



# 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: [OR\\_CoosBay\\_Mail@blm.gov](mailto:OR_CoosBay_Mail@blm.gov)

Telephone: (541) 756-0100 Toll Free: (888) 809-0839 Fax: (541) 751-4303



### **In Reply Refer To:**

1792/5700 (ORC030)

DOI-BLM-OR-C030-2010-0006-DNA

Little Cherry Creek Conversion

***May 10, 2010***

Dear Concerned Citizen:

We have signed the Decision Record for the Little Cherry Creek Conversion Documentation of NEPA Adequacy (DOI-BLM-OR-C030-2010-0006-DNA). The Proposed Action of this DNA is a non-commercial stand conversion of 38 acres. The area was previously harvested in 1973 and is now occupied by mixed hardwood and brush species. These documents have been posted on the District Internet site: <http://www.blm.gov/or/districts/coosbay/index.php>.

The decision to implement this forest management project may be protested under 43 CFR 5003 – Administrative Remedies. As outlined in 43 CFR 5003 (a) and (b), protests of a forest management decision may be made within 15 days of the publication date of the decision notice and shall contain a written statement of reasons for protesting the decision. In accordance with the regulations, this notice constitutes the decision document for the purpose of protests which must be filed by close of business (4:30 p.m.) on May 25, 2010 with the Umpqua Field Manager, Dennis Turowski, at the Coos Bay District Office, 1300 Airport Lane, North Bend, Oregon 97459. As interpreted by BLM, the regulations do not authorize acceptance by the BLM of protests in any form other than a signed, paper document that is delivered to the physical address of the BLM office within the 15-day period. Therefore, e-mail, verbal, or facsimile protests will not be accepted.

For further information, contact Bill Elam, Fuels Specialist, at 1300 Airport Lane, North Bend, OR 97459 or (541) 756-0100, or e-mail at [OR\\_CoosBay\\_Mail@blm.gov](mailto:OR_CoosBay_Mail@blm.gov), ATTN: William Elam.

Sincerely,

*/s/ A. Dennis Turowski*

A. Dennis Turowski  
Umpqua Field Manager



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1792/5700 (ORC030)

DOI-BLM-OR-C030-2010-0006-DNA

Little Cherry Creek Conversion

### Decision Record for DOI-BLM-OR-C030-2010-0006-DNA

#### Background

The Bureau of Land Management (BLM) previously prepared an Environmental Assessment (Middle Creek CTs II, EA OR125-04-17) and a Finding of No Significant Impact (FONSI) which evaluated the effects of treating approximately 2250 acres of 35 to 65 year-old stands through a combination of commercial thinning, density management, and conifer restoration within the General Forest Management Area (GFMA) and Riparian Reserve (RR) land use allocations. This EA specifically identified 264 acres of red alder stands, varying in size from 4 acres to 131 acres that would receive regeneration-type harvest to remove existing alder, followed by site preparation treatment and planting with a mix of conifers native to the site. The EA further analyzed multiple site preparation methods necessary “to (1) prepare the site for planting, (2) reduce the amount of or retard the re-establishment of competing vegetation, and (3) reduce hazardous fuels” (p. 28). The Little Cherry Creek Conversion project as described in DOI-BLM-OR-C030-2010-0006-DNA proposes to conduct a non-commercial conifer restoration on approximately 38 acres, currently occupied by mixed hardwood and brush species. The proposed action is within the GFMA and RR land use allocations. This proposed project is of like action and similar design to that analyzed in EA OR125-04-17.

#### Decision:

It is my decision to implement the Little Cherry Creek Conversion project as described in DOI-BLM-OR- C030-2010-0006-DNA. The purpose of this project is to reestablish commercially valuable conifer species on GFMA lands and restore a more desirable species variety within the RR. The design features and anticipated environmental consequences are essentially the same as those analyzed in the original NEPA document, EA OR125-04-17.

The project design features are located on pages 14-31 of the EA, hereby incorporated by reference. These include:

- All activities will comply with applicable State of Oregon Fire Regulations. Slash Disposal would be conducted under the direct oversight of BLM personnel and would comply with the State of Oregon Smoke Management Guidelines and the Clean Air Act.
- For bank stability and litter inputs along intermittent streams in alder conversion units, no trees would be cut within 35 feet of the stream bank.
- Irregular, dense clumps of conifer occurring within both the GFMA and RR portions of project area would be thinned to approximately 14 foot spacing.

- Approximately three to five dominant, single stem hardwood trees per acre (big leaf maples, myrtles, tan oaks and bitter cherry) would be reserved in both the GFMA and RR.
- Reforestation species mix would also be tailored to the RR site by including a higher percentage of shade tolerant and moisture tolerant species.
- Within safety standards, all trees would be directionally felled away from roads, posted boundaries, orange painted reserve trees, riparian areas, power lines, and snags.
- Operations within 100 yards of either an occupied site or un-surveyed suitable habitat for marbled murrelets would require seasonal restrictions from April 1 through August 5 and daily timing restrictions from August 6 through September 15.
- Ground-based equipment would be restricted to slopes 35% or less and when soil moisture content is below the 25% plastic limit, typically mid-July to mid-September.

### **Location**

This project is located in T. 27 S., R. 11 W., Sec 26, E ½, SW ¼, Willamette Meridian; adjacent to BLM Road No. 27-11-35.0.

### **Conformance and Compliance**

This DNA is in conformance with the *Coos Bay District Resource Management Plan/Final Environmental Impact Statement* (USDI 1994) and its *Record of Decision* (ROD/RMP), as supplemented and amended. The Coos Bay ROD/RMP is supported by and consistent with the *Final Supplemental Environmental Impact Statement (EIS) on Management of Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl* (Northwest Forest Plan) (USDA and USDI 1994a) and its *Record of Decision* (USDA and USDI 1994b).

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

- Provide a sustainable supply of timber and other forest products (RMP p. 52).
- Where hardwood stands became established following previous harvest of conifers, plan to reestablish a conifer stand on the site (RMP p. 53).
- Apply silvicultural practices for Riparian Reserves to control stocking, re-establish and manage stands, and acquire desired vegetation characteristics needed to attain Aquatic Conservation Strategy objectives. (RMP p. 13).

The Little Cherry Creek Conversion project is consistent with the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*, 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. The project may proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. This is because the Little Cherry Creek Conversion project meets the provisions of the last valid Record of Decision, specifically the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (not including subsequent Annual Species Reviews). Details of the project surveys are described below:

- Surveys were conducted for nine Category A and C plant species; five lichens, two bryophytes, and two vascular plants: none were discovered.
- The area proposed for conversion does not contain habitat for Survey and Manage wildlife species. There are no known red tree vole sites within the project area and surveys are not required for under the current survey protocol.

This project also complies with the Oregon and California Lands Act (O&C Act) and the Federal Land Policy and Management Act (FLPMA), the Endangered Species Act, the Clean Water Act, the Magnuson-Stevens Fishery Conservation Act and the BLM Special Status Species Program. The EA and FONSI analyzed the selected alternative and found no significant impacts that would require the development of an EIS.

### **Public Involvement**

The public was informed of the EA and FONSI through a direct notification and via a published Legal Notice in *The World* newspaper on April 22, 2006. Twenty-two scoping comments were received. Six comments related to alder conversions, two related to snags and large wood, four related to species mix being planted and retained, one related to thinning prescriptions, three related to roads, one related to harvest exclusion areas, four related to wrong or missing information and one offered concurrence with the action. Comments were analyzed, and clarifications to information in the EA were made. These comments were responded to in a letter from the Field Manager. No protests were made on subsequent Decisions.

### **Decision Rationale:**

The proposed action has been reviewed by Field Office staff and appropriate project Design Features as specified will be incorporated into the proposal. Based on this review, I have determined that the proposed action is adequately analyzed in the existing NEPA document EA OR125-04-17 and is in conformance with the Coos Bay RMP and no further analysis is required.

### **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, A. Dennis Turowski, within 15 days of the publication date of the notice of this decision advertisement in *The World* newspaper, Coos Bay Oregon.

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 (e-mail) 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 protests 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 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 the 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 becomes final. If a timely protest is received, the protest decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Coos Bay District will issue a protest decision.

For further information, contact Bill Elam, Fuels Specialist, at 1300 Airport Lane, North Bend, OR, 97459 or (541) 756-0100.

*/s/ A. Dennis Turowski*

*May 6, 2010*

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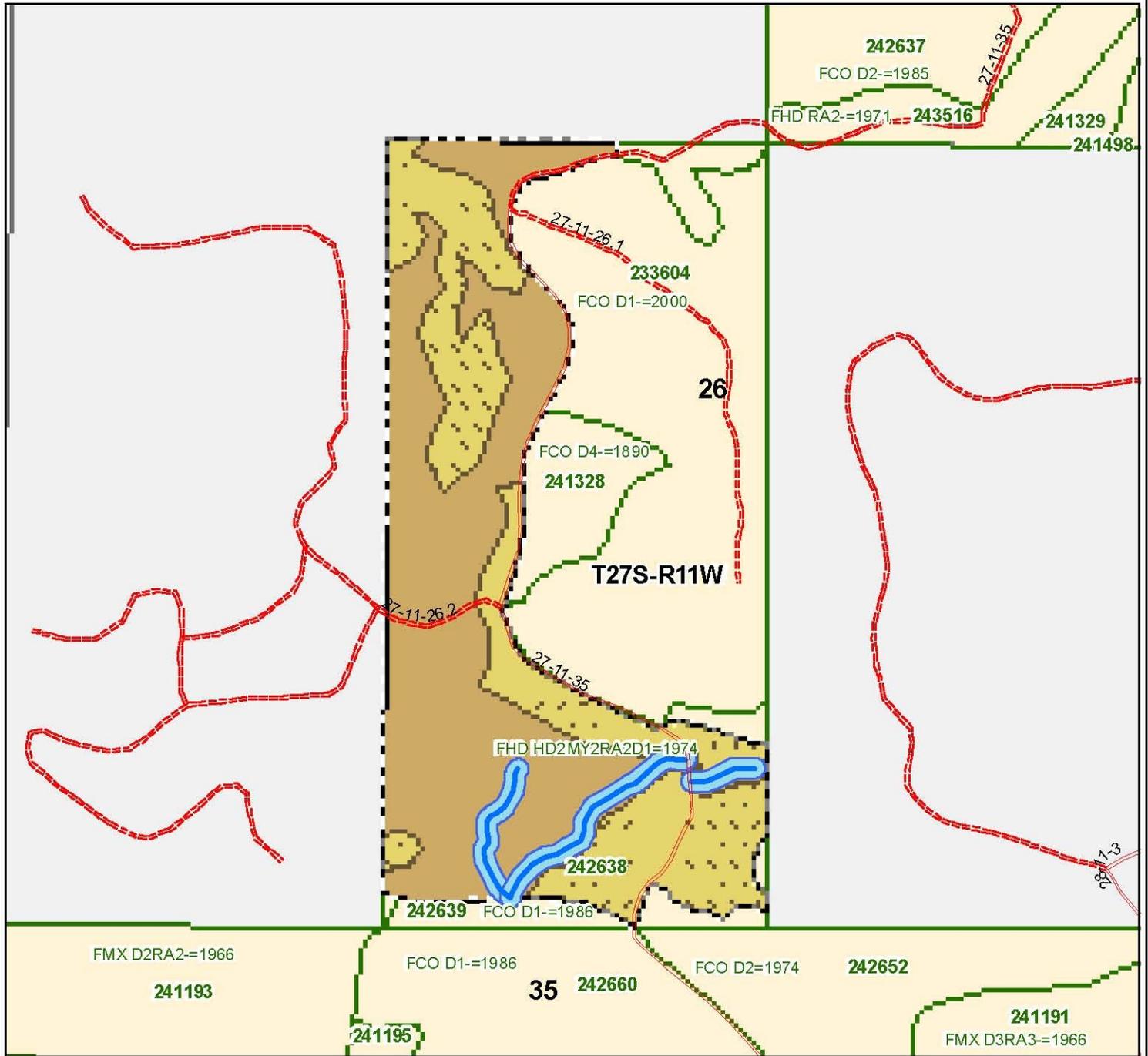
A. Dennis Turowski  
Umpqua Field Manager

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Date

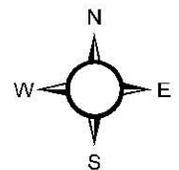
# Little Cherry Creek Conversion Project

## T27S, R11W, Sec. 26 38 Acres



### Legend

- |  |  |
|--|--|
|  Little Cherry Cr Conv Unit |  Gravel Road              |
|  Handpile Areas             |  Natural/Unk Surface Road |
|  Posted No Treatment Area   |  BLM Administered Land    |
|  Stream Channel             |  Private or Other Lands   |



1 inch = 500 feet



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.