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 (ORC040)
OR120-11-32
Green Chain CT Timber Sale
DOI-BLM-OR-C040-2010-0001-EA
Weaver-Sitkum Environmental Assessment

April 21, 2011

Dear Concerned Citizen:

We have prepared the Decision Documentation for the *Green Chain CT* Timber Sale, OR120-11-32. The *Green Chain CT* Timber Sale is a portion of the Preferred Alternative of the Weaver-Sitkum Environmental Assessment (EA).

The Decision Documentation 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: Jeff Davis; call 541-756-0100; FAX 541-751-4303, or email to OR_CoosBay_Mail@blm.gov, ATTN: Jeff Davis.

Sincerely,

/s/ Kathy Hoffine

Kathy Hoffine
Myrtlewood Field Manager

United States Department of the Interior

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DECISION DOCUMENTATION
For the
Green Chain CT Timber Sale (OR120-11-32)
Weaver-Sitkum Environmental Assessment

Background:

The Myrtlewood Field Office, Coos Bay District Bureau of Land Management, previously prepared an Environmental Assessment (DOI-BLM-OR-C040-2010-0001-EA Weaver-Sitkum) which contained analysis of the effects of conducting commercial thinning and density management thinning within the Weaver-Sitkum project area as well as analysis of a No Action Alternative. This EA, which is hereby incorporated by reference, resulted in a FONSI (Finding of No Significant Impact) signed September 17, 2010. The *Green Chain CT* Timber Sale is composed of units included in the Proposed Action of this EA and is located in T. 28 S., R. 10 W., Sections 18 and 21.

The following Table shows the EA Unit number and the corresponding Timber Sale Unit number for clarification. The EA estimated acreage and the Timber Sale final acreage are also included.

Table 1-1 Comparison of EA numbers and Timber Sale numbers for units and final acreage

Weaver-Sitkum EA	Unit #	**5**	**6**
	Acreage	38	65
Timber Sale	Unit #	**1**	**2**
	Acreage	38	65

Proposed Action:

The *Green Chain CT* Timber Sale will implement commercial and density management thinning in the Matrix and Riparian Reserve land use allocations. The *Green Chain CT* Timber Sale will require construction of 1.56 miles of new road and renovation/reconstruction of 6.46 miles of existing road. This timber sale will decommission a total of 4.14 miles of newly constructed and renovated roads. The following table shows the comparison between the *Green Chain CT* Timber Sale and the EA estimates for total treatment acres and road work. The acreage difference is the result of field verification of unit boundaries and final road locations.

Table 1-2 Comparison of total harvest acres and road work between the EA and the Timber Sale

	Treatment Acres	New Road Construction (Miles)	Road Renovation/ Reconstruction (Miles)	Road Decommissioning (Miles)	Full Road Decommissioning (miles)
EA Estimate	103	1.44	7.42	4.14	0
Timber Sale	103	1.56	6.46	4.16	0

Approximately 2787 Mbf is scheduled for removal.

Stands will be thinned to achieve the objectives for Matrix and Riparian Reserves listed on pages 3 and 4 of the EA. This includes increasing overstory variability, development of larger limbs and crowns, epicormic tree branch response and patchily-distributed suppression mortality (EA p. 27). Snag and down wood creation will also occur (EA pp. 12-13). Unit prescriptions include (but are not limited to) Basal Area (BA) thinning, variable thinning, gap creation, skips and dominant tree retention areas (EA pp. 11-12).

The EA included a complete list of Project Design Features (pp. 16-20) designed to avoid, minimize or rectify impacts on resources and are included as part of the Proposed Action. These and additional descriptions of the Proposed Action are hereby incorporated by reference. The following is a brief summary of some of these Design Features:

- Stream channels will have no-harvest buffers.
- Harvest units will use a combination of skyline cable and ground-based equipment.
- Snags and/or down wood will be created where applicable.
- Cable yarding will be required with one-end or full log suspension.
- All road work activities will use applicable Best Management Practices as described in the RMP.

Compliance and Conformance

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, the selected alternative contains some design features not mentioned specifically in the 2008 ROD and RMP. The 2008 ROD and RMP did not preclude use of these design features, and the use of these design features is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Coos Bay District's 1995 RMP and the 2008 ROD/RMP.

The Weaver-Sitkum EA is also tiered to and in conformance with the *Final Programmatic Environmental Impact Statement – Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States* (USDI 2007a) and its *Record of Decision* (UDSI 2007b) as well as the *Coos Bay Integrated Noxious Weed Program* (EA OR-120-97-11).

The *Green Chain CT* Timber Sale project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated by 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. 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").

Judge Pechman's Order from October 11, 2006 directs: "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

A. Thinning projects in stands younger than 80 years old;

B. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;

C. Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and

D. The portions of projects involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph."

Following the Court's December 17, 2009 ruling, the Pechman exemptions are still in place. 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 (including timber sales). Nevertheless, I have reviewed the *Green Chain CT* Timber Sale project in consideration of both the December 17, 2009 and October 11, 2006 order. Because the *Green Chain CT* Timber Sale project entails no regeneration harvest and entails 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. The first notice for sale will appear in the newspaper on April 21, 2011.

The BLM requested formal and informal consultation with the U.S. Fish and Wildlife Service in August 2010 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]

The Coos Bay District received a Letter of Concurrence from National Marine Fisheries Service on January 3, 2011. This portion of the Proposed Action (*Green Chain CT*) has been determined to "not likely to adversely affect" threatened Oregon Coast coho salmon or their critical habitat. 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 2008 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 pp. 37-43) and the Aquatic Conservation Strategy Objectives would be restored or maintained (EA pp. 55-63).

The Weaver-Sitkum 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 Areas of Critical Environmental Concern, 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 Weaver-Sitkum EA (DOI-BLM-OR-C040-2010-0001-EA) resulted in a Finding of No Significant Impact (FONSI), thus development of an Environmental Impact Statement (EIS) is not required.

Public Involvement

The general public was informed of the availability of the EA and preliminary FONSI for review through a direct notification (August 8, 2010) 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 September 9, 2010. The BLM received two comments from four organizations.

Upon reviewing the external and internal comments, the BLM made a few notable 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:

[1] October 6, 2010. Biological Opinion on the Weaver-Sitkum Commercial and Density Management Thinning Harvest Project (FWS 13420-2010-F-0166)

1. New Roads – *"New roads require linear clearcuts up to 60 or 70 feet cutting width."*
   Response – The following Project Design Feature was added on page 18 of the EA – Right-of-way clearing limits including the road bed would be approximately 35 feet in width.

2. Road Decommissioning – *"The BLM's definition of 'decommission' is simply to waterbar, not even to block."*
   Response – Yes, these roads would be blocked. The EA has been clarified on pages 15 and 19 that decommissioned roads would be blocked and by what methods could be utilized.

3. NRF Habitat – *"The EA does not even assure us that the thinning will maintain a canopy above 60% in units that contain NRF habitat."*
   Response – The EA has rectified this omission and a discussion was added on page 33. Final cover will be above 60%.

4. Forest Structure – *"The EA failed to give a clear definition of 'Maturation forest structural stage'..... failed to tell us which five units were being described."*
   Response – An additional Table (new Table III/IV-3) was added clarifying this terminology and the units have been identified on page 23.

5. C/D blocks – *"The EA failed to disclose how much of the C/D Block in the project area is in late-successional forests."*
   Response – This omission has been rectified in the EA on page 24.

6. POC – *"Why then is the BLM going to remove all POC within 50' of roads? ... known as sanitizing roads?"*
   Response – Roadside sanitation is <u>not</u> proposed. This has been clarified on page 9 of the EA. The BLM would use Spacing Objectives for POC thinning to remove POC within 50' of roads only within the units and not along designated haul routes.

7. Easement – Internal review found the BLM omitted including the proposal to pursue obtaining an easement from adjoining landowners for 5 roads included in this analysis. This discussion has been included on page 14.

Rationale for the Decision

Using the Decision Factors for this project (EA p. 4) I am choosing to offer the *Green Chain CT* Timber Sale for the following reasons:

- Implementation of the Proposed Alternative best meets the Purpose and Need described in the Weaver-Sitkum EA (pp. 3 and 4); the No Action Alternative does not meet the Purpose and Need.
- It will enhance stand structure and habitat complexity in Riparian Reserves and create additional habitat components through snag and down wood creation.
- It is consistent with the *1995 and 2008 Records of Decision and Resource Management Plans* for the Coos Bay District of the Bureau of Land Management.
- It provides 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 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 Jeff Davis, Forest Manager, at 1300 Airport Lane, North Bend, OR 97459 or (541) 756-0100.

Decision Approved by:

/s/ Kathy Hoffine	***April 19, 2011***
Kathy Hoffine Myrtlewood Field Manager	Date

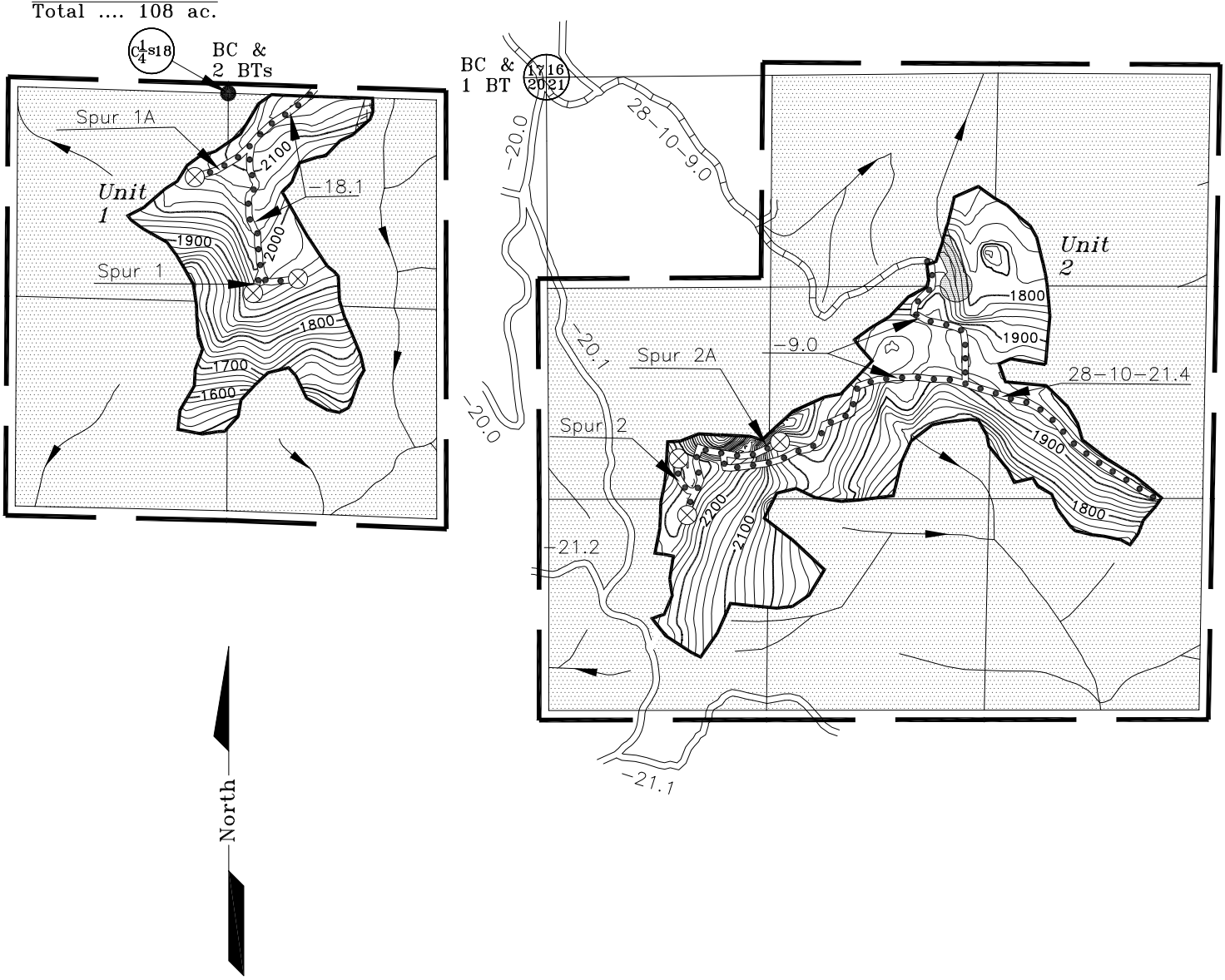
Attachment: Timber Sale Prospectus Map (Exhibit A, and A-1; 3 pages)

TIMBER SALE CONTRACT MAP
USDI–BLM COOS BAY DISTRICT
T. 28 S., R. 10 W., Secs. 18 & 21 Will. Mer.

SALE NO.11–32
EXHIBIT A
Page 1 of 2
Green Chain CT

Unit 1..... 38 ac.
Unit 2..... 65 ac.
R/W ..... 5 ac.
Total .... 108 ac.

Total Reserve Area ..... 372 ac.
Total contract Area ... 480 ac.

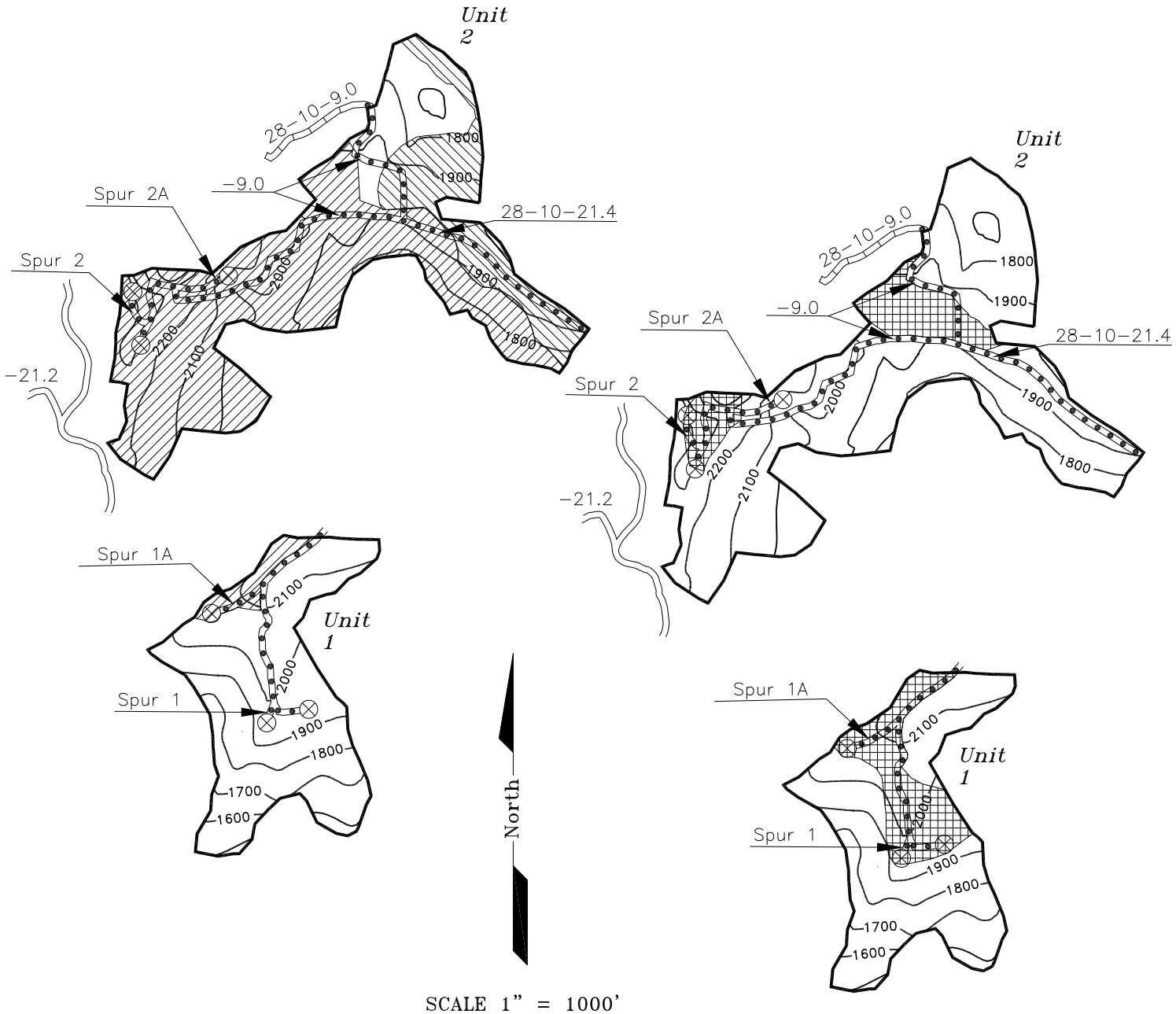


SCALE 1" = 1000'

1800	Partial Cut Unit		Road to be Constructed
	No Harvest Buffer		Road to be Renovated
	Reserve Area		Proposed Landing
	Boundary of Cutting Area, Blazed, Posted and Painted		Stream Channel
	Boundary of Contract Area		Corner Found
	Existing Road		

TIMBER SALE CONTRACT MAP
USDI–BLM COOS BAY DISTRICT
T. 28 S., R. 10 W., Secs. 18 & 21 Will. Mer.

SALE NO.11–32
EXHIBIT A
Page 2 of 2
Green Chain CT



SCALE 1" = 1000'

Seasonal Restriction Area (MM)

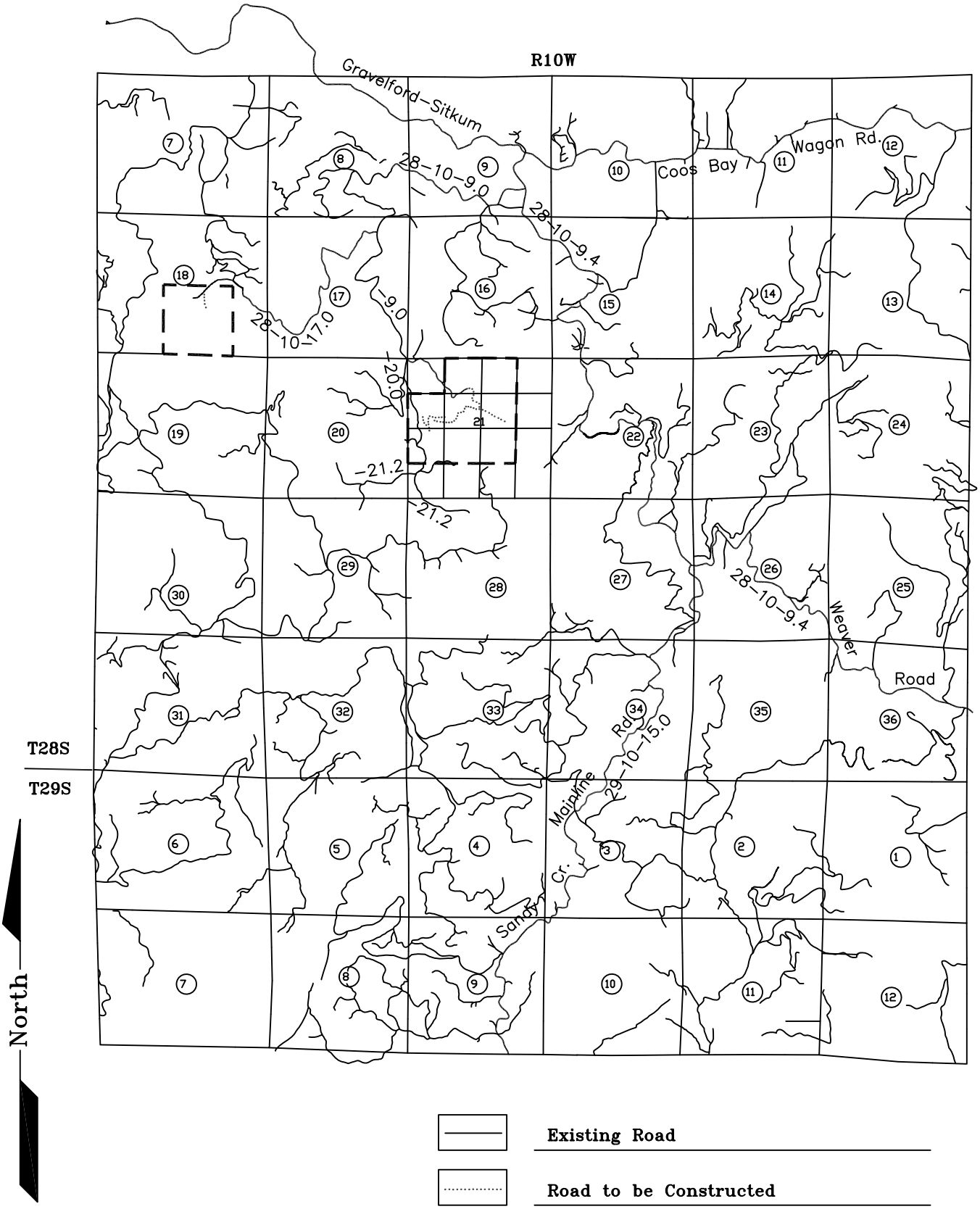
Timing Restriction Area (MM)

Ground Base Area

Unit 1= 11 ac.
Unit 2= 9 ac.

TIMBER SALE CONTRACT MAP
USDI–BLM COOS BAY DISTRICT
T. 28 S., R. 10 W., Secs. 18 & 21 Will. Mer.

SALE NO.11–32
EXHIBIT A–1
Page 1 of 1
Green Chain CT



SCALE 1" = 1 Mile