Medford District Integrated Weed Management Plan (EA OR110-98-14).

## **B. BLM Strategic Plan**

The Decision will implement a range of activities that will promote a number of the goals of the BLM's Strategic Plan for FY2003-2008:

*Resource Protection-Goals 1 & 3: Improve Health of Watersheds and Landscapes (Restore Fire Adapted Ecosystems); Protect Cultural and Natural Heritage Resources*

This project will protect cultural resources through project design features and reduction of fire hazard. Fuel hazard reduction will help restore fire adapted ecosystems.

Treatments are designed in the long term to “reduce the severity and rate of spread of large, stand-replacing fires capable of removing suitable spotted owl habitat (USDI 2006); and 2) the stands proposed for level 2 FHR treatment would likely develop into suitable late-successional habitat at a faster rate than if left untreated” (EA p. 68).

*Resource Use-Goal 4: Manage or Influence Resources to Enhance Public Benefit, Promote Responsible Use, and Ensure Optimal Value*

Implementation of Alternative 2 will provide for biomass removal through stewardship contracts to provide resources to the local and regional community. It will also provide jobs through stewardship and fuel hazard reduction contracts.

*Serving Communities-Goal 1: Protect Lives, Resources, and Property*

Fuel hazard reduction is the primary objective in the Deer Willy project. Implementation of Alternative 2 will reduce fuel loadings and stand densities. All areas to be thinned include fuel hazard reduction to protect resources, homes and property. Fire behavior and suppression difficulties experienced in recent fires in southwest Oregon (e.g., the 500,000 acre Biscuit fire) clearly demonstrate that fuel hazard needs to be addressed to reduce threats to public health, safety and property.

## **C. National Fire Plan**

The National Fire Plan, a culmination of various reports, (e.g., Managing the Impacts of Wildfires on Communities and the Environment, Integrating Fire and Natural Resource Management – A Cohesive Strategy for Protecting People by Restoring Land Health), budget requests, Congressional direction, and resulting strategies, plans, projects, and other activities have set the stage and provided direction for an increased application and management of prescribed fire and other fuel treatments on federally

managed lands. This is further reinforced by the 1995 Federal Wildland Fire Management Policy along with its accompanying 2001 review and update.

The Deer Willy FHR Project includes the National Fire Plan designated Williams Community at Risk (CAR). Consequently, regional and national attention is focused on this area as a wildland/urban interface community in the vicinity of federal lands that are at high risk from wildfire. This emphasis extends 1½ miles beyond the CAR which is also identified as a wildland-urban interface (WUI).

Much of the project area has high risk fire regimes and is classified as fire condition classes two and three under the Department of the Interior's "Cohesive Strategy." The fire regimes in these fire condition classes have been moderately to significantly altered from their historical range of fire frequency. To restore them to their historical fire regimes, these lands require some level of restoration through mechanical and prescribed fire treatments. The Deer Willy FHR project includes a range of management actions directed at this restoration and at reducing the high wildfire risk on federal lands.

#### **IV. CONSULTATION AND COORDINATION**

Pursuant to the Endangered Species Act, BLM completed consultation with the US Fish and Wildlife Service. In September 2007, the U.S. Fish and Wildlife Service (USFWS) gave BLM a letter of concurrence (LOC) (Log# 1-15-06-I-0165). The BLM is implementing all applicable PDCs in accordance with the mandatory terms and conditions as specified in the LOC. The Service stated that the proposed action will not jeopardize the continued existence of ESA listed species.

The 2004-2008 Biological Opinion (log # 1-15-03-F-511) is still valid for listed T&E species other than the spotted owl. This decision is consistent with all of the mandatory terms and conditions identified in the biological opinion. It also incorporates and meets all of the identified recommended conservation measures.

In accordance with section 7 of the ESA, the BLM analyzed project activities for their potential to affect Southern Oregon/Northern California (SONC) coho salmon or their designated critical habitat (CH). The BLM also analyzed these activities for their potential to affect Essential Fish Habitat (EFH), in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Noncommercial activities (e.g., fuel hazard reduction, young stand thinning, and road maintenance) were included under the consultation previously completed for programmatic activities (NMFS, Northwest Region, August 8, 2001, as amended October 18, 2002 and May 21, 2003). Activities that are not included in the programmatic consultation were determined to have no effect on SONC coho and their CH and do not adversely affect EFH. Consultation is not required for these activities under section 7 of the ESA.

The project will not adversely impact any sites of cultural or historical significance. The State Historic Preservation Office (SHPO) was informed of the BLM's finding in accordance with 36 CFR 800.5(b).

The Confederated Tribes of the Siletz and the Grande Ronde were notified of this project during scoping and the EA's public comment period. Josephine County Commissioners and the Josephine County forestry department were also contacted. No responses were received.

## **V. PUBLIC INVOLVEMENT**

Public involvement for the Deer Willy FHR Project began in May 2007 when approximately 132 scoping letters were sent to the public. The scoping letters were sent to residents and landowners near or adjacent to BLM parcels within the planning area, to federal, state, and county agencies, and to private organizations and individuals that requested information concerning projects of this type, inviting them to contact the BLM with information, comments and concerns. Personal discussions and comment letters provided public input to BLM for consideration in the EA. Open house meetings were held in June and July 2007.

A second scoping letter was sent to approximately 93 individuals, agencies and organizations that expressed an interest in continuing to be informed of the project. This letter outlined the draft proposed actions and was followed up with another public meeting in February 2008 and a public field trip in March 2008. All public input was considered by the planning and interdisciplinary teams in developing the proposals and in preparation of this EA.

The public comment period for review of the Deer Willy FHR EA was initiated on July 16, 2008 for a 30 day comment period by publication of a notice in the Grants Pass Daily Courier. Three comments were received. Two expressed general support for the project, but had some concerns about some of the proposals. The third requested that an OHV trail be built while equipment was working in the area. Public comments and associated BLM responses are summarized in Appendix A.

## **VI. CONCLUSION AND FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

### **A. Plan Consistency**

The actions proposed and analyzed in this EA were developed to be consistent with the management objectives for public lands identified in the following documents:

1. Final EIS and ROD for the Medford District Resource Management Plan (RMP) (1995)
2. Final Supplemental EIS on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (1994)
3. ROD for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and its attachment A entitled the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (NWFP) (1994)
4. Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2000), and the ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001)
5. Medford District Noxious Weed Environmental Assessment (1998).
6. ROD for Management of Port-Orford Cedar in Southwest Oregon (2004)
7. Record of Decision to Remove the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Plans within the Range of the Northern Spotted Owl. (July 2007)

This decision is consistent with the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

This project is also consistent with and promotes the goals of the National Fire Plan by reducing fire hazard on public lands and within the rural interface area. The project also advances the Bureau of Land Management's Strategic Plan for FY2003-2008, specifically mission goals 1.4 (reduce threats to public health, safety and property) and 2.2 (restore at-risk resources and maintain functioning systems).

In addition to the documents cited above, project planning drew from information and recommendations from the following:

1. Medford District BLM Biological Assessment (2007) and USFWS Letter of Concurrence (Log #1-15-06-I-165) (September 28, 2007)
2. Visual Resource Contrast Rating BLM Manual Handbook 8431-1
3. BLM Manual 6840 – Special Status Species Management (2001)
4. National Fire Plan 10-year Comprehensive Strategy and Implementation Plan (2002)
5. Josephine County Integrated Fire Plan (2004)
6. Applegate Fire Plan (2002)
7. Bureau of Land Management Transportation Management Plan (1996, updated 2002)
8. Southwest Oregon Interagency Biomass Utilization Strategy (Draft, November 2006)
9. Southwest Oregon Late-successional Reserve Assessment (1995)

Based on information contained in the EA, the project's record, and on comments received from the public regarding the project, it is my determination that the proposed action will not result in significant impacts to the quality of the human environment. During scoping and the public comment period, those who commented shared their preferences on how to implement the project or proposed additional objectives, but no new impacts were brought to light that would indicate a need for further analysis. This project does not constitute a major federal action having a significant effect on the human environment. An environmental impact statement (EIS) is not necessary and will not be prepared.

This conclusion is also based on a consideration of both the context and intensity of the impacts of the selected action(s) (40 CFR 1508.27). **Context** refers to analysis of environmental consequences at various social or geographic scales. For this project, impacts were assessed at both the site-specific and 5<sup>th</sup> field watershed scales. **Intensity** refers to the severity of impacts. Conclusions regarding intensity are supported by the following findings:

*1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.* Both adverse and beneficial impacts will result from the project. Both have been considered in concluding that there will be no impacts at the 5<sup>th</sup> field watershed scale and inconsequential impacts at the site-specific scale for the following issues (resources not mentioned are

expected to have no impacts at any scale): soil compaction, erosion, sedimentation, noxious weed dispersal, air quality, historic site disturbance and wildlife disturbance.

2) *The degree of the impact on public health or safety.* No adverse effects to public health or safety have been identified. Reduced fuel hazard, especially near residences, greatly benefits public safety.

3) *Unique characteristics of the geographic area.* There are no characteristics in the area that are especially unique; it is a fire adapted ecosystem similar to much of the southwest Oregon interior.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* There is no indication of any highly controversial effects on the quality of the human environment.

5) *The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* There is no indication that the effects on the human environment are highly uncertain and/or involve unique or unknown risks.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* The action is not precedent setting. Fuel hazard reduction is a typical activity occurring in the Grants Pass Resource Area.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* There is no indication that the actions will appreciably contribute to any cumulative impacts at the site-specific or watershed scale.

8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* There is no indication that the action will cause loss or destruction of any scientific, cultural, or historical resources; four historic sites are within the project area and will be protected.

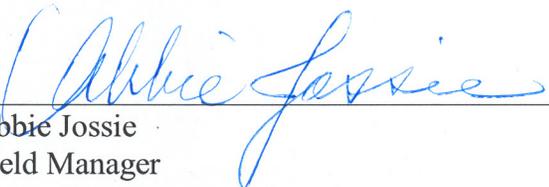
9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* The project is within Northern Spotted Owl Critical Habitat (CHU OR-72), providing an important east-west and north-south intra-provincial (Klamath Mountains Province) connectivity in an area of high fragmentation (EA p. 62). The project will have no effect on connectivity within this area. No listed species will be affected by this project and effects of treatments are expected to improve habitat in the long term (EA p. 68).

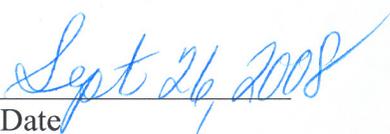
10) *Whether the action threatens a violation of environmental protection law or requirements.* There are no indications that the action will violate any environmental protection law or requirement.

## ADMINISTRATIVE REMEDIES

This decision is a forest management decision. Administrative remedies are available to those who believe that they will be adversely affected by this Decision. Administrative recourse is available in accordance with BLM regulations and must follow the procedures and requirements described in 43 CFR subpart 5003 - Administrative Remedies.

In accordance with BLM Forest Management Regulation 43 CFR 5003.2 (a&c), the effective date of the decision will be the date of publication of the Notice of Decision and Finding of No Significant Impact (FONSI) in the Grants Pass Daily Courier. Publication of this notice establishes the date initiating the protest period provided for in accordance with 43 CFR § 5003.3. While similar notices may be published in other newspapers, the Grants Pass Daily Courier publication date will prevail as the effective date of this decision. Any contest of this decision should state specifically what portion or element of the decision is being protested and cite the applicable CFR regulations.

  
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Abbie Jossie  
Field Manager  
Grants Pass Resource Area  
Medford District, Bureau of Land Management

  
\_\_\_\_\_  
Date

## APPENDIX A. PUBLIC COMMENT SUMMARY AND RESPONSE

### 1. **Concern:** Chemical use on noxious weeds.

**Response:** Use of chemicals to control noxious weeds was not analyzed in the Deer Willy EA because it was analyzed in the Medford District Integrated Weed Management Plan and Environmental Assessment. Herbicide is used only when other methods of weed control would be ineffective. Hand pulling is the preferred method of weed control. If herbicide is used, it is used only on noxious weeds that can not be effectively controlled through other methods. Herbicide application is performed as spot treatments on specific plants and does not include broadcast spraying.

To supply more information on potential use of herbicides on the Deer Willy project, the following information is provided:

If herbicides are to be used in the project area, the herbicide that would be used is an aquatic safe herbicide (Glyphosate). There is absolutely no soil residual action. Glyphosate has a high adsorption rating, meaning it bonds very tightly to soil particles and can not be taken up by the roots of plants from soil or sediment. Once it binds with soil particles, it becomes inactive. Glyphosate is so strongly adsorbed to soil that crops can be seeded or transplanted immediately into treated areas.

Glyphosate breaks down quickly when exposed to sunlight. Herbicide is not applied when it is going to rain. Microorganisms (fungi, bacteria, viruses), found in almost all soils, quickly degrade glyphosate under both aerobic and anaerobic conditions. Ten to seventy percent of glyphosate may be transformed to CO<sub>2</sub> over a growing season or less. Studies have shown that glyphosate is not a carcinogen and does not cause birth defects, reproductive problems, or genetic mutations in mammals.

Glyphosate has a very low volatility which means that it will not produce vapors that move through the air after it has been applied. The herbicide that we use has a low bioaccumulation factor that does not accumulate in fish and eliminates rapidly from organisms in water. Studies have shown that it does not cause adverse effects to earthworms or honeybees.

Herbicide use in riparian areas has been consulted on in the June 27, 2008 Biological Opinion for Fish Habitat Restoration Activities in Oregon and Washington.

### 2. **Concern:** Effectiveness of Port-Orford Cedar sanitation.

**Response:** While there is some question regarding the efficacy of Port-Orford cedar sanitation treatments, there is sufficient evidence that sanitation does reduce the spread of *Phytophthora lateralis*, and it is worthwhile to try to control POC root disease in the project area and watershed. In a study by Marshall and Goheen (2003) using bait tree monitoring as proposed in the EA(p. 16), they found that, "...the percentage of infected trees dropped in the first three years after the sanitation treatment and significant decreases were seen in the fourth year and beyond." They go on to say, "these results suggest that sanitation treatments are worthwhile even though the decrease in inoculum is not immediate." The Port-Orford cedar sanitation is expected to result in reduced POC infection inside and outside the project area because there would be less potential for transport within three to seven years of project implementation.

Additionally, The Deer Willy EA described active and ongoing efforts to protect disease resistant trees

within the project area (EA pp. 15-16). The project has incorporated other management techniques to reduce *P. lateralis* spread and establishment. These include road restoration / renovation to reduce sedimentation / runoff (EA pp. 14-15), better gate management (EA p. 15), continued restrictions on OHV use (EA p. 24), signs informing the public of POC concerns (EA p. 15), and project design features to prevent operational spread of the disease (EA p. 25). As stated above, we will also be monitoring POC root disease to better understand the effectiveness of this treatment (EA p. 16).

Regarding the comment concerning treatment beyond 25 feet, the Record of Decision for POC in Southwest Oregon states the roadside sanitation “recommended **minimum** width is 25 feet above the road or to the top of the cutbank, and 25 to 50 feet below the road” (USDA and USDI 2004 p. 37). The Deer Willy project would treat up to 50 feet from roads depending on site-specific conditions and concerns.

**2. Concern:** Thinning around pines and oaks.

**Response:** The current prescription of thinning conifers up to 20” DBH is not directly based on any scientific literature. The 20” diameter cap was used in order to meet the LSR exemption criteria, thus reducing the time and effort needed to allow this project to move forward in timely manner. Increasing the diameter limit to 24” would not have a dramatically different effect from the current 20” diameter limit because very few additional trees would be removed.

Reducing the target diameter to 3” for hardwoods would fail to meet the project objectives in two important ways: 1) retention of all hardwoods >3” would not effectively reduce fuel loading or significantly affect the fuel profile; and 2) competition between vegetation still occurs, even if the competing species represent the “historic norms” of that plant community. If a large oak is surrounded by many 4”-6” oaks, the smaller oaks are still competing with the large oak for resources. Thus, if the treatment called for the retention of all oaks >3” dbh, the larger oak would still be at risk from competition.

**3. Concern:** Treatment of biomass

**Response:** The Deer Willy project encourages as much biomass utilization as possible. Part of the wood byproduct may result in chips. The contractor would decide what to do with material resulting from the thinning operations. They could be spread on site or removed and sold as special forest products or for energy production.

**4. Concern:** Burn piles on undisturbed soils along roads

**Response:** Where possible, burn piles would be placed on previously disturbed soils. Material not used for biomass utilization would be placed in strategic locations to prevent scorch, undue soil damage, and at a distance far enough from other piles as to reduce thermal energy during ignition.

**5. Concern:** Schedule vegetative treatment outside of the bird nesting season (May-July)

**Response:** BLM follows seasonal restrictions whenever they are in effect. Most brush cutting is limited at the beginning of fire season, usually ending in mid June because of fire hazards. There may be some brush and tree cutting during the month of May and early June. However, the small extent of treatment in the project area (74% of the project area would remain untreated after project implementation (EA p. 68)), would not be expected to have a major impact on nesting birds.

6. **Concern:** Broadcast burn during fall or winter

**Response:** While there are some advantages to conduct fall underburns, there is also a higher risk of an escaped prescribed burn due to drier fuel moistures. There are also narrow smoke clearance windows which makes it important to take advantage of burning opportunities. When safe fall burning opportunities present themselves, we will take advantage of those opportunities as priorities permit.

7. **Concern:** Road density reduction in the watershed

**Response:** During development of the Scattered Apples project, roads were assessed in the watershed for long term use and potential decommissioning. As the Deer Willy project is not a landscape management project and was developed under the auspices of the Healthy Forest Initiative and Healthy Forest Restoration Act, the project has a limited scope. However, as a result of the Scattered Apples project, over the past 10 years in the watershed, there have been approximately 12 miles of roads decommissioned and seasonal closures are in effect on approximately 27 miles of roads to reduce the potential for spread of Port-Orford cedar root disease and for wildlife concerns.

In future projects, the BLM will assess associated roads at the time of project development.

8. **Concern:** Impacts to water quality and fisheries

**Response:** Effects to soils, hydrology and fisheries were fully disclosed in the EA (EA pp. 35-52). There will be no alteration to sedimentation processes which would create chronic adverse water quality or channel conditions. Riparian functions of streamshade and large wood recruitment would be maintained and/or improved. There would be no increase in peak flows, no increase in erosion due to compaction, and no alterations in channel form or processes. There would be no measurable changes to aquatic habitat or fish reproduction at the 6<sup>th</sup> or 5<sup>th</sup> field watershed scales.

9. **Concern:** Develop an OHV trail loop while machinery is in the area.

**Response:** As this is a fuel hazard reduction project, the scope of the project is limited. Additionally, as the EA did not disclose or analyze the environmental effects this type of activity, we cannot develop OHV trails under this project.