

North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance Project

Final Decision and Decision Rationale for North Fork Alsea Access Road Hazard Tree
Removal and Road Maintenance Project

Environmental Assessment Number OR080-07-01

July 2007

United States Department of the Interior
Bureau of Land Management
Oregon State Office
Salem District
Marys Peak Resource Area

Township 12 South, Range 8 West, Sections 29 and 33; Township 13 South, Range 7 West,
Sections 7, 9, 15 and 17; Township 13 South, Range 8 West, Sections 1, 2, 3, 12 and 13,
Willamette Meridian
Upper Alsea River and Big Elk Creek 5th field Watersheds.
Benton County, Oregon

Responsible Agency: USDI - Bureau of Land Management

Responsible Official: Trish Wilson, Field Manager
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As the Nation's principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

BLM/OR/WA/PL-07/054+1792

I. Introduction

The Bureau of Land Management (BLM) has conducted an environmental analysis for the North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance Project, which is documented in the North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance Environmental Assessment (EA, # OR080-07-01) and the associated project file. The Proposed Action of the North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance Project EA is to remove hazard trees which are generally located within 25 feet of road edges, within Late Successional Reserve and Riparian Reserve Land Use Allocations (LUA's). The project will utilize a commercial timber sale to remove trees adjacent to the North Fork Access Road #12-8-19, 13-8-12.1 and 13-7-10. A Finding of No Significant Impact (FONSI) was signed on June 7, 2007 and the EA and FONSI were then made available for public review.

The decision documented in this Decision Rationale (DR) is based on the analysis documented in the EA. This decision authorizes the implementation of only those activities directly related to and included within the timber sale.

II. Decision

I have decided to implement the North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance Project as described in the proposed action (EA pg. 6) hereafter referred to as the "selected action". The selected action is shown on the map attached to this Decision Rationale. This decision is based on site-specific analysis in the North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance Project Environmental Assessment (EA # OR080-07-01), the supporting project record, management direction contained in the Salem District Resource Management Plan (May 1995), which are incorporated by reference in the EA.

The following is a summary of this decision.

- The removal of hazard trees adjacent to approximately 10 miles of BLM controlled Roads 12-8-19, 13-8-12.1 and 13-7-10 within the Upper Alsea River and Big Elk Creek fifth-field watersheds.
- The cutting and disposing of trees will be accomplished without allowing wheeled or tracked equipment to operate off of the existing roadway.
- Larger accumulations of debris along existing roads will be either machine piled or hand piled. All machine and hand piles will be burned.
- All design features and mitigation measures described in the EA (pp. 6 - 8) will be incorporated into the timber sale contract.

III. Compliance with Direction:

The analysis documented in the North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance EA is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). This project has been designed to conform to the *Salem District Record of Decision and Resource Management Plan*, May 1995 (RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA pp. 1 &-2). All of these documents may be reviewed at the Marys Peak Resource Area office.

Survey and Manage Species Review

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

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

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

The litigation over the amendment that eliminated the Survey & Manage mitigation measure from the Northwest Forest Plan does not affect the North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance.

I have attached the documentation of the wildlife and botany compliance reviews undertaken by resource area staff with my concurrence and signature. Therefore, based on the preceding information regarding the status of surveys for Survey & Manage wildlife and botany species and the results of those surveys, it is my determination that the North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance project complies with the provisions of the 2001 ROD, as amended or modified as of March 21, 2004. For the foregoing reasons, this decision is in compliance with the 2001 ROD as stated in Point (3) on page 14 of the January 9, 2006, Court order.

Compliance with the Aquatic Conservation Strategy

On March 30, 2007, the District Court, Western District of Washington, ruled adverse to the U. S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA-Fisheries) and USFS and BLM (Agencies) in *Pacific Coast Fed. of Fishermen's Assn. et al v. Natl. Marine Fisheries Service, et al and American Forest Resource Council*, Civ. No. 04-1299RSM (W.D. Wash)(PCFFA IV). Based on violations of the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA), the Court set aside:

- the USFWS Biological Opinion (March 18, 2004),
- the NOAA-Fisheries Biological Opinion for the ACS Amendment (March 19, 2004),
- the ACS Amendment Final Supplemental Environmental Impact Statement (FSEIS) (October 2003), and
- the ACS Amendment adopted by the Record of Decision dated March 22, 2004.

Previously, in *Pacific Coast Fed. Of Fishermen's Assn. v. Natl. Marine Fisheries Service*, 265

F.3d 1028 (9th Cir. 2001)(*PCFFA II*), the United States Court of Appeals for the Ninth Circuit ruled that because the evaluation of a project's consistency with the long-term, watershed level ACS objectives could overlook short-term, site-scale effects that could have serious consequences to a listed species, these short-term, site-scale effects must be considered. The following paragraphs show how the Middle Fork Fire Salvage project meets the Aquatic Conservation Strategy in the context of PCFFA IV and PCFFA II.

Existing Watershed Condition

The North Fork Alsea Hazard Tree Removal project area is in the Upper Alsea River and Big Elk Creek 5th-field watersheds which drain into the Alsea River and Yaquina River respectively. Fifty-two percent of the Upper Alsea River watershed is managed by BLM, 47% is private and 1% is managed by the Forest Service. Approximately 37% of the total BLM managed lands consist of stands greater than 80 years old and approximately 27% of BLM managed lands are located in riparian areas (within 100 feet of a stream) Five percent of Big Elk Creek watershed is managed by BLM, 28% is managed by the Forest Service and 67% is managed by private.

Review of Aquatic Conservation Strategy Compliance:

I have reviewed this analysis and have determined that the project meets the Aquatic Conservation Strategy in the context of PCFFA IV and PCFFA II [complies with the ACS on the project (site) scale]. The following is an update of how this project complies with the four components of the Aquatic Conservation Strategy, originally documented in the EA, Table 3, p. 23. The project would comply with:

Component 1 – Riparian Reserves: by maintaining canopy cover along all streams and wetlands would protect stream bank stability and water temperature. Riparian Reserve boundaries would be established consistent with direction from the *Salem District Resource Management Plan*. No new road construction would occur within RMP Riparian Reserves;

Component 2 – Key Watershed: by establishing that the North Fork Alsea Hazard Tree Removal project is not within a key watershed;

Component 3 – Watershed Analysis: The Big Elk Creek Watershed Analysis (1995) and the North Fork Alsea River Watershed Analysis (1996) describes the events that contributed to the current condition such as early hunting/gathering by aboriginal inhabitants, mining, road building, agriculture and water diversions, wildfire, and timber harvest. The following are watershed analysis findings that apply to or are components of this project:

- Allow enough flexibility within the road maintenance program to deal effectively with unanticipated problems. Wind or flood events could cause upstream road-related failures that would adversely impact the North Fork Alsea River and lower reaches of its tributaries. Roads need to be restored, closed or maintained according to the TMO. Many primary and secondary BLM roads will continue to provide access to large blocks of private timberland and will therefore continue to be high priority for maintenance (NFAWA pp. 97-98).

Component 4 – Watershed Restoration: by maintaining the NF Alsea Access Road to a high standard will prevent road related adverse effects and result in long-term restoration of the aquatic system.

In addition I have reviewed this project against the ACS objectives at the project or site scale with the following results. The no action alternative does not retard or prevent the attainment of any of the nine ACS objectives because this alternative would maintain current conditions. The Selected Action does not retard or prevent the attainment of any of the nine ACS objectives for the following reasons.

Aquatic Conservation Strategy Objectives (ACSOs)	Project – Hazard Tree Removal and Road Maintenance
<i>1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features.</i>	This proposal would not appreciably change existing habitat types, or alter the development of future forest stand conditions. The canopy and understory would substantially remain intact which should keep the microclimate disturbances to a minimum. Does not prevent the attainment of ACSO 1 .
<i>2. Maintain and restore spatial and temporal connectivity within and between watersheds.</i>	The proposed project would maintain the existing spatial and temporal connectivity within and between watersheds. Does not prevent the attainment of ACSO 2 .
<i>3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.</i>	No-treatment buffers and retention of trees falling into streams would maintain the physical integrity of the aquatic system. Does not prevent the attainment of ACSO 3 .
<i>4. Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems.</i>	Most of the riparian canopy would be retained and the project is expected to maintain current riparian microclimate conditions and protect streams from further increases in temperature. Trees which fall into streams would be left on site. Does not prevent the attainment of ACSO 4 .
<i>5. Maintain and restore the sediment regime under which aquatic ecosystems evolved.</i>	No-treatment buffers and PDF's would minimize any potential sediment from harvest and road-related activities from reaching water bodies. Does not prevent the attainment of ACSO 5 .
<i>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.</i>	Alterations in the capture, infiltration and routing (both surface and subsurface) of precipitation, as a consequence of the proposal, would be minimal. The proposed alternative would not measurably alter instream flows. Does not prevent the attainment of ACSO 6 .
<i>7. Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.</i>	Project design features, such as no-treatment buffers, coupled with the small % of vegetation proposed to be removed, would maintain groundwater levels and floodplain inundation rates. Does not prevent the attainment of ACSO 7 .
<i>8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands.</i>	The proposed linear treatment of alder and conifer spread over 6 drainages is not anticipated to appreciably alter the composition and diversity of plant communities in the riparian areas. Does not prevent the attainment of ACSO 8 .
<i>9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.</i>	Species linked to Riparian Reserves issues are mostly associated with late-seral forest conditions, which would be maintained and provide existing function of the local Riparian Reserves corridors. Existing corridors for movement through Riparian Reserves would be negligibly affected within these watersheds. Does not prevent the attainment of ACSO 9 .

IV. Alternatives Considered

The EA analyzed the effects of the proposed action and the no action alternatives. No unresolved conflicts concerning alternative uses of available resources (section 102(2) (E) of NEPA) were identified. No action alternatives were identified that will meet the purpose and need of the project and have meaningful differences in environmental effects from the proposed action (EA Section 3.1). Complete descriptions of the "action" and "no action" alternatives are contained in the EA, pages 11-23.

V. Decision Rationale

Considering public comment, the content of the EA and supporting project record, the management direction contained in the RMP, I have decided to implement the selected action as described above. The following is my rationale for this decision.

1. The selected action:
 - Meets the purpose and need of the project (EA section 2.1), as shown in *Table 1*.
 - Complies with the *Salem District Record of Decision and Resource Management Plan*, May 1995 (RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA pp. 1 & 2).
 - The North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance project is in full and complete compliance with the 2001 Survey and Manage FSEIS and ROD. This project is in compliance with Judge Marsha Pechman's January, 2006 ruling on the 2004 Record of Decision for Survey and Manage Standards and Guidelines, as stated in Point (3) on page 14 of the January 9, 2006, Court order in Northwest Ecosystem Alliance et al. v. Rey et al. (DR Appendix B and C – Compliance with Survey and Manage Direction). No additional surveys are planned for the area as currently designed.
 - Will not have significant impact on the affected elements of the environment (EA FONSI pp. iii-iv) beyond those already anticipated and addressed in the RMP EIS.
 - Has been adequately analyzed.

Table 1: Comparison of the Alternatives with Regard to the Purpose of and Need for Action (EA section 2.1)

Purpose and Need (EA section 2.1)	Proposed Action	No Action
This project will reduce the hazards to the public by removing trees that are both imminent and that have failure potential and which produce other (limb breakage) hazards and maintenance problems.	The project will remove hazard trees (any trees leaning into, or over the roadbed; and deciduous trees with canopies overtopping the roadway) within 25-50 feet of the road prism in 40 to 70 year old forest. This project will utilize a commercial timber sale to remove trees adjacent to the North Fork Access Road #'s 12-8-19, 13-8-12.1 and 13-7-10.	Safety hazards (problems associated with windfall, snow and ice loaded tree and limb fall) will continue. Those hazards will conflict with the BLM's designation of the road as an Access Road (maintained to a higher standard, both for public and industrial access).

2. The No Action alternative was not selected because it does not meet the Purpose and Need directly, or delays the achievement of the Purpose and Need (EA section 2.1), as shown in *Table 1*.

VI. Public Involvement/ Consultation/Coordination

Scoping: A description of the proposal was included in the Salem Bureau of Land Management Project Update which was mailed to more than 1070 individuals and organizations. A letter asking for scoping input on the proposal was mailed on November 17, 2006 to adjacent landowners and individuals who expressed an interest in management activities in the resource area as a whole or in this area. Letters were also sent to the Confederated Tribes of Grande Ronde; Confederated Tribes of the Siletz; Federal, State, County and local government organizations; and Special Interest groups. One E-Mail letter was received during the scoping period. A summary of the responses received was included in EA Section 10.0 – Response to Scoping Comments.

Comment Period and Comments:

The original EA and/or notice of availability of EA were mailed to approximately sixteen agencies, individuals and organizations on June 7, 2007. A legal notice was placed in a local newspaper (*Gazette Times*) soliciting public input on the action from June 11 to July 10, 2007. One comment letter (American Forest Resource Council) was received. Responses to the comments can be found in Appendix A of the Decision Rationale.

Consultation/Coordination:

Wildlife: To address concerns for impacts to federally listed wildlife species and their critical habitat, the proposed action has been consulted on with the U.S. Fish and Wildlife Service, as required under Section 7(a) of the Endangered Species Act. This proposed action has been designed in accordance with standards set forth in a Biological Assessment (BA; USDA-FS and USDI-BLM 2006) that was used to facilitate consultation. In a Letter of Concurrence (received 10/04/2006, reference # 1-7-2006-I-0190) the Service concurred that projects designed in accordance with the standards set forth in the BA and that occur outside of the critical breeding period, will not result in adverse impacts to spotted owls, marbled murrelets, or their designated critical habitat. If this project were implemented during the critical breeding period (April-1 to August-5), this action has the potential to adversely affect marbled murrelets due to noise disturbance occurring in proximity to occupied habitat. However, this potential adverse affect will not result in jeopardy to the species. All pertinent design standards from the BA have been incorporated into this proposed action.

Fish: Recently, the NOAA NMFS determined that the Oregon Coast Coho Salmon Evolutionarily Significant Unit did not warrant listing as threatened or endangered under the ESA. No consultation is required under Section 7 of the ESA at this time, as no listed fish species are known to occur in the action area associated with this proposed project. Should any listing of fish species occur prior to implementation of any actions associated with this EA then further review will be necessary consistent with Section 7.

Protection of EFH, as described by the Magnuson/Stevens Fisheries Conservation and Management Act, and consultation with NOAA NMFS is required for all projects which may adversely affect EFH of Chinook or coho salmon in the action area. The proposed action, with the incorporation of project design features, is not expected to adversely affect EFH. Thus, no consultation with NOAA NMFS on EFH is required for this project. Actions and effects beyond

the scope of the analysis provided will require additional review and potentially result in the need to consult with NOAA NMFS.

VII. Conclusion

I have determined that change to the Finding of No Significant Impact (FONSI – June 2007) for the North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance Project is not necessary because I've considered and concur with information in the EA and FONSI. The comments on the EA were reviewed and no information was provided in the comments that lead me to believe the analysis, data or conclusions are in error or that the proposed action needs to be altered. There are no significant new circumstances or facts relevant to the proposed action or associated environmental effects that were not addressed in the EA.

Protests: In accordance with Forest Management Regulations at 43 CFR 5003.2, the decision for this timber sale will not become effective or be open to formal protest until the Notice of Sale is published "in a newspaper of general circulation in the area where the lands affected by the decision are located". Protests of this sale must be filed within 15 days of the first publication of the notice. For this project, the Notice of Sale will be published in the *Gazette Times* newspaper on or around August 1, 2007. The planned sale date is August 29, 2007.

Contact Person: For additional information concerning this decision, contact Gary Humbard (503) 315-5981, Marys Peak Resource Area, Salem BLM, 1717 Fabry SE, Salem, Oregon 97306.

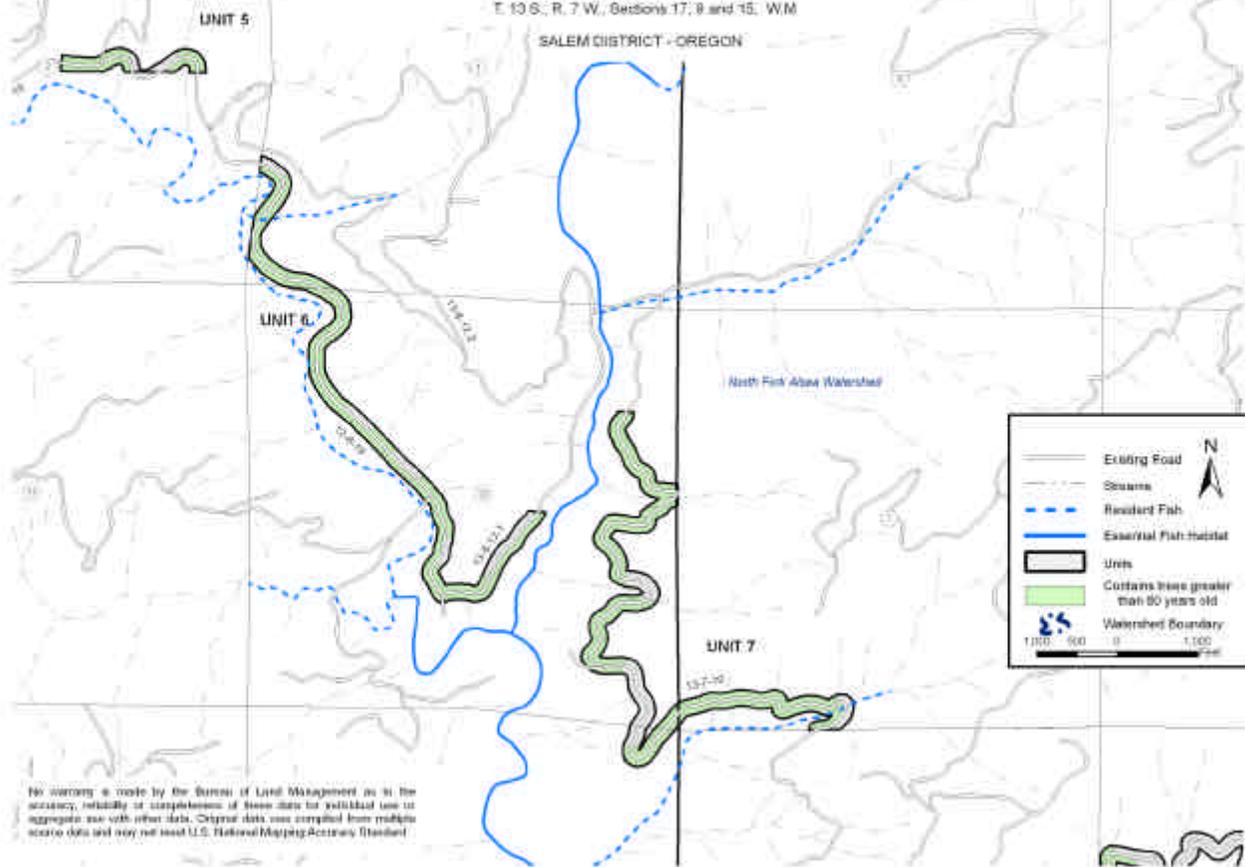
Approved by: Trish Wilson
Trish Wilson
Marys Peak Resource Area Field Manager

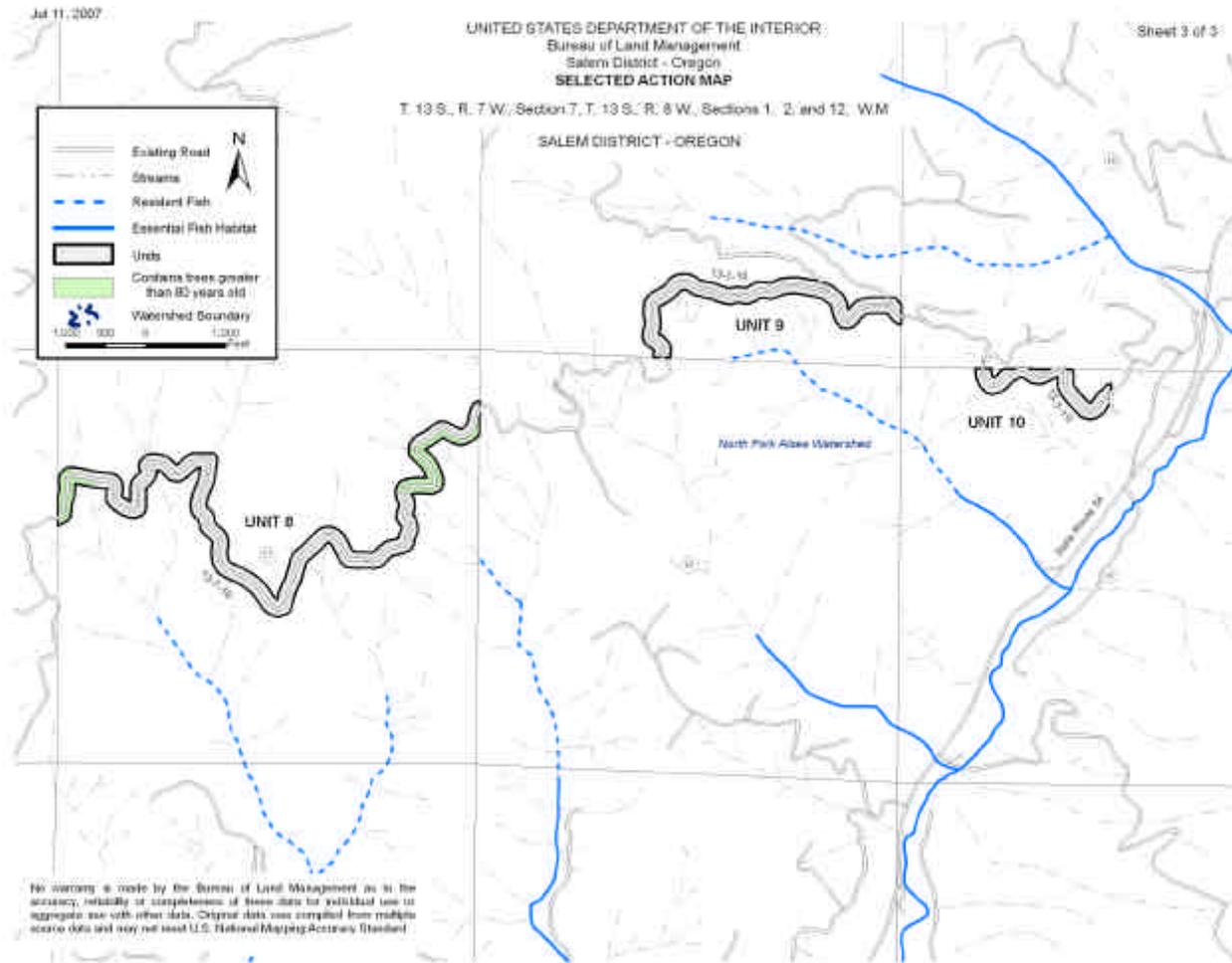
7/24/07
Date

Jul 11, 2007

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Salem District - Oregon
SELECTED ACTION MAP

Sheet 2 of 3





IX. Appendix A: Response to Public Comments Received on the North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance Project (EA#OR080-07-01)

Note: This section addresses comments on the North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance Project received during the public comment period, which ended July 10, 2007. One comment letter was received from American Forest Resource Council (7/5/07). The comments, (in italics type), may have been paraphrased for clarity or conciseness, but the complete text of the comment was available to the Interdisciplinary Team (IDT) making the response. The full text of the comment letters is available in the North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance Project NEPA file.

(i) American Forest Resource Council (July 5, 2007)

1. **Comment:** *Appropriate harvesting systems should be used and the BLM should treat all trees regardless of diameter class that may be a risk to the public.*

Response: Ground based yarding equipment was determined to be the appropriate harvesting system to be utilized for the project area. The objective of the project is to reduce hazards to

the public by removing trees that are both imminent and have high potential for creating future hazards regardless of tree size. The majority of the trees range in size from 8 to 16 inches in diameter with a small amount larger than 24 inches in diameter.

2. **Comment:** Due to fire and wildlife restrictions which make it difficult to complete timber sales, AFRC would like to see a option to complete this salvage sale during the winter season.

Response: Design features will include for Units 1 thru 6 designated to go out Road 12-8-19 to Feagles Creek County Road, hauling would be limited to low moisture soil conditions (adjacent to Essential Fish Habitat). Year round hauling from Units 7 to 10 on Road 13-7-10 to Highway 34 will be provided, except hauling would cease during heavy rainfall periods when road surface flows are most likely to be connected to stream channels.

Appendix B – Compliance with Current Survey and Manage Direction

2001 ROD Compliance Review: Survey & Manage Wildlife Species

Environmental Analysis File
Salem District BLM, Marys Peak Resource Area

**North Fork Alsea Access Road Hazard
Tree Removal and Road Maintenance**

Project Name: **Project**
Project Type: **Roadside maintenance of hazard trees**
Location: **Along North Fork Alsea Access Road**

Prepared By: **Scott Hopkins**
Preparation Date: **4/04/2007**
S&M List Date: **3/14/2007**

Table A. Survey & Manage Wildlife Species Known and Suspected on Salem District BLM. The species listed below are from the 2001 S&M ROD (Table 1-1), including only those vertebrate and invertebrate species whose known or suspected range includes the Salem District according to: *Survey Protocols for Amphibians under the Survey & Manage Provision of the Northwest Forest Plan, version 3.0 (1999)*, *Survey protocol for the Great Gray Owl within the Range of the Northwest Forest Plan, version 3.0 (Jan. 2004)*, *Survey Protocol for the Red Tree Vole, version 2.1 (Oct. 2002)*, and the *Survey Protocol for S&M Terrestrial Mollusk Species version 3.0 (Feb. 2003)*.

Species ¹	S&M Category	Survey Triggers			Survey Results			Buffers?
		Within Range of the Species?	Project Contains Suitable habitat?	Project may negatively affect species /habitat?	Surveys Required?	Surveys completed?	Sites Found?	
Vertebrates								
Larch Mountain Salamander ² (<i>Plethodon larselli</i>)	A	No	NA ⁹	NA	No	NA	NA	None
Great Gray Owl ³ (<i>Strix nebulosa</i>)	C	No	NA	NA	No	NA	NA	None
Oregon Red Tree Vole ⁴ (<i>Arborimus longicaudus</i>)	C	Yes	Yes	No	No	NA	NA	None
Invertebrates (Mollusks)								
Puget Oregonian ⁵ (<i>Cryptomastix devia</i>)	A	No	NA	NA	No	NA	NA	None
Evening Field Slug ⁶ (<i>Deroceras hesperium</i>)	B	No	NA	NA	No	NA	NA	None
Warty Jumping Slug ⁷ (<i>Hemphillia glandulosa</i>)	C	No	NA	NA	No	NA	NA	None
Oregon Megomphix ⁷ (<i>Megomphix hemphilli</i>)	C	No	NA	NA	No	NA	NA	None
Crater Lake Tightcoil ⁸ (<i>Pristiloma arcticum crateris</i>)	B	No	NA	NA	No	NA	NA	None

- In light of the recent litigation of the Annual Species Review process in *Klamath-Siskiyou Wildlands Center et al. v. Boody et al.*, the species and their status as listed in this table refer to Table 1-1 of the 2001 Survey and Manage ROD (pages S&G-41 to S&G-51), prior to any amendments by the Annual Species Review process.
- In the Salem District, the range of the Larch Mountain salamander is only in the very northern portion of the Cascades Resource Area, within 14 miles of the Columbia River, east of the confluence with the Sandy River according to Survey Protocols for Amphibians under the Survey & Manage Provision of the Northwest Forest Plan v3.0 (1999) pages 262 and 269.
- In the Salem District, the range of the great gray owl is only within the Cascades Resource Area.
- The red tree vole is a Category C species. Proposed roadside hazard tree removal would have no effect on conditions of red tree vole habitat that lies adjacent to the roadway, thus no pre-disturbance surveys are required.
- In the Salem District, the range of *Cryptomastix devia* is limited to the Tillamook Resource Area and Clackamas County and Multnomah County in the Cascades Resource Area.
- In the Salem District, the habitat for *Deroceras hesperium* is believed to be "limited to moist surface vegetation and cover objects within

30 m (98 ft.) of perennial wetlands, springs seeps and riparian areas." Surveys for this species were not required for this project since these habitat conditions would not be modified or altered by this proposed project.

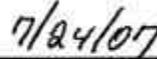
7. These two mollusk species are regularly found in suitable forested habitat within the Oregon Coast Range. Since this action would not alter the condition of habitat elements within the adjacent forest stands along the roadway, no pre-disturbance surveys are necessary.
8. In the Salem District, *Pristioma articum crateris* is suspected to occur above 2000 feet elevation in the Cascades Resource Area only.
9. NA = Not Applicable.

Statement of Compliance. The proposed roadside maintenance and hazard tree removal would not affect the suitable habitat of any Survey and Manage wildlife species and therefore, no pre-disturbance surveys for these species are required in order to comply with the 2001 Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines (as the 2001 ROD was amended or modified as of March 21, 2004). Also, there are no known Category B, D, E, and F wildlife species within the project sites.

Therefore, based on the preceding information (refer to Table A above) regarding the status of surveys and site management for Survey & Manage wildlife species, it is my determination that the FY2007 North Fork Alsea Access Road Hazard Tree Removal and Road Maintenance Project complies with the provisions of the 2001 Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines (as the 2001 ROD was amended or modified as of March 21, 2004). For the foregoing reasons, this project is in compliance with the 2001 ROD as stated in Point (3) on page 14 of the January 9, 2006, Court order in Northwest Ecosystem Alliance et al. v. Rey et al.



Patricia Wilson, Field Manager
Marys Peak Resource Area



Date

2001 ROD Compliance Review: Survey & Manage Botany Species

Environmental Analysis File Salem District Bureau of Land Management

Project Name: **North Fork Hazard Tree Removal** Prepared By: **Ron Exeter**
 Project Type: **Right of way and hazard tree removal.** Date: **July 17, 2007**
 Location: **(Coast Range physiographic province)**
 S&M List Date: **December 2003.**

Table A. Survey & Manage Species Known and Suspected in the Salem District. Species listed below were compiled from the 2003 Annual Species Review (IM-OR-2004-034) and includes all species in which pre-disturbance surveys may be needed (Category A, C and non-fungi Category B species if the project occurs in old-growth as defined on page 79-80 of the 2001 ROD) and lists known sites of other survey and manage species that are known to occur within the project area. In addition, the table indicates whether or not a survey was required, survey results and site management.

The following survey protocols and literature were used in determining species known range, habitat and survey methodology. All field surveys were completed by intuitive controlled methods.

Fungi:

Survey Protocols for *Bridgeoporus (=Oxyporus) nobilissimus* (Version 2.0, May 1998)
 Handbook to Strategy 1 Fungal Species in the Northwest Forest Plan (October 1999)
 Handbook to Additional Fungal Species of Special Concern in the Northwest Forest Plan. (2003).

Lichens:

Survey Protocols For Component 2 Lichens (Version 2.0, March 1998)
 Management Recommendations for Survey and Manage Lichens (Version 2.0, March 2, 2000)
 Survey Protocols for Survey and Manage Category A & C Lichens in the Northwest Forest Plan Area [Version 2.1 (2003)]
 2003 Amendment to the Survey Protocol for Survey and Manage Category A & C Lichens. (Version 2.1 Amendment, September 2003)

Bryophytes:

Survey Protocols For Protection Buffer Bryophytes (Version 2.0)

Vascular Plants:

Survey Protocols for Survey and Manage Strategy 2 Vascular Plants (Version 2.0, December 1998).

All species:

Rare, Threatened and Endangered Species of Oregon; Oregon Natural Heritage Information Center (March 2007).

Species	S&M Category	Survey Triggers			Survey Results			Site Management
		Within Range of the Species?	Project Contains Suitable habitat?	Project may negatively affect species/habitat?	Surveys Required?	Survey Date (month/year)	Sites Known or Found?	
Fungi								
<i>Bridgeoporus nobilissimus</i> ^{1a}	A	NO	NO	NO	NO ²	N/A	None	N/A
Lichens								
<i>Bryoria pseudocapillaris</i> ^{1a}	A	NO	NO	NO	NO ³	N/A	None	N/A

<i>Bryoria spiralifera</i> ^{1a}	A	NO	NO	NO	NO ³	N/A	None	N/A
<i>Dendroscopula intricatatum</i> ^{1c}	A	YES	NO	NO	NO ⁴	N/A	None	N/A
<i>Hypogymnia duplicata</i> ^{1c}	C	YES	NO	NO	NO ⁴	N/A	None	N/A
<i>Leptogium cyanescens</i> ^{1c}	A	YES	NO	NO	NO ⁹	N/A	None	N/A
<i>Lobaria linita var. tenuoir</i> ^{1b}	A	YES	NO	NO	NO ⁴	N/A	None	N/A
<i>Nephroma occultum</i> ^{1c}	C	YES	NO	NO	NO ⁴	N/A	None	N/A
<i>Niebla cephalota</i> ^{1b}	A	NO	NO	NO	NO ³	N/A	None	N/A
<i>Pseudocyphellaria perpetua</i> ^{1c}	A	YES	NO	NO	NO ⁹	N/A	None	N/A
<i>Pseudocyphellaria rainierensis</i> ^{1c}	A	YES	NO	NO	NO ⁴	N/A	None	N/A
<i>Teloschistes flavicans</i> ^{1a}	A	NO	NO	NO	NO ³	N/A	None	N/A
Bryophytes								
<i>Schistostega pennata</i> ^{1b}	A	YES	NO	NO	NO ⁴	N/A	None	N/A
<i>Tetraphis geniculata</i> ^{1b}	A	YES	NO	NO	NO ⁹	N/A	None	N/A
Vascular Plants								
<i>Botrychium minganense</i> ^{1c}	A	NO	NO	NO	NO ⁵	N/A	None	N/A
<i>Botrychium montanum</i> ^{1b}	A	NO	NO	NO	NO ⁵	N/A	None	N/A
<i>Coptis asplenifolia</i>	A	NO	NO	NO	NO ⁷	N/A	None	N/A
<i>Coptis trifolia</i> ^{1b}	A	NO	NO	NO	NO ⁵	N/A	None	N/A
<i>Corydalis aquae-gelidae</i> ^{1a}	A	NO	NO	NO	NO ⁶	N/A	None	N/A
<i>Cypripedium fasciculatum</i> ^{1a}	C	NO	NO	NO	NO ⁵	N/A	None	N/A
<i>Cypripedium montanum</i> ^{1c}	C	NO	NO	NO	NO ⁵	N/A	None	N/A
<i>Eucephalis vialis</i> ^{1a}	A	NO	NO	NO	NO ⁵	N/A	None	N/A
<i>Galium kamtschaticum</i>	A	NO	NO	NO	NO ⁷	N/A	None	N/A
<i>Plantanthera orbiculata</i> var. <i>orbiculata</i>	C	NO	NO	NO	NO ⁷	N/A	None	N/A
Category B Species (equivalent effort surveys needed if project area includes old-growth as defined in 2001 ROD glossary, p. 79-80)								
None. ⁸	B	-	NO	NO	NO ⁸	N/A	None	N/A
Additional Category B, D, E & F known sites located within the proposed project Area								
No known sites.								

- ¹ These species are former species of concern; (a) Bureau sensitive, (b) bureau assessment or (c) bureau tracking species.
- ² This species is known from high elevations containing true fir and the only site in the Oregon Coast Range is at approximately 4000 feet on the top of Marys Peak. There are no true firs within the proposed project area.
- ³ This species known range within the NW Forest Plan is along the immediate coast or within the coastal fog zone within sight or sound of the Pacific Ocean but often extending up to 15 miles inland.
- ⁴ These species are known primarily from mature and old-growth, Doug-fir, Western Hemlock and Pacific silver-fir. Field surveys are not required if the species is not known to exist in the proposed project area or in the vicinity, and if it is determined that probable suitable habitat is unlikely to exist in the proposed project area.

- ⁵ These species are not known to occur on Bureau of Land Management lands within the Salem District. These species have no known sites in the Oregon Coast Range physiographic province.
- ⁶ This species is known to occur on Bureau of Land Management lands within the Salem District in the Cascades Resource Area. This species has known sites in the Western Cascades physiographic province but none in the Oregon Coast Range physiographic province.
- ⁷ This species is only known from western Washington. There are no known sites in Oregon.
- ⁸ Surveys are not required. The project area is less than 100 years of age and the project does not meet the definition on page 79-80 of the 2001 ROD.
- ⁹ There is no suitable habitat for these species in the young conifer and alder habitat that is maintained as a right-of-way.

STATEMENT OF COMPLIANCE: Pre-disturbance surveys and management of known sites required by protocol standards to comply with the 2001 Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines (as the 2001 ROD was amended or modified as of March 21, 2004) were completed for the North Fork Alsea Hazard Tree project. There are no known Category A, B, C, D, E, and F species within the North Fork Alsea Hazard Tree project.

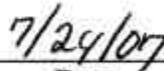
SUMMARY OF SURVEY RESULTS :

The North Fork Alsea Hazard Tree project area was surveyed for Threatened and Endangered (T&E) and Bureau Special Status (SS) and Special Attention vascular plants, lichens, bryophytes and fungi on June 5th and 7th, 2007. The surveys were completed by intuitive controlled surveys. There were no previous known sites of any of these species, nor were any found during surveys.

Therefore, based on the preceding information (refer to Table A above) regarding the status of surveys and site management for Survey & Manage botanical species, it is my determination that the North Fork Alsea Hazard Tree project complies with the provisions of the 2001 Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines (as the 2001 ROD was amended or modified as of March 21, 2004). For the foregoing reasons, this contract is in compliance with the 2001 ROD as stated in Point (3) on page 14 of the January 9, 2006, Court order in Northwest Ecosystem Alliance et al. v. Rey et al.



Trish Wilson, Field Manager
Marys Peak Resource Area, Salem District BLM



Date