

**U.S. Department of the Interior  
Bureau of Land Management  
Roseburg District, Oregon**

**State of Oregon Indemnity Selection  
Application OR 061026**

**Initial Classification Decision Document**

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## SECTION 1 - CLASSIFICATION DECISION & RATIONALE

Oregon  
Serial No. OR 061026

### (OREGON); NOTICE OF INITIAL CLASSIFICATION OF PUBLIC LANDS FOR STATE INDEMNITY SELECTION

On August 16, 2006, the State of Oregon (the State) filed application with the Bureau of Land Management (BLM) to select public lands in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. The need for this action was established under Revised Statutes 2275 and 2276 (43 U.S.C. 851 & 852) and by a federal court decision, Civil No. 85-646-MA. This application was assigned serial number OR 061026.

Lands identified by the State for indemnity selection within the Roseburg BLM District require classification pursuant to Section 7 of the Act of June 28, 1934 and procedures identified in Title 43 Code of Federal Regulations, Group 2400. In accordance with these regulations, a notice of proposed classification of these lands was published on September 12 and 19, 2006 in the Roseburg News Review and was widely publicized. The notice indicated that the BLM would determine through the classification process if any of the lands selected by the State would be transferred. A thirty-day public comment period was provided. BLM considered these comments and the associated environmental analysis, in its decision to initially classify the following described lands as suitable for transfer to the State of Oregon by Indemnity Selection:

Pursuant to the provisions granted to the State of Oregon and applicable federal regulations, the public lands described below are hereby classified for transfer to the State of Oregon by Indemnity Selection:

#### Willamette Meridian, Douglas County, Oregon

Parcel 3 – NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 10, T21S, R7W, WM. (40 ac.); Parcel 4 - NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34, T22S, R4W, WM. (40 ac.); Parcel 5 – Govt. Lot 1, Section 28, T22S, R7W, WM. (39.06 ac.); Parcel 7 – NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 4, T23S, R4W, WM. (40 ac.); Parcel 9 – SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, T25S, R3W, WM. (40 ac.)

containing 199.06 acres.

These parcels consist of the following land use allocations as set forth in the Roseburg Resource Management Plan and Record of Decision:

General Forest Management Area: 27 acres

Riparian Reserve: 128 acres

Connectivity/Diversity Block: 44.06 acres

The above described lands were found suitable based on the following classification criteria set forth in Title 43 Code of Federal Regulations, Part 2410:

1. Transfer of the lands to the State will help fulfill the Federal Government's common school land grant to the State, and constitute a public purpose use of the land. Lands found to be valuable for a public purpose use will be considered chiefly valuable for public purposes.
2. The lands are physically suitable for purposes for which they are classified. The lands selected by the State are currently managed as forestland and will continue to be managed as forestlands by the State.
3. Transfer of the lands is in conformance with the Roseburg District BLM Resource Management Plan (June 1995).
4. The lands are not under any type of grazing permits, and there are no grazing improvements. There are no mining claims recorded with BLM for these lands nor was any evidence of mining activity found on the ground. A study has been made which indicate little potential for mineral exploration. This is evidenced in the Mineral Report dated January 24, 2007.
5. Transfer of lands to the State will be made subject to valid existing rights to minimize disturbance to or dislocation of valid existing users. Access rights to the lands will be transferred to the State where available.
6. The lands have been evaluated for consistency with Federal land programs and policies. Threatened and Endangered Species and Cultural Resources Evaluations have been performed and approved. A Finding of No Significant Impact was signed by the Swiftwater Field Manager on June 27, 2007 in compliance with the National Environmental Policy Act.
7. The transfer of lands and associated resource values will not prevent the BLM from meeting its management objective to maintain and restore ecosystem health at watershed and landscape scales to protect habitat for fish and other riparian-dependent species and resources and restore currently degraded habitats.

The public lands classified by this notice are shown on maps attached to this decision, and are also on file and available for inspection in the Roseburg District Office.



## SECTION 2 – AQUATIC CONSERVATION STRATEGY CONSISTENCY

The 1994 Record of Decision (the ROD) for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl contains an Aquatic Conservation Strategy (ACS). The ROD describes the purpose and scale of the ACS on page B-9, as summarized here. The ACS was developed to restore and maintain the ecological health of watersheds and aquatic ecosystems contained within them on public lands. The ACS must strive to maintain and restore ecosystem health at watershed and landscape scales to protect habitat for fish and other riparian-dependent species and resources and restore currently degraded habitats. This approach seeks to prevent further degradation and restore habitat over broad landscapes as opposed to individual projects or small watersheds.

### **ACS Assessment**

The BLM addressed ACS at the fifth field scale in the EA (pages 80, 82, 84, and 86). BLM determined that the action would have no impact on the ability of the agencies to achieve the goals of the ACS because of the very small percentage of each fifth field watershed affected by the proposed action. In this classification decision, BLM is providing a more detailed discussion of the ACS objectives at both the site scale (individual parcels) and the 5th field watershed scale, consistent with the recent ruling in Pacific Coast Federation of Fishermen's Associations et al. v. National Marine Fisheries Service et al. The site scale assessed is on the basis of the individual parcels, as each scattered parcel is a discrete action area. The following discussion is organized by watershed; the five parcels are distributed across three 5th field watersheds.

Parcels 4, 5, and 7 are selected for transfer and are located in the same 5<sup>th</sup> field watershed, Elk Creek/Umpqua River Watershed. This watershed is approximately 187,000 acres, of which approximately 42,580 acres are in federal ownership (23%).<sup>1</sup>

### ***Parcel 4:***

The transfer of parcel 4 to the State would result in the loss of 40 acres from federal ownership. These 40 acres would not be managed according to the Northwest Forest Plan, including the ACS. Under federal management, this parcel has approximately 11 acres of Riparian Reserve. Once under State ownership, the riparian buffer width would be reduced, and harvest could occur to varied extent within the riparian management zone designated according to the Oregon Forest Practices Act (EA, p. 35-38, 64-65).

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<sup>1</sup> BLM notes that the Elk Creek Watershed Analysis (2004) approximates federal ownership within the watershed at approximately 45,000 acres. For the analysis in the EA and this decision, BLM used the latest Geographic Information Systems data on the Elk Creek watershed, which approximated federal ownership at 42,850 acres.

*Parcel 4. ACS Objectives*

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
<p>1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations, and communities are uniquely adapted.</p>	<p>The disposal of the parcel does not maintain and restore distribution, diversity and complexity of watershed and landscape-scale features. It is unlikely, due to the checkerboard ownership pattern within the watershed that BLM management actions would have an effect in this watershed to maintain and restore distribution, diversity and complexity at the watershed and landscape-scale.</p>	<p>There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5<sup>th</sup> field watershed. The proposed project would result in a loss of 11 acres of Riparian Reserves or 0.09%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.</p>
<p>2. Maintain and restore spatial and temporal connectivity within and between watersheds.</p>	<p>The disposal of this parcel would not create any fish passage barriers. Therefore, no aquatic connectivity would be influenced by this action.</p>	<p>There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5<sup>th</sup> field watershed. The proposed project would result in a loss of 11 acres of Riparian Reserves or 0.09%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.</p>
<p>3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations</p>	<p>Parcel 4 contains one stream, which is a non-fish bearing stream likely to be classified as intermittent. This stream would not receive any riparian buffers under the Oregon Forest Practices Act. Removal of streamside vegetation, through timber harvest, would make the stream channels more prone to channel scour and streambank erosion.</p>	<p>There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5<sup>th</sup> field watershed. The proposed project would result in a loss of 11 acres of Riparian Reserves or 0.09%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.</p>
<p>4. Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems. Water quality must remain within the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction, and migration of individuals composing aquatic and riparian communities.</p>	<p>The State of Oregon must comply with the Clean Water Act standards as regulated by the Oregon Dept. of Environmental Quality. As noted on pg.64 of the EA, the loss of large organic debris from the riparian areas would directly affect the stream channel conditions, but these effects would be discountable to the fisheries habitat downstream.</p>	<p>There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5<sup>th</sup> field watershed. The proposed project would result in a loss of 11 acres of Riparian Reserves or 0.09%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.</p>

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
5. Maintain and restore the sediment regime under which aquatic ecosystems evolved.	Several scientific reviews <sup>2</sup> of riparian protections prescribed in the state forest practice rules have indicated that these buffers are not sufficient to prevent management-related sediment from entering the aquatic system. Of particular concern are non-fish bearing intermittent streams, which would receive no riparian buffers protection. Parcel 4 contains one stream, which is a non-fish bearing stream likely to be classified as intermittent.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 11 acres of Riparian Reserves or 0.09%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
6. Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing.	Harvest of Parcel 4 could result in increases to peak flows in the small stream draining the parcel, but due to the complex stream structure present (such as bedrock, small boulder channel substrates, and coarse woody debris) increased peak flows would not impact physical habitat. However, patterns of sediment, nutrient, and wood routing may be altered.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 11 acres of Riparian Reserves or 0.09%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
7. Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and woodlands.	Timing, variability, and duration of flows would be within the range of natural variability for this site. Although increases in peak flow may result, the complex stream structure present (such as bedrock, small boulder channel substrates, and coarse woody debris) would prevent impacts to physical habitat and water table elevations would be maintained.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 11 acres of Riparian Reserves or 0.09%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter	Several scientific reviews of riparian protections prescribed in the state forest practice rules have indicated that these buffers are not sufficient to prevent management-related sediment from entering the aquatic system. Of particular concern are non-fish bearing intermittent streams, which	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 11 acres of Riparian Reserves or 0.09%. The impact from the loss of riparian habitat along the stream channels and

<sup>2</sup> Independent Multidisciplinary Science Team. 1999. Recovery of Wild Salmonids in Western Oregon Forests: Oregon Forest Practices Act Rules and the Measures in the Oregon Plan for Salmon and Watersheds. Technical Report 1999-1 to the Oregon Plan for Salmon and Watersheds, Governor's Natural Resources Office, Salem, Oregon.  
(FEMAT) USDA Forest Service, USDC National Oceanic and Atmospheric Administration, USDC National Marine Fisheries Service, USDI Bureau of Land Management, USDI Fish and Wildlife Service, USDI National Park Service, and Environmental Protection Agency. 1993. Forest Ecosystem Management: An Ecological, Economic, and Social Assessment. Report of the Forest Ecosystem Management Team.

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.	would receive no riparian buffer protection. Parcel 4 contains one stream, which is a non-fish bearing stream likely to be classified as intermittent. In addition, harvest in these riparian areas would remove a future source of large wood.	subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.	Stream buffers prescribed under state forest practice rules would not be of sufficient width or extent to maintain riparian microclimates necessary to support the full suite of riparian-dependent species.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 11 acres of Riparian Reserves or 0.09%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.

**Parcel 5:**

The transfer of parcel 5 to the State would result in the loss of 39.06 acres from federal ownership. These 39.06 acres would not be managed according to the Northwest Forest Plan, including the ACS. Under federal management, this parcel has approximately 24 acres of Riparian Reserve. Once under State ownership, the riparian buffer width would be reduced, and harvest could occur to varied extent within the riparian management zone designated according to the Oregon Forest Practices Act (EA, p. 35-38, 65-66).

*Parcel 5. ACS Objectives*

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
<p>1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations, and communities are uniquely adapted.</p>	<p>The disposal of the parcel does not maintain and restore distribution, diversity and complexity of watershed and landscape-scale features. It is unlikely, due to the checkerboard ownership pattern within the watershed that BLM management actions would have an effect in this watershed to maintain and restore distribution, diversity and complexity at the watershed and landscape-scale.</p>	<p>There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5<sup>th</sup> field watershed. The proposed project would result in a loss of 24 acres of Riparian Reserves or 0.19 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.</p>
<p>2. Maintain and restore spatial and temporal connectivity within and between watersheds.</p>	<p>The disposal of this parcel would not create any fish passage barriers. Therefore, no aquatic connectivity would be influenced by this action.</p>	<p>There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5<sup>th</sup> field watershed. The proposed project would result in a loss of 24 acres of Riparian Reserves or 0.19 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.</p>
<p>3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations</p>	<p>Parcel 5 does not have any fish bearing streams within the parcel boundaries. However, Parcel 5 contains the headwaters of two non-fish bearing streams. One stream is approximately 0.5 miles from a fish bearing stream (Hancock Creek), and the second stream is 0.1 miles from Hancock Creek. Where fish bearing or perennial streams are located within or adjacent to (0.1 stream mile) units, riparian buffers prescribed under state forestry rules would be sufficient to maintain the physical integrity of the aquatic system. Parcel 5 also has several non-fish bearing streams that would likely be classified as intermittent. These streams would receive no riparian buffers under the Oregon Forest Practices Act. Removal of streamside</p>	<p>There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5<sup>th</sup> field watershed. The proposed project would result in a loss of 24 acres of Riparian Reserves or 0.19 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.</p>

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
	vegetation, through timber harvest, would make the stream channels more prone to channel scour and streambank erosion.	
4. Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems. Water quality must remain within the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction, and migration of individuals composing aquatic and riparian communities.	The State of Oregon must comply with the Clean Water Act standards as regulated by the Oregon Dept. of Environmental Quality. As noted on pg.64 of the EA, the loss of large organic debris from the riparian areas would directly affect the stream channel conditions, but these effects would be discountable to the fisheries habitat downstream.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 24 acres of Riparian Reserves or 0.19 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
5. Maintain and restore the sediment regime under which aquatic ecosystems evolved.	Several scientific reviews <sup>3</sup> of riparian protections prescribed in the state forest practice rules have indicated that these buffers are not sufficient to prevent management-related sediment from entering the aquatic system. Of particular concern are non-fish bearing intermittent streams, which would receive no riparian buffers protection. Parcel 5 has several such streams.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 24 acres of Riparian Reserves or 0.19 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
6. Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing.	Harvest of Parcel 5 could result in increases to peak flows in two streams. One tributary was on private land and could not be assessed for stream condition. BLM found that the second stream (Hancock Creek) did not have adequate structure to dissipate excessive increases in peak flow. However, BLM also found that the potential increased flow would be well within the natural range of flows for the stream. Patterns of sediment, nutrient, and wood routing may be altered.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 24 acres of Riparian Reserves or 0.19 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
7. Maintain and restore the timing, variability,	Timing, variability, and duration of flows would be within the range of	There are approximately 12,330 acres of Riparian Reserve within the

<sup>3</sup> Independent Multidisciplinary Science Team. 1999. Recovery of Wild Salmonids in Western Oregon Forests: Oregon Forest Practices Act Rules and the Measures in the Oregon Plan for Salmon and Watersheds. Technical Report 1999-1 to the Oregon Plan for Salmon and Watersheds, Governor's Natural Resources Office, Salem, Oregon.  
(FEMAT) USDA Forest Service, USDC National Oceanic and Atmospheric Administration, USDC National Marine Fisheries Service, USDI Bureau of Land Management, USDI Fish and Wildlife Service, USDI National Park Service, and Environmental Protection Agency. 1993. Forest Ecosystem Management: An Ecological, Economic, and Social Assessment. Report of the Forest Ecosystem Management Team.

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
and duration of floodplain inundation and water table elevation in meadows and woodlands.	natural variability for this site. Although increases in peak flow may result, impacts to physical habitat would not result and water table elevations would be maintained.	Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 24 acres of Riparian Reserves or 0.19 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.	Several scientific reviews of riparian protections prescribed in the state forest practice rules have indicated that these buffers are not sufficient to prevent management-related sediment from entering the aquatic system. Of particular concern are non-fish bearing intermittent streams, which would receive no riparian buffer protection; most of the streams on Parcel 5 are non-fish bearing, intermittent streams. In addition, harvest in these riparian areas would remove a future source of large wood.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 24 acres of Riparian Reserves or 0.19 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate, and vertebrate riparian-dependent species.	Stream buffers prescribed under state forest practice rules would not be of sufficient width or extent to maintain riparian microclimates necessary to support the full suite of riparian-dependent species.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 24 acres of Riparian Reserves or 0.19 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.

**Parcel 7:**

The transfer of parcel 7 to the State would result in the loss of 40.00 acres from federal ownership. These 40 acres would not be managed according to the Northwest Forest Plan, including the ACS. Under federal management, this parcel has approximately 35 acres of Riparian Reserve. Once under State ownership, the riparian buffer width would be reduced, and harvest could occur to varied extent within the riparian management zone designated according to the Oregon Forest Practices Act (EA, p. 35-38, 70-71).

*Parcel 7. ACS Objectives*

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations, and communities are uniquely adapted.	The disposal of the parcel does not maintain and restore distribution, diversity and complexity of watershed and landscape-scale features. It is unlikely, due to the checkerboard ownership pattern within the watershed that BLM management actions would have an effect in this watershed to maintain and restore distribution, diversity and complexity at the watershed and landscape-scale.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 35 acres of Riparian Reserves or 0.28 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
2. Maintain and restore spatial and temporal connectivity within and between watersheds.	The disposal of this parcel would not create any fish passage barriers. Therefore, no aquatic connectivity would be influenced by this action.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 35 acres of Riparian Reserves or 0.28 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations	Parcel 7 contains the main stem of Elk Creek, which is a fish bearing stream. The main stem of Elk Creek would receive riparian buffers under the Oregon Forest Practices Act, which would be sufficient to maintain the physical integrity of the aquatic system. The riparian buffer applied to Elk Creek would likely be 100 feet on either side of Elk Creek, though some harvest may be allowed within the riparian management zone. Additionally, Parcel 7 contains 3 non-fish bearing tributary streams, which would likely be classified as intermittent. These non-fish bearing intermittent streams would receive no riparian buffers under the Oregon Forest Practices Act. Removal of streamside vegetation, through timber harvest, would make the stream channels more prone to channel scour and streambank erosion.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 35 acres of Riparian Reserves or 0.28 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
4. Maintain and restore water quality	The State of Oregon must comply with the Clean Water Act standards as	There are approximately 12,330 acres of Riparian Reserve within the

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
necessary to support healthy riparian, aquatic, and wetland ecosystems. Water quality must remain within the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction, and migration of individuals composing aquatic and riparian communities.	regulated by the Oregon Dept. of Environmental Quality. As noted on pg.64 of the EA, the loss of large organic debris from the riparian areas would directly affect the stream channel conditions, but these effects would be discountable to the fisheries habitat downstream.	Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 35 acres of Riparian Reserves or 0.28 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
5. Maintain and restore the sediment regime under which aquatic ecosystems evolved.	Several scientific reviews <sup>4</sup> of riparian protections prescribed in the state forest practice rules have indicated that these buffers are not sufficient to prevent management-related sediment from entering the aquatic system. Of particular concern are non-fish bearing intermittent streams, which would receive no riparian buffers protection. Parcel 7 has 3 non-fish bearing tributary streams, which would likely be classified as intermittent. As such, these streams would receive no riparian buffers.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 35 acres of Riparian Reserves or 0.28 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
6. Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing.	Harvest of parcel 7 would not result in peak flow effects at the point of nearest fish. However, sediment and nutrient routing may be altered, and wood routing would be reduced due to harvest actions within 200 feet of Elk Creek.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 35 acres of Riparian Reserves or 0.28 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
7. Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and woodlands.	There would be no changes to peak flows at the point of nearest fish. Timing, variation, and duration of floodplain inundation would not change and water table elevations would be maintained.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 35 acres of Riparian Reserves or 0.28 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project

<sup>4</sup> Independent Multidisciplinary Science Team. 1999. Recovery of Wild Salmonids in Western Oregon Forests: Oregon Forest Practices Act Rules and the Measures in the Oregon Plan for Salmon and Watersheds. Technical Report 1999-1 to the Oregon Plan for Salmon and Watersheds, Governor's Natural Resources Office, Salem, Oregon.  
(FEMAT) USDA Forest Service, USDC National Oceanic and Atmospheric Administration, USDC National Marine Fisheries Service, USDI Bureau of Land Management, USDI Fish and Wildlife Service, USDI National Park Service, and Environmental Protection Agency. 1993. Forest Ecosystem Management: An Ecological, Economic, and Social Assessment. Report of the Forest Ecosystem Management Team.

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
		area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.	Several scientific reviews of riparian protections prescribed in the state forest practice rules have indicated that these buffers are not sufficient to prevent management-related sediment from entering the aquatic system. Of particular concern are non-fish bearing intermittent streams, which would receive no riparian buffer protection; Parcel 7 has 3 non-fish bearing tributary streams, which would likely be classified as intermittent. In addition, harvest in these riparian areas would remove a future source of large wood.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 35 acres of Riparian Reserves or 0.28 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.	Stream buffers prescribed under state forest practice rules would not be of sufficient width or extent to maintain riparian microclimates necessary to support the full suite of riparian-dependent species.	There are approximately 12,330 acres of Riparian Reserve within the Elk Creek/Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 35 acres of Riparian Reserves or 0.28 %. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.

**Cumulative effects within the Elk Creek/Umpqua River Watershed**

The transfer of parcels 4, 5, and 7 would remove 119.06 total acres from federal ownership within the Elk Creek/Umpqua Watershed. Approximately 70 acres of this total is Riparian Reserve. After the transfer, these Riparian Reserves would be managed according to the Riparian Management Areas guidance within the Oregon Forest Practices Act Rules.

The transfer of these 119.06 acres affects .06% of the total acreage within the watershed, and reduces the federal ownership within the watershed by 0.28%. Transferring these parcels would reduce the federal Riparian Reserves by 0.57%.

At the watershed scale, there would be no measurable change in any of the ACS objectives, and the transfer would not prevent the agency from attaining the ACS objectives on remaining federal land within the Elk Creek/Umpqua River watershed.

There are approximately 33, 000 acres of BLM Reserve (Late Successional Reserves and Riparian Reserves) lands within the Elk

Creek Watershed. Approximately 18,200 acres (55%) of Late Successional Reserve and Riparian Reserve in the watershed are currently not in a late-successional (80+ years) or old-growth (200+ years) condition, but are capable of developing into those conditions (Elk Creek/Umpqua River Watershed Analysis pp 32.). Additionally, since 1994, numerous stream enhancement projects have been implemented in the Elk Creek Watershed. This includes placing instream structures (logs, boulders, rootwads, etc.) to improve aquatic habitat, replacing over 13 culverts identified as barriers to fish passage to open up access to additional habitat, or improving or decommissioning over 10 miles of road to reduce road sediment impacts to aquatic systems. This work has been done in collaboration with private timber companies, the Partnership for Umpqua Rivers watershed council, Oregon Department of Fish and Wildlife, Elk Creek Watershed Council, and the BLM. This past work and future opportunities for restoration are discussed in the Elk Creek/Umpqua River Watershed Analysis.

**Parcel 3:**

Parcel 3 has been selected for transfer to the State. Parcel 3 is in the Upper Smith River 5<sup>th</sup> field Watershed, which is a Tier 1 Key Watershed under the Northwest Forest Plan. This watershed is approximately 95,540 acres, of which approximately 56,570 acres are in federal ownership (59%).

The transfer of parcel 3 to the State would result in the loss of 40 acres from federal ownership. These 40 acres would not be managed according to the Northwest Forest Plan, including the ACS. Under federal management, this parcel has approximately 29 acres of Riparian Reserve. Once under State ownership, the riparian buffer width would be reduced, and harvest could occur to varied extent within the riparian management zone designated according to the Oregon Forest Practices Act (EA, p. 35-38, 60-63).

*Parcel 3. ACS Objectives*

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations, and communities are uniquely adapted.	The disposal of the parcel does not maintain and restore distribution, diversity and complexity of watershed and landscape-scale features. It is unlikely, due to the checkerboard ownership pattern within the watershed that our management actions would have an effect in this watershed to maintain and restore distribution, diversity and complexity at the watershed and landscape-scale. However, as the watershed has been determined to be a Tier 1 Key Watershed, adverse impacts at the site level would degrade the attainment of these objectives at the site scale.	There are approximately 16,570 acres of Riparian Reserves within the Upper Smith River 5 <sup>th</sup> Field Watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or less than 0.18%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
2. Maintain and restore spatial and temporal connectivity within and between watersheds.	The disposal of this parcel would not create any fish passage barriers. Therefore, no aquatic connectivity would be influenced by this action.	There are approximately 16,570 acres of Riparian Reserves within the Upper Smith River 5 <sup>th</sup> Field Watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or less than 0.18%.

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
		The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations	Parcel 3 has one stream that may be fish-bearing. Fish bearing streams would receive riparian buffers under the Oregon Forest Practices Act. These buffers would be sufficient to maintain the physical integrity of the aquatic system. The Parcel 3 stream is anticipated to have a buffer of approximately 50 feet, though some harvest may be allowed within the riparian management area. Most of the streams on Parcel 3 are non-fish bearing intermittent streams. These streams would receive no riparian buffers under the Oregon Forest Practices Act. Removal of streamside vegetation, through timber harvest, would make the stream channels more prone to channel scour and streambank erosion.	There are approximately 16,570 acres of Riparian Reserves within the Upper Smith River 5 <sup>th</sup> Field Watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or less than 0.18%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
4. Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems. Water quality must remain within the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction, and migration of individuals composing aquatic and riparian communities.	The State of Oregon must comply with the Clean Water Act standards as regulated by the Oregon Dept. of Environmental Quality. As noted on pg. 64 of the EA, the loss of large organic debris from the riparian areas would directly affect the stream channel conditions, but these effects would be discountable to the fisheries habitat downstream.	There are approximately 16,570 acres of Riparian Reserves within the Upper Smith River 5 <sup>th</sup> Field Watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or less than 0.18%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
5. Maintain and restore the sediment regime under which aquatic ecosystems evolved.	Several scientific reviews <sup>5</sup> of riparian protections prescribed in the state forest practice rules have indicated that these buffers are not sufficient to prevent management-related sediment from entering the aquatic system. Of particular concern are non-fish bearing intermittent streams, which would receive no riparian buffers protection. All but one of the streams in Parcel 3 are non-fish bearing streams that would likely be classified as intermittent, and would receive no riparian buffers.	There are approximately 16,570 acres of Riparian Reserves within the Upper Smith River 5 <sup>th</sup> Field Watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or less than 0.18%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS

<sup>5</sup> Independent Multidisciplinary Science Team. 1999. Recovery of Wild Salmonids in Western Oregon Forests: Oregon Forest Practices Act Rules and the Measures in the Oregon Plan for Salmon and Watersheds. Technical Report 1999-1 to the Oregon Plan for Salmon and Watersheds, Governor's Natural Resources Office, Salem, Oregon.  
(FEMAT) USDA Forest Service, USDC National Oceanic and Atmospheric Administration, USDC National Marine Fisheries Service, USDI Bureau of Land Management, USDI Fish and Wildlife Service, USDI National Park Service, and Environmental Protection Agency. 1993. Forest Ecosystem Management: An Ecological, Economic, and Social Assessment. Report of the Forest Ecosystem Management Team.

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
		objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
6. Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing.	Harvest of Parcel 3 could result in increases to peak flows in the small stream draining this parcel, but due to a wide flood plain with good sinuosity to dissipate stream energy, increased peak flows would not be the primary mechanism of impact to physical habitat. However, wood routing would be reduced and patterns of sediment and nutrient routing may be altered due to harvest actions within 200 feet of a fish-bearing tributary to Cleghorn Creek.	There are approximately 16,570 acres of Riparian Reserves within the Upper Smith River 5 <sup>th</sup> Field Watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or less than 0.18%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
7. Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and woodlands.	Timing, variability, and duration of flows would be within the range of natural variability for this site. Although increases in peak flow may result, impacts to physical habitat would not result due to a wide flood plain with good sinuosity to dissipate stream energy and water table elevations would be maintained.	There are approximately 16,570 acres of Riparian Reserves within the Upper Smith River 5 <sup>th</sup> Field Watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or less than 0.18%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.	Several scientific reviews of riparian protections prescribed in the state forest practice rules have indicated that these buffers are not sufficient to prevent management-related sediment from entering the aquatic system. Of particular concern are non-fish bearing intermittent streams, which would receive no riparian buffer protection. All but one of the streams in Parcel 3 are non-fish bearing streams that would likely be classified as intermittent. In addition, harvest in these riparian areas would remove a future source of large wood.	There are approximately 16,570 acres of Riparian Reserves within the Upper Smith River 5 <sup>th</sup> Field Watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or less than 0.18%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.	Stream buffers prescribed under state forest practice rules would not be of sufficient width or extent to maintain riparian microclimates necessary to support the full suite of riparian-dependent species.	There are approximately 16,570 acres of Riparian Reserves within the Upper Smith River 5 <sup>th</sup> Field Watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or less than 0.18%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.

### **Cumulative effects within the Upper Smith River Watershed**

The transfer of parcel 3 within the Upper Smith River Watershed would remove 40 acres total from federal ownership within the Watershed. Approximately 29 acres of the total acreage is Riparian Reserve – after the transfer these Riparian Reserves would be managed according to the Riparian Management Areas guidance within the Oregon Forest Practices Act Rules.

The transfer of these 40 acres affects .04% of the total acreage within the watershed, and reduces the federal ownership within the watershed by .07%. Transferring these parcels would reduce the federal Riparian Reserves by 0.18%.

At the watershed scale, there would be no measurable change in any of the ACS objectives, and the transfer of parcel 3 would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed. Additionally, extensive restoration has occurred within the watershed in the last five years. Instream restoration occurred on approximately 17 miles of headwater streams under both private and federal ownership, 43 fish passage culverts were replaced, accessing approximately 52 miles of fish habitat, 19 miles of road was decommissioned and 50 acres of riparian habitat enhancements were completed.

### ***Parcel 9:***

Parcel 9 has been selected for transfer to the State. Parcel 9 is in the Lower North Umpqua River 5<sup>th</sup> field Watershed. This watershed is approximately 106,200 acres, of which approximately 12,330 acres are in federal ownership (12%).

The transfer of parcel 9 to the State would result in the loss of 40 acres from federal ownership. These 40 acres would not be managed according to the Northwest Forest Plan, including the ACS. Under federal management, this parcel has approximately 29 acres of Riparian Reserve. Once under State ownership, the riparian buffer width would be reduced, and harvest could occur to varied extent within the riparian management zone designated according to the Oregon Forest Practices Act (EA, p. 35-38, 74-76).

*Parcel 9. ACS Objectives*

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
<p>1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations, and communities are uniquely adapted.</p>	<p>The disposal of the parcel does not maintain and restore distribution, diversity and complexity of watershed and landscape-scale features. It is unlikely, due to the checkerboard ownership pattern within the watershed that BLM management actions would have an effect in this watershed to maintain and restore distribution, diversity and complexity at the watershed and landscape-scale.</p>	<p>There are approximately 2,295 acres of Riparian Reserve within the Lower North Umpqua River 5<sup>th</sup> field watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or 1.74%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.</p>
<p>2. Maintain and restore spatial and temporal connectivity within and between watersheds.</p>	<p>The disposal of this parcel would not create any fish passage barriers. Therefore, no aquatic connectivity would be influenced by this action.</p>	<p>There are approximately 2,295 acres of Riparian Reserve within the Lower North Umpqua River 5<sup>th</sup> field watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or 1.74%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.</p>
<p>3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations</p>	<p>Parcel 9 contains one fish bearing stream. This fish bearing stream would receive riparian buffers under the Oregon Forest Practices Act. These buffers would be sufficient to maintain the physical integrity of the aquatic system. Parcel 9 also contains two non-fish bearing streams, which would likely be classified as intermittent. These streams would not receive any riparian buffers under the Oregon Forest Practices Act. Removal of streamside vegetation, through timber harvest, would make the stream channels more prone to channel scour and streambank erosion.</p>	<p>There are approximately 2,295 acres of Riparian Reserve within the Lower North Umpqua River 5<sup>th</sup> field watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or 1.74%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.</p>
<p>4. Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems. Water quality must remain within the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction, and migration of individuals composing aquatic and riparian communities.</p>	<p>The State of Oregon must comply with the Clean Water Act standards as regulated by the Oregon Dept. of Environmental Quality. As noted on pg.64 of the EA, the loss of large organic debris from the riparian areas would directly affect the stream channel conditions, but these effects would be discountable to the fisheries habitat downstream.</p>	<p>There are approximately 2,295 acres of Riparian Reserve within the Lower North Umpqua River 5<sup>th</sup> field watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or 1.74%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.</p>

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
5. Maintain and restore the sediment regime under which aquatic ecosystems evolved.	Several scientific reviews <sup>6</sup> of riparian protections prescribed in the state forest practice rules have indicated that these buffers are not sufficient to prevent management-related sediment from entering the aquatic system. Of particular concern are non-fish bearing intermittent streams, which would receive no riparian buffers protection. Parcel 9 has 2 non-fish bearing streams that would likely be classified as intermittent.	There are approximately 2,295 acres of Riparian Reserve within the Lower North Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or 1.74%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
6. Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing.	Harvest of parcel 9 would not result in any peak flow effects at the point of nearest fish. However, wood routing would be reduced and sediment and nutrient routing may be altered due to harvest actions within 200 feet of a fish-bearing tributary to French Creek.	There are approximately 2,295 acres of Riparian Reserve within the Lower North Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or 1.74%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
7. Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and woodlands.	Harvest of parcel 9 would not result in any peak flow effects at the point of nearest fish. Timing, variation, and duration of floodplain inundation would not change and water table elevations would be maintained.	There are approximately 2,295 acres of Riparian Reserve within the Lower North Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or 1.74%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.
8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank	Several scientific reviews of riparian protections prescribed in the state forest practice rules have indicated that these buffers are not sufficient to prevent management-related sediment from entering the aquatic system. Of particular concern are non-fish bearing intermittent streams, which would receive no riparian buffer protection. Parcel 9 has 2 non-fish bearing streams that would likely be classified as intermittent; these	There are approximately 2,295 acres of Riparian Reserve within the Lower North Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or 1.74%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there

<sup>6</sup> Independent Multidisciplinary Science Team. 1999. Recovery of Wild Salmonids in Western Oregon Forests: Oregon Forest Practices Act Rules and the Measures in the Oregon Plan for Salmon and Watersheds. Technical Report 1999-1 to the Oregon Plan for Salmon and Watersheds, Governor's Natural Resources Office, Salem, Oregon.  
(FEMAT) USDA Forest Service, USDC National Oceanic and Atmospheric Administration, USDC National Marine Fisheries Service, USDI Bureau of Land Management, USDI Fish and Wildlife Service, USDI National Park Service, and Environmental Protection Agency. 1993. Forest Ecosystem Management: An Ecological, Economic, and Social Assessment. Report of the Forest Ecosystem Management Team.

ACS Objective	Potential Site Scale (Individual Parcel) Effects	Potential Effects at the 5 <sup>th</sup> Field Watershed Scale
erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.	streams would receive no riparian buffer. In addition, harvest in these riparian areas would remove a future source of large wood.	would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed. .
9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.	Stream buffers prescribed under state forest practice rules would not be of sufficient width or extent to maintain riparian microclimates necessary to support the full suite of riparian-dependent species.	There are approximately 2,295 acres of Riparian Reserve within the Lower North Umpqua River 5 <sup>th</sup> field watershed. The proposed project would result in a loss of 29 acres of Riparian Reserves or 1.74%. The impact from the loss of riparian habitat along the stream channels and subsequent fisheries habitat would be limited to the proposed project area and would not extend to the fifth field watershed. At this scale, there would be no measurable change in any of the ACS objectives, and the disposal would not prevent the agency from attaining the ACS objectives on the remaining federal land within the watershed.

**Cumulative effects within the Lower North Umpqua River Watershed**

The transfer of parcel 9 within the Lower North Umpqua River Watershed would remove 40 acres total from federal ownership within the Watershed. Approximately 29 acres of the total acreage is Riparian Reserve – after the transfer these Riparian Reserves would be managed according to the Riparian Management Areas guidance within the Oregon Forest Practices Act Rules.

The transfer of these 40 acres affects less than 0.04% of the total acreage within the watershed, and reduces the federal ownership within the watershed by 0.32 %. Transferring these parcels would reduce the federal Riparian Reserves by 1.74 %.

At the watershed scale, there would be no measurable change in any of the ACS objectives, and the transfer would not prevent the agency from attaining the ACS objectives on the remaining federal land. Additionally, the current trend in the Lower North Umpqua River Watershed for the future of fish habitat and water quality conditions is improving and has the potential to further improve (UBWC Lower North Umpqua Watershed Assessment and Action Plan pp. 122).

### SECTION 3 – PUBLIC INVOLVEMENT

The BLM solicited comments from affected Tribal governments, adjacent landowners, and affected State and local government agencies through letters sent February 6, 2007. Additionally, the State of Oregon Indemnity Selection EA and pre-decisional Finding of No Significant Impact were posted on the internet and at the local library.

During the thirty day public review period (which ended March 8, 2007), comments were received from three organizations (comments submitted jointly) and an individual. Upon reviewing the comments that were received, the following comments warrant clarification specific to the State of Oregon Indemnity Selection:

1. *The EA was not clear that BLM would convey 199.6 acres (the total of parcels 3,4,5,7, and 9).*

The BLM's obligation is to respond to indemnity applications filed by the State of Oregon in accordance with the Enabling Act of February 14, 1859 (11 Stat. 383, 43 U.S.C. 851, 852) and in compliance with the Final Judgment, Civil No. 85-646-MA, dated June 17, 1991. To date, the State of Oregon has been transferred 1583.40 acres and is entitled to a remaining 3618.89 acres. The proposed action is to determine, through classification, if the lands selected by the State of Oregon within the BLM Roseburg District are suitable for transfer. As noted in their application, the State of Oregon selected sufficient acreage to satisfy their remaining entitlement. The State of Oregon has prioritized their list of selected tracts to include the ten parcels analyzed in the subject EA and totaled 464.05 acres.

2. *The EA should have explained why parcel 8 was not in the "best suited" category.*

The EA determines the environmental effects associated with transferring each of the ten parcels to the State or Oregon, providing the basis for the decision-maker to determine suitability. The suitability determination is made, in final form, in the decision.

3. *The EA fails to explain why Lots 1 to 8 in Section 16, Township 25 South, Range 8 West, W.M. could not be given to the Baldwin Trust.*

The Final Judgment, Civil No. 85-646-MA, dated June 17, 1991, identified all the remaining base lands available to the State of Oregon for in lieu selection. The State of Oregon identified two tracts of remaining base lands in their pending application OR 61026. Neither the court's listing nor the pending State of Oregon application identified Lots 1 to 8 in Section 16, Township 25 South, Range 8 West, W.M. as available base lands and is not part of the proposed action or the subject EA.

4. *A description of the base lands should have been included in the EA and compared.*

The EA states "The base lands identified for use in the indemnity selections on the Roseburg District BLM consist of two parcels managed by the Mt. Hood National Forest; these parcels are on the Court's list of parcels contained in the final judgment." (p.2)

5. *The EA should have explained the relationship between the State and the Baldwin Trust.*

The EA determines the environmental effects associated with transferring each of the ten parcels to the State or Oregon, providing the basis for the decision-maker to determine suitability.

6. *The BLM is allowing an incorrect value to be applied to the Bull Run base-land parcel. The evaluation of the market value should be done by the BLM.*

The Appraisal Service Directorate (ASD), under the Department of the Interior, provides appraisal services to agencies of the Department, including the BLM, under a Service Level Agreement. Agency requests for appraisal services from the ASD are initiated through an online request program. ASD provides the statement of work and performs the administrative functions for assigning valuation requests made by the agencies as well as appraisal review and approval. ASD determines whether the request for appraisal services should be performed in-house or contracted out. The BLM, not the State of Oregon, is the client of the ASD for the valuation of the Bull Run base land. BLM Manual 2621 – Indemnity Selections, established procedures for valuation of base and selected lands and incorporated into the appraisal services request and instructions.

7. *The value of road assets must be considered when considering equal value of replacement lands.*

Valuation was completed in accordance with the statement of work provided by the ASD and approved by an ASD review appraiser on December 15, 2006. Copies of the valuation documents prepared for base and selected lands will be made available to the public. The EA analyzes the environmental effects of the proposed action, not values.

8. *The EA should have included the “cause of loss”, “description of bases”, legal description, area of base lands in acres. The EA should disclose whether the proposed parcels and the base lands are “roughly equivalent” in value.*

The pending indemnity selection application OR 61026 filed by the State of Oregon identifies the cause of loss for all base lands included in their application. Cause of loss is not a factor in establishing the value of base lands. The EA analyzes the environmental effects of the proposed action, not values.

9. *The EA failed to offer evidence of George Baldwin meeting the requirement of purchasing lots 1 to 8 T25S, R8W for his own benefit, not speculation.*

The BLM is proposing to transfer land to the State of Oregon under a legal obligation to the State. As such, no evidence regarding George Baldwin’s intended use of lands is required or relevant to the analysis.

10. *BLM failed to respond to the scoping comment that the EA should consider an alternative to give the Baldwin Trust 180 acres of the State land that George Baldwin tried to buy but could not.*

The EA did not respond to those comments because the comments are outside the scope of the proposed action. The BLM has a legal obligation to the State. The alternative proposed in this comment would not meet the purpose and need for the action, as stated in the EA on page 2: “The Bureau of Land Management (BLM) is required to transfer federal land to the State of Oregon (the State) in order to fulfill a legal obligation dating back to Oregon Statehood.” The EA did not analyze alternatives over which the BLM would have no jurisdiction (that is, transferring State land).

11. *The BLM cannot convey the lands without performing surveys for special attention species.*

The BLM 6840 Manual, Special Status Species Management, established policy for the management of sensitive species. This policy states that BLM will, to the extent practicable, determine “the distribution, population dynamics, current threat, abundance, and habitat needs for [sensitive species] occurring on lands administered by the BLM; evaluate the significance of lands administered by the BLM or actions undertaken by the BLM in maintaining and restoring those species.” This policy does not require surveys or any particular protocol.

Furthermore, Oregon/Washington Special Status Species policy, as set forth in Instruction Memorandum No. OR-2003-054 provides BLM with several techniques to comply with Bureau policy. The BLM may use one of more of these techniques:

- Evaluation of species-habitat associations and presence of suitable or potential habitat
- Application of conservation strategies, plans, and other formalized conservation mechanisms
- Review of existing survey records, inventory, and spatial data
- Utilization of professional research, literature, and other technology transfer sources
- Use of expertise, both internal and external, that is based on documented, substantiated rationale.
- Complete pre-project survey, monitoring, and inventory for species that are based on technically sound and logistically feasible methods while considering staffing and funding constraints.

Based upon the habitat found within each parcel, BLM wildlife biologists and botanists used professional expertise to make assumptions that certain species may be present on any or all of the parcels (EA pgs. 45, 50).

As discussed in the EA (pgs. 2-3), this action is court-ordered and considered to serve the national interest. Factors used in making a determination of suitability for transfer focused on those species that are federally listed (EA, pg. 3). Because of the seasonality

of surveys, limited staffing, and an overarching need to accomplish the transfer of land, BLM did not survey for special attention species (EA, pgs. 13, 15-16).

12. *The RMP requires that BLM review all proposed actions to determine whether or not special status species occupy or use the affected area or if the habitat for such species is affected.*

The EA is the review of the proposed action, which assumes that habitat for such species is present.

13. *Parcel 7 could hold valuable Native American cultural sites because of the rock bluffs and non-forested ridged overlooking Elk Creek.*

As noted in the EA on page 6, Parcel 7 was surveyed for cultural resources; none were found. Cultural clearances were completed on all ten parcels analyzed for transfer.

14. *BLM is incorrect in the determination that land tenure adjustments do not require survey and manage protocol.*

As stated in the EA on page 6, the federal act of conveying land to the state is not, by nature, a habitat-disturbing activity. Additionally, the Regional Ecosystem Office determined that land tenure adjustments do not require Survey and Manage protocol. This is documented in the memorandum dated March 27, 1997.

15. *The BLM failed to describe this parcel (parcel 7) in the EA.*

BLM described this parcel in the discussion of affected environment (Chapter 3) on pages 28-29.

16. *The BLM has miscalculated the protections that the Oregon Forest Practices Act will apply to the riparian reserves of Parcel 7 and other parcels containing reserves. The EA assumes that “generally, no timber harvest” is allowed in RMAs; this is wrong. The EA should be corrected to accurately reflect the real impacts of the OFPA on RMA’s, formerly Riparian Reserves.*

The EA does not assume that no timber harvest would occur within the Riparian Management Areas under the Oregon Forest Practices Act. The matrix on pages 35 and 36 of the EA illustrate how RMA widths are determined under the OFPA. In Chapter 4 of the EA (pgs. 57-78), BLM characterizes likely management of the RMAs under OFPA, including potential harvest within the RMA. For example, in the discussion of parcel 2 on page 58, BLM states that “most streams are likely small Type N streams, with no streamside retention...RMA of 50 ft on the Type F stream. Some harvest may be allowed within this area depending on the basal area of this location.” No correction of the RMA effects analysis is necessary.

17. *The EA failed to fully consider the ramifications of privatizing Parcel 7, with Elk Creek twisting all through the parcel, a 95% Riparian Reserve.*

The environmental effects to Parcel 7 are discussed in Table 21, on pages 69-71 of the EA.

18. *The EA failed to fully explain the impacts to wildlife from losing these wildlife reserves. Additionally, the EA did not consider that it is illegal to adversely modify Critical Habitat.*

Parcels 1 & 2 are the only parcels containing critical habitat designated by the US Fish and Wildlife Service. Full analysis of these two parcels resulted in a determination that they are not suited for transfer to the State of Oregon.

19. *The EA should have clearly given the acres in each land allocation so the impacts on that particular land allocation could be considered, especially for parcels 3, 4, 5, 7 and 9, (the unofficial preferred alternative). At least the decision document should clearly state how many acres in what land allocations are being given away.*

The EA describes each parcel, including land use allocation acreage, in Chapter 3 of the EA (pgs. 20-33). BLM wanted to fully analyze the environmental effects of transferring each of the ten parcels in order to determine suitability – there was no preferred alternative. As such, no compilation of acreage was provided. This decision document provides a total of acres, by land use allocation, being transferred to the State of Oregon (see pg. 2 of this classification decision).

20. *The EA failed to total the acres of Marbled Murrelet habitat that would be privatized. The EA claims that surveys were done for Marbled Murrelets in parcel 5 in fiscal year 2000 and 2001. However, these surveys have expired.*

There is no expiration date for surveys specified in the protocol. The protocol provides rationale that is useful when deciding where and when additional surveys may be appropriate. According to *Methods For Surveying Marbled Murrelets in Forests: A Revised Protocol for Land Management and Research* (Pacific Seabird Group, January 2003), “*For probable absence sites, if a significant time lag ( $\geq 5$  years) occurs between the completion of protocol surveys and the implementation of activities that would modify suitable habitat, additional surveys may be appropriate to support the results of previous surveys.*”

The results of surveys completed in 1996, 1997, 2000, and 2001 indicate that this site is a “probable absence” site. In addition, based on the number of survey visits completed in 2000 and 2001, these surveys meet the 2003 protocol standards. Because parcel 5 was adequately surveyed and supporting surveys determined “probable absence” of marbled murrelets within the project area, additional surveys are not appropriate in this case.

Table 7, on pages 39-40 of the EA totals the suitable habitat for marbled murrelet on a

parcel by parcel basis.

21. *It is disingenuous for the BLM to consider the impacts to endangered species based on the assumption that the State will survey for endangered species before they log.*

As stated in the EA on page 37, the State performs surveys for threatened and endangered species on State land prior to harvest activity. The BLM characterized State management of State land this way based upon published guidance and discussions with Oregon Department of Forestry staff (EA, pg. 34). The EA did not state that private landowners would be required to survey prior to harvest.

22. *The EA tells us a 70 acre core area will be left around any NSO site. A 70 acre core area will only be left around nest sites that are known, and if no surveys are done to find nests, the nest sites will never be protected under the OFPA.*

As stated in the EA on page 36, “the Oregon Forest Practices Act requires 70 acre core areas for Northern spotted owl nest sites and activity centers”. Refer to page 71 of Oregon’s Forest Protection Laws, An Illustrated Manual by Robert Logan, 2002, which is referenced in the EA (EA, pg.34).

23. *The EA failed to consider that parcel 7 virtually borders the dam of the proposed Milltown Hill Dam. Did the BLM consider this when considering roughly equivalent values?*

BLM Manual 2621 – Indemnity Selections, established the basic policy on valuation as highest and best use of both base land and selected lands. All pertinent information available from any source may be used to assist in the valuation process as well as the Uniform Standards of Professional Appraisal Practice. Copies of the valuation documents prepared for base and selected lands will be made available to the public. As stated previously, the EA analyzes the environmental effects of the proposed action, not land valuation.

24. *The EA claims that “All ten parcels are non-mineral in character”. This is wrong; the last EIS done on the very same area shows abundant minerals. For instance, parcel 7 has valuable minerals. Parcel 4 is close by Parcel 7 and the associated mercury and aggregate mines. Parcel 9 is also in the vicinity of Mercury mines. The BLM should also be sure the coal-bed methane deposits, now very valuable and common in the Oregon coast range, have been considered under minerals. The EA should have included, or at least referenced, the required results of the exploratory program.*

To be determined mineral in character, a parcel of land must have an economically viable mineral source. The selected parcels included in the analysis were determined to be non-mineral in character based on record searches, geology, and on the ground examination. No economically viable mineral sources have been discovered with the parcels. The abandoned mercury mines in the vicinity of some of the parcels attests to the non-mineral finding in that if a economical deposit were to exist in would have been mined.

The fact that there are no aggregate mines within the parcels shows that suitable sources of rock have not been found. Coal-bed is a leasable mineral and while it was not required to be included in the mineral report, the parcels were evaluated for their potential and determined to be of low to no potential. A Mineral Potential Report was prepared and approved by BLM State Office Mining Engineer on January 24, 2007. BLM Manual 2621 states “The Bureau makes determination as to whether lands are mineral in character to locatable minerals. Lands containing sand, gravel, rock, or other common mineralized substances of widespread occurrence are not considered mineral in character”.

25. *The BLM considered only one action alternative. Instead, the EA should have considered different action alternatives for their different combinations and acres of land to be given away.*

Under the action alternative, BLM considered ten individual parcels for transfer to the State of Oregon. BLM analyzed this number of parcels and excess acreage in order to determine those parcels best suited to transfer. With ten parcels, the number of “different combinations” that could have been created for “different action alternatives” is huge. As stated in the EA, the proposed action serves this function (of multiple action alternatives) by analyzing more acres than the State will select (EA, pg. 9).

26. *In a cover letter to the EA, that only some members of the public received (i.e., it’s not posted on the web site with the EA), the BLM says “The BLM plans to provide for the transfer of five of the ten parcels to the State (parcels number 3, 4, 5, 7, and 9). If it is the BLM’s intent to convey only parcels 3, 4, 5, 7 and 9, why wasn’t this an alternative in the EA, or even mentioned in the EA? Is this an “unofficial preferred alternative”? Why did the BLM only give some people this information, and not others?”*

The Roseburg BLM does not post Dear Reader letters on its website. The purpose of the dear reader letter was twofold: 1) to indicate why readers had received a copy of the pre-decisional EA and pre-decisional FONSI in the mail; and 2) to summarize the proposed action and anticipated finding of no significant impact, contained within the EA and FONSI.

Both the EA and FONSI were available on the website, at the local library, and were available by request; as such, this information was available to all.

The BLM’s intent was to analyze the environmental effects of transferring each of ten parcels in order to determine suitability for transfer. During informal consultation with the US Fish and Wildlife Service, the Service provided an informal recommendation on suitability of each of the parcels. The effects analysis and discussions with both the State and FWS led BLM to believe that parcels 3, 4, 5, 7 and 9 may be the parcels best suited for transfer. These were not a “preferred alternative” within the EA. BLM shared the expectation that this may be the final decision, and that based upon the transfer of these five parcels, BLM would come to a FONSI in a pre-decisional FONSI that was mailed to the affected public and posted to the website.

27. *Parcel 8 should have been in the unofficial preferred alternative.*

The EA did not contain a preferred alternative. As stated previously, the purpose of the EA was to analyze (to an equal extent) the environmental effects of transferring each of the ten parcels.

28. *NEPA requires more than one action alternative, such as alternatives that include specific combination of parcels, or alternative that included lands without such critical reserves, or an alternative that included lands only in zone 3.*

*NEPA requires that the BLM “...provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.” The Indemnity EA failed to do this.*

*The BLM also failed to consider an alternative that would comply with FLPMA 102(a): “Sec. 102. (a) The Congress declares that it is the policy of the United States that (1) the public lands be retained in federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest”.*

The regulations at 40 CFR 1508.9(a)(1) state that an EA serves to “briefly provide sufficient evidence and analysis for determining whether or not to prepare an environmental impact statement or a finding of no significant impact”. The EA did not show any significant environmental effects resulting from the proposed action; as such BLM has prepared a finding of no significant impact.

The BLM analyzed two alternatives, the no action and the action alternative. Within the action alternative, BLM analyzed 464.05 acres for potential transfer. This was in excess of the approximately 180 acres that BLM anticipated transferring; the excess of parcels permitted BLM to determine those best suited to transfer. Analyzing more acreage than requested by the State served the function of another action alternative (EA, pg. 9).

The proposed action (granting of the indemnity selection) is determined to serve the national interest according to BLM Manual 2621. This is stated in the Memorandum of Understanding between Western States Land Commissioners Association and the BLM -- --“As set forth in BLM Instruction Memorandum No. 81-34, dated October 21, 1980, satisfaction of indemnity selection rights and disposal of parcels of public lands for that purpose are to be considered “serving the national interest:” in the context of Section 102 (a) (1) of the Federal Land Policy and Management Act of 1976 and in connection with land-use planning and classification activities in the indemnity selection implementation program.”

29. *The BLM cannot convey Zone 2 lands away without amending the RMP.*

The ROD/RMP states that Zone 2 lands may be transferred to other public agencies or managed under some form of cooperative agreement (ROD/RMP pg. 68).

30. *The EA failed to explain why 180 acres were not available anywhere in Zone 3.*

The State of Oregon made selection on Zone 2 lands. Information on Zone 3 lands was provided to the State; however, Zone 3 lands did not meet the State's objectives. Because the proposed action was designed in response to the State's application, no Zone 3 parcels were analyzed in the EA.

31. *Under the Resource Management Plan Land Tenure Adjustment requirements, the BLM must use specific criteria to "evaluate opportunities for disposal" of lands.*

The evaluation criteria (RMP, Appendix B, pg. 123) were applied in the process to evaluate suitability of the parcels to meet the entitlement owed the State of Oregon. The selected parcels are unreserved, unappropriated and non-mineral in character.

32. *This action by Roseburg BLM is just part of another action by Oregon BLM. A programmatic EIS should have considered cumulative effects, both direct and indirect effects... The BLM cannot break this action down into smaller components.*

The Oregon BLM is responsible for fulfilling a federal obligation of 5202.29 acres of land to the State of Oregon. NEPA is triggered by this federal action. However, BLM has discretion in determining how to comply with NEPA, and chose not to do a programmatic EIS based upon the following factors:

- There is no continued program of work which would render a programmatic EIS useful. Once these explicit transfers occur, the total action is complete and will not be repeated.
- The timing of selection and the physical location of the indemnity selections is varied statewide. For example, the State and BLM examined land in the Eugene District, the Medford District, the Roseburg District, and the Prineville District.
- The temporal and geographical variances of these transfer actions lead to different environmental effects on different resources.
- Each District must make its own determination on the suitability of the parcels for transfer and its own classification decision.

33. *The EA failed to include the cumulative effects of 180 acres of Roseburg BLM old growth forests falling into the hands of private logging interests.*

The cumulative effects analysis is done by watershed, and is based upon the environmental effects anticipated due to timber harvest under the Oregon Forest Practices Act (EA, page 78-86).

34. *The BLM also failed to consider the cumulative impacts of barred owls moving into this area, pushing spotted owls out of nest sites protected on BLM lands.*

In 2005, BLM, U.S. Forest Service, and the U.S. Fish and Wildlife Service conducted a coordinated review of four recently completed reports containing information on the northern spotted owl. The reports included *Scientific Evaluation of the Status of the Northern Spotted Owl* (Courtney et al. 2004), *Status and Trends in Demography of Northern Spotted Owls, 1985-2003* (Anthony et al. 2004), *Northern Spotted Owl Five Year Review: Summary and Evaluation* (USFWS, November 2004), and *Northwest Forest Plan – The First Ten Years (1994-2003): Status and trend of northern spotted owl populations and habitat, PNW Station Edit Draft* (Lint, Technical Coordinator, 2005).

The summary of findings on the threat to Northern spotted owl from barred owls are:

The Roseburg PRMP/EIS found “...it is unlikely that a single factor, with the exception of habitat loss, is primarily responsible for the declines in [Northern spotted owl] owl populations across the range” (PRMP/EIS 4-64). Anthony et al indicted that there is some evidence that barred owls may have had a negative effect on NSO survival in the northern portion of the range. They have found little evidence for such effects in Oregon and California. The threat from barred owl competition has not yet been studied to determine whether it is a cause or a symptom of NSO declines, and the reports indicate a need to examine these threats from barred owl competition.” (Evaluation of the Roseburg District Resource Management Plan Relative to Four Northern Spotted Owl Reports, September 12, 2005).

Based upon these findings and the absence of subsequent research on the effects of barred owls on Northern spotted owls, BLM did not consider this an issue for analysis, and the EA did not include a discussion of barred owls in its cumulative effects analysis.

35. *The BLM has no basis to claim that the Oregon Forest Practices Act (OFPA) protects soils.*

The Oregon Forest Practices Act would guide protection of water quality and the effects to soil resources.

36. *The EA says: “BLM is not aware of confirmed plans between the State and private parties at this time....” The BLM claims they are only dealing with the State of Oregon. But the BLM has dealt extensively directly with representatives of the Baldwin Trust. The EA misleads the public when it fails to tell the complete story of why the BLM is giving up these lands to private industry.*

BLM has an obligation to the State of Oregon, not to the Baldwin family trust. This was reiterated through all communications with the Trust and anyone representing the Trust.

37. *NEPA requires BLM to disclose the purpose and need of the project. The EA failed to do this.*

The EA discusses the purpose and need for the proposed action in Chapter 1, on pages 2 and 3.

38. *Why are the remaining 180 acres being taken from Roseburg BLM managed lands and not Coos Bay, Eugene, or other BLM managed lands.*

State made application on parcels on the Roseburg District as well as other locations in the State

39. *...the BLM is not following 43 CFR 2450, as required. 2450.4 allows that “after the proposed classification decision has been served upon the parties... protests thereto may be filed by an interested party.” We filed such a claim and objection with the State Director within the stated time frame. We heard nothing about our objection or a final decision.*

The October 20, 2006, publication referenced in this comment was made by the State of Oregon as required by the BLM's Indemnity Selection regulations in 43 CFR 2621.2 – Publications and protests. The State of Oregon made their publication for five consecutive weeks in newspapers of local circulation as required. The adverse claim referenced in the comment was received by the BLM and is under review with a decision forthcoming.

The BLM is also required to follow the regulations in 43 CFR 2400 regarding classification of the lands selected by the State of Oregon in order to determine which selections are suitable for transfer. The BLM published a notice of proposed classification on September 12 and 19, 2006 in the local Roseburg newspaper. Comments were received by the BLM in response to this proposed classification decision notice and were considered in the process.

40. *There were several referenced documents in the EA, (such as the March 27, 1997 memorandum). When we tried to get a copy of documents from the project file, we were told we would need to FOIA any documents in the project file. This is a violation of NEPA. The EA cannot reference a document that is not available.*

All referenced material within the EA is publicly available. The original request received by BLM was a request to view the entire project file. This file may contain some information that is not public in nature; because of this, BLM asked that a FOIA request be submitted. The BLM provided an initial response to the FOIA request on April 10, 2007. The BLM mailed a final response on May 18, 2007.

41. *The BLM failed to consider if the impacts of the proposed action comply with the Aquatic Conservation Strategy (ACS) of the Northwest Forest Plan. Watershed Analysis for the relevant watersheds do not recommend privatizing important riparian reserves and land*

*in tier-1 watersheds. This project fails to comply with the ACS.*

BLM discussed the cumulative effects to each of the four affected fifth field watersheds. BLM analyzes compliance with ACS at the fifth field scale; BLM found that "the proposed project would not have any discernible impact on the ability of the agencies to achieve the goals of the Aquatic Conservation Strategy." This statement is on page 80, 82, 84, and 86 of the EA.

Watershed analyses are not decision making documents; such decisions are made in the RMP, which permits the transfer of zone 2 land.

42. *The BLM claims that due to the uncertainty of what kind of clearcut private industry will commit on these parcels means "a detailed assessment of the impacts of future management options on EFH is not practicable." This action rises to the level of adverse effect, and consultation under the MSA is required.*

The EFH Assessment concluded that there would be no direct effect rising to the level of adverse effect to EFH caused by the transfer of federal land to the state (transfer of title) as defined under 50 CFR 600 which would require consultation with the National Marine Fisheries Service. (EA, Page 106)

From an EFH standpoint, a detailed assessment of the impacts of future management options on EFH is not practicable due to: 1) the lack of any federal discretion regarding subsequent management of these transferred lands; 2) the lack of a State timber management plan for these parcels; 3) the wide range of management actions that could occur within the designated Riparian Management Areas (RMAs) under the Oregon Forested Practices Act; and 4) the lack of detail regarding specific harvest actions such as road construction and season of use, yarding practices (cable, helicopter, ground based) and stream crossings. Only until a management alternative is identified can effects be specifically analyzed. At that time, with specific information, those possible effects can be evaluated to determine if they rise to the level of adverse effect and consultation under EFH is needed. Therefore, because the federal action before us now does not rise to the level of adverse effect, consultation under the MSA is not required. (EA, page 106)

43. *The EA says: "Parcel 4 was determined to have illegally dumped solid waste debris on the parcel; prior to any transferal, the pieces of debris would be removed." We didn't see any trash dumped on Parcel 4.*

The BLM maintenance organization removed the pieces of debris from the parcel.

44. *The EA says that "BLM assumes management and effects" is "based upon current State management policies." This assumption is deceiving. The BLM has had direct communication with the Baldwin Trust and is fully aware they are the recipients of this land.*

As stated in the EA on page 8, the BLM assumes, for analytical purposes, that the land

will be managed for timber production under Oregon Forest Practices Act requirements, regardless of whether the State retains ownership or transfers the parcels. The environmental effects analysis is based upon this assumption.

*45. Table 1 on page 12 of the EA has text that is footnoted, but there are no corresponding footnotes.*

An undetected printing error eliminated the footnotes to this table. In the electronic version of the EA, available on the Roseburg District BLM website, the footnotes to Table 1 appear.

#### **SECTION 4 – PROCEDURES**

For a period of 30 days after receipt of this notice, this initial classification decision shall be subject to the exercise of supervisory authority by the Secretary of the Interior for the purposes of administrative review. If the Secretary has not exercised supervisory authority for review, the initial classification decision shall become the final order of the Secretary. Interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, DC 20240.

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Marci L. Todd, Field Manager  
Swiftwater Field Office

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Date

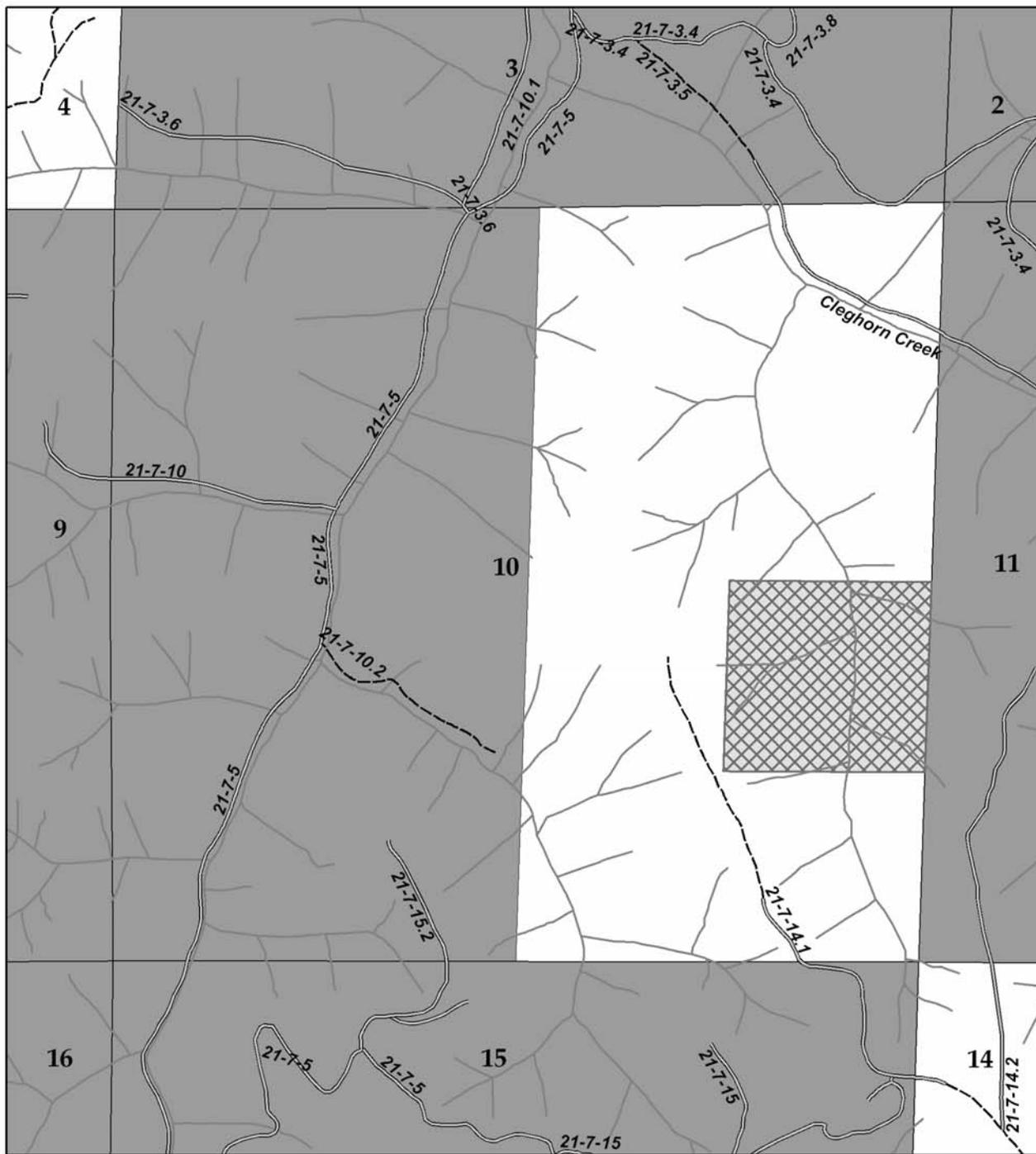
# BLM In-Lieu Selection Parcel 3

## T21S R7W Sec 10, NE1/4 SE1/4

July 11, 2006

R7W

T21S



### Matrix / Riparian Reserve Land Tenure Zone 2



United States Department of the Interior  
Bureau of Land Management  
Roseburg District Office  
777 NW Garden Valley Blvd  
Roseburg, OR 97470

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Legend	
	In-Lieu Selection
	O&C Land
	Public Domain Land
	Private Land
	Stream
	Roads
	County
	Bureau of Land Management
	Private
	Not Known



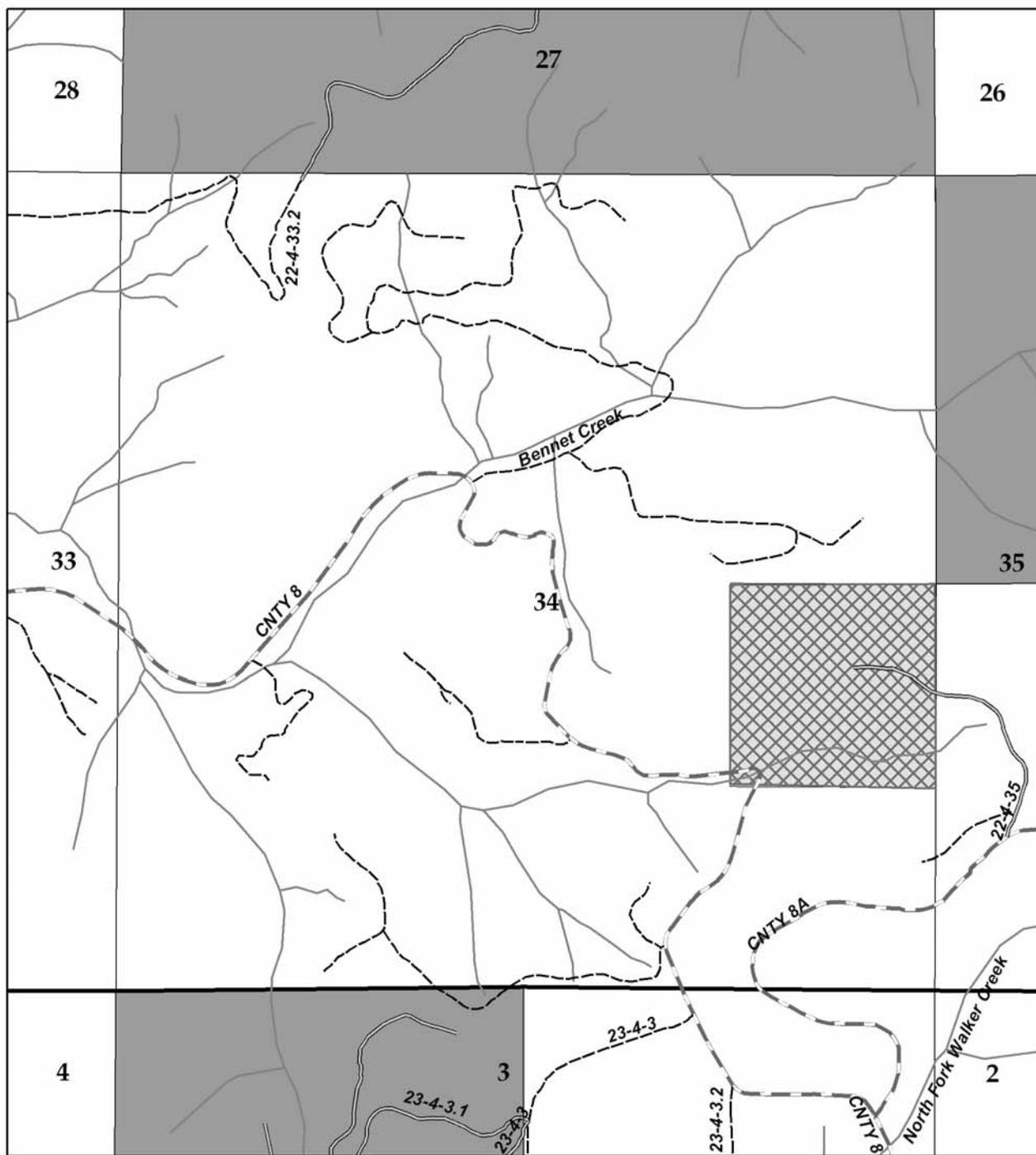
# BLM In-Lieu Selection Parcel 4

T22S R4W Sec 34, NE1/4 SE1/4

July 11, 2006

R4W

T22S



## Matrix / Riparian Reserve Land Tenure Zone 2



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Legend	
	In-Lieu Selection
	O&C Land
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	Private Land
	Stream
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	County
	Bureau of Land Management
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	Not Known

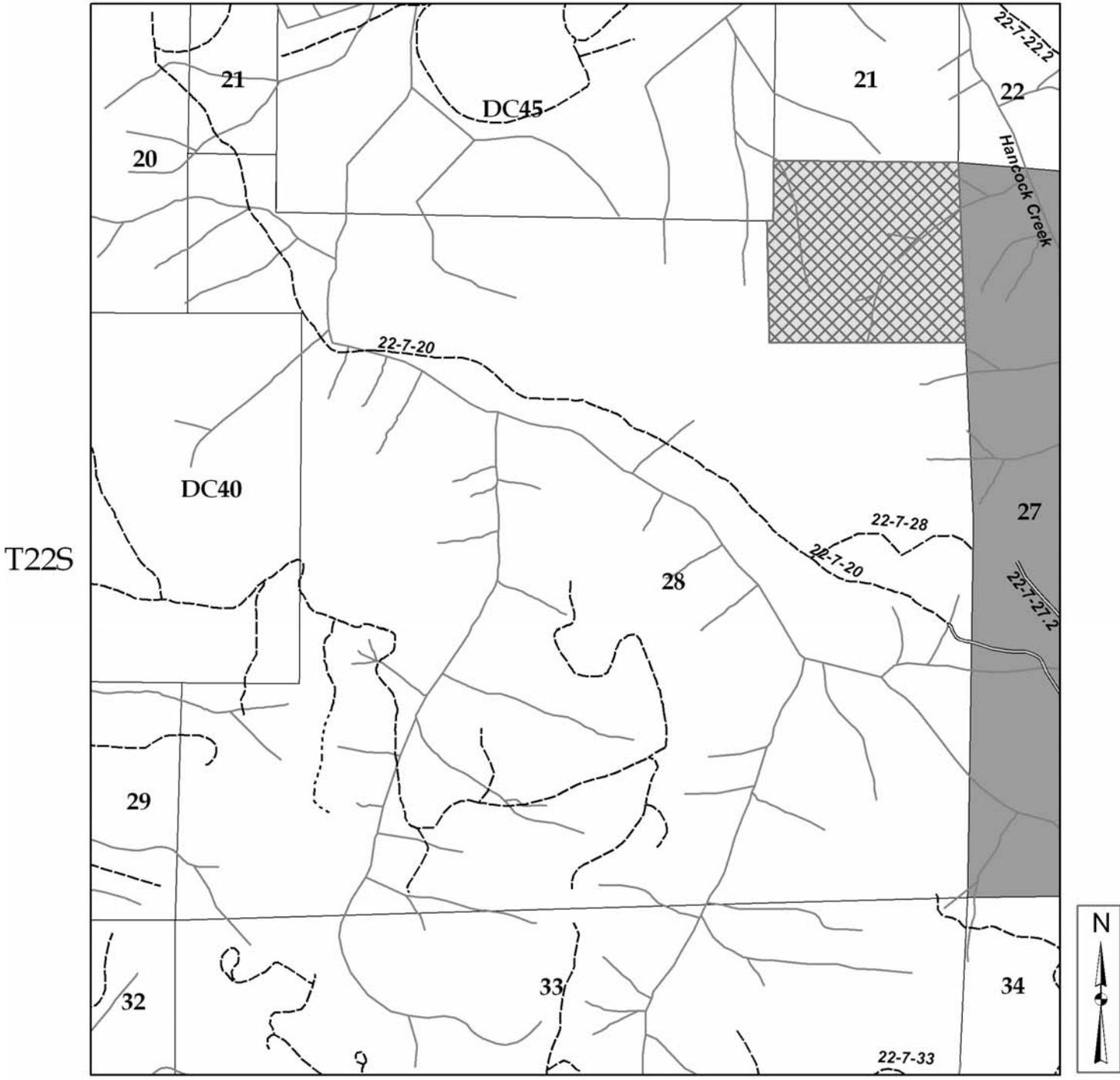


# BLM In-Lieu Selection Parcel 5

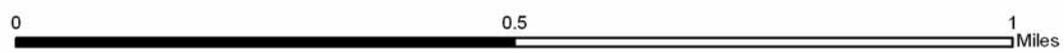
## T22S R7W Sec 28, Government Lot 1

July 11, 2006

R7W



T22S



Matrix /Connectivity  
Land Tenure Zone 2



United States Department of the Interior  
Bureau of Land Management  
Roseburg District Office  
777 NW Garden Valley Blvd  
Roseburg, OR 97470

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

### Legend

- |                    |                           |
|--------------------|---------------------------|
| In-Lieu Parcel     | Roads                     |
| O&C Land           | County                    |
| Public Domain Land | Bureau of Land Management |
| Private Land       | Private                   |
| Stream             | Not Known                 |



# BLM In-Lieu Selection Parcel 7

## T23S R4W Sec 4, NW1/4 SE1/4

July 11, 2006

R4W

T24S

DC37

33

34

T23S

5

4

23-4-3.4

3

Elk Creek

23-4-3.3

Walker Creek

CNTY 7

8

23-4-9.2

9

10



Matrix  
Land Tenure Zone 2



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### Legend

- |                    |                           |
|--------------------|---------------------------|
| In-Lieu Selection  | Roads                     |
| O&C Land           | County                    |
| Public Domain Land | Bureau of Land Management |
| Private Land       | Private                   |
| Stream             | Not Known                 |



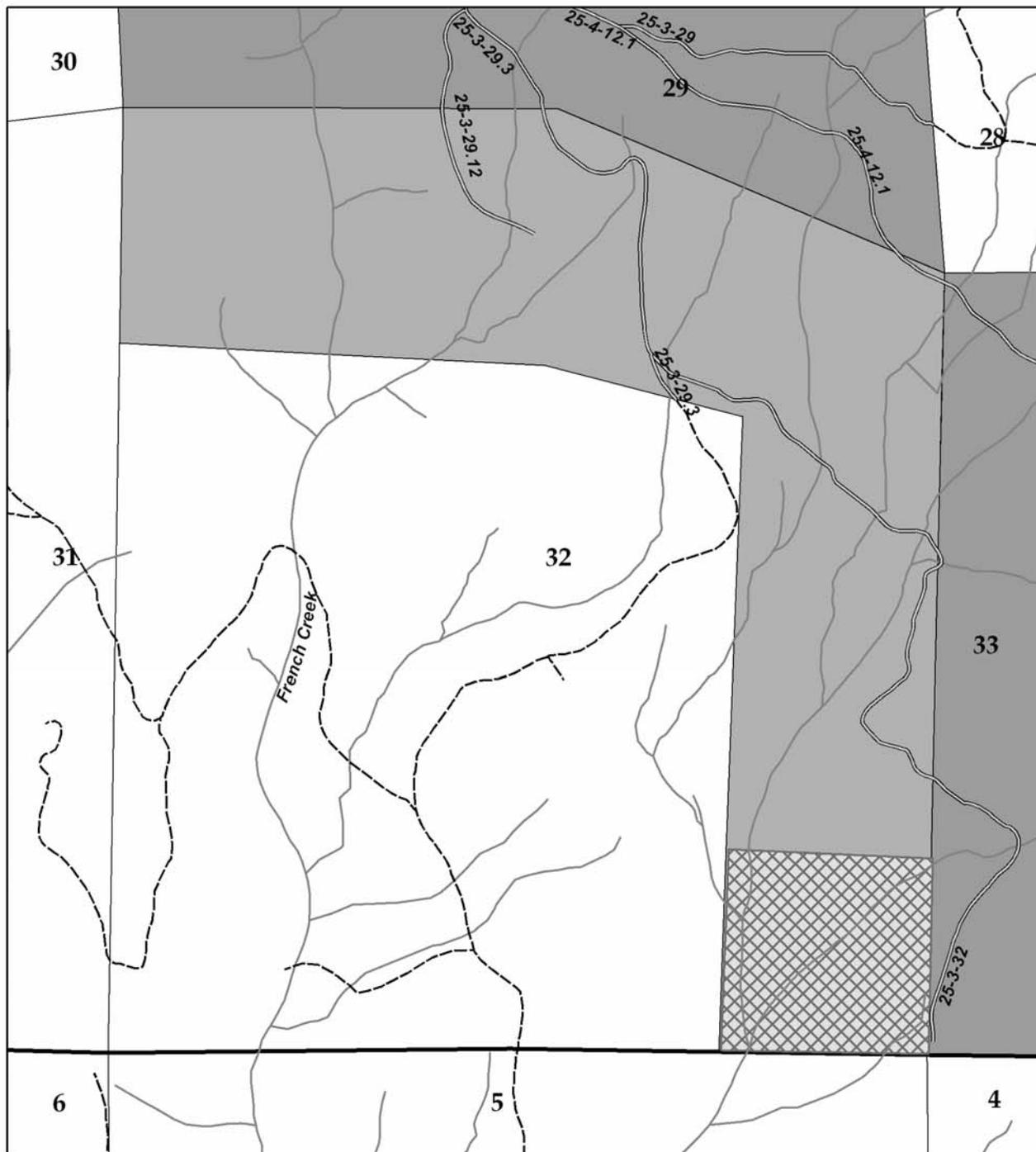
# BLM In-Lieu Selection Parcel 9

## T25S R3W Sec 32, SE1/4 SE1/4

July 11, 2006

R3W

T25S



### Matrix Land Tenure Zone 2



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Legend	
	In-Lieu Parcel
	O&C Land
	Public Domain Land
	Private Land
	Stream
	Roads
	County
	Bureau of Land Management
	Private
	Not Known

