



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)
Umpqua River Sawyer Rapids
EA OR125-05-01
Devils Paradise DM
OR120-TS09-07

July 2, 2009

Dear Concerned Citizen:

We have prepared the Decision Documentation for the *Devils Paradise DM* (OR120-TS09-07) timber sale. The units in this sale were analyzed as part of the Umpqua River Sawyer Rapids Environmental Assessment (EA OR 125-05-01). The analysis concluded in a Finding of No Significant Impact (FONSI) for proposed density management/commercial thinning and red alder conversion harvest projects. These projects were designed to implement management objectives described in the BLM Coos Bay District Resource Management Plan (1995) 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, A. Dennis Turowski within 15 days of the publication date of the notice of decision/timber sale advertisement in *The World*, Coos Bay, Or.

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

Sincerely,

/s/ A. Dennis Turowski

A. Dennis Turowski
Umpqua Field Manager



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In Reply Refer To:

1792/5400 (ORC030)

Devils Paradise DM

OR120-TS09-07

Umpqua River-Sawyer Rapids EA

OR125-05-01

Decision Documentation Devils Paradise DM Timber Sale Analyzed in

EA No. OR125-05-01, Umpqua River-Sawyer Rapids

Background:

The Umpqua Resource Area, Coos Bay District Bureau of Land Management, using input from District resource staff and public input, prepared the *Umpqua River-Sawyer Rapids Environmental Assessment* (EA) which concluded with a Finding of No Significant Impact (FONSI) dated February 1, 2008. The Proposed Action Alternative proposes to thin approximately 8,796 acres of conifer and to convert approximately 167 acres of red alder to conifer in 31-80 year old stands within the Umpqua River-Sawyer Rapids Fifth Field Watershed. The edges of the project area overlap into Vincent Creek, Big Creek-Lower Umpqua, Lower Elk Creek, and Lower Camp Creek sub-watersheds all within Douglas County.

The *Devils Paradise DM* timber sale, composed of EA units 30 and 31, as outlined in the table below, is part of this EA and is located in T. 21 S., R. 08 W., Section 23, Willamette Meridian.

Proposed Action:

The *Devils Paradise DM* timber sale would implement treatments on 207 acres in the Late-Successional Reserves and Riparian Reserve land use allocations. This acreage has been reduced by 111.2 acres from an EA estimate of 318.2 acres. The reduction in acres is for no-thin buffers on intermittent and perennial streams, and for whole or partial units that were dropped during layout. Units were dropped because they were not meeting the basal area leave prescription, or could not be harvested with ground based or cable equipment.

Approximately 4.471 Mbf of timber is scheduled for removal but will not contribute to the district ASQ as this volume is within LSR and RR land use allocations.

The sale will require construction of 0.54 miles of new road, an increase from 0.51 miles of road identified in the EA.

The *Devils Paradise DM* timber sale will create 68 snags.

The following tables show the relationship between EA estimates and field verified acres of forest treatment and miles of road construction/decommissioning for the *Devils Paradise DM* timber sale:

EA Unit Number	Devils Paradise Unit Number	Estimated Acres	Actual Acres
30	1	168.2	110
31	1	150	97
Totals		318.2	207

	Treatment Acres	New Road Construction (miles)	Road Decommissioning (miles)
EA Estimate	318.2	0.51	0.96
Devils Paradise DM	207	0.54	1.05

The EA's Design Features are incorporated in the special provisions of the *Devils Paradise DM* 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.

Road Decommissioning

- 1.05 miles of road decommissioning consists of barricading with rip rap, scarifying, and water-barring, seeding, fertilizing, and mulching the natural surface spur road to stabilize the road surface.

Prescription

- The *Devils Paradise DM* timber sale was marked using basal area leave prescriptions of 140 and 110 basal area for the Douglas fir. The portion of timber sale unit # 1 coinciding with EA unit # 30 was marked to 110 leave basal area. The portion of timber sale unit # 1, coinciding with EA unit # 31, was marked to 140 leave basal area.
- Minor conifer and hardwood species other than red alder will be reserved, except those trees that fall within road rights-of-way, landings, yarding corridors or need to be removed for safety reasons.

Compliance and Conformance:

This decision is in conformance with the Coos Bay District's 2008 Record of Decision and Resource Management Plan (2008 ROD/RMP). The analysis supporting this decision tiers to the *2008 Final Environmental Impact Statement for the Revision of the Resource Management Plan of the Western Oregon Bureau of Land Management* (2008 Final EIS).

Revision of a resource management plan necessarily involves a transition from the application of the old resource management plan to the application of the new resource management plan. A transition from the old resource management plan to the new resource management plan avoids disruption of the management of BLM administered lands and allows the BLM to utilize work already begun on the planning and analysis of projects.

The 2008 ROD allowed for such transition projects to be implemented consistent with the management direction of either the 1995 Resource Management Plan or the Approved Resource Management Plan attached to the 2008 Record of Decision, at the discretion of the decision-maker.

This project is in compliance with the 1995 RMP, and meets the requirements outlined in the 2008 ROD for transition projects:

1. A decision was not signed prior to the effective date of the 2008 ROD.
2. Preparation of National Environmental Policy Act documentation began prior to the effective date of the 2008 ROD with initiation of public scoping on December 25, 2005 through January 12, 2006.
3. This decision for the project will be signed within two years of the effective date of the 2008 ROD.
4. Regeneration harvest would not occur in a late-successional management area or deferred timber management area.
5. There would be no destruction or adverse modification of critical habitat designated for species listed as endangered or threatened under the Endangered Species Act.

The implementation of this project will not have significant environmental effects beyond those already identified in the 2008 Final EIS/Proposed RMP. The proposed action does not constitute a major federal action having significant effects on the human environment; therefore, an environmental impact statement will not be prepared.

Based on analysis by the Umpqua Field Office fisheries biologist, it has been concluded that the proposed activities in the *Umpqua River - Sawyer Rapids EA* project area will not adversely affect Essential Fish Habitat (EFH). Projects addressed in the EA have been determined to have “no effect” on the listed Oregon Coast coho and its critical habitat. Therefore, consultation with the National Marine Fisheries Service (NMFS) is not warranted.

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 was received from the U.S. Fish and Wildlife Service in which they concurred that the proposed actions are “not likely to adversely affect” the northern spotted owl, and the marbled murrelet.

On July 25, 2007, the Under Secretary of the Department of Interior signed a new Survey and Manage Record of Decision that removed the survey and manage requirements from all of the BLM resource management plans (RMPs) within the range of the northern spotted owl. Additionally, this project falls within at least one of the exceptions listed in the modified October 11, 2006 injunction against the 2004 Survey and Manage Record of Decision. Analysis also

concluded that implementation of the proposed actions would not contribute to 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 did not identify any botanical Special Status Species in the *Devils Paradise DM* Timber Sale area.

The Umpqua River-Sawyer Rapids 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.

The *Umpqua River-Sawyer Rapids* EA (EA #OR125-05-01) resulted in a Finding of No Significant Impact (FONSI), thus development of an Environmental Impact Statement (EIS) is not required.

Public comments:

The *Umpqua River - Sawyer Rapids* Environmental Assessment and Finding of No Significant Impact were made available for public comment on February 1, 2008. The comment period closed on March 3, 2008.

In response to public comments, the EA was edited where appropriate to clarify the description of the various thinning prescriptions and the reserve language as it applies to selected species within the forest management activities. Since these edits provide clarification, do not change the action prescription, and are therefore not substantial, a revision of the EA is not warranted. Accordingly, the environmental assessment and existing Finding of No Significant Impact fully cover this timber sale and constitute BLM's compliance with the requirements of NEPA. As stated in the Notice of Sale for the *Devils Paradise DM* timber sale, these documents are available for inspection at the Coos Bay District Office.

Decision:

It is my decision to implement the Proposed Action Alternative as it applies to offering the *Devils Paradise DM* timber sale described in the EA OR125-05-01 for the *Umpqua River – Sawyer Rapids* EA project for the following reasons:

- It is consistent with the Proposed Action and best meets the purpose and need described in the *Umpqua River-Sawyer Rapids* EA; The No Action alternative fails to address the purpose and need for action and does not meet the management objectives.

- The project is in conformance with the *2008 Record of Decision and Resource Management Plan* for the Bureau of Land Management Coos Bay District and the *1995 Final Coos Bay District Resource Management Plan and Environmental Impact Statement (RMP)* and its *1995 Record of Decision*, as supplemented and amended. The *Devils Paradise DM* timber sale meets the objectives and management directions for the LSMA/LSR and RMA/Riparian Reserve 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 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 July 2, 2009.

43 CFR § 5003.3 subsection (b) states: "Protests shall be filed with the authorized officer and shall 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 a 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 pm) 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/ A. Dennis Turowski

June 26, 2009

A. Dennis Turowski
Umpqua Field Manager

Date