



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Oregon State Office

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Portland, Oregon 97208



In Reply Refer to:
1736PFP (OR-931) P

November 7, 2006

EMS TRANSMISSION 11/09/2006
Instruction Memorandum No. OR-2007-006
Expires: 9/30/2008

To: District Managers: Coos Bay, Eugene, Lakeview, Medford, Roseburg, and Salem;
and Field Managers: Klamath Falls and Tillamook

From: State Director, Oregon/Washington

Subject: Survey and Manage Project Exemptions - Northwest Ecosystem Alliance, et al. v.
Mark E. Rey, et al., No. C04-844P (W.D.Wash)

Program Area: Survey and Manage Program.

Purpose: To distribute the October 11, 2006, Order by the District Court, in the above referenced case, amending the January 9, 2006, injunction which reinstated the January 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer and other Mitigation Measure Standards and Guidelines*, including amendments or modifications to the 2001 Record of Decision in effect as of March 21, 2004.

Policy/Action: The January 2006 Order conditionally halted all logging or other habitat disturbing activities that required Survey and Manage related surveys (as per the 2001 Record of Decision). The October 2006 modification allows four categories of activities to proceed without performing pre-disturbance Survey and Manage related surveys. These project categories are as follows with further description in the attached Order:

1. thinnings in forest stands younger than 80 years of age,
2. culvert replacement/removal,
3. riparian and stream improvement projects, and
4. hazardous fuel treatments which apply prescribed fire.

Districts and Field Offices are directed to review projects for which an exemption might apply and summarize the project type and rationale for application of the exemption. Document the deciding official's determination that the project meets the exemption in either the environmental analysis or project decision document, as appropriate. This documentation should ensure project decisions are in compliance with the District Court ruling as stated on page 1 of the October 11, 2006, Order in Northwest Ecosystem Alliance et al. v. Rey et al.

Timeframe: This District Court Order was effective as of October 11, 2006.

Budget Impact: N/A

Background: The October 2006 Order is the result of discussions between the Plaintiffs (Northwest Ecosystem Alliance, Gifford Pinchot Task Force, Environmental Protection Information Center, Klamath Forest Alliance, Umpqua Watershed, Inc., Siskiyou Regional Education Project, Klamath-Siskiyou Wildlands Center, Oregon Natural Resource Council Fund, American Lands Alliance, Center of Biological Diversity, and Northcoast Environmental Center) and the Defendant-Intervenors (Douglas Timber Operators, Inc., and American Forest Resource Council).

Manual/Handbook Sections Affected: N/A

Coordination: The content of the Order has been discussed with the relative contacts at the Bureau of Land Management (BLM) Washington Office; the Office of the Regional Solicitor; and the Forest Service Region 6 Office. Informal guidance was previously communicated with BLM districts in western Oregon and northern California.

Contact: For more information regarding this new Order or the types of activities it specifically addresses, please contact Rob Huff (503-808-6479). Policy-related questions should be addressed to Mike Haske (503-808-6066).

Districts with Unions are reminded to notify their unions of this Instruction Memorandum and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you assistance in this matter.

Signed by
James G. Kenna
Associate State Director

Authenticated by
Cindy Fredrickson

1 Attachment(s)

1 - [Stipulation and Order re: Injunction](#) (3pp)

Distribution

WO-210 (1050LS)

WO-270 (1025LS)

CA-330 (Field Manager)

CA-340 (Field Manager)

CA-360 (Field Manager)

CA-910 (State Director)