United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Coos Bay District Office
1300 Airport Lane, North Bend, OR 97459
Web Address: http://www.blm.gov/or/districts/coosbay
E-mail: BLM_OR_CB_Mail@blm.gov
Telephone: (541) 756-0100 Toll Free: (888) 809-0839 Fax: (541) 751-4303

IN REPLY REFER TO
5400/1792 (ORC030)
ORC00-TS-2015.0002
Lucky Star VRH Timber Sale
DOI-BLM-OR-C030-2012-0004-EA
Soup Creek Variable Retention Harvest Environmental Assessment

August 6, 2015

Dear Concerned Citizen:

As a result of a clerical error, the Timber Sale Notice and Decision have been re-issued. Since the Timber Sale Notice contained an error in date, we are re-issuing the Timber Sale Notice and Decision Documentation for the Lucky Star VRH Timber Sale (ORC00-TS-2015.0002) with corrected dates.

The units in this sale were analyzed as part of the Soup Creek Variable Retention Harvest (VRH) Environmental Assessment (DOI-BLM-OR-C030-2012-0004-EA). The analysis was followed by a Finding of No Significant Impact (FONSI), dated July 23, 2015. This project is designed to implement management objectives described in the 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, OR.

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 blm_or_cb_mail@blm.gov, ATTN: John Goering

Sincerely,

/s/ Todd D. Buchholz
Todd D. Buchholz
Umpqua Field Manager

United States Department of the Interior

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DECISION DOCUMENTATION
Lucky Star VRH Timber Sale
Analyzed in
Soup Creek Variable Retention Harvest EA

Background:

The Umpqua Field Office, Coos Bay District Bureau of Land Management, using input from District resource staff and public input, prepared the *Soup Creek Variable Retention Harvest Environmental Assessment* (EA) which contained analysis of the effects of conducting a harvest based on the ecological principles of Drs. Norman Johnson and Jerry Franklin as well as an analysis of a No Action Alternative. This EA, which is hereby incorporated by reference, was followed with a Finding of No Significant Impact (FONSI) dated July 23, 2015. The Proposed Action alternative, within the Mill Creek Fifth Field Watershed and Lower Lake Creek sub-watershed of Douglas County, proposes a Variable Retention Harvest (VRH) on approximately 111 acres in stands less than 70 year old.

The *Lucky Star VRH* Timber Sale is composed of EA units 1 and 2, as outlined in the table below. These units, located in T. 23 S., R. 09 W., Section 19, Willamette Meridian, were analyzed as part of the Proposed Action in the Soup Creek VRH EA.

Proposed Action:

The *Lucky Star VRH* Timber Sale would implement treatment on 109 acres. This treatment area consists of 85 acres of harvest and 24 acres of aggregate retention within the General Forest Management Area (GFMA) land use allocation. This acreage has been reduced by 2 acres from an EA estimate of 111 acres.

The timber sale would require no new road construction.

Approximately 3.1 MMBF of timber is scheduled for harvest.

The following tables show the relationship between EA estimates and field verified acres of forest treatment (Table I-1) and miles of road work (Table I-2) for the *Lucky Star VRH* Timber Sale:

Table I-1: Project Treatment Acres

Lucky Star VRH Unit Number	EA Unit Number	Estimated Acres	Actual Acres*
1	1	60	58
2	1	15	15
3	2	13	12
Aggregate	1, 2	23	24

*includes right-of-way acreage

Table I-2: Project Road Work

	Treatment Acres	Road Renovation (miles)	Road Decommissioning (miles)
EA Estimate	111	3.22	0.06
Lucky Star VRH	109	3.30	0.06

Prescription

The *Lucky Star VRH* Timber Sale is marked using variable retention leave tree prescriptions. Units #1-3 are marked to leave roughly 20% of the GMFA in aggregated retention. In addition, the harvest area is marked to retain scattered individual conifer to meet RMP goals. Due to the large amount of Riparian Reserves well distributed within the harvest area, a portion of Riparian Reserves contributes to the amount of pre-harvest stand retained as aggregates (EA pp. 9-10). No harvest, yarding, or other type of treatment will occur within the aggregate areas. Table I-3 shows the prescribed aggregate contribution by Timber Sale Unit.

Table I-3: Variable Retention Harvest Prescription by Timber Sale Unit

Classification	Unit 1	Unit 2	Unit 3	Total
Total GFMA Acres	74	19	16	109
Harvest Acres	58	15	12	85
Aggregate Retention (not including RR)	16	4	4	24
Riparian Reserve Aggregate	7	2	2	11

The EA included a list of Project Design Features (pp. 13-17) designed to avoid or minimize impacts on resources as part of the Proposed Action. These features are incorporated as site-specific measures in the special contract provisions for the *Lucky Star VRH* Timber Sale. The following is a brief summary of some of these Design Features.

- The sale area would be harvested using skyline cable systems.
- All non-alder hardwoods ≥ 12 inches DBH would be retained.
- Seasonal restrictions would be implemented for road renovation activities to avoid potential effects to soil and wildlife resources.
- Road decommissioning consists of 0.06 miles of closure, and water-barring of rocked surfaces.
- Planting would occur at an average of 200 trees per harvested acre.

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 *Lucky Star VRH* 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 on partial summary judgment in favor of the Plaintiffs finding inadequacies in the NEPA analysis supporting the *Record of Decision to Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans within the Range of the Northern Spotted Owl* (BLM *et al*. 2007) (2007 ROD). The District Court did not issue a remedy or injunction at that time.

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 Defendant-Intervenor subsequently appealed the 2011 Settlement Agreement to the Ninth Circuit Court of Appeals. The April 25, 2013, ruling in favor of Defendant-Intervener remanded the case back to the District Court.

On February 18, 2014, the U.S. District Court vacated the 2007 Records of Decision. The District Court and all parties agreed that projects begun in reliance on the Settlement Agreement should not be halted. The District Court order allowed for the Forest Service and BLM to continue developing and implementing projects that met the 2011 Settlement Agreement exemptions or species list, as long as certain criteria were met. These criteria include:

(a) Projects in which any Survey and Manage pre-disturbance survey has been initiated (defined as at least one occurrence of actual, in-the-field surveying undertaken according to applicable protocol) in reliance upon the Settlement Agreement on or before April 25, 2013;
(b) Projects, at any stage of project planning, in which any known site (as defined by the 2001 Record of Decision) has been identified and has had known site-management recommendations for that particular species applied to the project in reliance upon the Settlement Agreement on or before April 25, 2013; and
(c) Projects, at any stage of project planning, that the agencies designed to be consistent with one or more of the new exemptions contained in the Settlement Agreement on or before April 25, 2013.

This project is consistent with Criteria “(a)” and “(c)” because Survey and Manage surveys were initiated in 2012 (EA p. 55, 108), and are designed to be consistent with exemptions (EA pp. 63-65).

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. # 01EOFW00-2014-F-0053) was received from the U.S. Fish and Wildlife Service on February 18, 2014 which includes a finding that “the Districts proposed action is not likely to jeopardize the continued existence of the spotted owl and the murrelet, and is not likely to destroy or adversely modify spotted owl critical habitat. No critical habitat for the murrelet occurs in the project site, and no effects to that habitat are likely to be caused by implementation of the proposed action” (USDI 2014, p. 49). “With implementation of the proposed action, the action area and adjacent lands are expected to continue to support survival and

recovery of the murrelet by providing adequate amounts of suitable murrelet nesting habitats at spatial scales that are representative of murrelet life history requirements" (USDI 2014, p. 51).

Consultation with the National Marine Fisheries Service (NMFS) is not required (EA p. 46). The Umpqua Field Office fisheries biologist concluded that the proposed activities in the *Soup Creek Variable Retention Harvest* EA project area would have "no effect" on threatened Oregon Coast coho salmon and coho critical habitat, and project activities would not affect Essential Fish Habitat (EFH).

The EA analysis also concluded that implementation of the Proposed Action would 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 are complete for species in which surveys are practical and are included in the 2008 State Director's Special Status Species List (EA pp. 63-65).

The Interdisciplinary Team incorporated the relevant findings of the Mill Creek watershed analysis (which address Aquatic Conservation Strategy (ACS) objectives) into the Proposed Action (EA p. 37). The Umpqua Field Office hydrologist analyzed the Proposed Action and concluded that the activities in the *Soup Creek Variable Retention Harvest* EA project area would promote attainment of ACS objectives (EA pp. 37-42), and there would be no effects to water quality (EA p. 79).

The activities proposed within the *Soup Creek Variable Retention Harvest* EA are 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. 79-80).

Public Involvement:

The draft *Soup Creek Variable Retention Harvest* EA and preliminary Finding of No Significant Impact were made available for public comment on August 6, 2014. The comment period closed on September 26, 2014.

In response to public comments, the BLM made some notable changes to the EA to provide additional information. These additions did not change the Proposed Action or effects. The BLM informed the public of these changes when the updated final EA and signed FONSI were made available to the public on July 23, 2015. Accordingly, the EA and FONSI constitute BLM's compliance with the requirements of NEPA for the *Lucky Star VRH* Timber Sale.

Rationale for the Decision:

I have signed a Finding of No Significant Impact (FONSI) based on the analysis in the *Soup Creek Variable Retention Harvest* EA (DOI-BLM-OR-C030-2012-0004-EA); therefore the development of an Environmental Impact Statement (EIS) is not required.

Using the Decision Factors described in the *Soup Creek Variable Retention Harvest* EA (EA p.7), I am choosing to implement the Proposed Action alternative as it applies to the *Lucky Star VRH* Timber Sale for the following reasons:

- It is consistent with the Proposed Action and best meets the Purpose and Need described in the *Soup Creek Variable Retention Harvest* 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* for the Coos Bay District of the Bureau of Land Management.
- It will actively apply the principles developed by Franklin and Johnson for variable retention harvest.
- It will promote diversified stand structure and related ecological restoration goals of the Revised Recovery Plan (USDI 2011) and RMP (1995).
- It provides a commercially-viable timber sale that provides jobs in the local communities from forest management, logging, and wood processing.
- 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 August 10, 2015.

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 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/ Todd D. Buchholz ***August 6, 2015***

Todd D. Buchholz
Umpqua Field Manager

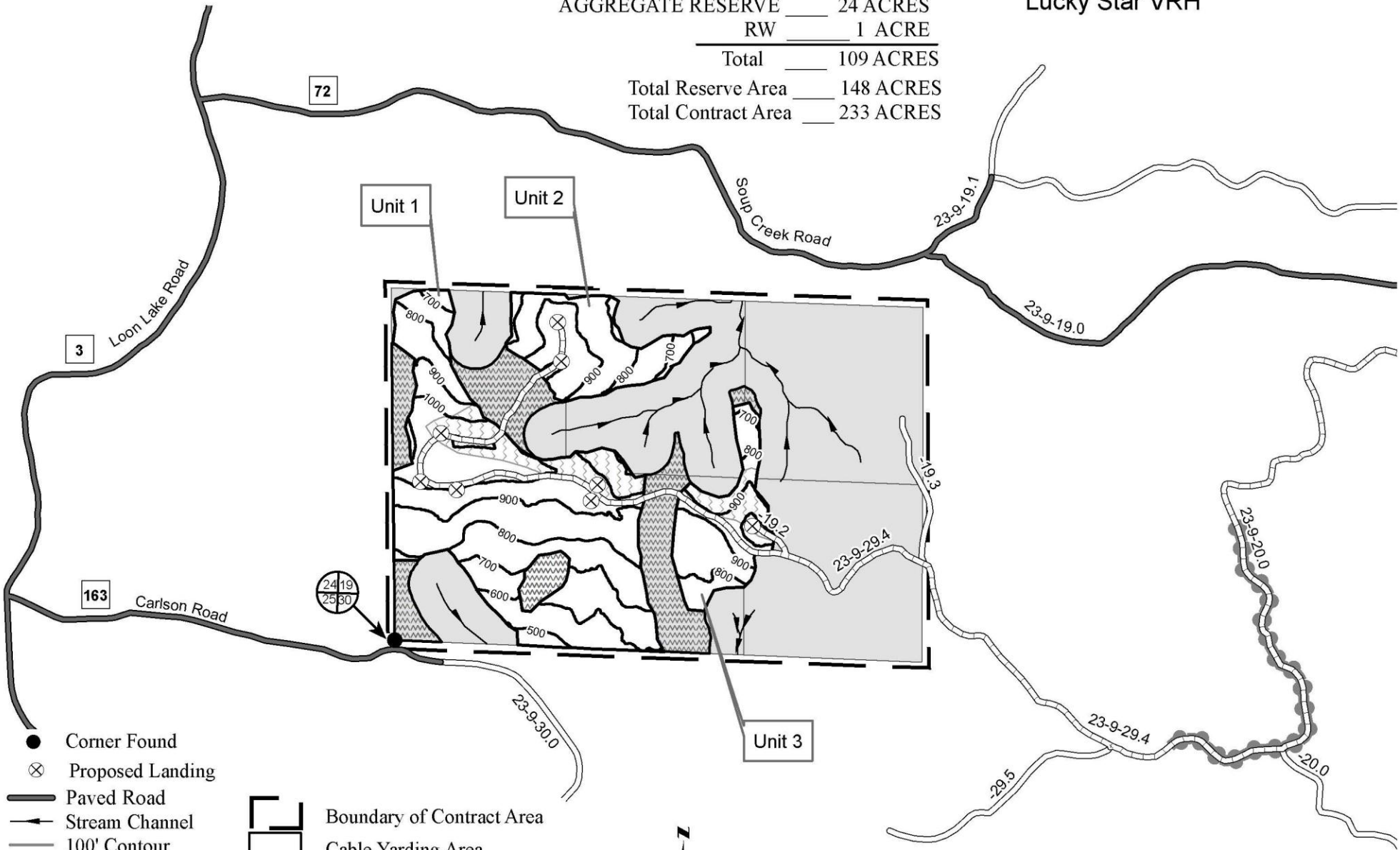
Date

TIMBER SALE CONTRACT MAP
USDI-BLM COOS BAY DISTRICT
T. 23 S., R. 09 W., Sec. 19, Will. Mer.

VARIABLE RETENTION HARVEST

UNIT 1	57 ACRES
UNIT 2	15 ACRES
UNIT 3	12 ACRES
AGGREGATE RESERVE	24 ACRES
RW	1 ACRE
Total	109 ACRES
Total Reserve Area	148 ACRES
Total Contract Area	233 ACRES

SALE NO. ORC00-TS-2015.0002
EXHIBIT A
Page 1 of 2
Lucky Star VRH



Corner Found
Proposed Landing
Paved Road
Stream Channel
100' Contour
Existing Road
Road to be Renovated
Seasonal Restriction - Road Renovation
Boundary of Contract Area
Cable Yarding Area
Full Suspension Yarding Area
Reserve - Aggregates
Reserve Area

N

Scale 1 inch = 1,000 feet

Acreage data was collected using a Trimble Geo XT Global Positioning System receiver. Acreage was calculated based on Global Positioning System traverse procedures including differential correction.

TIMBER SALE CONTRACT MAP
USDI-BLM COOS BAY DISTRICT
T. 23 S., R. 09 W., Sec. 19, Will. Mer.

VARIABLE RETENTION HARVEST

UNIT 1	57 ACRES
UNIT 2	15 ACRES
UNIT 3	12 ACRES
AGGREGATE RESERVE	24 ACRES
RW	1 ACRE
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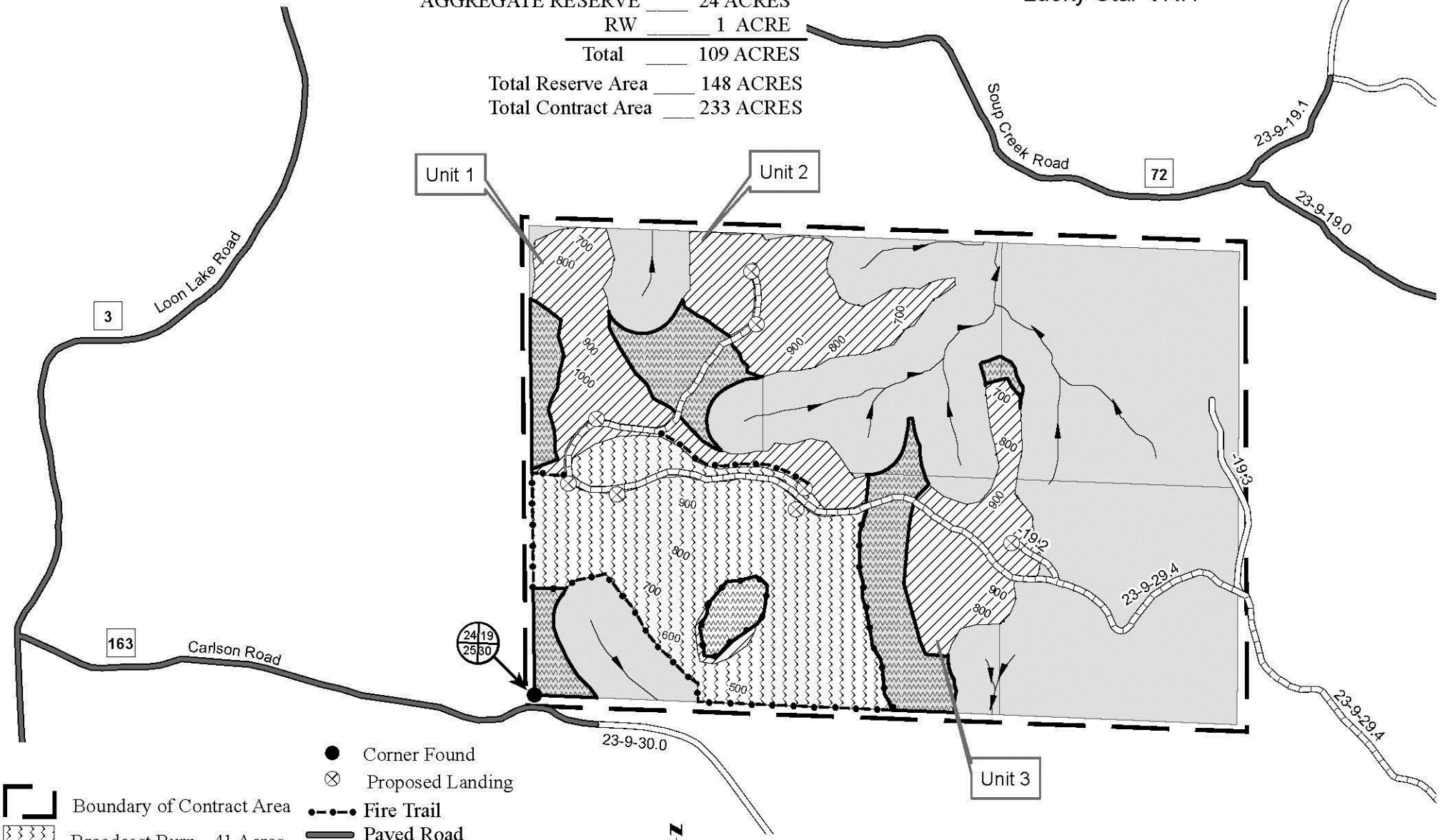
Total Contract Area	233 ACRES

SALE NO. ORC00-TS-2015.0002
EXHIBIT A - Fuel Treatments
Page 2 of 2
Lucky Star VRH



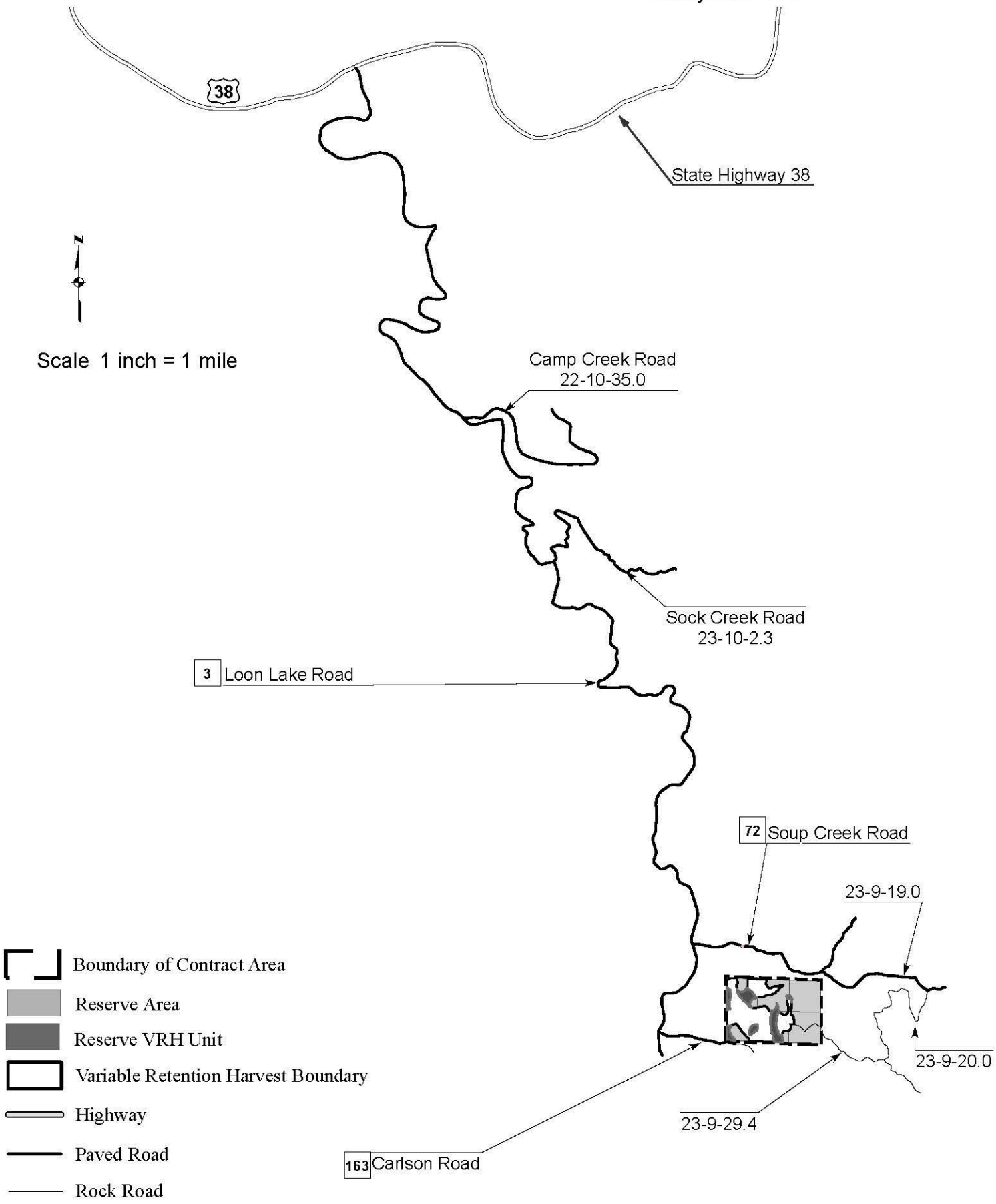
Boundary of Contract Area
Broadcast Burn - 41 Acres
Hand Pile/ Burn - 43 Acres
Reserve - Aggregates
Reserve Area

Corner Found
Proposed Landing
Fire Trail
Paved Road
Stream Channel
100' Contour
Existing Road
Road to be Renovated

N

Scale 1 inch = 750 feet

Acreage data was collected using a Trimble Geo XT Global Positioning System receiver. Acreage was calculated based on Global Positioning System traverse procedures including differential correction.

TIMBER SALE CONTRACT MAP
USDI-BLM COOS BAY DISTRICT
T. 23 S., R. 09 W., Sec. 19 Will. Mer.

SALE NO. ORC00-TS-2015.0002
EXHIBIT A 1
Page 1 of 1
Lucky Star VRH