



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

5400/1792 (ORC030)

ORC00-TS-2014.0004

Chilly Water CT Timber Sale

DOI-BLM-OR-C030-2010-0001-EA

Fairview NWFP Project Environmental Assessment

December 18, 2013

Dear Concerned Citizen:

We have prepared the decision documentation for the Chilly Water CT Timber Sale (ORC00-TS-2014.0004). The units in this sale were analyzed as part of the Fairview NWFP Project Environmental Assessment (DOI-BLM-OR-C030-2010-0001-EA). The analysis concluded in a Finding of No Significant Impact (FONSI), dated October 17, 2011, for proposed density management, commercial thinning, and red alder conversion harvest projects. These projects were designed to implement management objectives described in the Bureau of Land Management (BLM) Coos Bay District Resource Management Plan and Northwest Forest Plan. The decision documentation is posted on the District Internet site: <http://www.blm.gov/or/districts/coosbay/index.php>.

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, Todd D. Buchholz, within 15 days of the publication date of the notice of decision/timber sale advertisement in the World, Coos Bay, Oregon.

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

Sincerely,

/s/ Todd D. Buchholz

Todd D. Buchholz

Umpqua Field Manager



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DOI-BLM-OR-C030-2010-0001-EA

Fairview NWFP Project Environmental Assessment

DECISION DOCUMENTATION

Chilly Water CT Timber Sale

Analyzed in

Fairview NWFP Project EA

Background:

The Umpqua Field Office, Coos Bay District Bureau of Land Management, using input from District resource staff and public input, prepared the *Fairview NWFP Project Environmental Assessment* (EA). This EA, which is incorporated by reference, concluded with a Finding of No Significant Impact (FONSI) dated October 17, 2011. The proposed action alternative proposes to thin approximately 6,370 acres of conifer, and convert approximately 974 acres of red alder to conifer, in 40-75 year old stands primarily within the North Fork Coquille River Fifth Field Watershed. The edges of the project area overlap into Daniels Creek, Beaver Slough, Cunningham Creek, Isthmus Slough, and Catching Slough sub-watersheds which are all within Coos County.

The *Chilly Water CT* Timber Sale is composed of a portion of EA unit 13, as outlined in the table below, was analyzed as part of the EA and is located in T. 27 S., R. 12 W., Section 13, Willamette Meridian.

Proposed Action:

The *Chilly Water CT* Timber Sale would implement treatment on 189 acres. This treatment area consists of 112 acres of commercial thinning within the General Forest Management Area (GFMA), and 77 acres of density management thinning within the Riparian Reserve (RR) land use allocation. This acreage has been reduced by 24 acres from an EA estimate of 213 acres. This reduction is due to removing area that is not well suited for harvest at this time and for no-thin buffers on intermittent and perennial streams within units.

Approximately 3.1 MBF of timber is scheduled for removal.

The sale will require new construction of 1.51 miles of road, as identified in the EA for this unit. Three of the road segments totaling 0.12 miles are within the outer portion of the Riparian Reserve land use allocation. All new road construction surfaces will be closed, as described below for decommissioning, after this timber sale. Access is through gated private lands.

The following tables show the relationship between EA estimates and field verified acres of forest treatment and miles of road construction/decommissioning for the *Chilly Water CT* Timber Sale:

Chilly Water CT Unit Number	EA Unit Number	Estimated Acres	Actual Acres*
1	13	213	189

*includes right-of-way acreage

	Treatment Acres	New Road Construction (miles)	Road Decommissioning (miles)
EA Estimate	213	1.51	0.89
Chilly Water CT	189	1.51	1.51

The EA included a complete list of Project Design Features (pp. 17-27) designed to avoid or minimize impacts on resources as part of the proposed action. These and additional features are incorporated as site specific measures in the special provisions of the *Chilly Water CT* Timber Sale. The following is a brief summary of some of these design features:

Harvest Systems

- The sale area will be harvested with skyline cable and ground based systems.
- Seasonal timing restrictions would be implemented to minimize soil compaction and damage to residual trees.

Road Decommissioning

- Road decommissioning consists of 1.51 miles of gated closure and water-barring of rock surfaces. Natural surfaces will also include seeding, fertilizing, and mulching to stabilize the soil.

Prescription

- The *Chilly Water CT* Timber Sale unit #1 was marked using leave tree prescriptions for the Douglas fir and marked to 145 basal area leave.

Compliance and Conformance:

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 *Chilly Water CT* Timber Sale is consistent with court orders relating to the Survey and Manage Mitigation Measure of the Northwest Forest Plan, as incorporated into the Coos Bay District Resource Management Plan.

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.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage Mitigation Measure. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects. Plaintiffs and Defendants entered into settlement negotiations that resulted in the 2011 Survey and Manage Settlement Agreement, adopted by the District Court on July 6, 2011.

The Ninth Circuit Court of Appeals issued an opinion on April 25, 2013, that reversed the District Court for the Western District of Washington's approval of the 2011 Survey and Manage Settlement Agreement. The case is now remanded back to the District Court for further proceedings. This means that the December 17, 2009, District Court order which found National Environmental Policy (NEPA) inadequacies in the 2007 analysis and records of decision removing Survey and Manage is still valid.

Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation had entered into a stipulation exempting certain categories of activities from the Survey and Manage Standard (hereinafter "Pechman exemptions").

Following the District Court's December 17, 2009 ruling, the Pechman exemptions still remained in place. The *Fairview NWFP Project* EA was developed incorporating the 2006 Pechman Exemptions. I have reviewed the *Chilly Water CT* Timber Sale in consideration of both the December 17, 2009 partial summary judgment and Judge Pechman's October 11, 2006 order. Because the *Chilly Water CT* Timber Sale includes no regeneration harvest and includes thinning only in stands less than 80 years old, I have made the determination that this project meets Exemption A of the Pechman Exemptions (October 11, 2006 Order), and therefore may still proceed to be offered for sale even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision since the Pechman exemptions would remain valid in such case.

Proposed activities that may affect listed wildlife species within the project area were submitted for consultation with the U.S. Fish and Wildlife Service in accordance with Section 7(A)(2) of the Endangered Species Act of 1973 [16 U.S.C. 1536(A)(2) and (A)(4) as amended]. A Letter of Concurrence (FWS Ref. # 13420-2010-I-10) was received from the U.S. Fish and Wildlife Service on June 21, 2010 in which they stated that the proposed actions "may effect, but are not likely to adversely affect" the northern spotted owl or the marbled murrelet.

Based on analysis by the Umpqua Field Office fisheries biologist, it has been concluded that the proposed activities in the *Fairview NWFP Project* EA project area will have "no effect" on threatened Oregon Coast coho salmon and coho critical habitat. Additionally, project activities would not adversely affect Essential Fish Habitat (EFH). Therefore, consultation with the National Marine Fisheries Service (NMFS) is not warranted (EA p. 73).

Analysis also concluded that implementation of the proposed action will not increase the likelihood or the need to list any Special Status Species as identified in BLM Manual 6840 and BLM OR/WA 6840 Policy. Botanical Special Status Species surveys have been completed on all units for which surveys are practical or those species included in the 2008 State Director's Special Status Species List. These surveys identified a small site with botanical Special Status Species in the *Chilly Water CT* Timber Sale area and the sites were excluded from the treatment area accordingly.

The project area is covered by watershed analyses (EA p. 3) which addressed Aquatic Conservation Strategy (ACS) Objectives, and relevant findings were incorporated into the proposed action. Based on analysis by the Umpqua Field Office hydrologist, it has been concluded that the proposed activities in the *Fairview NWFP Project* EA project area will promote attainment of ACS Objectives (EA pp. 56-66).

The *Fairview NWFP Project* EA is in compliance with the Clean Water Act, the National Historic Preservation Act, and the Clean Air Act. The project area does not contain any Areas of Critical Environmental Concern, designated Wilderness, Wild & Scenic Rivers, or prime and unique farmlands. There were no concerns identified regarding Cultural Resource Values, Native American Religious Concerns, or Environmental Justice Issues (EA pp. 110-111).

The *Fairview NWFP Project* EA (DOI-BLM-OR-C030-2010-0001-EA) resulted in a Finding of No Significant Impact (FONSI), thus development of an Environmental Impact Statement (EIS) is not required.

Public Involvement:

The *Fairview NWFP Project* EA and Finding of No Significant Impact were made available for public comment on June 30, 2011. The comment period closed on July 31, 2011.

In response to public comments, additional language to clarify project planning considerations, the need for roads, the effects of treatment within the Riparian Reserves, Large Woody Debris effects, and additional explanation on how the project is consistent with Aquatic Conservation Strategy objectives was added to the EA. These additions did not change the proposed action or effects. The updated environmental document was made available to the public on October 17, 2011. Accordingly, the Environmental Assessment and Finding of No Significant Impact fully cover the *Chilly Water CT* Timber Sale and constitute BLM's compliance with the requirements of NEPA.

Rationale for the Decision:

Using the decision factors described in the *Fairview NWFP Project* EA (EA p.7), I am choosing to implement the proposed action alternative as it applies to the *Chilly Water CT* Timber Sale for the following reasons:

- It is consistent with the proposed action and best meets the purpose and need described in the *Fairview NWFP Project* EA. The no action alternative fails to address the purpose and need for action and does not meet the management objectives.
- The project is consistent with both the *1995 Record of Decision and Resource Management Plan* and the *2008 Record of Decision and Resource Management Plan* for the Coos Bay District of the Bureau of Land Management. The *Chilly Water CT* Timber Sale meets the objectives and management directions for the land use allocations.
- It complies with other major applicable laws, regulations, and Bureau policies.

Administrative Remedies:

In accordance with *Forest Management Regulations* in 43 CFR 5003.2, the decision record for this timber sale will not become effective or be subject 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." For this project, the *Notice of Sale* will be published in *the World* newspaper on January 2, 2014.

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, 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.

/s/ Todd D. Buchholz

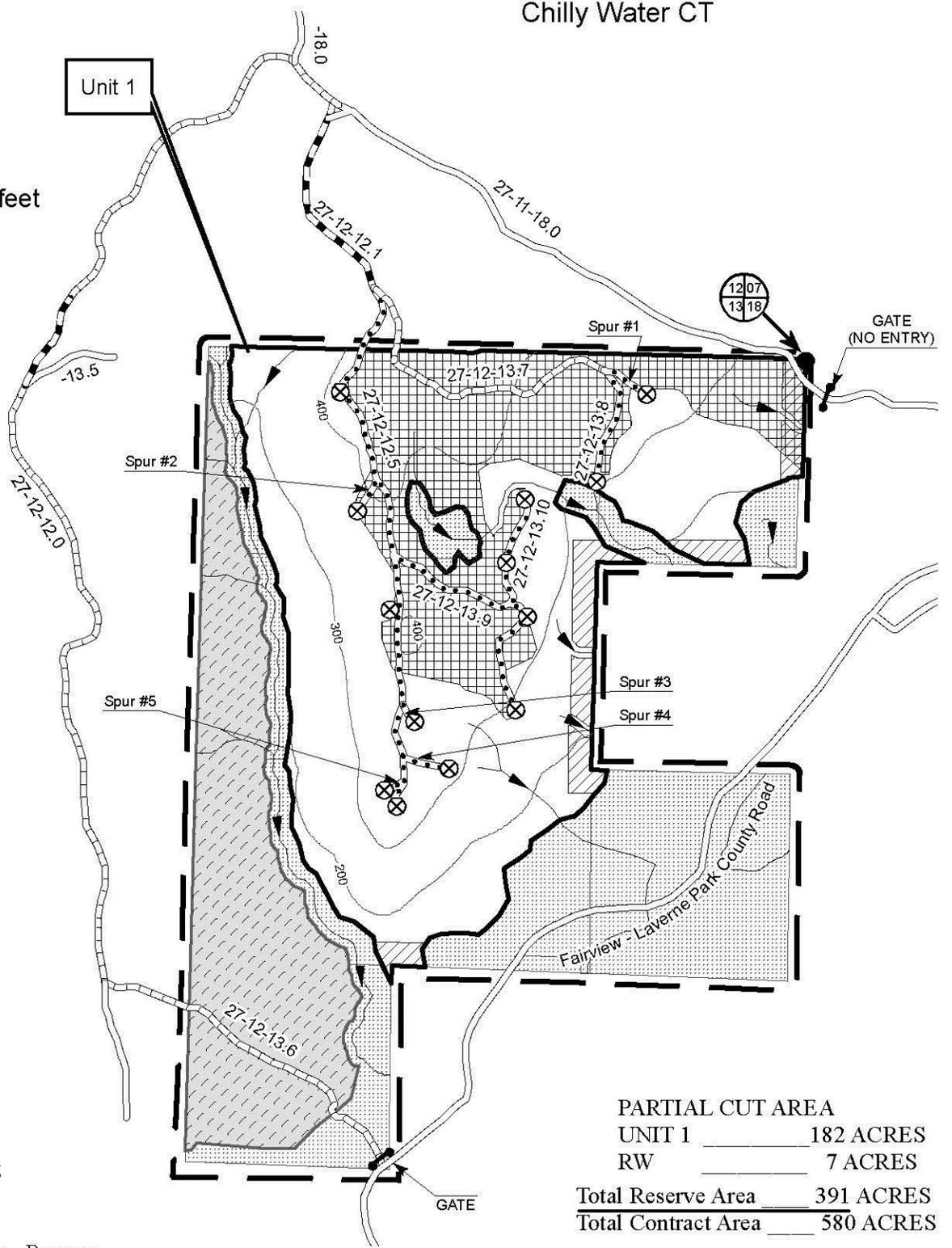
December 18, 2013

Todd D. Buchholz
Umpqua Field Manager

Date



Scale 1 inch = 1,000 feet

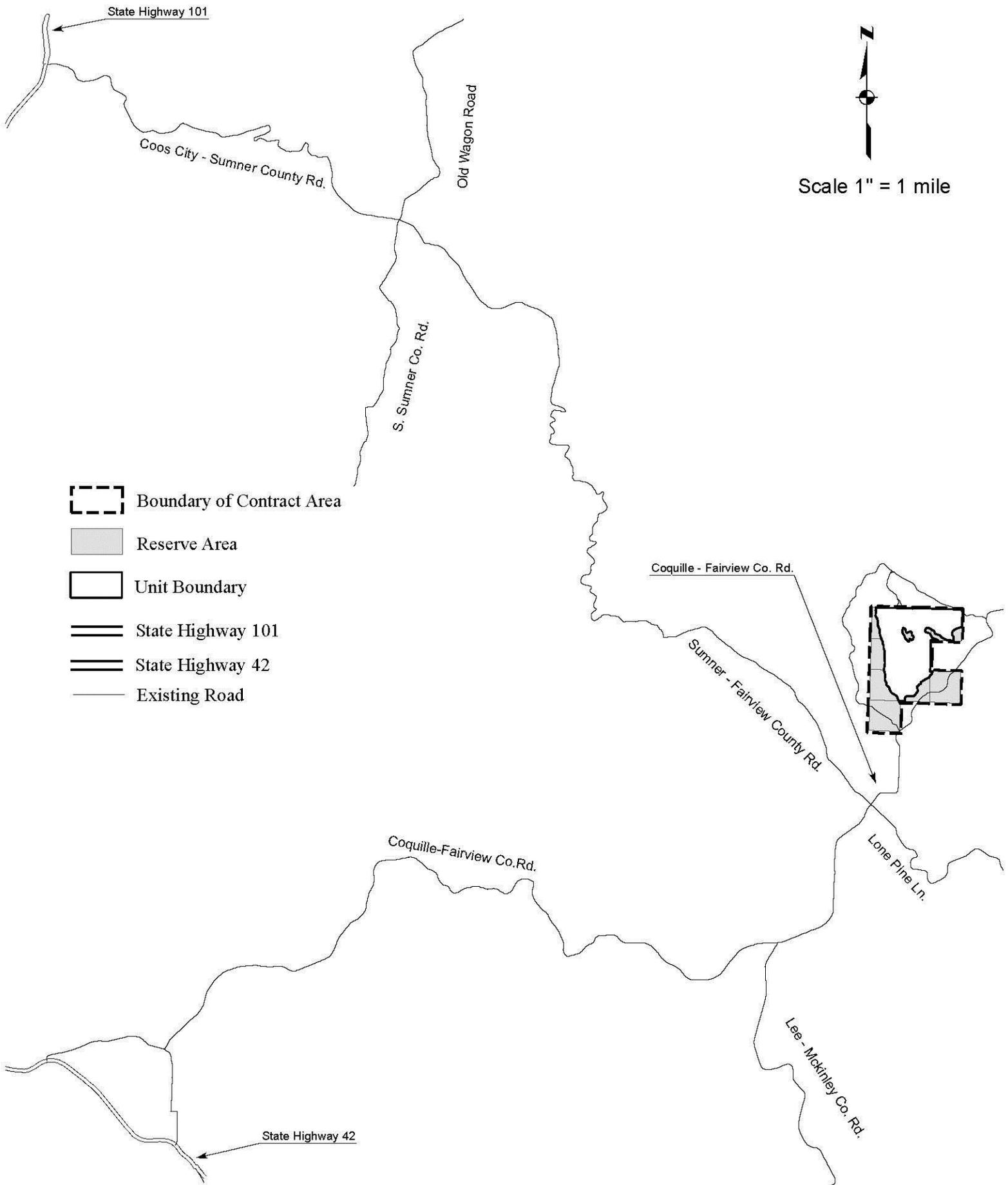


- Gate
- Corner Found
- Proposed Landing

- Reserve Area
- Adjacent Sale Area - Reserve
- Hazardous Fuels Reduction Area (HFRA)
- Ground-based Yarding Area
- Boundary of Contract Area
- Cable Yarding Area
- Partial Cut Area

- Stream Channel
- 100' Contour
- Existing Road
- Road to be Renovated
- Road to be Constructed
- Road to be Improved

PARTIAL CUT AREA	
UNIT 1	182 ACRES
RW	7 ACRES
Total Reserve Area	391 ACRES
Total Contract Area	580 ACRES



-  Boundary of Contract Area
-  Reserve Area
-  Unit Boundary
-  State Highway 101
-  State Highway 42
-  Existing Road