



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)

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

Fairview NWFP Project Environmental Assessment

February 2, 2012

Dear Concerned Citizen:

We have prepared the Decision Record for Sample Tree Falling as analyzed in the Fairview NWFP Environmental Assessment (DOI-BLM-OR-C030-2010-0001-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: John Goering; call (541) 756-0100; FAX (541) 751-4303, or email to OR_CoosBay_Mail@blm.gov, ATTN: John Goering.

Sincerely,

/s/ A. Dennis Turowski

A. Dennis Turowski

Umpqua Field Manager



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DECISION RECORD For Sample Tree Falling On Fairview NWFP Project Timber Sales

Background

The Umpqua Field Office, Coos Bay District Bureau of Land Management (BLM), previously prepared *Fairview NWFP Project Environmental Assessment* (DOI-BLM-OR-C030-2010-0001-EA) which contained analysis of the effects of conducting commercial thinning and density management thinning within the Fairview NWFP Project area as well as analysis of a No Action Alternative. This EA resulted in a FONSI (Finding of No Significant Impact) signed October 17, 2011. This EA also included an analysis of conducting necessary preparation activities, specifically falling sample trees (pp. 16-17), which would occur prior to issuing a Decision for any timber sale.

Sample Tree Falling (STF) would be one of the last activities completed during preparation of timber sales and is utilized to ensure the accuracy of timber cruise and appraisals. The Code of Federal Regulations requires the BLM to sell timber on a tree cruise basis (43 CFR 5422.1). The Code of Federal Regulations also states, "All timber or other vegetative resources to be sold shall be appraised and in no case shall be sold at less than the appraised value. Measurement shall be by tree cruise, log scale, weight, or such other form of measurement as may be determined to be in the public interest" (43 CFR 5420.0-6). Sales measured and appraised in this manner are referred to as a lump-sum sale. The volume of timber in a lump-sum sale is assessed and given a specific value. This value becomes the BLM cruise estimate and is the minimum bid for the removal of timber in the advertised sale.

The BLM Manual Supplement Handbook 5310-1, 1989 states "In addition to meeting sample error standards, the volume estimates of all 3P and variable plot methods must be checked by felling a portion of sample trees". It is in the public interest that the BLM maintains accurate and reliable timber cruises. This practice aids at improving and maintaining accurate and reliable timber cruise information and provides statistically reliable data. It helps ensure the public receives fair market value for the timber sold as required by Congress through FLPMA (Sec. 102 (9)).

The decision to sample tree fall in no way obligates, or irreversibly commits the BLM to proceed with the timber sale. In the event the area chosen for sample tree falling is not included as part of a planned timber sale, the felled trees would constitute down woody material for the stand.

Proposed Action

Sample tree falling may occur within 4,434 acres¹ of BLM-managed lands as determined by the final designation of sale areas. Trees selected for measurement would be subsets of those already designated for

¹ These acres represent the total acres analyzed under the Fairview NWFP EA minus the inner half of the riparian reserve (1,234 ac.) and alder conversion units (974 acres), in which sample tree falling would not occur, and Wintergreen CT (232 ac.), Swayne Creek CT (226 ac.) and Woolly Mammoth CT (244 ac.) timber sales that have already been cruised due to the time constraints of the timber sale schedule.

removal, would be less than 80 years of age, no larger than 28 inches in dbh, and would not occur within the inner half of the Riparian Reserve. Within these parameters, sample tree falling would occur on approximately 3,200 acres within the General Forest Management Area (GFMA), and 1,234 acres within the Riparian Reserve (RR) land use allocation. On average 1 sample tree per 2.5 acres would be felled for use in volume calculations. The BLM has determined that no more than 1,774 trees would be felled as sample trees. This represents approximately 0.4% of the trees planned for removal as analyzed within the *Fairview NWF Project EA*.

The following table characterizes the EA units in which sample tree falling will occur.

Table 1: Proposed Sample Tree Falling Units and Current Stand Conditions

EA UNIT #	Age	QMD	TPA	Acres		EA UNIT #	Age	QMD	TPA	Acres	
1	49	16.4	149	459		33	47	16.6	149	48	
3	48	15.5	164	232		34	51	15	222	125	
4	42	15.2	137	17		35	56	20.6	137	25	
5	56	18	125	271		36	44	18.1	132	39	
8	57	19.9	101	215		38	52	15.7	188	24	
9	46	14.5	198	21		39	61	15.9	249	119	
12	48	12.9	252	155		41	62	14.8	224	9	
13	52	17.4	125	165		42	56	16.7	163	45	
14	66	17.2	177	326		46	52	17.1	163	12	
15	73	14.8	224	144		50	41	14.7	174	201	
16	68	23.9	87	37		51	53	17	186	45	
17	46	17.6	159	33		53	52	17.1	163	137	
19	70	18.9	139	389		57	60	17.8	142	50	
22	60	17.9	123	87		59	61	19	131	103	
24	58	11.3	387	54		60	52	15	249	8	
26	66	16.5	198	145		61	52	15	249	6	
27	55	15.7	209	42		62	55	18.9	163	16	
28	65	16.9	167	139		72	46	14.6	239	262	
30	64	17.3	155	51		79	66	15.6	222	6	
31	69	19.5	137	31		80	66	15.6	222	10	
32	53	12.2	262	131		Total				4,434	
						Average		16.6			

QMD = Quadratic mean diameter at breast height

TPA = Trees per acre

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.

The EA includes a complete list of Project Design Features (pp. 17-27) 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:

- Trees selected for measurement will not occur within the inner half of the Riparian Reserve.
- Seasonal and daily restrictions will be followed on applicable units to prevent disturbance to nesting Marbled Murrelets (Table II-5, EA p. 19).
- Sample tree falling will not occur in the immediate vicinity of existing snags.

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) and its *Record of Decision* (USDA and USDI 1994a) as supplemented and amended.

The Coos Bay District initiated planning and design for this project to conform 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, I evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, I have determined that the selected alternative is consistent with the Coos Bay District's 1995 RMP and 2008 ROD and RMP. Although the selected alternative 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. Sherman, et al.*, No. 08-1067-JCC (W.D. Wash.), granting Plaintiffs' motion for partial summary judgment and finding NEPA violations in the *Final Supplemental to the 2004 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 settlement 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 *Fairview NWFP Project* EA was developed incorporating the 2006 Pechman Exemptions. I have reviewed the *Sample Tree Falling* portion of the Proposed Action in consideration of the December 17, 2009 order. Because the *Sample Tree Falling* portion of the Proposed Action entails no regeneration harvest and project activities will occur only in stands less than 80 years old, I have made the determination that this project meets Exemption A of the Pechman Exemptions as set forth in the 2011 Settlement Agreement.

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 action "may effect, but is not likely to adversely affect" the northern spotted owl or the marbled murrelet (EA p. 3).

Sample tree falling and removal would not negatively affect marbled murrelets, spotted owls, or their habitat due to the size and structural class of trees being felled. If sample tree falling occurs within an area that is not sold as part of a timber sale, the retention of the felled sample trees may provide beneficial effects for prey species of spotted owls by providing down wood habitat in the future (EA p. 85).

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).

Based on the analysis, it is 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 will be completed on all units for species in which surveys are practical and are included in the 2008 State Director’s Special Status Species List, prior to felling sample trees (EA p. 98). Guidelines for management for Special Status Species would be implemented and management recommendations would be used to maintain local persistence of Special Status Species (*Brian et al, 2002*).

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. 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 (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 provide 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 the analysis of effects; they only provided additional clarity to the analysis. The updated environmental document was made available to the public October 17, 2011. Accordingly, the Environmental Assessment and Finding of No Significant Impact fully cover this Sample Tree Falling project and constitute BLM’s compliance with the requirements of NEPA.

Rationale for the Decision

It is my decision to implement the Proposed Action Alternative as it applies to the Sample Tree Falling portion of the Proposed Action described in the *Fairview NWFP Project* EA (DOI-BLM-OR-C030-2010-0001-EA) for the following reasons:

- Implementation of this portion of the Proposed Alternative best meets the Purpose and Need described in the *Fairview NWFP Project* EA (pp. 1 and 2); the No Action does not meet the Purpose and Need.
- 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.

- Accurate cruises will facilitate final preparation of the Fairview NWFP Project EA 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* in 43 CFR 5003.2, the Decision Record for this action will not become effective or be subject to formal protest until the *Notice of Decision* is published ". . . in a newspaper of general circulation in the area where the lands affected by the decision are located." The Decision Notice for this portion of the Proposed Action will be published in *The World* newspaper on February 2, 2012.

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 available to him. 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 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.

For further information, contact John Goering, team lead, at 1300 Airport Lane, North Bend, Oregon, 97459 or (541) 756-0100.

/s/ A. Dennis Turowski

February 2, 2012

A. Dennis Turowski
Umpqua Field Manager

Date