

# **FINAL DECISION DOCUMENTATION**

for

## **Five Rogues Timber Sale**

### **Environmental Assessment Number OR118-05-007**

United States Department of the Interior  
Bureau of Land Management  
Medford District  
Glendale Resource Area  
Douglas County, Oregon

#### **INTRODUCTION**

An environmental assessment (EA, OR118-04-019) for the Five Rogues Project was made available for public review in May, 2004. Since the time of publicizing that EA, all BLM timber sales in Oregon have been under review due to litigation. The interdisciplinary team reviewed the original Five Rogues Project Environmental Assessment for consistency. Based upon a review with agency direction and NEPA (National Environmental Policy Act) adequacy a decision was made by the Glendale Field Manager to prepare a new environmental assessment (OR 118-05-007).

EA OR118-05-007, including a Finding of No Significant Impact (FONSI), was made available for a 30-day public review period on June 10, 2005. Five letters were received. The Bureau of Land Management's responses to the comments in these letters are found in Addendum 1. These comments were considered in reaching a final decision.

#### **DECISION**

Based on site-specific analysis, the supporting project record, management recommendations contained in the Grave Creek Watershed Analysis as well as the management direction contained in the Medford District Record of Decision and Resource Management Plan, I have decided to implement the Five Rogues Timber Sale described in Alternative 2 on pages 12 – 35 of the EA. The approved action will produce two timber sales within the Five Rogues Planning Area. One sale will consist of commercial thinning and the other sale will generally consist of regeneration and group select harvest. Implementation of these two sales is planned to occur within the next three years.

I will implement Alternative 2 with the following modifications:

- 1) Scarification of the soil will be limited to 6" on skid roads, where determined by the Authorized Official, to prevent damage to roots of adjacent conifer trees. This will modify the project design feature found on page 17 of the EA which states that "Skid roads used in this timber sale would be discontinuously sub-soiled with winged rippers or scarified (thinning units) and water-barred to reduce erosion."

2) On page 10 of the EA, it states that “License agreements with adjacent landowners to have a third party haul timber have been completed.” This is deleted as the third party will not be known until after the sale has been sold.

3) On page 14, under section 2.2.5.1 *Spotted Owls*, the second sentence of the second paragraph is revised to read, “Timber sale units would be surveyed to ensure owls are not present.”

4) A proposed helicopter landing will be 100 feet from an ephemeral/intermittent stream. The proposed helicopter landing site in T33S R6W Section 35 will provide access to harvest units 35-2A, 35-2B, 35-3, 35-5, 35-6 and 35. All of the units are isolated and helicopter is the only access. All other landing options have been thoroughly explored and the safest, most economical option with the least amount of impact would be to construct a landing on BLM property on the eastern side of Josephine County Road 1410. The fisheries biologist and hydrologist determined that the effects are within those analyzed under the NOAA Fisheries Letter of Concurrence for the Five Rogues Timber Sale and the EA. All bare soil will be mulched after harvest is completed. Logging will only occur during the dry season and the culvert at the entrance of access road will be covered with pit run rock to minimize the amount of soil in the ditchline that could reach the intermittent stream.

These modifications are minor and do not change the scope of the project analyzed, nor do the modifications affect the adequacy of the analysis contained in the EA.

### **ALTERNATIVES CONSIDERED**

The alternatives considered in detail included Alternative 2 (Proposed Action)) which initiated the environmental analysis process, Alternative 3 (Hydrology, Wildlife Emphasis) and Alternative 1 (No Action), which serves as the baseline to compare effects. A description of each alternative is found on pages 12 – 28 of the EA.

### **REASONS FOR THE DECISION**

My rationale for the selection of Alternative 2 is as follows:

1. Alternative 2 addresses the purpose and need of implementing the Medford RMP through harvesting timber by producing a sustainable supply of timber and other forest commodities to provide jobs and contribute to community stability” (RMP, p. 38) and providing early-successional habitat” (RMP, p. 39).
2. Alternative 1 was not selected because this alternative would not meet the purpose and need of the project (described in Chapter 1) of harvesting timber and implementing the Medford RMP at this time.
3. Alternative 3 was developed in consideration of the activities proposed by KS Wild. Compared to Alternative 2, Alternative 3 would defer 64 acres of regeneration harvest and group select harvest, 50 acres of commercial thin, and 49 acres of selective harvest. The development of Alternative 3 was in response to

the transient snow zone hydrologic risk identified in the Benjamin Gulch and Brushy Gulch drainages and the barrier to east-west connectivity of late-successional affiliated species. Both Alternative 2 and Alternative 3 were analyzed within the Five Rogues EA and the effects were considered to be within those analyzed under the *Medford District Resource Management Plan/Final Environmental Impact Statement* (1995) and a Finding of No Significant Impact was issued. There were no substantial effects identified. Alternative 3 was not selected because it did not fully meet the purpose and need of the project in meeting the timber objectives of matrix lands and the O & C Act requiring permanent forest production and sustained yield principles.

4. The five letters received in response to the 30-day comment period on the EA and FONSI urged the BLM to stop logging in spotted owl habitat and not to build new roads because of sedimentation reaching streams (Addendum 1). Chapter 3 of the EA discloses the impacts from implementing Alternative 2 on both of these resources. None of the effects identified, including direct, indirect, and cumulative effects, are considered to be significant and do not exceed those effects described in the *Medford District Resource Management Plan/Final Environmental Impact Statement* (June 1995). Furthermore, consultation pursuant to the Endangered Species Act has been completed with both the United States Fish and Wildlife Service and NOAA Fisheries.

The Bureau of Land Management (BLM), Forest Service (FS), and US Fish and Wildlife Service (USFWS) coordinated review of four recently completed reports containing information on the Northern Spotted Owl (NSO). The reports identified more stationary populations in southern Oregon and northern California. The reports did not find a direct correlation between habitat conditions and changes in NSO populations, and they were inconclusive as to the cause of the declines.

As disclosed in the EA, the spotted owl population in southern Oregon is stable and Alternative 2 would not affect this population trend. Alternative 2 meets the Medford District Resource Management Plan goal regarding conservation of species while providing a sustainable supply of timber.

#### **FINDING OF NO SIGNIFIANT IMPACT**

Five letters were received during the 30-day review period for the EA and FONSI. Those letters did not provide new information, nor did it identify a flaw in assumptions, analysis, or data that would alter the environmental analysis disclosed in the EA or conclusions documented in the FONSI. It is my determination that Alternative 2 will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition for significance in context or intensity as defined in 40 CFR § 1508.27. Therefore an environmental impact statement will not be prepared.

**PROTEST PROVISIONS**

In accordance with the BLM Forest Management Regulations (43 CFR § 5003.2(1)), the decision for each timber sale in the Five Rogues Project Area will not become effective, or be open to formal protest, until the first Notice of Sale appears in a newspaper of general circulation in the area where the lands affected by the decision are located.

To protest a forest management decision, a person must submit a written protest to Glendale Field Manager 200 NE Greenfield Road, Grants Pass, OR 97526 by the close of business (4:00 p.m.) not more than 15 days after publication of the Notice of Sale. The protest must clearly and concisely state the reasons why the decision is believed to be in error.

**IMPLEMENTATION DATE**

If no protest is received by the close of business (4:00 p.m.) within 15 days after publication of the Notice of Sale, the decision will become final. If a timely protest is received, the decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and a final decision will be issued in accordance with 43 CFR § 5003.3

**CONTACT PERSON**

For additional information contact Katrina Symons, Glendale Field Manager, 200 Greenfield Road Grants Pass, OR 97526; telephone 541-471-6920, or Martin Lew at 541-618-2487.

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Katrina Symons  
Field Manager, Glendale Resource Area  
Medford District, Bureau of Land Management

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Date

# ADDENDUM 1

## PUBLIC COMMENT TO ENVIRONMENTAL ASSESSMENT OR118-05-07 AND BLM RESPONSE

The Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) were released for public comment from June 11, 2005 to July 11, 2005. A public notice was placed in the Daily Courier newspaper of Grants Pass, Oregon on June 11. The EA and FONSI were sent to parties that had expressed an interest in the project and total of five letters were received. My responses to substantive comments are presented in this addendum to the EA.

### **Joseph Vaile, Campaign Director, Klamath Siskiyou Wildlands Center**

comment a: *The legal notice for the Five Rogues timber sale (June 10, 2005 – Grants Pass Daily Courier) states that comments are due on July 18. But the “Interested Party” letter dated June 13, 2005 states that comments are due on July 11. This is confusing to the public and the BLM should initiate a new commenting period. Will the BLM count comments if they are received after the 11<sup>th</sup>, but before the 18<sup>th</sup>? Members of the commenting public cannot discern what the correct commenting period is with this conflicting information.*

BLM Response: For an EA, the Council of Environmental Quality (CEQ) requires no comment period, so responses are not a formal requirement. However the BLM usually provides a 30 day review period on proposed timber sales before making a final determination. A legal notice was placed in the Grants Pass Courier and also mailed to you. Unfortunately the initial closing comment date noted in the June 10<sup>th</sup> legal notice of the Grants Pass Daily Courier was in error. A subsequent legal notice was provided in the Grants Pass Daily Courier noting this error and stated the comment period deadline was July 11, not July 18. The notice requested comments be sent in writing to Glendale Field Manager on or before July 11 (which was the end of 30 days). You were sent a letter by me that written comments should be received by July 11.

comment b: *While the BLM never makes it transparent why it has prepared a new EA on the Five Rogues timber sale, curiously it has chosen not to remove spotted owl critical habitat. Federal courts have remained the agencies for failing to recover the increasingly threatened Northern spotted owl. Fortuitously, this lessens the amount of late-successional logging planned in the timber sale, but Five Rogues remains egregious nonetheless. We hope one day in the near future the Glendale Resource Area (RA), on its own volition, decides not to degrade or destroy old forest.*

BLM Response: Since the time of publicizing the EA, all BLM timber sales in Oregon have been under review due to litigation. The IDT reviewed the original Five Rogues Project Environmental Assessment for consistency. Based upon a review with agency

direction and NEPA (National Environmental Policy Act) adequacy for disclosure of cumulative effects analysis a decision was made by the Glendale Field Manager to prepare a new environmental assessment (OR 118-05-007) to replace the analysis of timber harvesting.

The concerns of whether to harvest old-growth trees, whether to allow commercial timber harvest of these lands, or whether to use timber harvest in general, to achieve landscape management objectives was already decided upon. The Medford District BLM has already completed an Environmental Impact Statement for the Resource Management Plan, known as the 1995 Medford District Resource Management Plan/Environmental Impact Statement (RMP-EIS). The RMP is itself an implementation of the Northwest Forest Plan (NFP) which was also prepared by federal agencies, including the BLM. These EISs, and the corresponding RODs, specifically contemplated the ecological significance of the areas in which commercial and non-commercial timber harvest activities would be planned. The Five Rogues Timber Sale EA conforms to the analysis of these impacts already contained in these programmatic EISs.

comment c: *Unfortunately, under this EA, “logging slash would create a higher fuel loading on the ground.” EA at 31. This fine logging slash will be the greatest threat to fire hazard in the watershed. “Material up to 3 inches in diameter has the greatest influence on the rate of spread and flame length of a fire.” Id. Once the “regeneration” logging is complete and “after the stand is re-established with small trees it would have an increased fire risk (increase in flammability) until the stand develops into an older age class (stands approximately greater than 80 years of age).” Id. Clearly, logging of this nature is antithetical to restoration and indeed creates the need for more restoration down the road. Moreover, it would create an unnatural condition and increase fire risk, threatening forests and people. It is erroneous that the BLM says that public health and safety would not be affected (EA at 5).*

BLM Response: As stated on page 4 of the EA: “The fire risk from created slash is considered minimal because of proposed post harvest fuels treatments and maintenance underburns on 664 acres. This is approximately 0.64 % of the Grave Creek watershed and cumulative effects are considered minimal”. There is no significant increase to fire hazard, public health and/or safety.

comment d: *Thinning forests, if done right, is one component of a comprehensive restoration program. The Glendale RA should invest money and resources in small diameter thinning operations to reduce the density of its ubiquitous tree plantations and to reduce the risk of uncharacteristically severe fire. The Glendale RA rarely plans projects that utilize small diameter trees, however, these thinning operations produce significant wood volume on other public forests in the Northwest and take pressure off of the remaining mature and old-growth forest habitat. A robust thinning program would also meet the perceived need of timber volume without compromising the watersheds managed by the RA. We explicitly requested the development of an alternative that would have done just that in the first Five Rogues EA.*

BLM Response: The Five Rogues EA proposes 469 acres of commercial thinning. However, this project is not a restoration project. The Purpose and Need for this project, as stated in the EA on page 9, is for forest habitat and forest products. See responses to comment b regarding the decision to log old-growth stands.

comment e: *The most destructive portion of this timber sale continues to be regeneration, group select and selection cut units - all of these prescriptions completely destroy late-successional forests as is evidenced by the recent implementation of the Bear Pen, King Wolf, Mr. Wilson, Poor Angora's Folly and other timber sales recently logged by the Glendale RA.*

BLM Response: The acres prescribed for regeneration, group select, and selection cut units are designated under matrix land. One of the primary objectives for managing matrix lands is to provide for a sustainable supply of commercial timber. Lands proposed with the fore mentioned treatment would be harvested on a minimum 100 year rotation cycle. The primary role of matrix lands, including 100 acre owl cores, riparian reserves, and other land use allocations such as connectivity blocks, would provide short-term habitat for late successional species (USDA/USDI 2003, BA p. 72). Trees left uncut serve as legacy trees (the 6-8 large retained trees per acre). A portion of the legacy trees should be more than 100 years of age.

See response to comment b (last paragraph), regarding the decision to log old-growth stands.

The BLM portion of the Grave Creek Watershed contains 28,149 acres of matrix late successional forest of the 50,273 acres if BLM administered lands within the 104,371 acre Grave Creek watershed (56% of BLM matrix land in this watershed) (USDI 1999). This percent substantially surpasses the Northwest Forest Plan's (p. C-44) and Medford District RMP's (pp. 73 & 74) direct management actions to retain at least 15% of all matrix federal land within each fifth-field watershed as late successional forest to protect the ecological function of these stands. Since the watershed substantially exceeds this threshold and riparian reserves provide dispersal corridors, the connectivity between late-successional reserves would be retained.

comment f: *As we have stated in the past, we are convinced that our comments will fall on the deaf ears of the Glendale RA managers. From our past experience in the Kelsey Whisky, Cotton Snake, King Wolf, Mr. Wilson, and Bear Pen timber sales, it appears that the Glendale RA completely ignores comments from the public. Over 140 people asked the BLM to protect the values of the Zane Grey Roadless Area and the old forests of the Kelsey Creek and nearby watersheds. But the BLM increased the amount of old-growth logging and road building in the Zane Grey. This is the epitome of a lack of concern for public input.*

BLM Response: As stated on page 9 of the EA;

The first public meeting for Five Rogues was conducted for local residents at the

Wolf Creek Civic Center in Wolf Creek on April 30, 2003. There were three subsequent public meetings held on October 7, 2003, December 4, 2003 and May 5, 2004. Letters of invitation to each of these meetings were mailed to residents within the Sunny Valley and Wolf Creek communities and Glendale Resource Area's interested party mailing list. Many potential harvest units were deferred or modified in response to concerns identified by the public and the interdisciplinary team (IDT).

An environmental assessment (EA, OR118-04-019) for the Five Rogues Project was made available for public review in May 2004 and over 120 comment letters were received. Since the time of publicizing the EA, all BLM timber sales in Oregon have been under review due to litigation. The IDT reviewed the original Five Rogues Project Environmental Assessment for consistency. Based upon a review with agency direction and NEPA (National Environmental Policy Act) adequacy a decision was made by the Glendale Field Manager to prepare a new environmental assessment (OR 118-05-007) to replace the analysis of timber harvesting. The area known as the "Board Tree" area (west of I-5 freeway and north of Coyote Creek) has been deferred from harvesting under this environmental assessment.

*comment g: Moreover, Glendale RA is often known to break the law to log older forests, including the standards and guidelines of the NFP (See ONRC, PCFFA, and KS Wild case law as examples). Through the Kelsey Whisky sale, Glendale RA is the only federal land management unit that is attempting to logs green old growth forest in large roadless areas. The Glendale RA is currently the only Medford BLM RA retroactively applying the decision to eliminate survey and manage. The Five Rogues EA tiers to the 2001 Survey and Manage ROD, the 2004 Survey and Manage ROD and the 2004 Aquatic Conservation Strategy ROD, which are all illegal.*

**BLM Response:** These comments are opinions and outside the scope of the EA.

*comment h: In order to justify the Purpose and Need the BLM claims that the O&C Act and the Northwest Forest Plan somehow mandate that they log these specific patches of late-successional forest at this particular time. O & C lands "shall be managed . . . for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities." 43 U.S.C. § 1181a Emphasis added. Nowhere does the O&C Act or the NFP mandate that the older forests in the Graves Creek watershed be logged and converted to tree plantations in the year 2005. The BLM should not singularly focus on one aspect of the law at the expense of other equally (or more) important legal mandates.*

*The Glendale timber planners are also mistaken that some "hard" timber target exists that it is their job to meet. The Probable Sale Quantity as defined by both the Northwest Forest Plan and the Medford BLM RMP is not a hard target. It is an estimation of*

*volume, after all the needs of fish, wildlife, watersheds, old-growth associated species and the human environment were met. The BLM is focused on this target at the expense of old-growth species, fuels and fire management and watershed values. Old-growth logging has not and will never provide “sustainable supply of timber.”*

**BLM Response:** As mentioned on page 9 of the EA “The Medford District RMP also recognizes the Oregon and California Revested Lands Sustained Yield Management Act (O & C Act) which requires the Secretary of the Interior to manage O & C lands for permanent forest production in accord with sustained yield principles (RMP, p.17. You disagree that the NFP and RMP obligates the BLM “to provide a scheduled supply of timber.” In 1937, Congress passed the Oregon and California Revested Lands Sustained Yield Management Act (the O&C Act), Public Law 75-405, that required an annual productive capacity be determined and declared for these lands. The declared allowable sale quantity (ASQ) for BLM O&C lands has changed from 500 million board feet (MMBF) to 211 MMBF in 1994 (as prescribed under the Northwest Forest Plan). You indicate that the term “probable sale quantity” (PSQ), as used in the NFP FSEIS, indicates the uncertainty of a scheduled supply of timber. The NFP considered the difficulty of estimating timber yields on over 24 million acres of land and so stated that “Sustainable sale estimates will be revised using more refined data and procedures available” (NFP FSEIS p. 3&4-263), such as in District Plans (RMP). Management plans must be in accordance with the laws and the NFP and RMP do not preempt the O&C Act.

The Medford RMP ROD (p. 10) calculated the ASQ for the Medford District at 57 million board feet (MMBF)/yr. The distinction between ASQ and PSQ is that “probable sale quantity does not reflect a commitment to a specific cut level” (RMP, p.111). In approving the Record of Decision and Resource Management Plan, the BLM State Director declared the “annual productive capacity (allowable harvest level)...in the Medford District is 9.7 MM cubic feet [57MMBF]” (RMP, p. 8). The actual average annual harvest on Medford BLM, from 1995-2005, is substantially below the allowable harvest level.

**Board Feet Cut within the Medford District  
(timeframe : Northwest Forest Plan to Settlement Agreement)**

<b>Year</b>	<b>Million Board Feet</b>
1995	28.7
1996	46.3
1997	52.8
1998	37.6
1999	16.8
2000	30.4
2001	1.3
2002	38.9

*comment i: Please note that the Medford RMP contains many objectives that are simply not reflected or acknowledged in Glendale RA’s insistence on logging old forests. The RMP requires the BLM not to move species toward extinction. However, logging yet more old forests will drive species like the Pacific fisher to the growing list of threatened and endangered species. The RMP requires the BLM to maintain and restore aquatic*

*ecosystems. But the BLM is planning on harming the Graves Creek watershed by creating clearcuts, several in the Transient Snow Zone. The BLM itself admits that “One of the functions of matrix lands is to serve as connectivity between late-successional reserves (p.B-43, USDA/USDI 1994b).” EA at 33. Logging these forest will assist in severing the very connectivity that the BLM has identified.*

**BLM Response:** As stated on page 37 of the EA, the nearest known sightings, from three incidental visual observations (2002-2004), are approximately 10 miles southwest. The analysis in the EA determined that:

Due to the small size and isolation of late-successional forest units from previous harvesting on BLM matrix and private lands within the Grave Creek watershed, it is possible that it may no longer be suitable for resident fishers. Harvesting of small group select units and smaller older fragmented stands isolated by early seral stage vegetation would minimize the impact to this species. The largest late-successional blocks are expected to continue be restricted to LSRs. The fisher was analyzed in the NFP and failed to pass the species viability screens due to its dependence on interior forest habitat and large, down woody debris (Appendix J-2, USDA/USDI 1994). All alternatives including the no action alternative would not change the trend predicted in the NFP (EA, p. 38-39).

According to Watershed Professionals Network, there is potential risk of peak flow enhancement when 26% of a watershed is in the TSZ (above 2500 feet in the Planning Area) and when more than about 90% of the acreage in the TSZ has less than 30% canopy closure. Although 46% of the Grave Creek 5<sup>th</sup> field watershed is in the TSZ, no more than 18% is presently in open condition. That is, at least 47% is functioning at hydrologic potential (Table 3-12), (EA p.50).

Retaining 60% canopy closure in all harvest units that are in the transient snow zone of Benjamin Gulch (units 5S-2A, 5S-2B, 5S-3, 5S-1, 32-2- and 32-3) would largely ensure that proposed harvest does not incrementally increase peak flow. Therefore, the action alternatives would not have incremental effects to past, present and reasonably foreseeable future actions on aquatic habitat beyond the limits of the Planning Area. Retaining an average 40% canopy closure across 49 acres of unit 29-1 (Selection cut) in upper Brushy Gulch would minimize but not eliminate the possibility that harvest would cause a small increase in peak flow immediately down stream of the unit where 40 acres were clearcut in 1984. The 20 year old unit may be only at about 50% hydrologic recovery. Again, any increase in peak flow would be within the range of natural variation because existing stream channel capacity reflects peak flow conditions under historic wildfire regimes (Harr). Any increase in peak flow in Brushy Gulch would be undetectable in Grave Creek (coho salmon critical habitat) because of Grave Creek’s much higher streamflow (specifically, about 48,000 acres of watershed contribute to Grave Creek streamflow at its confluence with Brushy Gulch), (EA, p. 52).

There would be no effect on riparian habitat, stream habitat connectivity and stream channel stability and only an immeasurable negative (short term) and positive (long term) effect on stream sediment at the project and 6<sup>th</sup> field watershed scales. The action alternatives would not negatively affect endangered species act (ESA) listed Southern Oregon/Northern California coho salmon (Threatened), nor would it contribute to the need to list Special Status Species Klamath Province summer-run and winter-run steelhead trout or Southern Oregon Coast/California Coast fall-run Chinook salmon under the Endangered Species Act because any increase in peak flows would be immeasurable and indistinguishable from baseline conditions, (EA, p. 53).

The Northwest Forest Plan (p. C-44) and Medford District RMP (p. 73 & 74) direct management actions to retain at least 15% of all matrix federal land within each fifth-field watershed as late successional forest to protect the ecological function of these stands. The BLM portion of the Grave Creek Watershed contains 28,149 acres of matrix late successional forest of the 50,273 acres of BLM administered lands within the 104,371 acre Grave Creek watershed (56% of BLM matrix land in this watershed) (USDI 1999). Since the watershed substantially exceeds this threshold and riparian reserves provide dispersal corridors, the connectivity between late-successional reserves will be retained.

*comment j: KS Wild proposed an alternative in the original EA, but the BLM did not consider it in the second. Rather, it proposes two nearly identical alternatives. It is not clear from the EA why the BLM decided not to consider this completely reasonable alternative.*

**BLM Response:** Your proposal was for the “development of an alternative that does not log trees greater than 17” DBH in the initial EA. In your protest, you additionally restrict harvesting to maintaining at least 60% canopy cover, new roads (including temporary) and only allow high lead cable systems.

This alternative would not meet the purpose and need stated in the EA of managing matrix lands to provide for a sustainable supply of commercial timber. The Medford District RMP also recognizes the Oregon and California Revested Lands Sustained Yield Management Act (O & C Act) which requires the Secretary of the Interior to manage O & C lands for permanent forest production in accord with sustained yield principles (RMP, p.17). Your proposal would limit treatments to the youngest stands and would not treat older stands or treat stands on sites that historically maintain less than 60% canopy. I considered not logging the Five Rogues Timber Sale in the No Action Alternative. I stated in the EA on page 20 that “Harvest would, however, occur at another location under separate NEPA analysis in order to meet harvest commitments identified in the RMP (pp. 3, 17). Future harvesting in this area would not be precluded and could be analyzed under a subsequent EA. In the Morongo Band of Mission Indians v. Federal Aviation Admin., parties claiming a NEPA violation involving failure to consider a reasonable alternative must offer a specific, detailed counterproposal that has a chance of success. Also in other cases it was determined that an agency does not have to consider alternatives that are not feasible, Headwaters, Inc., 914 F.2d at 1180-1181 and

an agency does not have to consider alternatives that would not accomplish the purpose of the proposed project, *City of Angoon v. Hodel* 803 F.2d 1016, 1021 (9<sup>th</sup> Cir 1986).

An alternative was developed in consideration of the activities proposed by KS Wild that would at least partially meet the purpose and need of providing timber to the local economy. Alternative 3 emphasizes hydrologic and wildlife concerns. This alternative deferred 64 acres of regeneration harvest and group select harvest, 50 acres of commercial thin, and 49 acres of selective harvest proposed under alternative 2.

It would not meet the Oregon and California Revested Lands Sustained Yield Management Act (O & C Act) which requires the Secretary of the Interior to manage O & C lands for permanent forest production in accord with sustained yield principles (RMP, p.17).

*comment k: The thinning prescriptions proposed in this Citizen's Alternative would not reduce the canopy closures below 60% in order to meet US Fish and Wildlife Service minimum requirements for Northern spotted owl (NSO) dispersal habitat. This alternative would avoid degradation of late-successional habitats by deferring timber extraction from particularly sensitive areas, including those containing Special Status and Survey and Manage plant and animal species.*

**BLM Response:** The Terms and Conditions and Conservation Recommendations within the US Fish and Wildlife Service Biological Opinion FY04-08, does not identify a retention of 60% canopy closure for dispersal habitat you refer to. Dispersal habitat may be present in stands containing 40% canopy closure. Reduction of canopy closures below 60% would result in downgrading of suitable spotted owl habitat not degradation. “The effects on the northern spotted owl as stated earlier and the reduction of suitable habitat in the Planning Area is still within the predictions of the NFP and the Biological Opinion,” (EA, p.36).

*comment l: The Citizen's Alternative responds to the recommendations contained in the Graves Creek WA, which clearly states that unneeded roads should be decommissioned, late-successional blocks should be retained, sediment delivery should be controlled, and spotted owl suitable habitat should be maintained.*

**BLM Response:** As stated on page 10 of the EA “Parts of the *Grave Creek Watershed Analysis* are incorporated by reference. Watershed analysis is an analytical process and not a decision-making process as provided in the Record of Decision for the Northwest Forest Plan (p. B-20).” In regards to roads the EA states that:

Many of the roads within the 5 Rogues Planning Area are not public roads and are under reciprocal right-of-way agreements with private landowners because of the checkerboard ownership pattern. The BLM does not have the option to close these roads due to the reciprocal right-of-way agreements.

Other recent road work in the Grave Creek Watershed includes Wolf Tree, Poor Angora's Folly, and Low and High Five Timber Sales. Under these sales, 6.5 miles of road decommissioning, 3.7 miles of barricade road closures, and 83.3 miles of road improvements and maintenance (reshaping road prisms, improving drainage ditches and, replacing/adding cross drains, installing waterdips, converting ditched roads to an outsloped configuration, rocking, brushing and blading roads) were completed. The Five Rogues Timber Sale EA proposes:

It is estimated that 0.10 miles of BLM roads would be decommissioned, 46 miles of existing BLM roads would be maintained, approximately 1.1 miles of temporary roads would be built and then decommissioned, and 0.80 miles of BLM roads would be gated.

As stated in the EA on page 55 implementing Best Management Practices (BMPs) in Appendix D of the RMP should prevent unacceptable degradation of the soil resource (RMP EIS Volume 1, pp. 4-12 and 13).

Any specialist recommendation in the watershed analysis is considered with the larger landscape analysis done through the Northwest Forest Plan, consultation with the US Fish and Wildlife Service, and the subsequent Biological Opinion. The second Five Rogues EA did not propose treatment within the area known as "Board Tree" (west of I-5 freeway and north of Coyote Creek) that contains a large block of late successional habitat designated as a Critical Habitat Unit.

The EA continues to note that, "implementing Best Management Practices (BMPs) in Appendix D of the RMP should prevent unacceptable degradation of the soil resource". Chapter 3 notes proposed activities would have "only an immeasurable negative (short term) and positive (long term) effect on stream sediment at the project and 6<sup>th</sup> field watershed scales" (p. 53).

*comment m: Although the BLM may limit the design of alternatives to those alternatives that meet the purpose and need identified for the project, the courts have reprimanded action agencies for formulating a purpose and need so as to exclude other alternatives. "An agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative... would accomplish the goals of the agency's action, and the EIS would be a foreordained formality." Sierra Club v. Robertson, 845 F. Supp. 485, 500 (S.D. Ohio 1994); Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190, 196 (D.C. Cir. 1991), cert denied 502 US 994, 112 S. Ct. 616 (1991). The Seventh Circuit has stated:*

*No decision is more important than that delimiting what these "reasonable alternatives" are ... One obvious way for an agency to slip past the structures of NEPA is to contrive a purpose so slender as to define competing "reasonable alternatives" out of consideration (and even out of existence) ... If the agency constricts the definition of the project's purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role.*

BLM Response: See response to comment b (second paragraph) regarding the decision to log old-growth forest.

Appendix 1 of the EA (p. 69-70) identifies the “unresolved conflicts concerning alternative uses of available resources”. Within this description, two areas “identified at risk are Benjamin Gulch and Brushy Gulch drainages”. These drainages are present within the transient snow zone and “rain-on-snow events could potentially destabilize stream channels and degrade habitat for fish and other aquatic species”.

Two additional concerns were identified regarding the fragmentation of remaining late-successional stands and east-west connectivity of late successional affiliated species along the towns of Sunny Valley, Wolf Creek, and across Interstate 5. “In the Planning Area, there is one large block of late-successional habitat, the approximately 1,000 acre Burgess Gulch drainage, and a second small portion of a large 2,500 acre area near Reuben Creek.”

Alternative treatment development was proposed by the Five Rogues IDT in light of the above stated concerns. This alternative deferred the following units: 5S-3, 6S-5, 15S-4, 15S-6, 15S-7, 29-1, 32-1, 32-2, and 21 acres of 5S-1. The result of these deferrals is retention of the Connectivity Blocks within the Planning Area (T33S-R6W-Sections 15 & 29) and 84 fewer treatment acres proposed within the Benjamin and Brush Gulch drainages (see EA p. 26-27).

comment n: *Please note that NEPA is primarily a procedural statute: It mandates a particular process but not necessarily a particular result. Inland Empire Public Lands Council v. USFS, 88 F.3d 754, 758 (9th Cir. 1996). This process must proceed without undue bias from the action agency and ultimate decision maker. The CEQ regulations warn that a NEPA document may not be used to justify a decision already made. 40 CFR §1502.2(g). In the case of the Five Rogues timber sale, it was inevitable and preordained that a FONSI would be signed regardless of the consistency of the project with the alleged purpose and need for the project, the findings of the Watershed Analysis, or the requirements of the Medford RMP.*

BLM Response: See response to comment b (second paragraph). A thorough analysis of proposed activities was completed on proposed activities. A preliminary FONSI was provided after a complete review of the environmental analysis and was not preordained.

comment o: *The RMP contends that the BLM will "Prevent watershed degradation rather than using mitigation or planned restoration to correct foreseeable problems caused by management activities." Page 42. Yet tractor yarding, new roading, and logging in the transient snow zone are proposed as part of the timber management purpose and need. These practices have degraded the watershed in the past and will degrade the watershed in the future. The Glendale RA has no intention of follow the standards and guidelines for timber sale activities contained in its own RMP.*

BLM Response: See response to comment i, third paragraph and comment m (second and third paragraph) regarding effects of tractor yarding, new road building, and logging in the transient snow zone.

comment p: *The purpose and need, and the preordained action alternative, are so narrowly defined as to ignore the recommendations contained in the Grave Creek Watershed Analysis (WA). Despite recommendations from the WA that the extreme road density be reduced and that suitable NSO habitat be retained, the BLM's two nearly identical action alternatives propose building new logging road in order to log suitable NSO habitat. Both the WA and the EA contain acknowledgements that current road densities are a significant problem in the watershed.*

BLM Response: See response to comment l regarding recommendations provided in the Grave Creek Watershed Analysis & comment j concerning alternative development.

The Proposed Action would result in about 2 acres of soil compaction across the Planning Area from construction of temporary and permanent roads. Compaction would result on about 0.007 % of the Planning Area with road construction. The amount of residual soil compaction after logging, including ripping tractor skid roads and temporary roads, would increase only slightly and be within the allowable 12% compaction per federal project area in the *Medford District Resource Management Plan/Final Environmental Impact Statement*, pp. 4-12 to 4-14.

comment q: *The BLM has not adequately assessed a range of alternatives in this project. The two action alternatives are almost identical, save a few units. There is no appreciable difference, except a couple dozen acres of varying prescriptions. The impacts are nearly identical. They all produce similar volume for the illusionary timber target. NEPA mandates that an agency "shall to the fullest extent possible: Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment." 40 C.F.R. §1500.2(e). The agency must also: "Study, develop, and describe appropriate alternatives to the recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses available resources as provided by section 102(2)(E) of ... 40 C.F.R. §1501.2(c)." Specifically, Five Rogues violates CEQ regulations at 40 CFR 1502.14: "(Alternatives shall) rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."*

BLM Response: see response to comment m in regards to alternative development.

comment r: *Please disclose the impacts of this timber sale on survey and manage species, including the red tree vole. The opinion of Judge Michael Hogan on the Cow Catcher (KS Wild v. Boody) instructs the BLM to disclose the impacts of late-successional logging on the red tree vole. We request consideration of an action alternative that surveys for RTVs and other survey and manage species, or allows citizens to survey, so that the decision maker and the public can make an informed decision about site specific impacts to the NSO prey base, and on connectivity for dispersal limited and sessile late-successional associated species.*

*The fears of many scientists and conservationists are coming to fruition through the Five Rogues timber sale. The Survey and Manage program has been replaced with a program that fails to protect any sites of rare old-growth dependant species. It proves that the Bureau Special Status program is woefully inadequate to protect former Survey and Manage species. To simply write about species that might occur in the planning area, without looking for them before logging their habitat fails to protect these species from ground disturbing activities, namely the degradation and removal of mature and old-growth forest. The BLM is contributing to the need to list these species under the ESA, much like the Northern spotted owl was listed under the ESA while it was a Special Status species.*

**BLM Response:** Red tree vole is not a “Threatened and Endangered” or “Special Status” species. It was removed from any Survey and Manage listing through the 2003 Survey and Manage Annual Species Review (signed December 19, 2003) and finalized in the 2004 Survey and Manage Record of Decision. Conducting surveys and protecting known sites are not required. The red tree vole is a Bureau Tracking species, and as stated in the EA (p. 65), are not considered special status species for management purposes, and do not require management or mitigation (IM OR-2003-054).

**comment s:** *The EA does not adequately analyze or disclose potential impacts to Pacific fishers. The Pacific fisher is a candidate for listing under the Endangered Species Act. The U.S. Fish and Wildlife Service recently affirmed the continued threat of habitat loss to this species by issuing a positive 90-day determination that it should be considered for listing. The Glendale BLM, however, is removing and degrading its habitat at an alarming rate and is thus taking actions would lead to the need to list this species under the ESA.*

**BLM Response:** See response to comment i regarding impacts to Pacific fisher.

**comment t:** *The BLM must do surveys for the Goshawk and protect known nest and roost sites. Habitat for the northern Goshawk will be removed through this project. It is not clear that any surveys were performed. The EA states that if a goshawk is found, its nest will be buffered. Will this happen in the course of logging? If so, that seems too late.*

**BLM Response:** This was addressed on page 78 of the EA. A goshawk was not found. Goshawks are Bureau Sensitive Species, which would only require known sites to be surveyed. Harvesting or construction would discontinue immediately upon discovery of any raptor nests. The wildlife biologist would be contacted to make a determination of the species nest. Project activities may be modified if continued operations would adversely affect the present use of the newly discovered raptor nesting area.

**comment u:** *Are marten in the planning area? If so, there was no analysis of the proposed action on marten populations.*

**BLM Response:** The American martin is a Bureau Tracking species and is not

considered special status species for management purposes, and do not require management or mitigation (IM OR-2003-054).

comment v: *The BLM should protect bureau recognized rare all know plant sites in the watershed. Please disclose the results of all surveys to the public and the Decision Maker.*

*The BLM should include the results of its surveys prior to the release of NEPA documents, instead of alluding to some future time when surveys might be conducted and species might get protected.*

BLM Response: Surveys for Threatened, Endangered, and Bureau Sensitive plant species have been completed. The results of botany surveys are discussed on p. 73 & 76 of the EA. Vascular plant surveys were conducted in the spring of 2004 and 2003, and no Threatened or Endangered populations were found. Surveys revealed Bureau Sensitive species (*Cypripedium fasciculatum* and *Camassia howellii*), Bureau Assessment species (*Delphinium nudicaule* and *Silene hookeri* var. *bolanderi*), and Bureau Tracking (*Allium bolanderi* var. *mirabile* and *Cypripedium montanum*). Nonvascular surveys, completed in winter 2004, resulted in nonvascular plant findings of Bureau Assessment species sites FUMU and CRLA and Bureau Tracking species (*Hedwigia detonsa*). Vascular and nonvascular Bureau Sensitive and Assessment species will be protected by buffers (see Section 2.2.6). Bureau Tracking species do not require mitigation (IM OR-2003-054) and will not receive buffers.

comment w: *The Glendale RA should follow the recommendations of the WA. Will the EA allow regeneration harvest at a rate over 1/15 of the available acres in the block, per decade (7% per decade)?*

BLM Response: As stated on page 10 of the EA “Parts of the *Grave Creek Watershed Analysis* are incorporated by reference. Watershed analysis is an analytical process and not a decision-making process as provided in the Record of Decision for the Northwest Forest Plan (p. B-20). Any specialist recommendation in the watershed analysis is considered with the larger landscape analysis done through the Northwest Forest Plan and consultation with the US Fish and Wildlife Service and the subsequent Biological Opinion.

The core elements of connectivity diversity blocks are to maintain 16 – 18 green trees per acre on areas cut and to maintain 25 – 30 percent of each block in late-successional forest at any point in time (NFP ROD C-42). The Five Rogues Timber Sale will meet this guidance. These blocks are to be managed for timber on a 150 year rotation, not on a regulated yearly or decadal rotation as you suggest.

comment x: *Show how you are going to prevent cumulative soil disturbance in the project area. We would like to see a site specific analysis. The EA lacks information about site-specific soil compositions and management history in each cutting unit. Generic approaches to soil management lead to uninformed decision making and can*

*create problems for site productivity and hydrologic function. Specific soil types and topographic positioning demand different management and mitigation practices. Are there inclusions or other specific soil types concerns that the public and Decision Maker need to be apprised of?*

*None of the proposed Best Management Practices or Project Design Features reflect variability among soil types. The BLM has referenced generic "one-size-fits-all" mitigation measures that it will apply to all soils in the project area regardless of their unique characteristics. Mitigation measures have not been assessed for their effectiveness on a site-specific basis.*

**BLM Response:** No relevant soil issues were identified but soils were analyzed and sufficiently addressed on pages 54-56 of the EA. On any given landscape there are an infinite number of soil considerations; it would be infeasible to address every single one in detail.

Soil type is used in the Timber Production Capability Classification (TPCC) to determine relative site productivity/ site class and helps determine the types of silvicultural practices that may be appropriate at specific locations. Information for soils was derived from NRCS Josephine County Soil Surveys and has been ground-verified by BLM personnel. As mentioned on page 4 of the EA, "Field personnel did not detect any areas within the Planning Area within units that were unstable or had the potential for mass movement." Survey maps and tables were used in determining suitability of individual sites. Tables contain chemical and physical characteristics of the soil series, including soil depth and associated vegetation.

The RMP ROD considers BMPs in Appendix D to be appropriate for use on all soil types, with the exception that BMPs for fragile soils (part VI, page 155), would be substituted for BMPs that are appropriate for other soil types. There are no FG (fragile slope gradient), fragile mass movement (FP), fragile surface erosion (FM) or fragile groundwater (FW) soils in any harvest unit or where roads would be constructed.

As the Council on Environmental Quality (CEQ), in guidance issued on June 24, 2005, points out, the "environmental analysis required under NEPA is forward-looking," and review of past actions is required only "to the extent that this review informs agency decision-making regarding the proposed action." Use of information on the effects on past action may be useful in two ways according to the CEQ guidance. One is for consideration of the proposed action's cumulative effects, and secondly as a basis for identifying the proposed action's direct and indirect effects.

The CEQ stated in this guidance that "[g]enerally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions." This is because a description of the current state of the environment inherently includes the effects of past actions. The CEQ guidance specifies that the "CEQ regulations do not require the consideration of the individual effects of all past actions to determine the present effects

of past actions.” Our information on the current environmental condition is more comprehensive and more accurate for establishing a useful starting point for a cumulative effects analysis, than attempting to establish such a starting point by adding up the described effects of individual past actions to some environmental baseline condition in the past that, unlike current conditions, can no longer be verified by direct examination.

The second area in which the CEQ guidance states that information on past actions may be useful is in “illuminating or predicting the direct and indirect effects of a proposed action.” The usefulness of such information is limited by the fact that it is anecdotal only, and extrapolation of data from such singular experiences is not generally accepted as a reliable predictor of effects.

*comment y: Tractor logging is totally unacceptable as it exposes soil, causes compaction and loss of soil at the site. Soil disturbance caused by logging activities triggers erosion that adversely impacts both soil and water resources. The existing level of soil disturbance has not been measured and disclosed in the EA so the BLM cannot say with any factual basis whether RMP standards will be met. Existing soil impacts must be measured and future impacts estimated so that a cumulative effect analysis can be prepared and included in an EIS for this project.*

**BLM Response:** As stated on page 4 of the EA “activities that are proposed under this alternative would cause soil displacement, compaction and loss of productivity.” Tractor logging causes compaction on 12% of units proposed for treatment by this logging system (Clayton; Dyrness). Tractor logging would occur on existing skid roads. After treatment, tractor corridors would be ripped with a wing subsoiler and would shatter soil compaction by as much as 80% (Froehlich and Miles; Andrus and Froehlich; Davis) and reduce the amount of compaction in tractor yarded units. The Proposed Action would result in about 2 acres of soil compaction across the Planning Area from construction of temporary and permanent roads. Compaction would result on about 0.007 % of the Planning Area with road construction. The amount of residual soil compaction after logging, including ripping tractor skid roads and temporary roads, would increase only slightly and be within the allowable 12% compaction per federal project area in the *Medford District Resource Management Plan/Final Environmental Impact Statement*, pp. 4-12 to 4-14.

A project inspector would ensure that Best Management Practices (BMPs) are implemented properly.

*comment z: There will be logging, including group selection logging (which is a small clearcut) and road building in the VRM II, III and IV classes. The EA does not ensure that the Visual Resource Management objectives have been met. The Medford RMP sets out multiple Visual Resources Management (VRM) classes and provides management directions for each class. RMP at 70. Much of the area is located in VRM class II.*

*For VRM Class II areas, the RMP directs the BLM to manage the lands for low levels of change to the characteristic landscape, so that management activities do not attract the*

*attention of the casual observer. RMP at 70. The Five Rogues project will have huge visual impacts and the RMP direction to make "low levels of change" to the landscape applies across all VRM Class II lands. The BLM cannot avoid this direction. Because the timber sale will result in a major change to the visual quality of the area, it violates the RMP. Regeneration harvest, leaving a mere 5-7 trees per acre, will occur in the VRM II area. See map associated with the EA.*

**BLM Response:** The potential visual impacts of proposed activities for each Visual Resource Management Class were evaluated by the Glendale Resource Area's Visual Quality specialist. Through the planning process, project design features (p. 19 of EA) were developed that would protect the visual quality of landscape and were incorporated into treatment prescriptions. Techniques such as (1) retaining vegetation strips along landings and regular used roads serve as a visual buffer, (2) keeping a greater percent canopy closure where treatments are visible from I-5, and (3) placement of landings away from visual view protect the visual quality of the landscape (Section 2.2.11). The Visual Contrast Rating Worksheet notes the following:

The proposed Regeneration and Select Cut Harvest units are located on a variety of Visual Resource Management Classes. A very small portion of 1S-7 can be seen from Interstate 5 however the prescription for this unit will prevent a casual observer traveling on Interstate 5 from noticing the harvest. These visual protection measures include selective cutting from below with the emphasis on maintaining a canopy cover of 50-60% across the unit. None of the rest of the proposed units can be seen from Interstate 5, nor are they located within ¼ mile of designated Rural Interface Areas. The proposed Regeneration and Select Cut Harvest activities in the EA have been designed to meet the Visual Resource Management and Rural Interface Area guidelines as directed by the Medford District Resource Management Plan (pp. 70 & 88).

**comment aa:** *While temporary roads are often not counted toward BLM road density figures, most soil scientists agree that road construction (temporary or not) has long-term significant impacts to soil resources. The BLM already is unable to maintain the roads in the watershed, so it is not clear how the BLM would maintain these newly constructed roads. "...Poorly maintained roads contribute sediment to streams, reducing habitat suitability for fish, amphibians and other aquatic vertebrate and invertebrate species." EA at 43.*

**BLM Response:** The 1.10 miles of temporary road proposed would be decommissioned after use (ripped with a winged subsoiler, waterbarred, mulched and seeded). The 46 miles of road renovation activities would reduce sedimentation from entering streams

**comment bb:** *The term "ripping" is often referred to by the BLM as a soil mitigation or restoration measure. Ripping is not a soil mitigation nor a restoration measure. It is however a road decommissioning technique. Subsoiling is a possible soil rehabilitation measure however its effectiveness is extremely soil specific. Subsoiling is an agronomic term used for breaking up plow pans generally at depths of 8 to 12 inches. Forestry has*

*started to utilize this technique to break up compaction of soils created by excessive use of equipment. This compaction generally extends down well beyond the 12 inch depth and consequently creates the problem of lifting great weights of soil to be fractured. In so doing, if the soil is moist, it generally is compacted from below due to the lifting action. This can increase the degradation of soil rather than start the rehabilitation process. Soils that exhibit plastic characteristics generally are negatively impacted by subsoiling. This, as well as, all restoration or rehabilitation measures need to take soils individually into consideration. This consideration also needs to address the soils current condition as to vegetation present, slopes, aspects, depths, topsoil characteristics etc. Restoration and rehabilitation also need to take into consideration time frames that are commonly are tens to hundreds of years for soil recovery.*

**BLM Response:** The BLM does not state in the EA that ripping is a soil mitigation or restoration measure. As stated in the EA on page 55 implementing Best Management Practices (BMPs) in Appendix D of the RMP should prevent unacceptable degradation of the soil resource (RMP EIS Volume 1, pp. 4-12 and 13). Cable yarding would result in compaction on about 4% of each harvest unit and about 1% of helicopter-logged units. About 12% of the ground in tractor logging units (using designated skid roads) would experience moderate compaction (Clayton; Dyrness). This amount of compaction is within the levels analyzed under the Medford RMP. Ripping compacted ground would shatter soil compaction by as much as 80% (Froehlich and Miles; Andrus and Froehlich; Davis). Compaction from harvest activities are within the amount of compaction levels identified in the RMP. Sub-soiling would further reduce those impacts.

**comment cc:** *The greatest surface erosion from roads occurs during the construction phase and first year after.*

**BLM Response:** Your literature citations on pages 12-15 do not provide site specific support on how 1.1 miles of temporary roads, which would be built and decommissioned, and construction of 0.04 miles of permanent road within the 104,371 acre Grave Creek Watershed would have greater impacts than those identified in the Five Rogues Timber Sale EA.

**comment dd:** *Graves Creek is a heavily impacted watershed. All of the streams are listed as water quality limited bodies for temperature (see WA at 8-10).*

**BLM Response:** This statement is incorrect. Not all the streams in the Grave Creek watershed are listed a water quality limited. All streams that are water quality limited are listed due to temperatures exceeding the Department of Environmental Quality (DEQ) standard of 64 degrees F on a seven day average. Appendix 2 of the EA (p. 73) states that proposed activities would have no affect on water quality. “There are no proposed harvest units adjacent to any of these streams. As such, the Proposed Action would not alter water temperature. The overall effects of the Proposed Action on water quality are expected to be neutral in the short-term and long-term, and the State of Oregon water quality standards would not be exceeded.”

comment ee: *The areas that the Glendale RA has identified for regeneration, overstory removal and other intensive timber practices are in the transient snow zone, and thus the logging will have a disproportional impact on the watershed. These are significant cumulative impacts that necessitate disclosure in an EIS.*

BLM Response: See response to comment i, concerning effects of activities within the transient snow zone. Analysis of proposed activities disclose undetectable increase in peak flow, if any; (EA, p. 51) “no effect on riparian habitat, stream habitat connectivity and stream channel stability; and only an immeasurable negative (short term) and positive (long term) effect on stream sediment at the project and 6<sup>th</sup> field watershed scales” (EA, p.53). These impacts are not significant and do not necessitate an EIS.

comment ff: *Five Rogues timber sale includes “regeneration” and “overstory removal” of older forest, including some of the oldest forests with the largest trees in the watershed. Canopy closure would be reduced well below the level required to successfully intercept precipitation. The indications from the present watershed condition are that additional canopy openings and soil compaction that will result from logging will cumulatively increase peak flows in the affected drainages where flows already are altered. It is therefore the BLM’s burden to supply a “convincing statement of reasons” why Five Rogues would not cumulatively degrade the in-stream flow regime (see Blue Mountains Biodiversity Project v. Blackwood, 161 F. 3d. 1208 (9<sup>th</sup> Cir. 1998)). The EA confirms that flows will be altered next to regeneration units. EA at 53.*

BLM Response: The EA states, “potential for an increase in baseflow in small streams (e.g. 1<sup>st</sup> and 2<sup>nd</sup> order) next to harvest units would be greater next to RH units than CT because RH retains less vegetation following harvest (e.g. 7 to 10 large trees per acre compared to at least 40% canopy closure).” Although higher baseflow in small streams would provide more habitat for aquatic life for several years (Ziemer and Lisle, pp. 43-68), the effect would not be apparent in fish-bearing streams because their streamflow originates from much larger watersheds than would be affected by RH harvest units. The EA concludes the effects of regeneration harvesting by stating: the action alternatives would not have incremental effects to past, present and reasonably foreseeable future actions on aquatic habitat beyond the limits of the Planning Area. There would be no effect on riparian habitat, stream habitat connectivity and stream channel stability and only an immeasurable negative (short term) and positive (long term) effect on stream sediment at the project and 6<sup>th</sup> field watershed scales.

comment gg: *Small areas of impact can pose a high risk of watershed-scale degradation when multiplied by many projects carried out over a longer time period. There are many other Federal timber sales and logging projects on private and public lands besides Five Rogues timber sale in the watershed. For example, Roseburg Forest Products recently logged over streams in a vast swath of clearcut logging in Mill Creek, right next to Five Rogues units in T34S-6W-section 9 and 15 (see exhibit 2 in our first set of comments). There are also logging units of the King Wolf, Graves Creek West, Poor Angora’s Folly and other BLM timber sale in the*

*watershed. Not all of these sales were considered in the cumulative effects analysis for this timber sale.*

**BLM Response:** The application of satellite imagery data from 1974 to 2002 for disturbance to the forest canopy in the project area would include analysis of the above mentioned activities on private and public land. The analysis strongly suggests that most vegetation is functioning at its hydrologic potential, because 76 to 84% is at least 28 years of age (Table 3-6). A total of 8,341 acres or 8% have been cleared between 1974 and 2002. Also see response to comment x (third through fifth paragraphs).

**comment hh:** *The Five Rogues EA totally overlooked sediment contributions to the stream network resulting from tree felling, yarding, and post-harvest burning. Road building and use, skidding logs, maintenance of existing roads, clearcutting, and burning increase the amount of bare compacted soil exposed to rainfall and runoff, resulting in higher rates of surface erosion. The WA confirms this at page 79. Logging activities greatly increase mass soil movements occurring along roads and in clearcuts on steep terrain.*

**BLM Response:** Although tree felling, log yarding, prescribed burning, road construction and rock quarry operations are ground-disturbing activities, they would contribute little, if any, soil to streams.

Soil that moves on cable yarding corridors during storm events would be trapped by logging slash or by ground cover on undisturbed ground at the bottom of yarding corridors. Tractor yarding and road building would be restricted to the dry season (May 15 to October 15) when there is low potential for runoff from compacted ground. Sub-soiling skid trails and temporary roads under dry soil conditions would shatter soil compaction by as much as 80% (Davis, pp. 138. 139), substantially increasing water infiltration during storm events. None of the tractor skid roads and new road construction (temporary and permanent) would contribute sediment to streams because they are located on or near ridges several hundred yards from any stream. Most soil that leaves cable yarding corridors and enters road ditchlines would be routed through crossdrain culverts onto vegetated, uncompacted forest soils. Riparian reserves 150 feet wide would effectively prevent any loose soil, generated by log yarding and pile burning, from reaching streams because they have substantial depth of duff-litter and vegetative ground cover. A deep duff layer in the 90 to 170 foot wide riparian buffer next to the log landing for unit 27-2 would be more than capable of trapping any soil that moves from the landing during storm events. Literature indicates that buffer strips of 30 meters (98 feet) or greater prevent adverse sedimentation effects from logging on salmonid eggs and alevins development (Moring, pp. 295-298) and are adequate to maintain macroinvertebrate diversity at pre-harvest levels (Belt, p. 11). Log landings would be mulched and seeded after proper drainage has been established in order to prevent soil movement. Streambank stability would be maintained because there would be no yarding across streams.

While pile and burn is proposed to be done under cool, moist conditions, there is a

possibility that fire could be more intense than desired and reduce but not destroy the organic litter layer, which would be wet at the time of the burn. Site productivity should therefore be maintained in the long term. Bare soil exposed from prescribed burning would not exceed guidelines in the Monitoring Handbook.

comment ii: *Contrary to the BLM's oft repeated mantra, the ROD and the RMP do not meet the need for a cumulative effects analysis. A plan-level analysis does not substitute for the site-specific analysis of cumulative environmental impacts required by NEPA. City of Tenakee Springs v. Clough, 915 F.2d 1308. The Final Environmental Impact Statement (FEIS) supporting the RMP even demands project-level cumulative effects analysis: "Site-specific planning by interdisciplinary teams (IDTs) will precede most on-the-ground management activities... The IDT process includes, as appropriate, field examination of resources, selection of alternative management actions, analysis of alternatives, and documentation to meet [NEPA] requirements. Adjacent land uses will be considered during site-specific land management planning" (FEIS at 2-104, 107 – emphasis added).*

BLM Response: As stated on page 5 of the EA:

The interdisciplinary team evaluated the Proposed Action in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the Proposed Action is contained in Chapter 3 of the EA.

comment jj: *Does the planning area currently meet the NFP 15% retention standard for heavily impacted watersheds? The Glendale RA can not use forests that are not timber capable to count toward the LSOG on their land. These forests exist in the planning area and in the units.*

BLM Response: See response to comment i (last paragraph), regarding 15% retention of late successional habitat.

comment kk: *Late successional forests require canopy closure; it is an essential component of the ecosystem. By reducing canopy closure to 40% the BLM precludes use by many late successional species. The BLM is not able to provide assurances that stands will not be "regenerated" once canopy closure increases following proposed logging. Please discontinue timber harvest that degrades late-successional forest stands. WA at 87. Further fragmenting this habitat will be a significant action warranting an EIS.*

BLM Response: See response to comment b (second paragraph) in regard to the decision to log old growth forest and comment e in regards to regeneration harvests.

comment ll: *The late-successional habitat is highly fragmented already in this watershed necessitates that the BLM produce an Environmental Impact Statement to best judge the affects of removing more such habitat in this watershed.*

BLM Response: See response to comment i (last paragraph). The removal of late successional habitat proposed in the Five Rogues Timber Sales does not necessitate an EIS. Sufficient analysis was completed for Bureau Special Status late successional species in the EA. The fisher was analyzed in the NFP and failed to pass the species viability screens due to its dependence on interior forest habitat and large, down woody debris (Appendix J-2, USDA/USDI 1994). All alternatives including the no action alternative would not change the trend predicted in the NFP (EA, p. 38-39). The effects on the northern spotted owl as stated earlier and the reduction of suitable habitat in the Planning Area is still within the predictions of the NFP and the Biological Opinion. Furthermore, proposed activities would not preclude spotted owl movement across the watershed or the survival of spotted owl sites within the Klamath Demographic Study Area would remain stable, and contribute to a stable population within the Klamath Province (USDA/USDI 2004b 4).

*comment mm: Increased surface erosion and mass soil movements associated with timber harvest areas can result in an increase in sediment input to streams. Fine sediment deposited on stream substrates can reduce salmonid spawning success and food availability, while suspended sediment (turbidity) can disrupt feeding and other essential behavior. Five Rogues violates the ACS.*

BLM Response: Contrary to your statement, the Five Rogues Timber Sale does not violate ACS. Although there may be small, negative effects on amphibians and other aquatic species within several hundred feet of road crossings, any sediment that reaches resident trout, steelhead and salmon habitat would be undetectable and have no measurable effect on survival, food supply or on quality of spawning and rearing habitat, primarily because appropriate PDFs would be used to minimize the amount of soil that these activities contribute to streams.

Any sediment that reaches resident trout, steelhead and salmon habitat would have no measurable effect on the species because it would be dispersed immediately by much higher flow. For instance, nearly 48,000 acres of watershed contribute to streamflow in mainstem Grave Creek above the Flume Gulch/Mackin Gulch/Brushy Gulch vicinity. More than 5,100 acres of watershed contribute to flow in Coyote Creek above the confluence of Miller Gulch watershed where sediment could be contributed from road renovation. Frequent wildfire in this watershed, followed by intense rainstorms, has historically been the primary contributor of sediment to streams. Any sediment that the streams contribute to Grave Creek as a result of the Proposed Action would be well within conditions of natural disturbance (USDI 1999, p 27).

Current direction by the 2004 Record of Decision to Clarify Provisions Relating to the Aquatic Conservation Strategy states that ACS objectives “were intended to be applied and achieved at the fifth-field watershed and larger scales, and over a period of decades or longer rather than the short term.” The undetectable and immeasurable effects are site specific and would be dissipated beyond several hundred feet. There are no long term or fifth-field scale impacts from proposed activities.

comment nn: *To the extent that uneven-age management in the form of commercial thinning and group selection cutting strives to create relatively open forest stand conditions, changes to fire climate and intensified fire behavior are likely to occur after timber harvest. The EA should address the potential for reduced canopy closure to increase solar radiation, ground level wind speed, surface fuel moisture and flammability to result from proposed timber harvest. Implications for fire suppression effectiveness and worker safety also should be addressed.*

BLM Response: Commercial thinning is considered an intermediate even-aged harvest treatment on younger commercial sized trees until approximately 100 years, when stands are scheduled for regeneration harvesting as stated in Purpose and need on page 9 of the EA. As stated on page 4 post harvest fuels treatments and maintenance underburns would occur on 664 acres. This is approximately 0.64 % of the Grave Creek watershed and cumulative effects are considered minimal. Omi and Martinson state that “where fire threatens societal values, fuels treatments can facilitate suppression by providing safe access and egress for firefighters (page 25).

comment oo: *Federal land managers working in the Siskiyou Mountains routinely report that mechanical thinning projects increase fine surface fuels in the form of logging slash by 3 to 15 tons per acre, which can create faster rates of fire spread and greater flame lengths, resulting in intensified fire behavior and extended fire duration (USDI 2002a, 2002b). Indeed, the 2002 Squires Peak fire in the Middle Applegate watershed exploded past containment lines when it spread into logging slash left behind after the Spencer Lomas timber sale accomplished significantly reduced forest stand canopy bulk density (Kettler 2002a, 2002b). Ironically, the Medford District BLM framed the purpose and need for Spencer Lomas as fire hazard reduction (USDI 2001).*

BLM Response: The increase in logging slash noted above would be treated on most of the harvest units within the 5 Rogues Timber Sale within 6 months to a year after harvest. Once the fine fuels are treated the short term (1-2 years) increase in fire risk would diminish.

comment pp: *Prescribed fire consumes dead surface fuels and reduces the continuity of ladder fuels that carry fires from the ground into tree crowns. The amount, continuity and moisture content of fine and intermediate-sized fuels determine the rate at which a fire spreads and the intensity with which it releases heat energy (Rothermel 1983). Prescribed burning can specify fuel moisture conditions that allow a fire to consume only the smaller fuels that present the greatest hazard (Deeming 1990). The ability of prescribed fire to consume only fine and intermediate fuel classes smaller than three inches in diameter is a unique advantage over other fuel reduction methods that target larger, less flammable fuels. Another advantage to prescribed fire is that, unlike mechanical logging, it is a viable fuels treatment option on all terrain regardless of steepness or accessibility (Weatherspoon 1996).*

BLM Response: The prescribed burning described by KS Wild was implemented by the Five Rogues Hazardous Fuels Treatment Decision Record. Hazardous fuels units

(prescribed fire) that were not associated with commercial timber harvesting were identified and will be treated. The current EA proposed post-harvest fuels reduction treatments to remove logging slash. The Five Rogues Timber Sale is not a fuels reduction project in itself. One of the needs for this project is to produce a sustainable supply of timber.

comment qq: *If prescribed fire is a preferred means of restoring fire-adapted forest ecosystems then success may require many sequential entries before desired conditions are realized, especially in dense stands with heavy fuel loads (Weatherspoon 1996). Several workers recommend staggering burn treatments by five to eight years (Agee et al. 2000, DellaSala et al. 1995).*

BLM Response: Typically, maintenance underburns would occur 2-7 years following the initial treatments but would be driven by the condition of the stand and regrowth of slashed vegetation (EA, p. 21).

comment rr: *The BLM admits that “logging slash would create a higher fuel loading on the ground.” EA at 31. This fine logging slash will be the greatest threat to fire hazard in the watershed. “Material up to 3 inches in diameter has the greatest influence on the rate of spread and flame length of a fire.” Id. Once the “regeneration” logging is complete and “after the stand is re-established with small trees it would have an increased fire risk (increase in flammability) until the stand develops into an older age class (stands approximately greater than 80 years of age.”*

BLM Response: As stated on page 4 post harvest fuels treatments and maintenance underburns would occur on 664 acres. This is approximately 0.64 % of the Grave Creek watershed and cumulative effects are considered minimal.

comment ss: *The Five Rogues Mature and Old Growth Timber Sale and Road Construction and Reconstruction Project is Significant and Requires the Preparation of an EIS.*

BLM Response: See response to comment b regarding RMP and NFP EIS analysis determination on the effects of logging old-growth. As discussed in pgs. 4-7 of the EA. The impacts analyzed under the Ten Significance Criteria described in 40 CFR 1508.27 did not substantiate significance. Analysis determined that impacts would: be kept to a minimum due to project design and scale of activities occurring, would remain within the limits allowed in the Medford District RMP, and would not contribute to listing of Special Status species. There would be no significant impacts to ESA species as found by the USFWS’s Biological Opinion (FY03) determination of a no jeopardy action.

comment tt: *It is not clear why the BLM states that there would be no disruption to unique characteristics of the local area when it is closing down the access to London Peak for about a week. EA at 5. This is the most popular trail in the area.*

BLM Response: The unique characteristics of the local area are noted on p. 5 of the EA.

During the six public meetings, the BLM scoped for identification of concerns by the public. During a field trip held by the BLM, it was disclosed that the access route to London Peak may be temporary closed for a short period of time.

“Due to logging operations for unit 27-1B, the 33-6-26 access road to London Peak would be completely closed to through traffic for approximately one week. During this period, it is estimated that less than 50 visitors to the upper segment of the London Peak Trail would be affected,” (EA pg. 32-33). Project Design Features located in Section 2.2.12 address notification of the road closure. A one week road closure is not an indicator of significance to develop an EIS (40 CFR 1508.27) within the context of local importance nor does it exceed effects described in the *Medford District Resource Management Plan/Final Environmental Impact Statement* (June 1995).

comment uu: The safety of school children from old-growth log trucks does not seem to be ensured by simply signing the rural school bus stop. EA at 19.

BLM Response: Residents living within the intermingled ownership of BLM managed and privately owned lands are accustomed to logging activities in the area. Signing would provide notice to residents that logging activities are active. However, this increase in traffic is not anticipated to adversely affect residents due to the on-going annual, heavy traffic loads they currently experience from logging activities on private land. The BLM does not control activities occurring on non-BLM managed roads.

### **Kate Ritley, Cascadia Wildlands Project**

comment vv: *The “discussion of the significance criteria” fails to adequately document a lack of significant impacts, and thus warrants creation of an EIS.*

BLM Response: See response to comment ss for the determination of significant impacts.

comment ww: *This section of beneficial and adverse impacts also fails to explain the statement “provide early-successional habitat.” Is such an effect considered beneficial or adverse? We can only assume that this is an adverse effect, given the over-abundance of early-successional habitat in the watershed (thanks to heavy logging on both public and private lands) and the need for more late-successional, not early-successional, habitat.*

BLM Response: The EA identifies providing early-successional habitat as a project objective as referenced from the RMP objectives for Matrix lands, p.39. Stating there is an over-abundance of early-successional habitat in the watershed is an opinion.

comment xx: *Other issues of clear NEPA significance that require an EIS include:*

- *The project proposes to log large blocks of habitat that the watershed analysis said should be protected.*

- *The project will destroy Pacific fisher habitat. Fishers are expected to be listed under the ESA, and they require late-successional forests for survival. The EA explains that “the proximity of fisher observations and potential habitat suggest fishers may be present in the general area.” The EA continues on to say that the “adverse impacts on any individual fishers in the Planning Area or the population as a whole are not known. [. . .] The extent of this reduction on the overall habitat conditions of fishers is unknown.” The uncertainties surrounding fishers and their habitat begs the question of whether it is wise to move forward with a disruptive project without further investigation into the real impacts on fisher populations. With fishers expected to be listed under the ESA in the near future, it is an insult to them and to the law to continue with a project that may harm fisher populations. An EIS is essential for evaluating impacts to this declining species before proceeding with potentially damaging activities.*

BLM Response: See response to comment l and i, regarding logging large blocks of late successional habitat and impacts to the Pacific fisher, respectively.

comment yy: *The EA fails to offer a distinct, thoughtful alternative to the proposed action. Deferring harvest in a few units, as proposed in alternative 3, is not an appropriate alternative, as it still emphasizes precisely the same values as the proposed action. It calls for mature forest logging and road building, both highly controversial actions, rather than exploring real alternatives. To offer only these and a no action alternative defies NEPA’s purpose for offering alternatives. It is imperative that the EA or an EIS includes a viable, distinct alternative, such as a variable density thinning only project.*

*Most consumers recognize the inherent value of mature forests left standing, and have voiced this in their demand for timber products that are not derived from mature or old growth trees. Consistent with these consumer demands, the majority of the timber industry has responded by focusing their operations on small diameter trees. Sawmills throughout Oregon and the Pacific Northwest have retooled to handle primarily small diameter logs. This shift in emphasis means that providing mature trees is no longer essential to “maintain the stability of local and regional economies,” as the EA claims. To the contrary, providing timber volume from overstocked plantations in the project area would meet and surpass this need.*

BLM Response: See response to comment j and regarding alternative development and thinning overstocked plantations.

comment zz: *We urge the ID team to include, analyze, and choose a variable density thinning only alternative in a new EA or EIS. Such an alternative, unlike the current proposal involving mature forests, would actually satisfy the purpose and needs described in the current EA. This alternative should NOT include any new road construction, as units needing thinning should already have roads since they were previously logged. This alternative should include extensive spur road decommissioning once plantations are thinned.*

BLM Response: See response to comment j (second through third paragraphs), regarding alternative development.

comment aaa: *Northern spotted owl populations are plummeting in Oregon. According to the EA, there are at least eight Northern spotted owl activity centers in the Planning Area. New information on the federally-listed Threatened spotted owl indicates significant new uncertainties for the owl's survival and recovery that have not been fully considered by the Forest Service. In 2004, USFWS' contractor, Sustainable Ecosystems Institute, completed a 500+ page report on the current status of the spotted owl. This report highlights growing concerns over barred owl competition, habitat loss, and the West Nile virus, among other things. It states that all existing habitat could be critical to the survival of the owl species. Highlights from this report include the following:*

- *The increasing barred owl population within spotted owl range translates to growing competition and displacement. An appropriate solution to this problem is to preserve more habitat so that both species have enough to coexist.*
- *The spread of West Nile virus, which is fatal to the owl, could have significant ramifications for regional and local populations. Maintaining larger owl populations by preserving their habitat will be vital to the species' ability to survive the virus. Avoiding harm or "take" is integral in maintaining this larger population, at least until the disease has run its course.*
- *Potential loss of habitat from Sudden Oak Death syndrome makes remaining habitat more valuable than currently realized.*
- *The potential effect of global climate change on local vegetative patterns could reduce or change the ability of logged areas to readily regrow into suitable spotted owl habitat. Regrowing spotted owl habitat is assumed in the NW Forest Plan, yet the plan did not account for climate change issues. Existing forests are relatively resilient to climate changes, and thus should be protected for owl habitat should growing new habitat prove difficult or impossible.*

*An EIS is necessary to explore the significance of recent nearby fires as they relate to owl populations and Five Rogues owl habitat. While fire is integral to natural ecosystems, it has significantly altered spotted owl habitat and put increasing pressure on owl populations. The absence of alternate habitat due to past logging makes remaining owl habitat in this region essential. Spotted owl habitat in the planning area is now far more vital to the survival of the species than it was before these fires.*

*As the EA explains, the proposed action would remove 115 acres of suitable owl habitat and degrade 549 acres of excellent habitat to dispersal habitat. In light of the new information on spotted owls and the current trends of owl populations throughout the region, any action that proposes such extensive damage to owl habitat and "take" of owls is out of line. It is vital that the BLM offers an alternative that does not damage any owl habitat. The ESA was designed not as a barrier to be defeated, but as a tool and guideline for how habitat should be managed. Planning projects that are inherently*

*opposed to the spirit of the ESA shows obvious disregard for the importance of protecting listed species. The EA fails to acknowledge the importance of spotted owls and their current situation. With a proposed action that so significantly impacts owls, this is a major shortcoming in the EA that MUST be addressed.*

**BLM Response:** In southern Oregon and northern California, NSO populations were more stationary than in Washington (Anthony et al. 2004). The fact that NSO populations in some portions of the range were stationary was not expected within the first ten years, given the general prediction of continued declines in the population over the first several decades of NWFP implementation (Lint 2005). The cause of the better demographic performance on the southern Oregon and northern California study areas, and the cause of greater than expected declines on the Washington study areas are both unknown (Anthony et al. 2004). Courtney et al. (2004) noted that a rangewide population decline was not unexpected during the first decade, nor was it a reason to doubt the effectiveness of the core NWFP conservation strategy.

Lint (2005) indicated that loss of NSO habitat did not exceed the rate expected under the NWFP, and that habitat conditions are no worse, and perhaps better than expected. In particular, the percent of existing NSO habitat removed by harvest during the first decade was less than expected. Courtney et al. (2004) indicated that models of habitat growth suggest that there is significant growth and development of habitat throughout the federal landscape. Courtney et al. (2004) also noted that management of matrix habitat has had a lower impact on NSO populations than predicted. Owls are breeding in substantial numbers in some matrix areas. The riparian reserve strategy and other habitat management guidelines for the matrix area appear to preserve more, better, and better-distributed dispersal habitat than earlier strategies, and there is no evidence to suggest that dispersal habitat is currently limiting to the species in general (Courtney et al. 2004). Anthony et al. (2004) noted declining NSO populations on some study areas with little harvest, and stationary populations on other areas with consistent harvest of mature forest. No simple correlation was found between population declines and timber harvest patterns (Courtney et al. 2004). Because it was not clear if additional protection of NSO habitat would reverse the population trends, and because the results of their study did not identify the causes of those trends, Anthony et al. (2004) declined to make any recommendations to alter the current NWFP management strategy.

Reductions of NSO habitat on federal lands are lower than those originally anticipated by the Service and the NWFP (Courtney et al. 2004). The threat posed by current and ongoing timber harvest on federal lands has been greatly reduced since 1990, primarily because of the NWFP (Courtney et al. 2004). The effects of past habitat loss due to timber harvest may persist due to time-lag effects. Although noting that it is probably having a reduced effect now as compared to 1990, Courtney et al. (2004) identified past habitat loss due to timber harvest as a current threat. The primary current source of habitat loss is catastrophic wildfire (Courtney et al. 2004). Although the total amount of habitat affected by wildfires has been small, there is concern for potential losses associated with uncharacteristic wildfire in a portion of the species range. Lint (2005) indicated that the NWFP recognized wildfire as an inherent part of managing NSO

habitat in certain portions of the range. Courtney et al. (2004) stated that the risk to NSO habitat due to uncharacteristic stand replacement fires is sub-regional, confined to the dry eastern and to a lesser extent the southern fringes of the NSO range. Wildfires accounted for 75 percent of the natural disturbance loss of habitat estimated for the first decade of NWFP implementation (Courtney et al. 2004). Lint (2005) cautioned against relying solely on the repetitive design of the conservation strategy to mitigate effects of catastrophic wildfire events, and highlighted the potential to influence fire and fire effects through active management.

Anthony et al. (2004) indicated that there is some evidence that Barred Owls may have had a negative effect on NSO survival in the northern portion of the NSO range. They found little evidence for such effects in Oregon or California. The threat from Barred Owl competition has not yet been studied to determine whether it is a cause or a symptom of NSO population declines, and the reports indicate a need to examine threats from Barred Owl competition.

The synergistic effects of past threats and new threats are unknown. Though the science behind the NWFP appears valid, new threats from Barred Owls, and potential threats from West Nile Virus and Sudden Oak Death may result in NSO populations in reserves falling to lower levels (and at a faster rate) than originally anticipated. If they occur, such declines could affect NSO recovery (Courtney et al. 2004). According to Courtney et al. (2004), there exists a potential for habitat loss due to Sudden Oak Death in the southern portion of the range, however the threat is of uncertain proportions. In addition, Courtney et al. (2004) indicated there is no way to predict the impact of West Nile Virus, which is also identified as a potential threat. The reports do not provide supporting analysis or recommendations regarding how to deal with these potential threats. Courtney et al. (2004) concluded that the risks currently faced by the Northern Spotted Owl are significant, and their qualitative evaluation is that the risks are comparable in magnitude to those faced by the species in 1990.

According to the Service (November 2004), the current scientific information, including information showing declines in Washington, northern Oregon, and Canada, indicates that the NSO continues to meet the definition of a threatened species. Populations are still relatively numerous over most of the species' historic range, which suggests that the threat of extinction is not imminent, and that the subspecies is not endangered even in the northern part of its range where greater than expected population declines were documented (USFWS, November 2004). The Service (November 2004) did not consider the increased risk to NSO populations due to the uncertainties surrounding Barred Owls and other factors sufficient to reclassify the species to endangered at this time.

In summary, although the agencies anticipated a decline of NSO populations under the LRMPs during the past decade, the reports identified greater than expected NSO population declines in Washington and northern portions of Oregon, and more stationary populations in southern Oregon and northern California. The reports did not find a direct correlation between habitat conditions and changes in NSO populations, and they were inconclusive as to the cause of the declines. Lag effects from prior harvest of suitable

habitat, competition with Barred Owls, and habitat loss due to wildfire were identified as current threats; West Nile Virus and Sudden Oak Death were identified as potential new threats. Complex interactions are likely among the various factors. The status of the NSO population, and increased risk to NSO populations due to uncertainties surrounding Barred Owls and other factors, were reported as not sufficient to reclassify the species to endangered at this time. The reports did not include recommendations regarding potential changes to the basic conservation strategy underlying the NWFP, however they did identify opportunities for further study. The proposed activities are consistent with this assessment.

comment bbb: *“The proposed action would result in a ‘take’ of suitable northern spotted owl habitat.” “Harvesting late successional stands would reduce the viability of some of the sites on matrix lands.” Given that the northern spotted owl is listed under the ESA, this is a major negative impact of the proposed action. Nowhere does the EA justify such a tremendous impact to the species or offer an explanation of how the proposed action is essential in spite of these effects.*

BLM Response: Matrix lands are on a 100 year regeneration rotation cycle. The primary role of matrix lands, including 100 acre owl cores, riparian reserves, and other land use allocations such as connectivity blocks, would provide short-term habitat (USDA/USDI 2003, BA p. 72). The reduction of suitable habitat in the Planning Area is still within the predictions of the NFP and the Biological Opinion. The USFWS compared the Proposed Action with other actions within the watershed and found the loss of suitable habitat to be reasonably well distributed (USDA/USDI 2003, BO p. 71) and would not preclude spotted owl movement across the watershed. The survival of spotted owl sites within the Klamath Demographic Study Area would remain stable, and contribute to a stable population within the Klamath Province (USDA/USDI 2004b 4).

comment ccc: *“Habitat fragmentation from the checkerboard arrangement of public and private land is a serious problem in the Planning Area.” Clearly the proposed action exacerbates this problem by logging mature forests and further fragmenting habitat. The EA fails to address the contribution of the proposed action to this existing problem.*

BLM Response: See response to comment e, regarding Northwest Forest Plan’s requirement of late successional habitat retention.

comment ddd: *“Six to 46 percent of each HUC 6 watershed is in the transient snow zone... Watershed with open forest canopy in the transient snow zone are more susceptible to accelerated runoff and higher peak flows from rain-on-snow events.” Creating more open forest canopy through the proposed action in the transient snow zone could have tremendous negative impacts on soils and riparian habitat. The EA does not adequately address the profundity of proposing to create a higher-risk erosion situation.*

BLM Response: See second paragraph of response to comment h.

comment eee: *“Although most BLM roads are rocked, some constructed decades ago do not meet current standards for drainage, safety, and other concerns.” The EA fails to explain, then, why new roads should be built while others are unstable and unsafe. It is essential that the BLM offers an alternative that addresses these unsafe roads and decommissions roads instead of building new ones that will need maintenance.*

BLM Response: Approximately 0.10 miles of an existing road are would be decommissioned, 0.80 miles would be gated, and 46 miles of existing roads would be maintained. Maintenance would include reshaping and restoring the surface where necessary, maintaining or improving drainage structures and applying rock surfacing where needed. Such activities would help alleviate some of the road concerns in the Grave Creek watershed i.e. reducing stream sedimentation. The proposed action is not a road restoration/ decommissioning project. The Purpose and Need for this project, as stated in the EA on page 9, is for forest habitat and forest products. What roads are you aware of that are unsafe?

comment fff: *“When numerous other factors are considered (i.e. water quality, stream habitat, channel condition, flow characteristics and other watershed features), the Grave-Sunny Valley, Grave-Placer and Wolf Creek 6<sup>th</sup> field watersheds are functioning below potential (functioning at-risk), primarily because of past current human activity.” The EA does not explain how the proposed action will address this problem and avoid any further human harm to overall watershed functioning. The EA does not take this major negative impact into account in describing the consequences of the proposed action.*

BLM Response: This is not a restoration project, however the proposed project includes project design features to avoid further impacting the overall functioning of the watershed. The proposed activities contribute little if any impact to the watershed functioning. Though many streams within the planning are may be functional at risk, they are recovering and the proposed activities would not inhibit further stream recovery.

comment ggg: *“Most of the streams in the Planning Area are functioning at less than optimum condition.” The EA does not provide any sort of alternative to address this situation; rather, the proposed action could only contribute to further riparian degradation. Rather, the EA arbitrarily interjects that “none of the key stream habitat factors (Table 3-7) would be degraded in the long term in the Planning Area.” This statement is not accompanied by any reasoning or explanation for such a conclusion. All previous information indicated that streams in the area are in a fragile condition, and logging mature forests and building roads could permanently affect riparian areas. The intricacies and nuances of how logging will affect key stream habitats is beyond our comprehension and cannot be generalized as being unaffected simply because we cannot readily see these impacts.*

BLM Response: The description of the affected environment (EA, p. 42) attributes most streams functioning at less than optimum condition, in part, to large scale placer mining that began in the late 1800s with the advent of large scale placer mining that used

hydraulic giants. Other contributing factors include large scale timber harvesting that began in the 1950s and associated road construction. Road building and timber harvest on many streams over the years removed mature conifers. Such practices have not taken place since the implementation of the Northwest Forest Plan in 1994 on federal lands. The EA notes that many of these streams are recovering. No more than 24% of the Grave-Sunny Valley 6<sup>th</sup> field watershed, 17% of the Grave Placer 6<sup>th</sup> field watershed and a maximum of 16% of the Wolf Creek 6<sup>th</sup> field watershed are in hydrologically unrecovered condition (Table 3-6), EA p.51.

See Sections 3.5.2 & 3.5.3 of the EA for the rationale that *“none of the key stream habitat factors (Table 3-7) would be degraded in the long term in the Planning Area.”* Key stream habitat factors include riparian habitat, stream sediment, stream channel stability, habitat connectivity, and Essential Fish Habitat.

[Under the proposed actions] Riparian habitat quality, (including stream shade, water temperature and sources of large down wood) would be maintained in the short and long term because, with the exception of one harvest unit (27-2) there would be no harvest, yarding corridors, log landings, site preparation or road construction in riparian reserves.

It is unlikely that any of the planned harvest (within and below the TSZ), would measurably increase peak flow, or indirectly affect stream channel or streambank stability, because the number of disturbed acres in these three 6<sup>th</sup> field watersheds would increase by less than 2%. That is, **at least 74%** of all acres (Table 3-11) in the Grave-Sunny Valley watershed and no less than 82% of the Grave-Placer and 84% of the Wolf Creek 6<sup>th</sup> field watershed acres would still be functioning properly from a hydrologic standpoint following the proposed harvest under Alternative 2, EA p. 51.

comment hhh: *“High road density may have altered the timing of peak flows following storms.” The EA does not address why, then, the proposed action should include new road construction.*

BLM Response: As stated in the EA (p.43) the alternation of peak flows is attributed to winter log hauling on private natural surface roads. Most BLM roads are rocked; natural surface roads on BLM are only used for log hauling during the dry season.

comment iii: *“Activities that are proposed under this alternative would cause soil displacement, compaction on ground that is associated with log landings, cable yarding, tractor logging and road construction.” The EA fails to explain how such negative impacts are mitigated by any “benefits” in the proposed action.*

BLM Response: The EA continues to note that, “implementing Best Management Practices (BMPs) in Appendix D of the RMP should prevent unacceptable degradation of the soil resource”. See response to comment x regarding soil displacement and compaction.

**Doug Heiken, Oregon Natural Resources Council**

comment jjj: *The FONSI is erroneous. BLM must prepare an EIS. The FONSI is erroneous in the following ways:*

1. *Impacts to species listed under the ESA indicate NEPA significance. The removal of 115 acres of suitable nesting habitat for the ESA Threatened spotted owl, and the degradation of over 500 acres of nesting habitat to dispersal habitat are significant impacts, especially when there is significant new information, never before considered in an EIS, indicating greater concern and uncertainty for the spotted owl (e.g. barred owl competition, expected future mortality from West Nile virus, potential habitat loss of Sudden Oak Death syndrome, and greater than expected losses due to wildfires).*

BLM response: See response to comment ss, ee, and bbb as to whether there is a need to prepare an EIS due to the removal of old-growth.

comment kkk:

2. *The regional extent of mature and old-growth forest habitat is far below the historic range of variability, so they represent “ecologically critical areas” which the FONSI does not recognize.*

BLM response: The Northwest Forest Plan and Medford District RMP analyzed the effects of timber extraction on matrix lands did not identify these areas as ecologically critical therefore, your comment is beyond the scope of the EA.

comment ll:

3. *Barred owl competition, expected future mortality from West Nile virus, potential habitat loss of Sudden Oak Death syndrome, and greater than expected losses due to wildfires all represent “uncertain” and “unknown” risks that indicate NEPA significance.*
4. *This proposal to log mature and old-growth is part of a program of logging undertaken by the Forest Service and BLM under the Northwest Forest Plan, the “cumulative impacts” of this program have not been evaluated in light of the significant new information about the spotted owl (e.g. barred owl competition, expected future mortality from West Nile virus, potential habitat loss of Sudden Oak Death syndrome, and greater than expected losses due to wildfires). The Five Rogues EA cannot tier to the NWFP FSEIS or the Medford RMP FSIES because neither of those documents address the cumulative impacts of continued logging of mature and old-growth in light of all the new information.*

BLM response: See response to comment aaa regarding the effects of barred owl competition, west nile virus, Sudden Oak Death syndrome, wildfire, and climate change on the northern spotted owl.

5. *EA Appendix 1 admits that there are “unresolved conflicts” concerning alternatives uses of available resources, identifying concerns for loss and fragmentation of late successional habitat and its effects on wildlife dispersal and connectivity, as well as cumulative watersheds effects from extensive past harvest in the watershed. To resolve these conflicts the Appendix proposes an alternative that defers a few units, but its does not consider an alternative that defers all harvest of mature and old-growth forests and shifting the logging effort toward variable thinning of dense young stands. An EIS should be prepared to consider alternatives that better balance competing objectives for habitat and wood products.*

BLM response: See response to comment q regarding the range of alternatives.

comment mmm: *And as stated in our earlier comment letter, this project will clearly have significant environmental effects and requires an EIS. Evidence of NEPA significance includes:*

1. *This project will remove owl habitat in an identified “area of concern” for the spotted owl, and the project will exacerbate an existing barrier to east-west migration for the spotted owl.*

BLM response: Appendix 1 of the EA (p. 69-70) identified the “unresolved conflicts concerning alternative uses of available resources”. Two concerns were identified regarding the fragmentation of remaining late-successional stands and east-west connectivity of late successional affiliated species along the towns of Sunny Valley, Wolf Creek, and across Interstate 5. “In the Planning Area, there is one large block of late-successional habitat, the approximately 1,000 acre Burgess Gulch drainage, and a second small portion of a large 2,500 acre area near Reuben Creek.”

The greatest barrier to east-west connectivity is located within the towns of Sunny Valley and Wolf Creek and across I-5. Due to the large percentage of nonpublic land within this specific area, this barrier to connectivity would likely remain unchanged. However, during the IDT review of the “unresolved conflicts” the wildlife biologist recommended deferring unit 29-1 for alternative 3 as a protection measure for connectivity (see p.27 of EA).

The primary role of matrix lands, including 100 acre owl cores, riparian reserves, and other land use allocations such as connectivity blocks, would provide short-term habitat for late successional species (USDA/USDI 2003, BA p. 72).

Since the watershed substantially exceeds the 15% matrix federal land within each fifth-field watershed as late successional forest and riparian reserves provide dispersal corridors, the connectivity between late-successional reserves would be retained.

comment nnn:

2. *New information on the Threatened spotted owl indicates that there are significant new uncertainties for the owl that have not been fully considered at the regional or local scale. As recognized by the industry-sponsored owl status*

review, all existing suitable habitat could be critical to the survival of the spotted owl. These new concerns include:

- a. competition and displacement from the barred owl population which is dramatically increasing;
  - b. the effects of West Nile Virus which is fatal to the owl;
  - c. the potential loss of habitat from Sudden Oak Death;
  - d. greater than expected loss of habitat to wildfire; and
  - e. the potential effect of climate change on regional vegetation patterns.
3. This project will log in “large blocks” of habitat that the watershed analysis urged should be protected.

BLM response: See response to comment 1 (last paragraph) and 3 regarding logging in large blocks of late successional habitat.

comment 000:

4. This project will adversely affect habitat for Pacific fishers that are warranted for listing, and expected to occur in this area. Fishers are associated with high canopy cover, so the connectivity concerns for spotted owls apply equally to fishers and other late successional wildlife species.

BLM response: See response to comment 1 regarding the Pacific fisher.

comment ppp:

5. Commercial logging objectives conflict with fuel reduction objectives. The purpose and need is internally conflicting and requires an EIS to carefully consider all the ramifications.
  - a. Logging in general creates slash that is a short-term fire hazard.
  - b. Proposed regen harvest will increase fire hazard by creating dense young stands with highly inflammable small fuels close to the ground.
  - c. Opening up the canopy in the thinning units will stimulate the growth of brush and small trees and create hazardous ladder fuels.
6. Logging mature and old-growth forest and commercial logging to reduce fire hazard are both controversial (socially and scientifically). Mature and old-growth are far below the natural range of variability and any more logging will push the regional ecosystem away from the NRV. The main authors of the Northwest Forest Plan have since urged protection of all old-growth on federal lands. Thinning to reduce fuel has many complex consequences that can both reduce fire hazard (by reducing fuels) and increase fire hazard (by creating slash, stimulating the growth of ladder fuels, increase temperature and wind under the canopy, and reduce the moisture content of ground fuels). The relative importance of these complex and conflicting consequences are controversial and require an EIS.

BLM Response: The EA does not propose to log old-growth forest in an effort to reduce fire hazards. The objective of regeneration harvesting is to produce a sustainable supply of timber. Post-harvest fuels reduction treatments would reduce fuel loadings created from logging slash. Your statement “The main authors of the Northwest Forest Plan have

since urged protect of all old-growth on federal lands” is unfounded.

comment qqq: *The BLM must not tier to illegal EISs. The BLM is tiering to the 2004 RODs for survey and manage and the Aquatic Conservation Strategy. Both of these documents are illegal because they fail to fully disclose the effects of the proposed changes and because they fail to consider reasonable alternatives. Refer to the lawsuits that have already been filed with respect to these EISs.*

*The 1994 FSEIS for the Northwest Forest Plan and the FEIS for the Medford RMP are no longer valid because they fail to consider new information on the fate of the northern spotted owl. The EA cannot tier to these old EISs for purposes of describing cumulative impacts of the FS and BLM’s old-growth logging programs on spotted owls.*

BLM Response: See response to comment aaa concerning new information on the spotted owl.

comment rrr: *We urge the BLM to consider variable thinning of young stands instead of logging in mature and old-growth forests. In the NWFP conservation scheme the role of matrix lands is to support small clusters of owls and to support owl dispersal. The quality of matrix lands for meeting these objectives is directly related to the extent that it resembles nesting, roosting, and foraging habitat. See USFWS, 2001. Range-wide Baseline Summary for the Spotted Owl 1994-2001. June 2001. As proposed, this project will degrade the quality of owl habitat, but if the BLM would consider an alternative involving variable thinning of dense young stands then habitat could be improved. If structurally simple stands in the matrix can be modified to be more complex in terms of species diversity, niche diversity, and dead wood abundance, they will support better foraging opportunities which will greatly improve the quality of dispersal habitat.*

BLM Response: See response to comment j regarding alternative development.

### **Boyd Peters, The Legacy Lands Project**

comment sss : *We urge you to use the new information in the Rogue River to King Mountain Corridor ACEC in devising a new 4<sup>th</sup> Alternative which could mitigate cumulative impacts and possibly prevent irreparable damage to east-west connectivity. This ACEC nomination (Rogue River to King Mountain Corridor Area of Critical Environmental Concern) has commenced. Therefore current and proposed BLM projects should avoid conflict with the resources identified until the agency analyses the document for “relevance and importance.”*

*The unique and outstanding values identified to date are:*

- 1. Biologically important east-west corridors – to provide for east-west late successional connectivity across I-5 for the northern spotted owl.*
- 2. A Nascent Recreation Economy – “our recreation economy would clearly benefit*

*from big trees uniquely situated in these ACECs”.*

3. *Cultural and Historical assets – “ the Applegate Trail and the trail connecting Golden and Speaker. Inventorying the Golden Coyote Wetlands. Golden Church and Wolf Creek Inn are on the National Historic Register of Historic Places.”*
4. *Botany – “several rare species of orchids, other flowers observed in and near this island [“Sing Bu”], including, Cypripedium fasciculatum, Eburophyton austinai, and lilium pardalinum, unique serpentine plant association. “*
5. *Scenic Vistas – “King Mountain several vistas are equally breath taking”*
6. *Mining toxics and the hazards to public health – “as more people will be in the area and updated inventories of hazard sites and how to manage them will be needed”*
7. *geologic rarities –“ unique geologic features along Reuben Creek that follows a geologic fault line displaying a dizzying array of minerals”*

**BLM Response:** The Five Rogues interdisciplinary team (IDT) reviewed the Rogue River to King Mountain Corridor ACEC proposal. To be considered as a potential ACEC and analyzed in resource management plan alternatives, an area must meet the criteria of relevance and importance, as established and defined in 43 CFR 1610.7-2. Evidence of more-than-local significance of resource values or conditions include, but is not limited to, written comments and expert opinions from officials representing regional or national interests or inclusion of an area on an official state, regional, national or international listing. The IDT determined that the proposed values did not meet the criteria of importance and relevance where selected and does not contain unique species, characteristics, or natural processes not found elsewhere in the Glendale Resource Area of Medford District. Management under existing designations would afford sufficient protection of the resources values you identified. A complete evaluation of the Rogue River to King Mountain Corridor ACEC proposal has been provided to the nominator that the area does not meet the required criteria.

### **Len Richardson, Wolf Creek, Oregon**

comment ttt: *I suggest that a future alternative 4 be made to discuss ACECs “Area of Critical Environmental Concern” nominations and possible designations as well as the Glendale R.A. Biological Corridor to further the intent of the NWFP standard.*

**BLM Response:** See response to comment sss, regarding the ACEC nomination.

comment uuu: *Mechanization has made the matrix lands fragmented and sparse without proper seeding or management. Any possible silvicultural treatments need to include reseeding of natural diversity.*

BLM Response:

The EA states (p.20), The intent in regeneration harvest (RH) units is to regenerate a new stand of conifers while retaining a component of snags, down wood, hardwoods, and overstory legacy trees. In general, RH prescriptions would harvest timber, leaving at least 7-10 large conifers per acre. These conifer trees would be selected proportional to the existing species composition and equally across all 20"+ diameter classes present. The RMP specifies retaining 6-8 green conifer trees per acre" (RMP, p. 39). One to two trees per acre would be retained to ensure meeting coarse woody debris guidelines (USDA/USDI. 1994b, p. C-40).

The RMP directs the harvesting in matrix lands to "retain some large hardwood trees, where present in harvest units, to provide habitat diversity". Retention of large hardwoods would be in addition to the 7-10 large conifers left per acre.

"Regeneration is usually through planting following site preparation." (RMP, p.181)  
Planted saplings may be composed of the following species: Douglas-fir, ponderosa pine, white fir, and incense cedar. Additional management actions to secure regeneration include seedling shading, protection from animal damage, and control of competing vegetation. In the case of overstory removal, the majority of the overstory is removed while the understory is retained. Natural regeneration may occur in this case through seed dispersed from the existing understory or trees in adjacent timber stands.