



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

In Reply Refer To:

5400/1792 (ORC040)

OR120-TS12-33

Lost & Found CT

EA# OR128-03-17

East Fork Coquille Environmental Assessment

April 18, 2012

Dear Concerned Citizen:

We have prepared the Decision Documentation for the *Lost & Found CT* Timber Sale, OR120-TS12-33. The *Lost & Found CT* Timber Sale is a portion of the Preferred Alternative of the East Fork Coquille Environmental Assessment.

We have posted the Decision Documentation 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; call (541) 756-0100; FAX (541) 751-4303, or email to BLM_OR_CB_Mail@blm.gov, ATTN: Aimee Hoefs.

Sincerely,

/s/ Kathy Hoffine

Kathy Hoffine

Myrtlewood Field Manager



United States Department of the Interior

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5400/1792 (ORC040)
OR120-TS12-33
Lost & Found CT
EA# OR128-03-17
East Fork Coquille Environmental Assessment

DECISION DOCUMENTATION

For the

Lost & Found CT Timber Sale (OR120-TS12-33) East Fork Coquille Environmental Assessment

Background:

The Myrtlewood Field Office, Coos Bay District Bureau of Land Management, prepared an Environmental Assessment (EA# OR128-03-17 East Fork Coquille) which contained analysis of the effects of conducting commercial thinning and density management thinning (Alternative 3) within the East Fork Coquille project area as well as analysis of a No Action Alternative and another Action Alternative. This EA, which is hereby incorporated by reference, resulted in a FONSI (Finding of No Significant Impact) signed June 28, 2005.

The BLM previously offered this sale as OR120-TS07-33 *Lost Harry CT*; the sale was sold on August 24, 2007.

In the summer of 2009, Congressional delegations of Oregon and Montana asked the Secretary of the Interior to extend existing BLM timber sale contracts due to the significant impact of the economic downturn on forest product manufacturing. The Secretary responded, "that the BLM lacks the regulatory authority to grant across-the-board extensions. However, under the principles of contract law, the parties to a contract may come to a mutual agreement to cancel contractual obligations" (Instruction Memorandum OR-2010-008). This policy was only applicable to sales sold prior to September 15, 2009 with uncut timber remaining under contract.

The BLM received a request from purchaser of the *Lost Harry CT* Timber Sale for mutual cancellation of the contract on January 7, 2010. The purchaser completed 243 acres of harvest, all of the new road construction, and some road decommissioning. Through this mutual cancellation process, the purchaser and BLM reached agreement on returning the remaining 121 harvestable acres of the *Lost Harry CT* Timber Sale to the BLM on March 21, 2011. The BLM is now re-offering the remaining 121 acres of unharvested timber.

The following Table shows the acreage and Unit number progression from the EA to the two subsequent timber sales, *Lost Harry CT* and *Lost & Found CT*.

Table -1 Unit Numbers and Acreages for the EA, Lost Harry CT and Lost & Found CT.

EA Unit Number	EA Acreage Estimate*	Lost Harry CT Unit Number	Lost Harry CT Unit Acres	Lost & Found CT Unit Number	Lost & Found CT Unit Acres
16	31.2	1	23	1	22
18	41.2	2	39	-	-
17	12.4	3	11	2	11
19	105.6	4	49	-	-
20	34.8	5	36	3	35
21	10.2	6	10	-	-
23	21.9	7	16	-	-
22	146.5	8	122	4	16
24	13.8	9	17	5	16
25	17.3	10	20	-	-
41	20.1	11	21	6	21
			Acreage Total 364	Acreage Total 121	

*The acreage difference between the EA and the first sale is the result of field verification of unit boundaries and final road locations.

Proposed Action:

The *Lost & Found CT* Timber Sale will implement commercial and density management thinning in the Matrix and Riparian Reserve land use allocations. The original purchaser has completed all of the new road construction, renovation/maintenance and 3.2 miles of decommissioning. Through implementation of this timber sale, the BLM will decommission the remaining 0.4 miles of newly constructed and renovated roads.

The BLM estimates that 2.2 MMbf is available for harvest. There are approximately 53 acres of commercial thinning and 68 acres of density management thinning in the *Lost & Found CT*. Snags and down wood would be created in the Riparian Reserve.

The EA included a complete list of Project Design Features (Appendix A p. i-iv) 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 roadwork activities will use applicable Best Management Practices as described in the RMP.

Compliance and Conformance:

This project was developed under the management 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 Supplemental 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 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, we have determined that the Proposed Action is consistent with the Coos Bay District's 1995 RMP and the 2008 ROD and RMP. Although the Proposed Action 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 (W.D. Wash.), granting Plaintiffs' motion for partial summary judgment and finding NEPA violations in the *Final 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.

I have reviewed the NEPA document for the *Lost & Found CT Timber Sale* and have determined it is consistent with the Coos Bay District Resource Management Plan as amended by 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* (2001 ROD), as modified by the 2011 Settlement Agreement.

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. 57-63) and the project would restore or maintain the Aquatic Conservation Strategy Objectives (EA p. 101).

The East Fork Coquille EA complies with the Endangered Species Act, 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 East Fork Coquille EA (OR128-03-17) resulted in a Finding of No Significant Impact (FONSI), thus development of an Environmental Impact Statement (EIS) is not required.

Public Involvement:

The BLM informed the general public of the East Fork Coquille project by conducting Scoping prior to project development (July 14 to August 8, 2003) and making the EA/FONSI available for comment (June 28 to July 28, 2005).

Rationale for the Decision:

I am choosing to offer the *Lost & Found CT* Timber Sale for the following reasons:

- Implementation of the Proposed Alternative best meets the Purpose and Need described in the East Fork Coquille EA (pp. 1 and 2); the No Action Alternative 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.
- It complies with other major applicable laws, regulations, and Bureau policies.

Administrative Remedies:

The *Lost Harry CT* Timber Sale had an administrative remedy opportunity with the timber sale advertisement (July 25, 2007). There was not a protest on the decision.

The decision described in this document is a forest management decision and is subject to protest by the public. The principle of administrative finality applies to the *Lost & Found CT* Timber Sale because the public had an administrative remedy opportunity with the *Lost Harry CT* Timber Sale advertisement on July 25, 2007. However, in accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protest 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 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 Aimee Hoefs at 1300 Airport Lane, North Bend, OR. 97459 or (541) 756-0100.

Decision Approved by:

/s/ Kathy Hoffine

April 18, 2012

Kathy Hoffine
Myrtlewood Field Manager

Date

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

TIMBER SALE CONTRACT MAP
 USDI-BLM COOS BAY DISTRICT
 T.28 S., R.9 W., Secs. 1,11&12, Will. Mer.

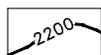
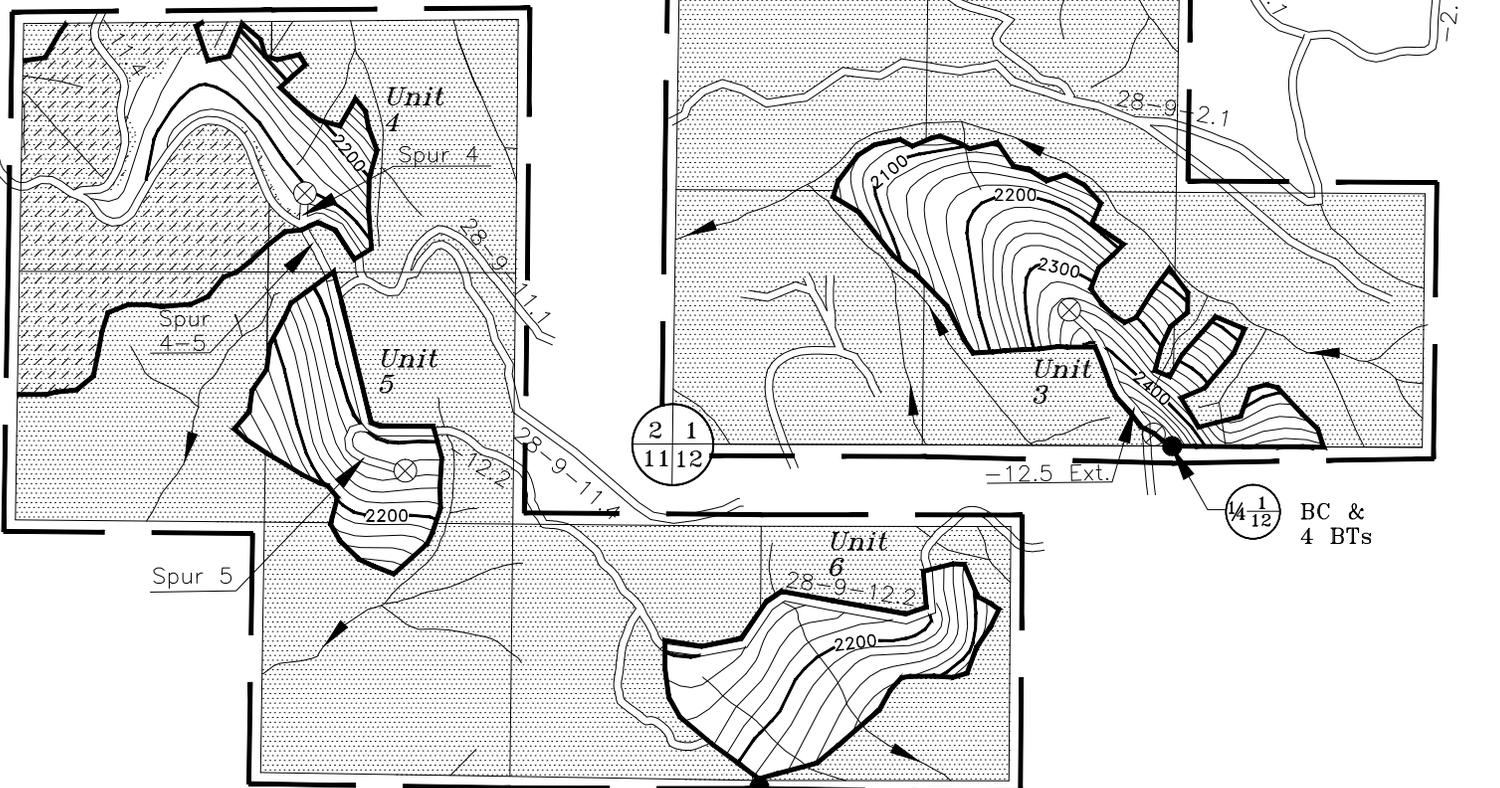
SALE NO. 12-33
 EXHIBIT A
 Page 1 of 2
 LOST & FOUND CT

Unit 1	.....	22 ac.
Unit 2	.....	11 ac.
Unit 3	.....	35 ac.
Unit 4	.....	16 ac.
Unit 5	.....	16 ac.
Unit 6	.....	21 ac.
Total	.....	121ac.

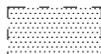
Total Reserve Area 520 ac.
 Total Contract Area 641 ac.



SCALE 1" = 1000'



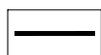
Partial Cut Unit



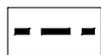
Reserve Area



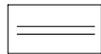
Previous Sale Area - Reserve



Boundary of Cutting Area, Blazed,
 Posted and Painted



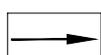
Boundary of Contract Area



Existing Road



Proposed Landing



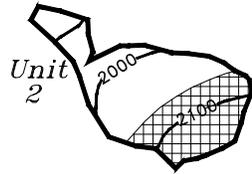
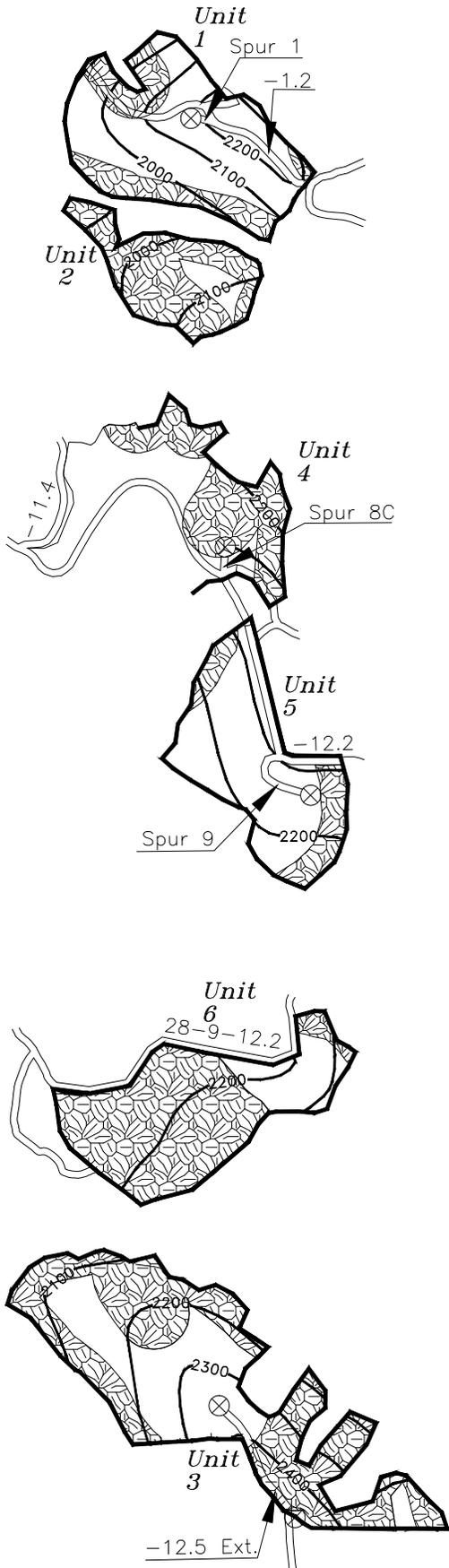
Stream Channel



Corner Found

TIMBER SALE CONTRACT MAP
 USDI-BLM COOS BAY DISTRICT
 T.28 S., R.9 W., Secs. 1,11&12, Will. Mer.

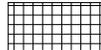
SALE NO. 12-33
 EXHIBIT A
 Page 2 of 2
 LOST & FOUND CT

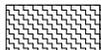


SCALE 1" = 1000'

Snag & Down Wood TREATMENT ACRES	
Unit 1	7 ac.
Unit 2	10 ac.
Unit 3	22 ac.
Unit 4	9 ac.
Unit 5	4 ac.
Unit 6	16 ac.
Total	68 ac.

-  Snag & Down Wood Treatment Area

-  Daily Timing Restriction (MM)

-  Seasonal Restriction (MM)

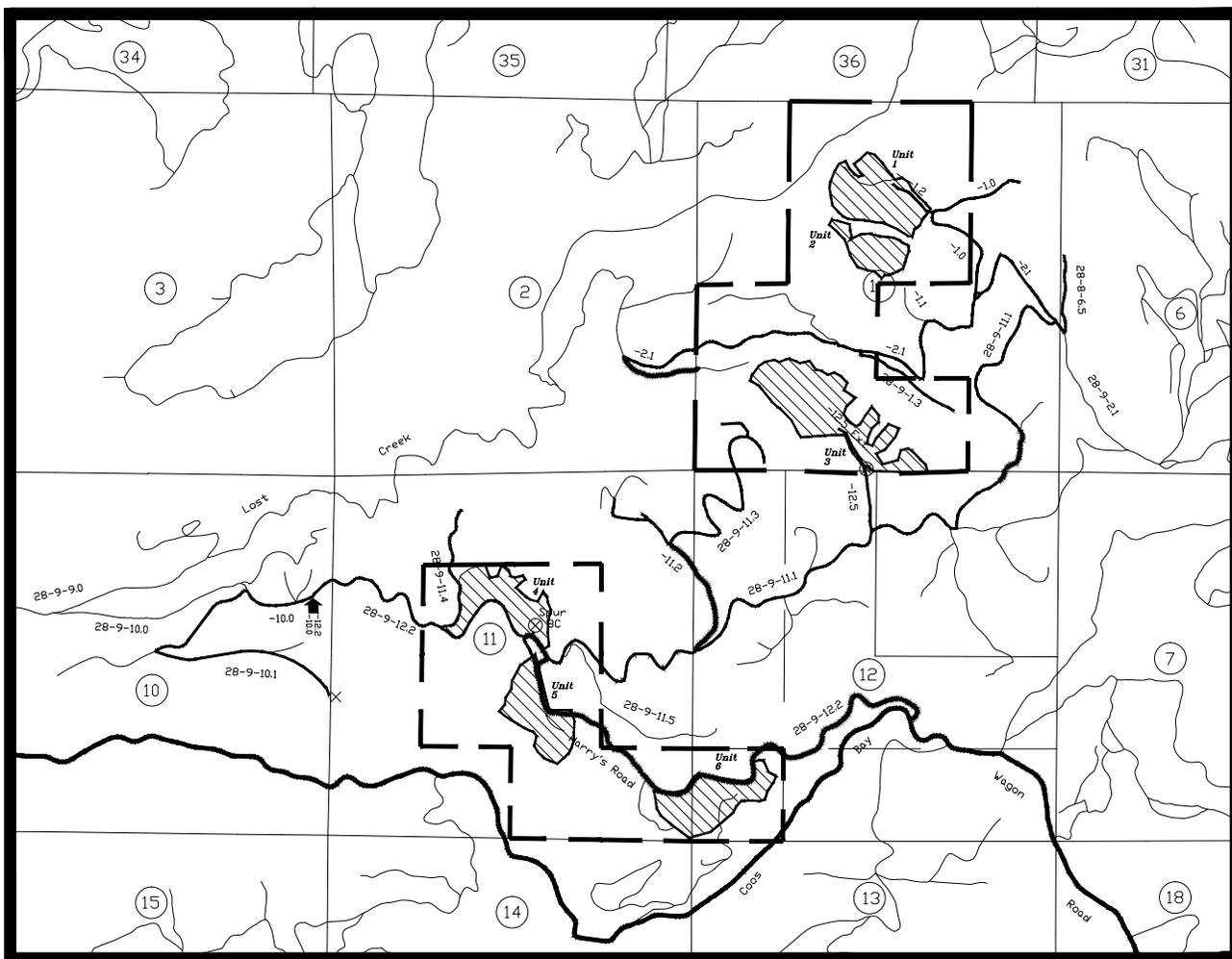
TIMBER SALE CONTRACT MAP
 USDI-BLM COOS BAY DISTRICT
 T.28 S., R.9 W., Secs. 1,11&12, Will. Mer.

SALE NO. 12-33
 EXHIBIT A-1
 Page 1 of 1
 LOST & FOUND CT

T
27
S

R 9 W

R 8 W



T
28
S



	Units
	Boundary of Contract Area
	Existing Road
	Proposed Landing
	Road Number Break

SCALE 2" = 1 mile