

# **Record of Decision, Mari Kelsey Timber Sale in the Kelsey Whisky Landscape Management Area**

## **Introduction**

This is the fifth in a series of separate records of decision relating to the March 2003 Kelsey Whisky Landscape Plan and Resource Management Plan Amendment and Final Environmental Impact Statement (FEIS). The first is the Record of Decision, Medford District Resource Management Plan Amendment in the Kelsey Whisky Landscape Management Area, September 2003; the second is Record of Decision, Forest Health and Fuels Treatments in the Kelsey Whisky Landscape Management Area, November 2003; the third is the Record of Decision, Upper East Kelsey Timber Sale, November 2003; and the fourth is the Record of Decision, California Gulch Timber Sale, November, 2004.

The FEIS describes and analyzes the impacts of four alternatives for managing the public lands within the Kelsey Whisky Landscape Planning Area. The alternatives were designed to achieve a variety of land management and restoration objectives including timber harvest, road decommissioning, fuel hazard reduction, wildlife habitat enhancement, non-commercial thinning and other land management direction. Two of the four alternatives (Alternative 2 and 4) would require an amendment to the Medford District Resource Management Plan (RMP) due to the proposed designation of an Area of Critical Environmental Concern (ACEC) and change in RMP guidance. Alternative 1 is the preferred alternative which included, in part, timber harvest and fuel hazard reduction.

This decision pertains to timber harvest in the Mari Kelsey area. The project area is within the 104,000 acre Wild Rogue Watershed, the Wild Rogue Wilderness is to the west, and a portion of the sale is within critical habitat for northern spotted owls and marbled murrelets. The area is located about 26 miles northwest of Grants Pass, Oregon. The Bureau of Land Management (BLM) manages most of the watershed. The public lands within the FEIS area are designated as Oregon and California (O&C) lands.

## **What this Decision Will Provide**

This decision approves portions of the Kelsey Whisky Landscape Plan identified in the preferred alternative (Alternative 1) to implement timber harvest, post-harvest fuels reduction treatments, and road construction in Matrix and Critical Habitat Unit (CHU) OR#67.

## **Policies and Procedures Remaining in Effect**

1) *Statutory requirements.* BLM has a legal responsibility to comply with the Federal Land Policy and Management Act of 1976, the National Environmental Policy Act of 1969, the Oregon and California (O&C) Sustained Yield Act of 1937, the Endangered Species Act of 1973, the Wilderness Act 1964, the National Wild and Scenic Rivers Act of 1968, the Clean Air Act of 1967 and other applicable statutes, Executive Orders, regulations, manuals and handbooks.

2) *National Policy*. BLM also has an administrative obligation to conform with current national policies or procedures regarding program development and coordination or for individual resources or uses.

3) *Funding levels and program activity or project funding allocations*. These are determined annually at the national level and are beyond the control of the field office. It is assumed that funding will be available to fully implement the changes in land use allocations and subordinate projects or activities. It is anticipated that the majority of these projects will be completed within 5-7 years, however the implementation could be longer if funding is limited.

4) *Timber Sale Decisions*. Timber sale decisions become effective upon notice of sale.

**Alternatives Considered**

We considered a number of alternatives for evaluation during the Landscape Planning process. Several were eliminated from further study. The FEIS includes a brief description of these alternatives and the reasons for their elimination from further study on page 2-4.

Four alternatives were considered for detailed analysis. These are summarized below. A more detailed description of the alternatives can be found in the FEIS on pages 2-3 to 2-27. Treatments per unit are described in Appendix 2 (pp. A-24 to A-31) and road treatments in Appendix 3 (pp. A-37 to A-41).

**Modified Alternative 1** identifies the highest level of timber harvest considered among the four alternatives. Various harvest methods are proposed including regeneration harvest, commercial thinning, and overstory removal. Subsequent fuels treatments and follow-up silvicultural treatments are proposed for the harvest units. Access to some units will be via a temporary spur road (see FEIS Map #4 and FEIS Appendix 3) to be constructed and decommissioned after use as a part of this action. Other roads will be renovated to provide access (see FEIS Map #4 and FEIS Appendix 3).

**Table 1 – Timber Harvest Unit Numbers and Harvest Type for Mari Kelsey Timber Sale**

Unit #	Harvest type	Acres	Harvest removal method	Unit #	Harvest type	Acres	Harvest removal method
4-1	RH	3	cable	27-1D	CT	6	cable
13C	CT	9	tractor	27-2	CT	45	cable/tractor
22A	CT	43	cable	28A	RH/CT	8 (total) RH - 4 CT - 4	cable
22B	CT	6	cable	33-1	OR/CT	8 (total) OR - 6 CT - 2	cable
24A	CT	41	cable	33A	RH	10	cable
27-1C	CT	29	cable	33B	CT	23	cable

RH – regeneration harvest      OR – overstory removal      CT – commercial thin

## **Modifications to Alternative 1:**

### **1) UNIT 33B/Temporary Road/West Fork Trail**

Construction of a 0.25 mile road on the ridge would be built because downhill yarding in this unit would result in unacceptable soil erosion due to large cut banks that would not allow for partial suspension. Building a 0.25 mile temporary spur road along the ridge in the upper portion of this unit would be within those impacts analyzed for within the Kelsey Whiskey (K-W) FEIS. The K-W FEIS states that “(t)he addition of approximately 1.5 miles of temporary road would not be expected to increase sediment levels over the long term. Temporary roads are proposed on or near ridge tops on stable locations. Therefore no sediment transport would be expected to impact streams in the area” (K-W FEIS Chapter 4, p. 3). An increase of 0.25 miles of ridgetop road would not change this analysis.

This additional 0.25 miles of road would also be decommissioned through sub-soiling, waterbar construction, mulching, and blocking. The environmental affects of this action are also consistent with the K-W FEIS which states, “Sub-soiling of approximately 25 acres of roads scheduled for decommissioning would result in some sediment movement but would be minimized through mulching and the placement of waterbars. Sediment levels would be less than current levels if decommissioning and other road improvements are executed. Subsoiling along with construction of waterbars has been effective in improved infiltration and reduction in sediment transport. BLM acknowledges that some reports have indicated that ripping is ineffective at reducing compaction and improving infiltration. Studies on the effectiveness of a winged sub-soiler, on rates of soil compaction show close to 80% amelioration (Davis, 1990). BLM personnel have found this is a very effective method of restoring productivity to previously compacted ground, i.e., tractor trails” (K-W FEIS chapter 4, p. 3).

### **2) UNIT 13C/Cable Yarding to Tractor/Unit Boundary Change**

Unit 13C will be changed from a down hill cable logging system to a tractor logging system. Downhill yarding in a commercial thinning stand could create more damage to the residual stand as suspension would not be achieved due to slope steepness from the unit to the Kelsey Mule road (32-8-31). Down hill cable logging would likely produce a "clearing" where the harvestable material would reach the landing. Tractor logging from the Kelsey Mule Road (32-8-31) will utilize existing skid trails within and into the unit. As a result, tractor logging Unit 13C will cause less soil disturbance and damage to the residual stand. Though a short approach trail would need to be constructed from the road into the unit, project design features and rehabilitation measures including the use of existing skid trails and the sub-soiling of tractor skid trails that are used during this project would reduce productivity losses and erosion levels below those that were anticipated under the K-W EIS were downhill yarding techniques implemented.

In addition, the unit boundary for Unit 13C was expanded by 1.15 acres to the west and 2.16 acres to the northeast. The change to the west was made to access the unit for either cable or tractor logging from the Kelsey Mule Road (32-8-31). The additional acres to the northeast are the same stand type and age as the unit analyzed in the K-W FEIS. The slight modification is a result of field verification of Geographic Information Systems (GIS) information.

3) UNIT 27-1C/Unit Boundary Changes

The unit boundary for Unit 27-1C was expanded by 4.19 acres to the east due to an intermittent stream not extending as far as the GIS map layer indicated. After applying the riparian buffer, the additional 4.19 acres of the same stand type were included for commercial thinning.

4) UNIT 28A/Unit Boundary Changes

The unit boundary for Unit 28A was expanded by 4.22 acres to the south. The original K-W FEIS unit boundary ended at the section line (as in township, range, section) leaving 4.22 acres of isolated timber. Accordingly a slight boundary adjustment was made to treat the adjacent portion during this entry.

5) UNIT 27-2/Unit Boundary Changes

The unit boundary for Unit 27-2 was expanded by 1.3 acres to the south. The additional acres are the same stand type as the existing FEIS Unit. The slight modification is a result of field verification of Geographic Information Systems (GIS) information.

**Project Design Feature (Section 2.3.2 Timber Management of the FEIS) Modifications**

6) Trees in riparian reserves and on timber production capability classification (TPCC) withdrawn land, that are accidentally knocked over during falling and yarding would be retained on-site for fish and wildlife habitat.

7) Cut trees and limbs would not exceed 41 feet in length rather than 35 feet as identified in the FEIS. This length has been modified to 41 feet, as it is a more merchantable length for potential purchasers. The Glendale Resource Area Silviculturalist determined the difference of 6 feet will not create an increase in damage to the residual stand (7/19/06).

8) The following Project Design Feature (PDF) will be added, "Cable yarding lines would be respooled when changing yarding corridors." The feature applies to commercial thinning and overstory removal units to protect the residual stand.

9) The Glendale Resource Area lead engineer verified the absence of blackstain disease adjacent or within Mari Kelsey Timber Sale units (7/20/06); therefore roadside brushing will not be restricted between June 15 and September 15.

10) The following PDF will be added, "The Purchaser will avoid placing tailhold and guyline trees in Red Tree Vole (RTV) nest trees within RTV cores. If a tree must be felled within the RTV Core for safety purposes leave in place, as directed by the Authorized Officer."

**Alternative 2** identifies similar harvest, thinning, fuels, silvicultural, and access road treatments as in modified Alternative 1. Alternative 2 would have fewer regeneration harvest acres and slightly more commercial thinning acres than the modified Alternative 1.

**Alternative 3** or the continued existing management direction strategy, would involve no changes in current management of the planning area. RMP related routine management actions

would continue to occur, including fire suppression, road maintenance and plantation maintenance. Planning for RMP implementation actions would be ongoing in the Resource Area, and would include the Wild Rogue North Watershed. The opportunity for timber harvest, hazardous fuels treatments and forest health treatments in this watershed would continue to be a viable option for future entries under the no-action alternative as well as the three action alternatives.

**Alternative 4** identifies the lowest timber harvest considered among the four alternatives with only commercial density management and commercial thinning. This alternative also includes similar fuels and silvicultural treatments as in Alternative 1. No temporary roads would be constructed.

### **Environmental Preferability of the Alternatives**

The Council on Environmental Quality (CEQ, 1981) judges environmental preferability using the criteria in the National Environmental Policy Act (NEPA) and subsequent guidance. The CEQ has defined the environmentally preferable alternative as the alternative that will promote the national environmental policy as expressed in Section 101 of the NEPA. This section lists six broad policy goals for all Federal plans, programs, and policies:

- 1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- 2) Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- 3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- 4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- 5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- 6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Based on these criteria, identification of the most environmentally preferable alternative involves a balancing of current and potential resource uses with that of resource protection. The decisions are intended to facilitate and complement anticipated long-term forest health and commercial harvest activities within the landscape area in conformance with the intent of the existing Medford RMP. When viewed as a composite set of actions, all four alternatives fulfill CEQ policy goal #1 with different emphases and associated risks from actions and inactions. All three "action" alternatives modify the identified local surroundings of the planning area (CEQ goal #2) with minimal, if any effects, on human safety and health. The Mari Kelsey Timber Sale is located within Visual Resource Management (VRM) Class IV category lands. All alternatives are consistent with these VRM objectives as stated in the Medford District RMP. The four alternatives provide and document a diverse range of beneficial uses of the environment, with the associated impacts to the environment and other CEQ goal #3 consequences.

Resource uses could provide for higher standards of living from commodity production or local economic benefits from timber harvests and forest health treatments. Impacts would vary in proportion to acres treated and volume sold, with the greatest benefits under CEQ goals #5 and #6 under Alternative 1, then the lesser amounts, in descending order, under alternatives 2, 4 and 3. At the potential project level, benefits and impacts from the timber harvests and prescribed or assumed harvest methods are proportional to acres by alternative, but include various design features to minimize adverse effects under CEQ goals #2-4. The Rationale for the Decision section below indicates the significance of the alternative impacts and suggests that in this area, given existing conditions, all of the alternatives provide for habitat values, with the treatments, or lack thereof, creating both opportunities and risks for the future. Given all six CEQ goals, Alternative 1 provides the best overall landscape management direction in support of our forest health treatment strategy and is the environmentally preferred alternative.

## **Management Considerations**

### **Decision Rationale**

The rationale for implementing this timber sale is based on how well this action relates to the RMP, and is discussed above as a part of Alternative 1, under Environmental Preferability of Alternatives. Management Considerations were expressed in the form of issues clarifying the purpose and need (FEIS Section 1.1, pp. 1-6). They emphasized the need to implement management actions identified in the RMP. Avoiding loss of valuable resources by reducing fuel hazard was the first issue. In addition, issues included meeting annual forest management requirements, developing and implementing plans for harvesting trees, restoring sites, conducting forest health treatments, supporting access for fire response and timber harvest/silvicultural treatments, and improving the quality of the environment through maintaining, improving, or constructing roads.

The significance of each alternative was evaluated throughout the FEIS. Past timber harvest methods are described in the FEIS under Section 3.6. The current harvest proposals incorporated consideration of past harvest areas (see Appendix 14-1) when identifying potential harvest units by age class and density. Stand conditions and recommendations for treatments are described in the Silviculture Prescription (FEIS Appendix 3). Regeneration Success is described in the FEIS (Appendix 14-2). The activity fuels treatments and silvicultural treatments following harvest provide resource management in compliance with the Medford District RMP and address Issues 1 and 2. The proposed harvest activities under Alternative 1 support the effort to contribute economic stability of local communities and industries as required on O&C lands and address Issue 2. Temporary road construction other road treatments address the need for access described in Issue 4.

All three action alternatives would affect wildlife habitats through altering the density of trees and reducing canopy cover. The FEIS, on pages 4-19 to 4-25 addresses potential effects on Late Successional Habitat. Connectivity, fragmentation, and anticipated impacts are discussed by alternative. Localized impacts are addressed, beginning on page 4-21, section 4.7.3.1. The composite of treatments for the planning area are designed to enhance long term forest health

and meet RMP and Northwest Forest Plan objectives. Section 4.7.10 provides a *Summary of effects on late-successional habitat and species*, and while acknowledging cumulative effects, also notes the remaining sub-watershed late successional reserve forests will support both habitation and movement of late-successional species. And although there would be some effects to habitat corridors and connectivity, the cumulative effects of the overall landscape plan and individual projects are consistent with the Medford RMP.

The Glendale Resource Area is aware of the August 1, 2005, U.S. District Court order in Northwest Ecosystem Alliance et al. v. Rey et al. which found portions of the *Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (January, 2004) (EIS) inadequate. The Glendale Resource Area is also aware of the recent January 9, 2006, Court order which:

- set aside the 2004 Record of Decision *To Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern spotted Owl* (March, 2004) (2004 ROD) and
- reinstated the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (January, 2001) (2001 ROD), including any amendments or modifications in effect as of March 21, 2004.

The order further directs "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities....unless such activities are in compliance with the provisions of the 2001 ROD (as amended or modified as of March 21, 2004)".

The litigation over the amendment that eliminated the Survey & Manage mitigation measure from the Northwest Forest Plan does not affect the Mari Kelsey Timber Sale. The Kelsey Whisky Landscape Plan and Resource Management Plan Amendment and Final Environmental Impact Statement references the 2001 Survey and Manage ROD (p. A-89). The Glendale Resource Area reexamined the individual project record for the Mari Kelsey Timber Sale to verify all required surveys have been completed before issuing a Record of Decision in light of the Court ordered remedy (FEIS, p.4-28 & 4-29). As a result, surveys for Survey & Manage (S&M) species were completed in April 2006 according to the 2001 protocol (2001 ROD as amended or modified as of March 21, 2004). All survey sites are known and the Glendale Resource Area has re-established the appropriate site management and prescriptions for the Mari Kelsey Timber Sale, as required by protocol standards that comply with the January 9, 2006 ruling that reinstated the 2001 ROD. The attached documentation of the wildlife and botany 2001 S&M compliance review forms, undertaken by this office with my concurrence and signature, details further information regarding sites. Therefore, based on the preceding information regarding the status of surveys for S&M wildlife and botany species and the results of those surveys, it is my determination that the Mari Kelsey Timber Sale will comply with the provisions of the 2001 ROD, as amended or modified as of March 21, 2004.

The Glendale Resource Area is also aware of ongoing litigation Pacific Coast Federation of Fishermen's Associations et al. v. National Marine Fisheries Service et al. (W.D. Wash.) related to the 2004 supplemental environmental impact statement and record of decision for the Aquatic Conservation Strategy. The Magistrate Judge issued findings and recommendations to the Court on March 29, 2006. The District Court has not yet adopted them. The Court has not found this amendment to be "illegal," nor did the Magistrate recommend such a finding. The District Court has yet to adopt the findings and recommendations and rule.

Impacts to aquatic systems were analyzed through the Aquatic Conservation Strategy Consistency Analysis (FEIS Appendix 11).

Discussion of potential impacts to Port-Orford-cedar (POC) through the mechanism of a root disease, *Phytophthora lateralis*, was included in the FEIS (FEIS p. 4-30). One isolated, uninfected population of Port-Orford-cedar is known to occur within the planning area and was described (FEIS p. 3-16). If POC is found during implementation, protective guidelines current at the time of action will be applied.

### **Mitigation Measures**

The BLM prepared an Environmental Impact Statement for this project because of the sensitivity of the area to the interested public coupled with the RMP amendment proposals. The Kelsey Whisky landscape planning area encompasses the Wild Rogue Watershed and includes designated critical habitat for northern spotted owls and marbled murrelets, a Late-Successional Reserve, and two connectivity/diversity blocks. The watershed borders the Wild Rogue Wilderness to the west, and has a portion of the Rogue Wild and Scenic River Corridor through the center of the planning area. The analysis of the actions proposed for this portion of the project (Mari Kelsey Timber Sale) does not show any major impact of environmental concern. Furthermore, the proposed action already has incorporated into the design of the project alternatives design features that would minimize impacts (see FEIS section 2.3). For example, all alternatives include seasonal work restrictions in relation to stream channel activity, stream buffers, restricted locations for equipment refueling, and temporary work suspension when soil saturation on roads threatens excessive stream sedimentation.

### **Public Involvement in the Planning Process**

The Kelsey Whisky planning involved the public through three public scoping meetings in June, July and October, 1999; through accepting comments on development of alternatives and analysis of effects through March, 2001; through a 90-day comment period for the Draft EIS (DEIS) from April 12 through July 12, 2002; and through a 30 day protest/comment period for the Final EIS (FEIS) from March 21 through April 21, 2003. BLM received comments from the scoping as well as the two document review processes (DEIS: 145 comments; FEIS: 48 comments). The comments from the DEIS were evaluated and incorporated when revising the FEIS text. The evaluation of the comments is included in the FEIS as Appendix 15.

Two protests dealing with the exclusion of the ACEC from the preferred alternative were filed with the Director of the BLM and were resolved in July 2003. From the protests the Director

identified two major issues which concerned maintaining a late-successional corridor and inconsistency with the purpose and need by not designating an ACEC. The Director found the cumulative effects to be consistent with the goals and objectives of the Medford RMP and the Northwest Forest Plan, and would not diminish future opportunities for management. RMP Amendment decisions were made under the *Record of Decision for the Medford District Resource Management Plan Amendment in the Kelsey Whisky Landscape Management Area*. No RMP Amendment decisions are included in the Record of Decision for the Mari Kelsey Timber Sale.

Since the signing of the last Record of Decision (California Gulch Timber Sale), BLM has received 278 comment letters. BLM responses to substantive comments are found in the attached *Public Comment to Mari Kelsey Timber Sale in the Kelsey Whisky Landscape Management Area and BLM Response*. Public comments were considered before reaching a final decision for the Mari Kelsey Timber Sale.

### **Consultation with U.S. Fish and Wildlife Service and National Marine Fisheries**

#### Endangered Species Act

Consultation for the Mari Kelsey Timber Sale was completed with the U.S. Fish and Wildlife Service through the Programmatic Biological Assessment (BA) for the Re-initiation of Consultation on Activities that May Affect Listed Species in the Rogue River/South Coast Province (Medford District Bureau of Land Management and Rogue River-Siskiyou National Forests) and Biological Opinion (Log#: 1-15-06-F-0162).

Consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (under the name NOAA Fisheries at the time of consultation) was conducted under Section 7, of the Endangered Species Act of 1973. We will adopt and implement any required terms and conditions which are identified in the biological opinions issued in the consultations under the Endangered Species Act.

The 0.25 mile of temporary spur road construction in Unit 33B is consistent with the analysis of other temporary spurs within the FEIS. The function of the suitable nesting/roosting/foraging/dispersal habitat stand, adjacent to the proposed spur, would not be measurably changed from the impacts discussed in the FEIS. Since the modified treatment areas were already included in consultation with U.S. Fish and Wildlife Service, the impact of the project on this element of the environment is within the scope of the FEIS and Biological Opinion.

The additional temporary road construction is consistent with the analysis of other temporary spurs within the FEIS since the road is located on a stable ridge top, is outside of riparian reserves, and would not cross any streams. The effects of the logging system changes were considered in the Kelsey Whisky BA. The adjustments of the unit boundaries are within the scope and range of effects as described in the Kelsey Whisky BA and Letter of Concurrence. The action does not fall under the criteria for re-initiation since (1) new information has not surfaced revealing effects not previously considered, (2) the effects of the modified action are

within the effects analyzed in the Kelsey Whisky BA, and (3) no new species nor critical habitat has been designated (50 CFR 402.16).

### Magnuson-Stevens Fishery Conservation and Management Act (MSA)

Pursuant to BLM Instruction Memorandum No. 2001-158, the Bureau is required to consult on all new federal actions that have been determined to adversely affect Essential Fish Habitat, while consultation is not required for actions determined not likely to adversely affect Essential Fish Habitat (EFH).

As stated in NOAA Fisheries Letter of Concurrence (2/4/2003), “Because the habitat requirements, (i.e., EFH) for the MSA-managed species in this project area are similar to that of the ESA-listed species, and because the conservation measures that the BLM included as part of the proposed action to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects to designated EFH, conservation recommendations pursuant to MSA (305 (b)(4)(A)) are not necessary.”

### **Tribal Participation**

Under Federal law and regulations, consultation with Native American Tribes who have an interest in the planning area is required. There are no areas within the Kelsey Whisky FEIS Planning Area that are known to be currently important as Native American religious sites or are in use for traditional purposes.

### **Decision**

I have determined that a supplemental environmental impact statement is not necessary for the modifications of Alternative 1, as described above, because: 1/ there will be no substantial changes to the action as originally proposed in the FEIS and 2/ there are no significant new circumstances, information, or facts relevant to environmental concerns or impacts which were not addressed in the FEIS. Therefore, the modifications do not affect the adequacy of the analysis contained in the Final Environmental Impact Statement.

Having considered a full range of alternatives, associated impacts, and public input, the decision is hereby made to implement the modified Alternative 1 for the Mari Kelsey Timber Sale portion in the Kelsey Whisky Landscape Management Plan.

The planning and analysis process as well as the resulting resource management directions have been developed and will be implemented in a manner consistent with the procedures and intent of the Federal Land Policy and Management Act of 1976, the National Environmental Policy Act of 1969, the Oregon and California (O&C) Sustained Yield Act of 1937, the Endangered Species Act of 1973, the Wilderness Act 1964, the National Wild and Scenic Rivers Act of 1968 and other applicable statutes, Executive Orders, regulations, manuals and handbooks.

### **Administrative Remedies**

This decision is a forest management decision. Administrative remedies are available to persons who believe they will be adversely affected by this decision. In accordance with the BLM Forest Management Regulations (43 CFR § 5003.2(1)), the decision for the Mari Kelsey Timber Sales will not become effective, or be open to formal protest, until the 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 and signed protest to Glendale Field Manager, Grants Pass Interagency Office, 2164 NE Spalding Avenue, 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 which portion or element of the decision is being protested and why it is believed to be in error, as well as cite applicable regulations. Faxed or emailed protests will not be considered.

**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 either Katrina Symons, Glendale Field Manager, Grants Pass Interagency Office, 2164 NE Spalding Avenue, Grants Pass, OR 97526; telephone 541-471-6653 or Martin Lew, Ecosystem Planner; telephone 541-471-6604.

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

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Date

# ATTACHMENT 1

## PUBLIC COMMENT TO MARI KELSEY TIMBER SALE IN THE KELSEY WHISKY LANDSCAPE MANAGEMENT AREA AND BLM RESPONSE

The Kelsey Whisky Landscape Management Area planning involved the public through three public scoping meetings in June, July and October, 1999; through accepting comments on development of alternatives and analysis of effects through March, 2001; through a 90-day comment period for the Draft Environmental Impact Statement (DEIS) from April 12 through July 12, 2002; and through a 30-day comment/protest period for the Final Environmental Impact Statement (FEIS) from March 21 through April 21, 2003. BLM received comments from the scoping as well as the two document review processes (DEIS: 145 comments; FEIS: 48 comments). The comments from the DEIS were evaluated and incorporated when revising the FEIS text. The evaluation of the comments is included in the FEIS as Appendix 15.

Two protests dealing with the exclusion of the Area of Critical Environmental Concern (ACEC) from the preferred alternative were filed with the Director of the BLM and were resolved in July 2003. From the protests the Director identified two major issues which concerned maintaining a late-successional corridor and inconsistency with the purpose and need by not designating an ACEC. The Director found the cumulative effects to be consistent with the goals and objectives of the Medford RMP and the Northwest Forest Plan, and would not diminish future opportunities for management. RMP Amendment decisions were made under the *Record of Decision for the Medford District Resource Management Plan Amendment in the Kelsey Whisky Landscape Management Area*.

To date, there have been four separate records of decision issued relating to the *March 2003 Kelsey Whisky Landscape Plan and Resource Management Plan Amendment and Final Environmental Impact Statement* (FEIS). The first is the Record of Decision, Medford District Resource Management Plan Amendment in the Kelsey Whisky Landscape Management Area, September 2003; the second is Record of Decision, Forest Health and Fuels Treatments in the Kelsey Whisky Landscape Management Area, November 2003; the third is the Record of Decision, Upper East Kelsey Timber Sale, November 2003; and the fourth is the Record of Decision, California Gulch Timber Sale, November, 2004.

Since the signing of the last Record of Decision (ROD), the Bureau of Land Management (BLM) has received 278 comment letters. BLM responses to public comments are found below and were considered in reaching a final decision for the Mari Kelsey Timber Sale.

If a number of comments are identical or very similar, agencies may group the comments and prepare a single answer for each group. Depending on the volume of comments received, responses may be made individually to each substantive comment or similar comment may be combined and a single response made. CEQ (40 CFR 1503.4) identifies five possible types of responses for use with environmental impact statements.

1. Modify alternatives including the proposed action.
2. Develop and evaluate alternatives not previously given serious consideration by the agency.
3. Supplement, improve or modify the analysis.
4. Make factual corrections.
5. Explain why the comments do not warrant further agency response, citing the sources, authorities or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

The below organizes responses to comments submitted to BLM after the signature date of the last ROD.

1	Rich Penfield	2	Matthew A.	3	Kiley Faubian
4	Sharon Prow	5	Rose	6	Lauren Spector
7	George Wuerthner	8	unidentifiable	9	Clair Highfield
10	Brook Colby	11	Amber V.	12	Milhinzie Dillon
13	Jessica Dahl	14	Chad Derusier	15	Zachary Scholze
16	Jay Harold	17	Carol Ampil	18	Bridgette Luffe
19	unsigned (4-22-05)	20	Deidre Deen	21	Rachael Schneider
22	Mat Marr	23	Noah	24	Nicole Kay
25	Bryan Hathaway	26	Kristine Folds	27	Lauren Spector
28	Elizabeth T.	29	Bennett	30	K.G.
31	Jolaina Peltier	32	Camille & Emily	33	L.F.
34	Sara Anglin	35	Ada	36	Alison H.
37	Mark Breeden	38	Dirk Price	39	Janelle Krause
40	Walter Simpson	41	Golden	42	Alycia
43	Keven Sutton	44	Marsha Small	45	John Speere
46	unsigned	47	Rachel D.	48	Reed Bentley
49	unsigned	50	Haney	51	Kendra Werd
		52	Scott Becker	53	Jenna Gray
54	Amy Baldo	55	Autumn Higgins	56	Erika Read
57	Scarlett Hart	58	Jennifer J.	59	David Myers
60	Mariel C.	61	S. Kooli	62	Russell Wiegel
63	Katie Kleaveland	64	Mark Schott	65	Stacy Stanfill
66	Sarah Praskievicz	67	Tom Keenl	68	Gretchen Handke
69	Corey Webber	70	Jarrett Davidson	71	Cali S.
72	Laura Rost	73	Caleb Peterson	74	Kathryn Moon
75	Tara Brown	76	J.P.	77	Cole H.
78	Chris Ramsby	79	Kate F.	80	Rob Kaster
81	Angela Lenire	82	Matt Jost	83	Kevin K.
84	Nick Levine	85	Brooke A.	86	Hesid Branelov-Ysrael
87	Lane Bergeron	88	Jimmy Wu	89	Barbara Saliol
90	Jon Bergstrom	91	N.B.	92	Matt Tucker
93	Chris Schmidt	94	Lorrain Gonzileg	95	Adeline W.
96	E.K.	97	Diana Hensley	98	Blake Wilson
99	David Berretta	100	Jessica Lee	101	Will Sears
102	Kellie Johnson	103	Ax Prince	104	unidentifiable
105	Matthew Gantz	106	M.L.	107	Shannon Ludas Manuel
108	Lea Ford	109	Erick Bengil	110	Amy S.

111	Chris Colossi	112	Drew Geller	113	Katina Emrick
114	Pat Mayfield	115	Kristin M.	116	unsigned
117	R.H.	118	Chelsea Gustafson	119	Emily Benz
120	D.S.	121	Phil Clark	122	R. Kaska
123	Elizabeth	124	unidentifiable	125	Bailey Boemand
126	Ian Dooley	127	Ryan Holt	128	D. Spur
129	Ashley Arnoux	130	Jossalyn Bradbury	131	Nicola R.
132	Tom Graham	133	Sam Sorrentino	134	Jane Palmieri
135	Matt R.	136	M. Lubber	137	Pamela Freidel
138	Allison Moffitt	139	Lisa R.	140	M. Soti
141	Ian Taylor	142	Stephanie Jacobson	143	unidentifiable
144	Chris Downie	145	Tamra Perry	146	Adam Kelly
147	Jen Brown	148	James C.	149	Blaikie B.
150	B.M.	151	Megan Donegan	152	Robin Bansen
153	B. Workinan-Mooralli	154	Liza Tran	155	Eric Lorsen
156	Ellen Falkner	157	Matt F.	158	Sean Smith
159	Tomas M.	160	Alice DiMicele	161	Catherine F.
162	Esther Goldberg	163	Ian Gadberry	164	Diana Kuhlke
165	Justin Rohde	166	Sarah Hale	167	Rose
168	R.T.	169	unidentifiable	170	Danielle McNeill
171	Terry Terrall	172	C. Cotton	173	Peter McCarville
174	Jessica Harris	175	Matt M.	176	Daryl Jackson
177	Carole Jale	178	Alice Reid	179	Kate Lindstrow
180	Nina L.	181	Judy Gin	182	Brian Clark
183	Lyn Wardell	184	Dayton Yamashita	185	Greg
186	Tom Peil	187	Sean Nelson	188	Ann Marie Larquier
189	Cathleen Katz	190	Aaron Maxwell	191	Darby Fallen
192	Jim Freeberg	193	Katie K.	194	Alison Blakeslee
195	Nate Moon	196	Bekkah McAlvase	197	Alexandra Rundle
198	Luke Ruedleer	199	Malena Marvin	200	Craig C.
201	R.C.	202	Shelly Pickett	203	Marsha King-Rosine
204	Dylan Clark	205	Stephanie Skidmore	206	Patrick R.
207	K. Reynolds	208	Savarino Parisi	209	Kristin Robinson
210	Colin Murphy	211	Suzia Fakukeide	212	Shannon Bigham
213	G. Myer	214	Trevor Hagstrom	215	Erin Mayfield
216	Joy Kieras	217	Jeff Markland	218	D.D
219	Jody Folkedale	220	unidentifiable	221	Eva
222	A.T.	223	Anne O.	224	Katy Mike Sonaistria
225	Renee Waterhouse	226	unsigned	227	T. Kelly
228	L. Carnis	229	Jeshna	230	Liby L.
231	Georgia Prince	232	Callie Smock	233	unidentifiable
234	unidentifiable	235	Kelsie Pakenbush	236	Shane Records
237	J.C.	238	Steve Ryan	239	J.R.
240	Spencer James Godard	241	Shadassa Ourshalimian	242	Shana Nunneley
243	Gabrel Gonzales	244	Nevin Freeman	245	Vanessa Blount
246	Laura Newton	247	Marjorie Gosling	248	Michael Bulkin
249	Josh Williams	250	Caitlin Maddigan	251	Ellie Armstrong

252	Sylvia Van Ausdal	253	Gina Tritz	254	Patrick Burton
255	Ursula Barton	256	Katrine Dowell	257	H. D.
258	Leticia Gonzilez	259	J. Lane	260	Pat T.
261	unidentifiable	262	unsigned	263	unidentifiable
264	unidentifiable	265	Susan Menanno	266	Suzanna Mariner
267	Helen	268	Carolyn Eckel	269	Holly Christiansen
270	Sharon Bywater	271	Brian Bodah	272	Lydia Garvey
273	unidentified phone message	274	Sally	275	Don Brown
276	David Mildrexler	277	Yoko Silk	278	Robert Merriam

**Comment 1:** *A number of letters from the public refer to the opposition of old growth logging or timber harvesting in general within the Kelsey Whisky Planning Area, and/or interchange the word clearcutting with regeneration harvesting that leaves at least 6-8 trees per acre (commenters: 1, 4-9, 11-21, 23-35, 37- 40, 42-45, 47, 49-54, 56-58, 60, 61, 64-67, 69, 70, 72, 74, 75, 77- 85, 87, 88, 91, 93-102, 104, 105, 107-109, 111-114, 116-119, 121-125, 127-130, 132-134, 136-142, 144-148, 151, 152, 154-167, 169-175, 177-180, 182, 183, 186, 188, 189, 192, 197, 198, 200, 201, 202, 204-206, 208-210, 212, 213, 215, 217-221, 223-227, 229, 230, 232-235, 241-261, 263, 264, 266, 267, 268, 269, 270, 271-278).*

**BLM Response:** These similar comments regarding the concern of cutting old growth trees were responded to under Appendix 15 of the FEIS (A-160):

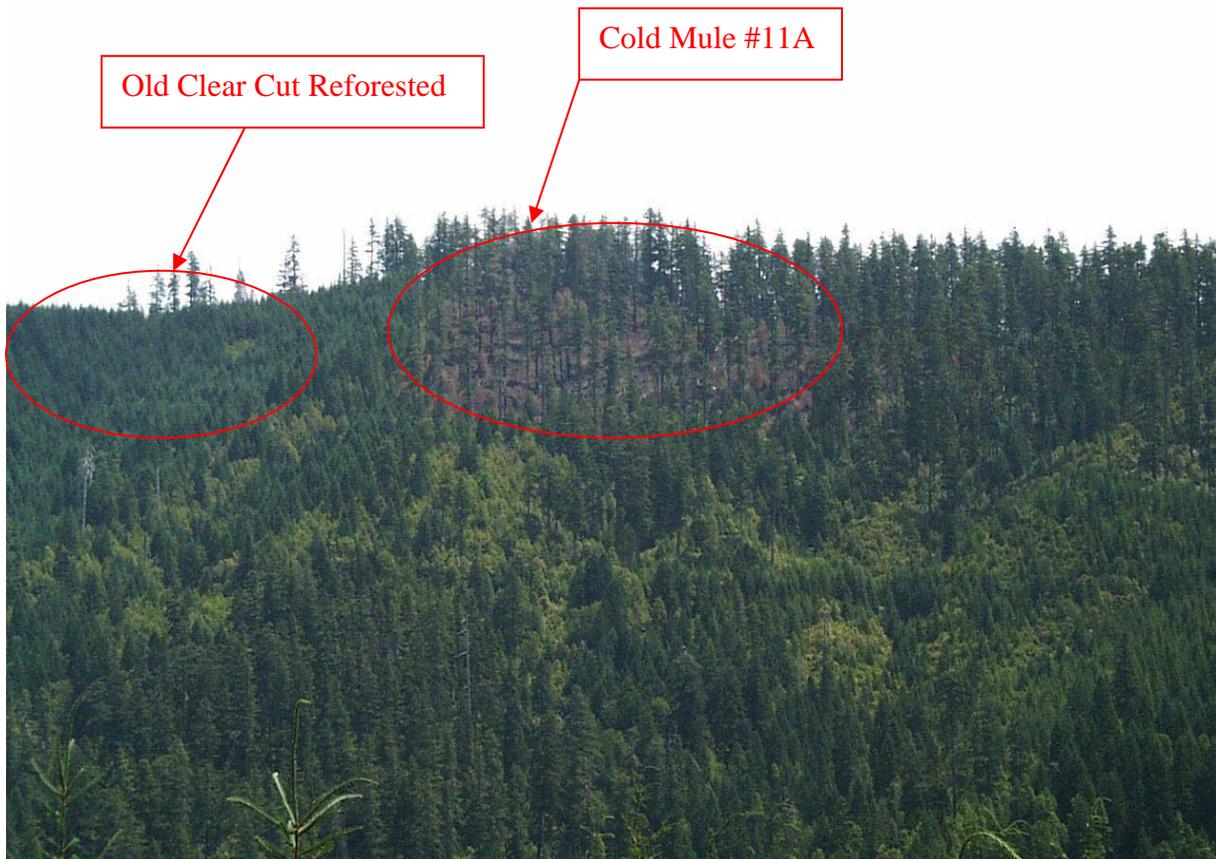
The concerns of whether to harvest old-growth trees, whether to allow commercial timber harvest of these lands, or whether to use timber harvest in general, to achieve landscape management objectives was already decided upon. The Medford District BLM has already completed an Environmental Impact Statement 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 [Record of Decisions], specifically contemplated the ecological significance of the areas in which commercial and non-commercial timber harvest activities would be planned. The Kelsey Whisky EIS conforms to the analysis of these impacts already contained in these programmatic EISs.

The Glendale Resource Area of the Medford Bureau of Land Management has invited local residents and environmental groups to attend three public meetings conducted since 1999, including a field trip to the Project Area in January 2005 with Southern Oregon University students and several members of the interdisciplinary team of the FEIS to explain the timber project development, interdisciplinary input and the National Environmental Policy Act (NEPA) process for environmental analysis.

The below photos are provided to demonstrate the after affects of harvesting and have been acknowledged by local residents as representative characterizations of BLM post harvest effects. The first photo is taken of Unit #3 of the Lost Fortune Timber Sale after harvest. Approximately 10 large trees per acre were retained in this overstory removal.



Below is a recent photograph of Cold Mule unit #11A, which was treated with a regeneration harvest in 2000. Unit #11A is located in the center of the photo and retains approximately 7-9 trees per acre, as required by the Medford Resource Management Plan. In comparison the young stand to the left is an old “clearcut” harvest from the 1960’s now reforested.



Comment 2: *“There are plenty of places to log. Why use this forest?” (57, 87, 256)*

BLM Response: The Mari Kelsey Timber Sale is located on matrix lands which are designated for permanent sustainable forest production. Since Matrix lands compose only 20% of the Medford District’s land base, flexibility for selecting areas for harvest is limited with meeting the objective of harvesting stands before culmination occurs. Stand harvesting may occur at any age above a minimum harvest age set to meet economic and logging-practicality requirements. The sustainable harvest level is highest if minimum harvest age is set at the lowest economically practical age. Over time, however, rotation lengths would approach the age of culmination of

mean annual increment (CMAI). For most regimes and sites in southwestern Oregon, CMAI occurs near 100 years of age (RMP, p.181). The Medford RMP identified a minimum age for regeneration harvesting at 100 years (RMP, p. 74).

Comment 3: *Commenter 172 stated their disfavor for selling these lands.*

BLM Response: There appears to be a misunderstanding by the commenter. The timber is proposed for sale, not the land. The land would remain as public land, managed by the BLM.

Comment 4: *Several commenters expressed concern for future generations to see and enjoy the forests. (10, 25, 39, 11, 49, 71, 73, 82, 86, 88, 92, 94, 108, 131, 137, 141, 155, 156, 158, 163, 170, 178, 180, 185, 191, 197, 206, 217, 224, 245, 247, 253)*

BLM Response: The Northwest Forest Plan (NFP) was developed in response to controversy over the northern spotted owl and old-growth federal forests of the Pacific Northwest. President Clinton at that time set forth five principles to guide the development of the NFP. The land allocations and Standards and Guidelines in the NFP satisfy the objectives by the President, which comply with the requirements of federal law, are based on the best available science, are ecologically sound, will protect the long-term health of the federal forests, and will provide a steady supply of timber sales and non-timber resources that can be sustained over the long term without degrading the health of the forest or other environmental resources (NFP ROD, pp. 3, 4).

Comment 5: *This commenter (46) stated, the six to eight leave tree for regeneration harvest seemed a bit heavy and has concern that too much regeneration harvesting would cause an increase in ladder fuels. "I do support logging fir around sugar and ponderosa pine to increase pine regeneration. Fir regeneration in southern Oregon however, is a problem, not the solution." Other commenters had concerns about the increased risk for wildfire after harvesting (269).*

BLM Response: Plantations, although they may present an area with increased fire rates of spread due to the presence of flashier fuels, may also provide areas in which effective and efficient fire suppression operations can occur (Martin, C., 2006. Fire Ecologist, Medford District, BLM. *Personal communications to run Behave3 and FMAPlus 2 fire behavior computer models.* May 31, 2006. Medford, OR). For example, air attack operations with air tankers and helicopters are generally less effective in stands with taller trees and closed canopies. Also, access through managed areas is already in existence, meaning mechanical equipment such as dozers can be used in a much more efficient manner. Existing fire barriers, such as roads and firelines, may also already exist in managed areas, meaning fire control lines take less time construct than in older stands, in most instances (Martin, 2006)

Scientific evidence exists supporting the notion that plantations are vulnerable to fire and may exacerbate fire behavior, particularly during times of dry conditions and in stands that have received slash-producing maintenance treatments (such as pre-commercial thinning) where the slash remains on site and is not mitigated (Martin, 2006). However, in most instances, monitoring plots taken in older stands in the local area reveal that the number of small trees (up to 8 inches dbh) with varying heights are at such levels of abundance that these stands are also

vulnerable to fire and have the potential to produce catastrophic fire behavior during dry conditions (Martin, 2006). Computer modeling provides a method for comparing the effects of various management prescriptions on fire behavior. Behave3 allows the user to input local stand characteristics and weather parameters in order to determine flame length and rate of spread. Recent sample data generated for a similar timber sale within the Glendale Resource Area produced the following results: the high end of the range for flame lengths in mature stands (8 feet) exceeded the high end in early seral stands (7 feet) and mid-closed stands (3 feet) that are indicative of plantations.

The commenter has not identified how fir regeneration is a ‘problem’ in southern Oregon. Douglas fir is a natural component of forests in southern Oregon and is the natural dominant tree species for this region as identified in the Kelsey Whisky FEIS (Appendix 13. Silvicultural Prescription for Alternative 1, p. A-91), “Stands proposed for treatment can be categorized as being Mixed Evergreen or Mixed Conifer as described by Franklin and Dyrness in Natural Vegetation of Oregon and Washington (1973). Units are in the tanoak and Douglas fir series. Douglas fir is the primary conifer species. Ponderosa pine, sugar pine, and incense cedar occur within the project area. Primarily hardwood [evergreens] and shrub species include Pacific madrone, golden chinquapin, tanoak, canyon live oak, rhododendron, and salal.”

Comment 6: *“I don’t want forest fires in the Zane Grey Roadless Area. Cutting old-growth is not the way to accomplish this goal.”* (103)

BLM Response: The primary objective of the Mari Kelsey Timber Sale is not hazardous fuels reduction, but rather timber extraction. Refer to response to Comment 5 regarding fire hazard after harvest.

Comment 7: *Several commenters recognized the need for timber to produce materials, however they questioned the sustainability, stand recovery, and economics of harvesting old growth. “I understand the need for lumber and income which could come from the Kelsey-Whisky timber sale. However, the truth is income wouldn’t be great and the timber would run out sooner or later.”* (142, 241). *“Yes, wood is an important and valuable resource commodity and replanting is viable, but it would take approximately 1,000 years to re-grow an old-growth forest with the essential ecosystem for the particular species that depend on these limited few remaining areas.”* (242). *“I do believe that logging is necessary for many reasons, like manufacturing, yet it seems that cutting down portions of the old-growth forest is extremely unnecessary. If logging companies say they re-plant trees in these areas that have been cut down, then there should be no reason for them not to cut down those trees.”* (63, 129, 252). *“I realize the BLM like many government agencies is in economic decline, and the few remaining old-growth sales would produce revenue. I do not believe that there are enough old growth forests left to rejuvenate government employment. Moreover, it is critical that our forest management practices begin to focus on managing in a sustainable fashion. There are plenty of second and third growth forests to provide a reasonable working timber and product industry.”* (126).

BLM Response: The Medford RMP (p. 9) provides management direction for old-growth and mature forest habitat. Of the total 859,096 acres of Medford BLM managed lands, 497,500 acres are to be managed for retention and development of older forest (LSRs, riparian reserves and

other lands not available for timber harvest). The RMP identifies that lands available for scheduled timber harvest total 191,000 acres. Given the amount of acres available for harvesting, there is no risk of rapidly cutting old growth or commercial timber on Medford BLM managed lands.

How do we manage in conformance with Sustained Yield under the RMP?

The determination of the annual productive capacity is based upon the calculation of the Allowable Sale Quantity. In this calculation the current forest inventory is used to project over many hundreds of years the management practices outlined in the plan to demonstrate the harvest levels are sustainable. With plan revisions and new inventories the annual productive capacity is reassessed and is declared in the Record of Decision for the next implementation period.

Given that prior to the NFP the BLM was enjoined and not harvesting timber and under the NFP 80%+ of the lands have been managed for late-successional forest objectives, and the harvest rates in the matrix have not met anticipated levels over the last decade it could be expected that we are gaining in standing inventory over previous estimates.

Comment 8: *Several commenters questioned the sustainability and economics of harvesting old growth. Short-term profit of logging old-growth does not compare to the cost of restoring damaged watersheds created by logging. Logging may bring profit at first, but what about ten years from now? There are many employment opportunities available through work in road decommissioning and closure, manual treatment of fuel loadings, and plantation thinning. Recent polls indicate that 75% of Oregonians do not support old-growth logging, and in rural counties that depend more directly on the wood products industry, 67% do not support old-growth logging. (4, 225, 228, 234). “It is time the region recognizes the need to find alternative, sustainable income sources, and move away from logging.” (72). When most timber sales are sold at a loss, it is evident that the BLM priorities are private interest. I believe that the conservation of our forests exceeds the requirement of utilizing the natural resources that the Oregon land has to offer. The only foreseeable gain would be the temporary increase of jobs. But, as an industry that conducts business in a self-destructive manner of both the industry itself and the environment, there are only minor short-term gains and a future of devastation. (249).*

BLM Response: See response to “7.” One of the primary objectives identified in the RMP is implementing the O & C Lands Act which requires the Secretary of the Interior to manage O&C lands for permanent forest production in accord with sustained yield principles (ROD/RMP, p.17).

Comment 9: *Several commenters expressed stand recovery concerns. “During the Dutch Kelsey Timber Sale in 1983, 305 acres were clearcut, and now only small trees and shrubs have grown over the past twenty years. With 9.8 million feet logged, this would take years and years for small trees to grow back.” “With this project, 20% of the old growth forest, the spotted owl’s habitat, would be destroyed. 60% of the canopy of the forest is going to be removed by commercial thinning and up to 12 million feet can be logged.” (45, 251)*

BLM Response: See response to “7.”

Comment 10: *“Our ecology is fine the way it is and the ozone is tearing the more we burn trees.” (229).*

BLM Response: The burning of trees does not contribute to the depletion of the ozone layer. If you are referring to the ozone hole, it is caused by chlorine and bromine gases in the stratosphere that destroy ozone. These gases come from human-produced chemicals such as chlorofluorocarbons, otherwise called CFCs.

Comment 11: *“Please protect all LSRs even after a forest fire. Allow the forest to regenerate on its own and not by timber companies who salvage log damaging the fragile post fire ecosystem and then plant tree farms causing hot intense fire.” (262)*

BLM Response: The Mari Kelsey Timber Sale is located in Matrix land not an LSR. This timber sale is not a post fire salvage sale.

Comment 12: *“There is no reason for you or the BLM to choose a site with such high recreational use.” Several commenters stated they use the area for hiking, fishing, camping, rafting, kayaking. One identified hiking within the Wild and Scenic Rogue River corridor. Other commenters requested this stretch of the Wild and Scenic Rogue River be preserved. (5, 12, 18, 20, 23, 40, 49, 52, 53, 56, 62, 64, 67, 68, 69, 70, 75, 89, 94, 95, 100, 130, 137, 144, 148, 149, 151, 152, 153, 166, 176, 177, 185, 186, 193, 207, 209, 211, 216, 220, 226, 231, 260, 268, 269, 276, 277).*

BLM Response: The decision has already been made to allocate these lands as Matrix for the primary purposes of timber production under the Record of Decision for the Northwest Forest Plan. Twenty percent of the federal ownership of the federal forests in the Pacific Northwest are Matrix, while the remaining 80% are designated as reserves (Congressional, riparian, and late successional) for the purpose of developing or retaining old-growth. The effects to recreational use in the Planning Area was analyzed in the FEIS, “All alternatives would present little or no impact on existing recreation uses within the area...recreation use in the planning area is focused and concentrated within the boundaries of the Rogue National Wild and Scenic River. Recreational activities occurring within the river corridor would be minimally affected by any of the alternatives, if at all. Neither the Grave Creek to Marial or Galice-Hellgate National Back Country Byways would be adversely affected by any of the alternatives. Dispersed recreation activities which occur along the other existing roads and those activities in unroaded areas within the planning area would not be affected by any of the alternatives. Those areas would continue to remain open to the same type of use it currently experiences.” (FEIS, pp. 4-41, 4-42).

The Mari Kelsey Timber Sale does not propose any harvest units within the Wild and Scenic Rogue River corridor so recreational use of the river would not be affected.

Comment 13: *Several commenters noted the value of tourism on Oregon’s economy. Others stated eco-tourism is the route to increase jobs and clearcutting does not support our long-term economy. A compilation of comments stated the economic, recreational, historical, and spiritual benefits of preserving this land exceed the short-term profit of old-growth logging. The state of*

*Oregon gains extensive revenues from these pristine areas that are completely unique upon the face of this Earth, travelers come from around the world to see, visit and explore these areas for the unique experience that is like no other place on Earth through hiking, fishing, swimming, animal viewing, and various boating experiences. Forests provide millions of dollars to the surrounding Rogue Valley in commercial activity every year. (4, 16, 21, 31, 42, 48, 57, 66, 115, 183, 199, 213, 253).*

BLM response: See response to comment 1 regarding the decision to log old growth forests. See response to 8.

Comment 14: *“Last year I wrote an extensive paper on old growth forests. Through my research, I interviewed several professionals and they all told me the same thing: old growth forests are invaluable.” (37).*

BLM Response: Twenty percent of the federal ownership of the federal forests in the Pacific Northwest are Matrix, while the remaining 80% are designated as reserves (Congressional, riparian, and late successional) for the purpose of developing or retaining old-growth. The Mari Kelsey Timber Sale is located on matrix lands which are designated for permanent sustainable forest production.

Comment 15: *“The damage done by the removal of this old growth area would be more devastating compared to the benefits. Only 5% of old growth forests are left here in the west coast.” (257) Another commenter states, “This area makes up part of the 3% of virgin old growth forests left in the nation.” (112).*

BLM Response: The Salem, Eugene, Roseburg, Coos Bay, Medford, and Klamath Fall BLM Districts are revising their resource management plans into one consolidated management plan for western Oregon named, “The Western Oregon Plan Revision”. A series of documents were released to the public that provides the structure for this revision including the “Analysis of the Management Situation” (AMS) document. This document summarizes updates and findings of the current conditions for western Oregon’s BLM land as well as identification of current concerns. Since the BLM does not have jurisdiction over lands managed by other federal, state, and local governments, nor private land, it cannot control the harvesting of old growth timber on such lands. However, page 22 of the AMS notes that “15% of BLM land in western Oregon is old-growth” and is defined as trees greater than 200 years of age for purposes of this inventory.

Comment 16: *Several commenters mentioned the majority of comments received on the Draft Kelsey Whisky EIS (140 out of 144 letters received) opposed timber harvesting in the project area. Such commenters made statement. They questioned whether the BLM has not given the necessary consideration of this public input and voiced it is the responsibility of your organization to take into account the views of local, politically active citizens, as well as the important environmental impact. (4, 28, 45, 51, 61, 115, 124, 199, 223, 243, 244, 245, 249, 251, 254, 255, 271, 276, 278).*

BLM Response: While the BLM encourages public input on this and other National Environmental Policy Act (NEPA) documents released for public comment, this input is not a

form of voting. Rather the purpose of this input is to ensure adequacy of statements made or identification of site specific issues that individuals may have additional information on to incorporate as part of the analysis. As stated in response to comment 1, the decision to log old growth forests has already been made through the Northwest Forest Plan and Medford District Resource Management Plan.

However, it is important to recognize that frequently the volume of comment letters received on such projects are focused on opposition while those that support such projects in the community may submit a few letters or remain silent. Therefore, BLM does not believe that there is any true “social consensus” regarding the BLM’s management of timbered lands in Oregon. If there is a “social consensus,” it is found in the Congressional directive of the O&C Act to produce a sustainable supply of timber from these lands. Until Congress provides different direction, BLM will continue to follow present management direction. The Glendale Resource Area extensively responded to the comments received through the 144 comment letters received on the Draft EIS (FEIS, pp. A-160-172).

Comment 17: *“I am writing to you as a concerned community member for the safety and preservation of the old growth forests within the Kelsey-Whisky region. Most of the proposed logging is in areas where spotted owls thrive. Old growth forests are their only habitat, as well as a few other animals. How can we take away the only habitat they have left? I also question the long term effects, the impact on which the logging will have on the area. We are not talking selective thinning, but commercial logging. 930 acres will be subject to this, including approximately 1.5 miles of clear cutting to make way for roads and other spaces to accommodate the retrieval of the timber.” (Direct quote from 245, similar comments received on the concern for the spotted owl from 198, 213, 247, 248, 250, 251, 252, 253, 245, 276).*

BLM Response: Neither the Mari Kelsey Timber Sale nor any other timber sale produced from the Kelsey Whisky FEIS would eliminate the remaining portion of spotted owl habitat. Consultation on acres proposed for removal and degrading for the Mari Kelsey Timber Sale was initiated with United States Fish and Wildlife (USFWS) through the FY06-08 Biological Assessment. The USFWS replied with a Biological Opinion in August 2006, stating among various other management activities proposed, the Mari Kelsey Timber Sale would not contribute to jeopardizing this species or need to list this species from threatened to endangered.

Comment 18: *A few commenters believed the BLM is a private timber company. (235, 249)*

BLM Response: The BLM is not a private timber company. It is part of the Department of Interior, formed to implement multiple resource use objectives, including sustainable timber production. The U.S. Congressional directive of the Oregon & California Act of 1937 directed the BLM to produce a sustainable supply of timber from these lands. The BLM will continue to follow present management direction until Congress provides different direction.

Comment 19: *Several commenters made general statements regarding concern for wildlife harm or survivability as a result of timber harvesting. (18, 21, 55, 63, 65, 68, 81, 88, 92, 95, 103, 112, 119, 124, 131, 133, 147, 150, 156, 158, 179, 180, 189, 191, 193, 200, 231, 268, 276). Others voiced concern for endangered species and critical habitat (6, 188, 198). “By cutting down this*

*forest area over 45,000 acres are endangered.” (28). “Species are becoming more and more endangered by these kinds of aggressive resource extraction. I’m strongly against this logging, it is more valuable than just its lumber.”*

BLM Response: Chapter 4 of the FEIS contains a detailed analysis of the anticipated effects on wildlife and critical habitat from the proposed timber harvesting. Also see response to comment 17 concerning compliance with the Endangered Species Act.

Comment 20: *Several commenters have general concerns about air quality as a result of harvesting or others stated a concern about the availability of oxygen. One individual mentioned concern to an increase in asthma risks (3, 47, 55, 114, 119, 131, 178, 181, 194).*

BLM Response: The scale of this timber sale or the other proposed harvesting within the Kelsey Whisky FEIS, would not affect oxygen availability nor increase the risk for asthma. Areas harvested by regeneration harvest will be planted within the same year so the cycle of oxygen produced by trees may continue.

Comment 21: *A few commenters stated they oppose new road construction or did not understand the need for additional road construction in consideration of the amount of roads on public land, new road construction would be unnecessary. (147, 230).*

BLM Response:

Temporary and permanent road construction is proposed to access treatment units where no roads exist or road conditions are overgrown and inaccessible. Units without current accessibility considered helicopter logging.

Helicopter yarding is used instead of tractor or cable yarding methods for such reasons as limited access due the high cost of building roads or risk sedimentation from mid-slope road building. The costs for helicopter logging are much higher than conventional harvesting systems. The appraisal costs for helicopter yarding with the Boeing BV-234 is \$5,400 an hour with a consumption of 405 gallons of jet fuel an hour. A heavy helicopter such as a Boeing BV-234 can lift up to 10,000 pounds and would be needed for trees with over 1,000 pounds (greater than 24 inches DBH). A small heavy helicopter such as a K-Max can lift up to 5,000 pounds and can be used for logs less than 1,000 pound (less than 24 inches DBH). Move in costs would be approximately \$10,000 per ship.

As an example the appraisal cost of helicopter yarding came out to \$302/mbf, the cost for cable yarding system came out to \$139/mbf on the Willy Slide Timber Sale.

Temporary roads do not contribute to the overall road density since they are decommissioned after use (ripped with a winged subsoiler, waterbarred, mulched and seeded).

Comment 22: *One commenter expressed concerned clearcutting will cause mud slides (234).*

BLM Response: The BLM has not practiced the “clearcutting” method of harvesting since the Record of Decision of the Northwest Forest Plan, 1995. “All harvest units as well as proposed

road locations would be on stable ground” (FEIS, p. 4-4). The proposed timber harvesting with the implementation of Best Management Practices to minimize soil disturbance would not cause mud slides to occur. Refer to response to comment 1 for photographs of regeneration and overstory removal methods of harvesting timber under the Northwest Forest Plan.

*Comment 23: A number of letters from the public refer to the Kelsey Whisky area as the Zane Grey Area and regarding it as roadless area or wilderness area. There were numerous comments requesting no logging, no additional roads be built within this area, and requested it to be designated as wilderness. In fact, several commenters refer to it as “one of the only roadless areas in the U.S.” or as “the largest roadless area in the U.S.” Others stated the long-term ecological, economic, and recreational values of the Zane Grey better serve the American public than the short-term profit of logging. Other commenters believe the “Zane Grey is one of the only old growth forests left in Oregon”. (48). “Despite overwhelming opinion to protect old-growth and roadless forests, including 2/3rds of Oregonians, the BLM continues to convert the public’s old growth forests into tree plantations. Elected officials, fishermen, rafting companies, the Native Plant Society, local landowners and concerned citizens have asked that the BLM spare the older forests in the Kelsey-Whisky project area, and to protect the Zane Grey as a Wilderness Area.” (commenters: 9, 12, 15, 18, 20, 21, 23, 25, 29, 33, 34, 38, 39, 45, 61, 66, 68, 70-72, 77, 83, 89, 92, 95, 97, 98, 101, 107, 112, 118, 121-123, 127, 129, 132-134, 138-142, 144, 145, 151, 154, 157, 160-162, 165-167, 174, 175, 177, 179, 181, 183, 188-190, 195-197, 201, 203, 205, 213, 215, 218-220, 222, 224, 230, 258, 264, 268-271, 276, 277)*

**BLM Response:** The Federal Land Policy and Management Act (FLPMA), section 603 required the BLM to conduct a one-time wilderness review, which included an inventory of roadless areas. In compliance with FLPMA, a wilderness inventory of the Zane Grey Unit 11-16 was completed in 1980 with boundaries that were drawn to conform to the appropriate sections of FLPMA and the Oregon and California Railroad Act. At the end of the inventory phase, the unit was removed from further study as it was found to lack sufficient wilderness characteristics. The Oregon Wilderness Coalition filed a protest in 1980 and an appeal in 1981. The Interior Board of Land Appeals affirmed the decision of the Oregon BLM State Office, February 2, 1983 (IBLA 81-626).

Since the area referred to as the Zane Grey area does not fit the official criteria for a “roadless area”, it can not be the largest or one of the few “roadless areas” left managed by the BLM.

In addition, the FEIS notes, “a high percentage of the area [“Zane Grey Area”] is land allocated for Late Successional Reserve by the Northwest Forest Plan. An extensive area is also identified as the corridor for the Wild and Scenic Rogue River.” These portions of the “Zane Grey Area” will be unaffected by the Mari Kelsey Timber Sale as it is limited to the Matrix land use allocation.

Also refer to response to comment 15 regarding the amount of old growth forests left in Oregon and response to comment 16 regarding “public opinion” on old growth forests.

Comment 24: “Zane Grey provides some of the best Salmon and Steelhead habitat in the Rogue River watershed...Zane Grey is the largest, and one of the most biologically rich, forested roadless areas administered by the BLM in the nation.” (4, 77, 198, 204)

BLM Response: A Biological Assessment describing the project and its effects and maps detailing the project location was submitted to National Marine Fisheries Service (known as NOAA Fisheries at the time at the time of consultation). The Service replied in a Letter of Concurrence, that a “not likely to adversely affect” determination was found. The FEIS also states (p. 4-39), “Because all proposals are consistent with the Aquatic Conservation Strategy (ACS), they would prevent or minimize any adverse effects on aquatic species, their habitat, and to water quality.”

Comment 25: *Several commenters expressed their concern for water temperature, fish species survival, water availability, and water quality including risks of erosion and sedimentation. (63, 22, 138, 141, 143, 158, 172, 176, 181, 198, 269, 276). “I am also worried about the impact on the nearby water sources, especially the Kelsey and Meadow Creeks. With the general heating up of the planet, we should be supplying water in ways with as much coverage as possible, instead of diminishing it. With the destruction of the surrounding forests the creeks are going to heat up quickly killing fish and hurting other aquatic life.” (247).*

BLM Response: “Temperature regimes in all of the streams are likely to be maintained over both the short term and long term since full ACS [Aquatic Conservation Strategy] compliance has been prescribed for all action alternatives.” All streams and each riparian zone adjacent to proposed activities and units will receive Riparian Reserve buffers as established by the Northwest Forest Plan and noted in the Medford District RMP (pp. 26-27) to maintain and restore riparian structures and functions such as the primary and secondary shade zones for temperature. See response to comment 24 regarding fish survival. As such along with the implementation of Best Management Practices, it is not anticipated that there will be any affect on water availability. The FEIS (p. 4-7) acknowledges some affects regarding sediment, “Both Alternative 1 and Alternative 2 would likely result in some unquantified sediment transport in the immediate vicinity of the disturbance caused by road building. It is unlikely to have any effect on streams since the road locations are ridge top and upper slope and avoid unstable areas. Sediment generated by construction activities would not be expected to move more than 100 feet off site (USDA 1989). In compliance with the RMP, straw mulching exposed areas, installation of water dips, surfacing roads, and gating of other roads in the area are all efforts that would be employed to stop or minimize sediment transport to streams.” Kelsey Creek is a fish bearing stream and is functioning properly (FEIS, p. A-158). Meadow Creek is also properly functioning from a hydrologic standpoint.

Comment 26: *“I hold that Oregon possesses the greatest wealth of diversity and beauty in its wild lands. The wilderness of the Rogue River watershed is key in maintaining Oregon’s priceless beauty. (30, 20, 22, 205).*

BLM Response: The Kelsey Whisky FEIS does not propose any activities in the Wild Rogue Wilderness Area. It is located to the west of the Project Area. See Map 4 – Alternative 1 Proposed Vegetation and Road Treatments of the FEIS. Also refer to response to comment 23.

Comment 27: *Several commenters supported the practice of thinning previously harvested stands to reduce wildfire risk or as a source for wood products. (39, 40, 43, 63, 105, 154, 250, 269)*

BLM Response: See response to comment 2 concerning stand harvesting method and response to comment 5 concerning fire risk.

Comment 28: *Commenter expressed frustration with the proposed Area of Critical Environmental Concern (ACEC) dropped.*

BLM Response: The Mari Kelsey Timber Sale does not propose any harvest units within the proposed ACEC and as such, would not diminish future opportunities for management.