



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-C040-2011-0006-EA

Lone Pine Environmental Assessment

October 21, 2013

Dear Concerned Citizen:

We have prepared the decision record for *Lone Pine Sample Tree Falling*. This activity is a portion of the preferred alternative of the Lone Pine 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, Oregon, 97459-2000, ATTN: Jeff Davis; call (541) 756-0100; FAX (541) 751-4303, or email to BLM_OR_CB_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 RECORD For Lone Pine Sample Tree Falling

Background

The Myrtlewood Field Office, Coos Bay District Bureau of Land Management (BLM), previously prepared an Environmental Assessment (DOI-BLM-OR-C040-2011-0006-EA Lone Pine) which contained analysis of the effects of conducting density management thinning within the Lone Pine project area as well as analysis of a no action alternative. This EA resulted in a FONSI (Finding of No Significant Impact) signed August 19, 2013. Sample Tree Falling (STF) was included in the EA (p. 10) 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 83:

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 Lone Pine project.

Proposed Action

Sample tree falling will be implemented in preparation of offering timber sales from the Lone Pine EA. The Lone Pine 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 2468 acres of BLM-managed lands; land use allocations include Matrix (1438 acres) and Riparian Reserve (RR; 987 acres). On average, 1 tree/2.5 acres will be felled for use in appraisal calculations. Not more than approximately 987 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 Lone Pine EA, which are available

at <http://www.blm.gov/or/districts/coosbay/plans/index.php>. The locations include:

Township	Range	Section(s)
27 S.	11 W.	21 and 35
27 S.	12 W.	35
28 S.	10 W.	22
28 S.	11 W.	1, 3, 5, 7, 17, 19, 29, 31, 32
28 S.	12 W.	1, 13, 23, 25, 27, 35
29 S.	11 W.	5 and 7
29 S.	12 W.	12

The EA includes a complete list of project design features (pp. 17-23) 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 be 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 in Riparian Reserves.
- All seasonal and daily timing restrictions for T&E species will be applied.
- The BLM will provide 100 percent 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 sample tree falling activities are 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. I have reviewed the sample tree falling activities in consideration of both the December 17, 2009 partial summary judgment and Judge Pechman's October 11, 2006 order. Because sample tree falling includes no regeneration harvest and is included 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 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 BLM requested formal and informal consultation with the U.S. Fish and Wildlife Service for evaluation of effects to the northern spotted owl and the marbled murrelet. On August 1, 2013, the BLM received a Biological Opinion, which includes a finding that "implementation of the proposed actions would not jeopardize the continued existence of the spotted owl or the marbled murrelet, and will not adversely modify designated critical habitat for the spotted owl or 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-Stevens 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 pp. 37-43) and the Aquatic Conservation Strategy Objectives would be restored or maintained (EA pp. 55-63).

The Lone Pine 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 Lone Pine EA (DOI-BLM-OR-C040-2011-0006-EA) resulted in a Finding of No Significant Impact (FONSI), thus development of an Environmental Impact Statement (EIS) is not required.

¹ Biological Opinion on the Lone Pine Timber Harvest Project. August 1, 2013. FWS# 01E0FW00-2013-F-0159.

Public Involvement

The general public was informed of the availability of the draft EA and unsigned FONSI for review through a direct notification 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. The 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. The BLM received three comments from two organizations, and one individual. Upon reviewing the external and internal comments, the BLM made one change to the EA to clarify the project design features for **Harvest Volume (sample tree falling)** on pages 18-19 of the EA.

This change in the EA did not invalidate the analysis supporting the Lone Pine FONSI, which was signed on August 19, 2013.

Rationale for the Decision

Using the decision factors for this project (EA p. 4) I am choosing to implement *Lone Pine Sample Tree Falling* for the following reasons:

- Implementation of this portion of the proposed alternative best meets the purpose and need described in the Lone Pine EA (pp. 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 Lone Pine commercial timber sales, by which the 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, Oregon.

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 Jeff Davis, Forest Coordinator, at 1300 Airport Lane, North Bend, Oregon, 97459 or (541) 756-0100.

Decision Approved by:

/s/Kathy Hoffine

Kathy Hoffine
Myrtlewood Field Manager

October 21, 2013

Date