



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

COOS BAY DISTRICT OFFICE

1300 AIRPORT LANE, NORTH BEND, OR 97459

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In Reply Refer To:

1792/6711/5420 (ORC040)

DOI-BLM-OR-C040-2010-0005-EA

Cherry Vaughn Environmental Assessment

April 13, 2012

Dear Concerned Citizen:

We have prepared the Decision Record for *Cherry Vaughn Sample Tree Falling*. This activity is a portion of the Preferred Alternative of the Cherry Vaughn Environmental Assessment (EA).

The Decision Record is posted on the District Internet site: <http://www.blm.gov/or/districts/coosbay/plans/index.php>.

Please direct requests for copies, questions, or comments to Coos Bay District BLM, 1300 Airport Lane, North Bend, OR. 97459-2000, ATTN: Aimee Hoefs; call (541) 756-0100; FAX (541) 751-4303, or email to OR_CoosBay_Mail@blm.gov, ATTN: Aimee Hoefs.

Sincerely,

/s/ Kathy Hoffine

Kathy Hoffine

Myrtlewood Field Manager



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DECISION RECORD For Cherry Vaughn Sample Tree Falling

Background

The Myrtlewood Field Office, Coos Bay District Bureau of Land Management, previously prepared an Environmental Assessment (DOI-BLM-OR-C040-2010-0005-EA Cherry Vaughn) which contained analysis of the effects of conducting density management thinning within the Cherry Vaughn project area as well as analysis of a No Action Alternative. This EA resulted in a FONSI (Finding of No Significant Impact) signed April 12, 2012. Sample Tree Falling (STF) was included in the EA (p. 13) as a tool by which the BLM may accurately formulate volume tables, which will be used to estimate the harvest volume from the timber sales.

The following is summarized from Appendix E in the EA on page 90:

Conducting sample tree falling removes the measurement bias inherent in making visual estimates. Through checking measurements directly by felling a sample tree, cruisers can make corrections to their estimates. This is because sample tree falling provides the direct measurement of form class, bark thickness, taper, defect, breakage, volume, and value without bias. This is a statistically valid sampling methodology (Bell and Dilworth 1997 (Revised), Iles 2003, USDI 1989) where cruisers select a portion of the cruise trees to be felled, bucked (cut-to-length), and scaled. By felling a sample tree and substituting the scale of the tree for the cruise in the volume calculations, it eliminates the measurement bias created through ocular estimation. Cruisers can apply the measurements gained by felling, such as form class, bark thickness, and stump to DBH ratio, to the remaining standing trees and incorporate that information into district databases.

Sample tree falling would improve the accuracy of the final timber cruise of the proposed timber that would be sold in sales from the Cherry Vaughn project.

Proposed Action

Sample tree falling will be implemented in preparation of offering timber sales from the Cherry Vaughn EA. The Cherry Vaughn Environmental Assessment included in the cumulative effects analysis of these sales that the trees felled in this timber cruise method will be part of the final harvest volume. The use of sample tree felling is limited to the use of chainsaws and hand tools in the felling, bucking, and measuring of selected sample trees. There is no road construction, use of ground-based equipment, or any other manner of timber yarding associated with this portion of the Proposed Action.

Sample tree falling will occur on approximately 1200 acres of BLM-managed lands; land use allocations include Late-Successional Reserve (LSR; 697 acres) and Riparian Reserve (RR; 509 acres). On average, 1 tree/2.5 acres will be felled for use in appraisal calculations. Not more than approximately 480 trees total will be cut in support of this cruising method. Each purchaser will remove felled trees in the harvest of the sales; however, if the sale does not occur after the trees are felled, they will remain on-site to provide down woody material. Sale locations are shown in the maps for the Cherry Vaughn EA, which are available at <http://www.blm.gov/or/districts/coosbay/plans/index.php>. The locations include T 27 S., R 10 W., sections 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 29, and 30.

The EA includes a complete list of Project Design Features (pp. 17-19) designed to avoid, minimize, or rectify impacts on resources and are included as part of the Proposed Action. These are incorporated by reference. The following apply with this portion of the Proposed Action:

- Sample trees will not be selected within 110 feet of stream channels.
- Felled sample trees will a sub-set of those already designated for removal.
- Trees will not be selected within the immediate vicinity of snags.
- Trees larger than 24" DBH will not be selected.
- All seasonal and daily timing restrictions for T&E species will be applied.
- The BLM will provide 100% contract administration throughout the sample tree falling process.

Conformance and Compliance

This project was developed under the direction of the *1995 Coos Bay District Record of Decision and Resource Management Plan* (1995 ROD/RMP). The analysis supporting this decision tiers to the *Final Coos Bay District Proposed Resource Management Plan/Environmental Impact Statement* (USDI 1994). This 1995 Record of Decision is also supported by, and consistent with, the *1994 Final Environmental Impact Statement on Management of Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* and its associated *Record of Decision* (USDA/USDI 1994).

The Coos Bay District initiated planning and design for this project to conform and be consistent with the Coos Bay District's 1995 RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in *Douglas Timber Operators et al. v. Salazar*, which vacated and remanded the administrative withdrawal of the Coos Bay District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, we have determined that the Proposed Action is consistent with the Coos Bay District's 1995 RMP and the 2008 ROD and RMP. Although the Proposed Action contains some design features not mentioned specifically in the 2008 ROD and RMP, these design features are consistent with the 2008 ROD and RMP.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest et al. v. Rey, et al.* No. 08-1067 (W.D. Wash.), granting Plaintiff's motion for partial summary and judgment and finding NEPA violations in the *Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (USDA and USDI, June 2007). In response, parties entered into negotiations in April 2010, and the Court filed approval of the resulting Settlement Agreement on July 6, 2011. Projects that are within the Range of the northern spotted owl are subject to the survey and management standards and guidelines in the 2001 ROD, as modified by the 2011 Settlement Agreement.

The Cherry Vaughn project is consistent with the 1995 Coos Bay District Resource Management Plan as amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measurements Standards and Guidelines* (2001 ROD), as modified by the 2011 Settlement Agreement.

The BLM requested formal and informal consultation with the U.S. Fish and Wildlife Service in May 2011 for evaluation of effects to the northern spotted owl and the marbled murrelet. The U.S. Fish and Wildlife Service concurred with the District's effects determination and stated that the Proposed Action "would not jeopardize the continued existence of the spotted owl or the murrelet."¹

Consultation with the National Marine Fisheries Service is not required, as this portion of the Proposed Action, has been determined to have "no effect" to threatened Oregon Coast coho salmon. Additionally, project activities would not adversely affect Essential Fish Habitat under the Magnuson-Steven Fishery Conservation and Management Act (16 U.S.C. 1855(b)).

Analysis has also concluded that implementation of the Proposed Action will not increase the likelihood of or the need for listing of any Special Status Species under the ESA as identified in BLM Manual 6840 and BLM OR/WA 6840 Policy. Botany Special Status Species surveys are complete on all units for species in which surveys are practical and are included in the 2011 State Director's Special Status Species List.

This project complies with the Coastal Zone Management Act and I have determined that there would be no adverse effects to Coastal Zone resources from implementing this project. There would be no effects to water quality (EA p. 37-43) and the Aquatic Conservation Strategy Objectives would be restored or maintained (EA p. 55-63).

The Cherry Vaughn EA is in compliance with the Clean Water Act, the National Historic Preservation Act, and the Clean Air Act. This project area does not contain any designated Wilderness, Wild & Scenic Rivers, or prime or unique farmlands. There were no concerns identified regarding Cultural Resource Values, Native American Religious Concerns, or Environmental Justice issues. The Cherry Creek RNA is within the project area but would not be affected (EA p. 73).

The Cherry Vaughn EA (DOI-BLM-OR-C040-2010-0005-EA) resulted in a Finding of No Significant Impact (FONSI), thus development of an Environmental Impact Statement (EIS) is not required.

Public Involvement

The general public was informed of the availability of the draft EA and unsigned FONSI for review through a direct notification (January 26, 2012) to those on the Field Office's mailing list, which included adjacent landowners, the web update group, and others who requested notice of this type of project. BLM also posted an announcement on the District's Internet site, <http://www.blm.gov/or/districts/coosbay/plans/index.php>. The EA and preliminary FONSI were available for review until February 27, 2012. The BLM received two comments from four organizations.

¹ June 24, 2011. Biological Opinion on the Cherry Vaughn Density management and Hardwood Conversion Harvest Project (FWS 13420-2011-F-0157)

Upon reviewing the external and internal comments, the BLM made a few changes to the EA to provide additional information, refine the proposed action, and further clarify project design features. These did not constitute substantive changes and additional effects analysis is not needed. The following is a summary of these changes:

Road Decommissioning: The roads proposed for full decommissioning only that are within the Cherry Creek Tier 1 Key Watershed are described on page 16 of the EA.

Port-Orford-cedar: Port-Orford-cedar design features were clarified on page 23 of the EA.

White-footed vole: The EA now includes analysis on white-footed voles on page 41 of the EA.

Maps: The Map legends have been clarified to show the different treatments.

None of these changes in the EA invalidated the analysis supporting the FONSI, which was signed on April 12, 2012.

Rationale for the Decision

Using the Decision Factors for this project (EA p. 4), I am choosing to implement *Cherry Vaughn Sample Tree Falling* for the following reasons:

- Implementation of this portion of the Proposed Alternative best meets the Purpose and Need described in the Cherry Vaughn EA (p. 3 and 4); the No Action does not meet the Purpose and Need.
- It is consistent with the *1995 Record of Decision and Resource Management Plan* for the Coos Bay District of the Bureau of Land Management.
- Accurate cruises will facilitate final preparation of the Cherry Vaughn commercial timber sales, by which BLM produces a sustainable supply of timber and collateral economic benefits to the local community.
- It complies with other major applicable laws, regulations, and Bureau policies.

Administrative Remedies

The decision described in this document is a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer *Kathy Hoffine* within 15 days of the publication date of the notice of decision/timber sale advertisement in *The World*, Coos Bay, OR.

43 CFR § 5003.3 subsection (b) states: “Protests shall be filed with the authorized officer and would contain a written statement of reasons for protesting the decision.” This precludes the acceptance of electronic mail (email) or facsimile (fax) protests. Only written and signed hard copies of protests that are delivered to the Coos Bay District Office will be accepted. The protest must clearly and concisely state which portion or element of the decision is being protested, and the reasons why the decision is believed to be in error.

43 CFR § 5003.3 subsection (c) states: “Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered.” Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information to her.

The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party (ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 5003.3(f).

If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of the decision notice, this decision will become final. If a timely protest is received, the project decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Coos Bay District Office will issue a protest decision.

For further information, contact Aimee Hoefs, Team Lead, at 1300 Airport Lane, North Bend, OR. 97459 or (541) 756-0100.

Decision Approved by:

/s/ Kathy Hoffine

April 13, 2012

Kathy Hoffine
Myrtlewood Field Manager

Date