



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

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IN REPLY REFER TO

5400/1792 (ORC040)

ORC00-TS-2013.0033

My Frona CT

DOI-BLM-OR-C040-2011-0006-EA

Lone Pine Environmental Assessment

August 20, 2013

Dear Concerned Citizen:

We have prepared the decision documentation for the *My Frona CT* Timber Sale, ORC00-TS-2013.0033. The *My Frona CT* Timber Sale is a portion of the proposed action of the Lone Pine Environmental Assessment (EA).

We have posted the decision documentation on the District Internet site: <http://www.blm.gov/or/districts/coosbay/plans/index.php>.

In accordance with Forest Management Regulations at 43 CFR 5003.2, the decision for this timber sale will not become effective until the Notice of Sale is published in a newspaper of general circulation in the area where the lands affected by decision are located. For this project, the Notice of Sale will be published in *The World* newspaper.

Please direct requests for copies, questions, or comments to Coos Bay District Bureau of Land Management (BLM), 1300 Airport Lane, North Bend, Oregon, 97459-2000; 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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Lone Pine Environmental Assessment

DECISION DOCUMENTATION

For the

My Frona CT Timber Sale (ORC00-TS-2013.0033)

Lone Pine Environmental Assessment

Background:

The Myrtlewood Field Office, Coos Bay District Bureau of Land Management (BLM), previously prepared an Environmental Assessment (Lone Pine; DOI-BLM-OR-C040-2011-0006-EA) which contained analysis of the effects of conducting commercial and density management thinning and hardwood conversion treatments within the Lone Pine project area as well as analysis of a no action alternative. This EA, which is incorporated by reference, resulted in a FONSI (Finding of No Significant Impact) signed August 19, 2013. The *My Frona CT* Timber Sale is composed of units included in the proposed action of this EA and is located in T. 28 S., R. 11 W., Sections 1, 2, and 11, Willamette Meridian. Table II-3 and Map 3b of the EA showed that the Frona project area totaled 334 acres of treatment on 4 harvest unit areas. *My Frona CT* Timber Sale consists of 175 acres of treatment on 2 harvest units. The remaining acreage and harvest units are planned to be harvested under another timber sale at a later date.

Proposed Action:

The *My Frona CT* Timber Sale will consist of 150 acres of commercial thinning, 23 acres of density management thinning, and 2 acres of right-of-way clearing in the Matrix and Riparian Reserve land use allocations (LUAs). The *My Frona CT* Timber Sale will require construction of 1.09 miles of new road, renovation/reconstruction of 4.65 miles of existing road. This timber sale will include decommissioning of 1.54 miles of newly constructed and renovated roads. The following table (Table 1-1) shows the comparison between the EA estimates and the final timber sale roadwork. The EA estimates were derived from EA Table II-5 and II-6 found in parts of the Frona and Steel Cherry treatment areas.

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

	New Road Construction (Miles)	Road Renovation/ Reconstruction (Miles)	Road Improvement (Miles)	Road Decommissioning (Miles)	Full Road Decommissioning (Miles)
EA Estimate	1.24	5.38	0	1.60	0
Timber Sale	1.09	4.65	0	1.54	0

The BLM will thin forest stands to achieve the timber harvest and stand management objectives for Matrix lands while still maintaining or restoring ecological health to the adjacent Riparian Reserves (EA pp. 3-4). The project is in conformance with the Endangered Species Act to protect northern spotted owls, marbled murrelets, and Oregon Coast coho salmon.

The EA included a complete list of Project Design Features (pp. 17-23) which are measures 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 a no treatment zone of 50 feet on perennial and fish bearing streams and 30 feet on intermittent streams.
- Some survey and manage plant species will be buffered to protect the microsite for species persistence.
- Harvest activities will use a combination of skyline cable and ground-based equipment.
- Snags and/or down wood creation will be conducted as per EA Table II-4.
- All road-related activities will use applicable Best Management Practices as described in the EA (pp. 19-22).

Compliance and Conformance:

The BLM developed the Lone Pine EA 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). The 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 *My Frona CT* 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 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 *My Frona CT* Timber Sale in consideration of both the December 17, 2009 partial summary judgment and Judge Pechman's October 11, 2006 order.

Because the *My Frona CT* Timber Sale includes no regeneration harvest and includes 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 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 the *My Frona CT* Timber Sale has been determined to have “no effect” to threatened Oregon Coast coho salmon and its associated critical habitat. Additionally, project activities will not result in adverse effects to 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 will be no adverse effects to Coastal Zone resources from implementing this project. There will be no effects to water quality (EA pp. 43-47) and the Aquatic Conservation Strategy Objectives will be restored or maintained (EA pp. 64-73).

The Lone Pine EA complies 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 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.

Public Involvement:

The public was informed of the availability of the EA and preliminary FONSI for review through a direct notification (May 17, 2013) to those on the District’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 June 17, 2013.

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 Project Design Feature, Harvest Volume (sample tree falling) on page 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.

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

Rationale for the Decision:

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

- Implementation of the proposed alternative best meets the purpose and need described in the Lone Pine EA (pp. 3-4); the no action alternative does not meet the purpose and need.
- It reduces competition mortality and will increase tree vigor and growth on these Matrix lands.
- It improves Riparian Reserve stand structure by enhancing residual tree growth and vigor while retaining structural and habitat components.
- 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 provides economic benefits to the local community and society.
- 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; call (541) 756-0100; or email to BLM_OR_CB_Mail@blm.gov, ATTN: Jeff Davis.

Decision Approved by:

/s/ Kathy Hoffine

August 20, 2013

Kathy Hoffine
Myrtlewood Field Manager

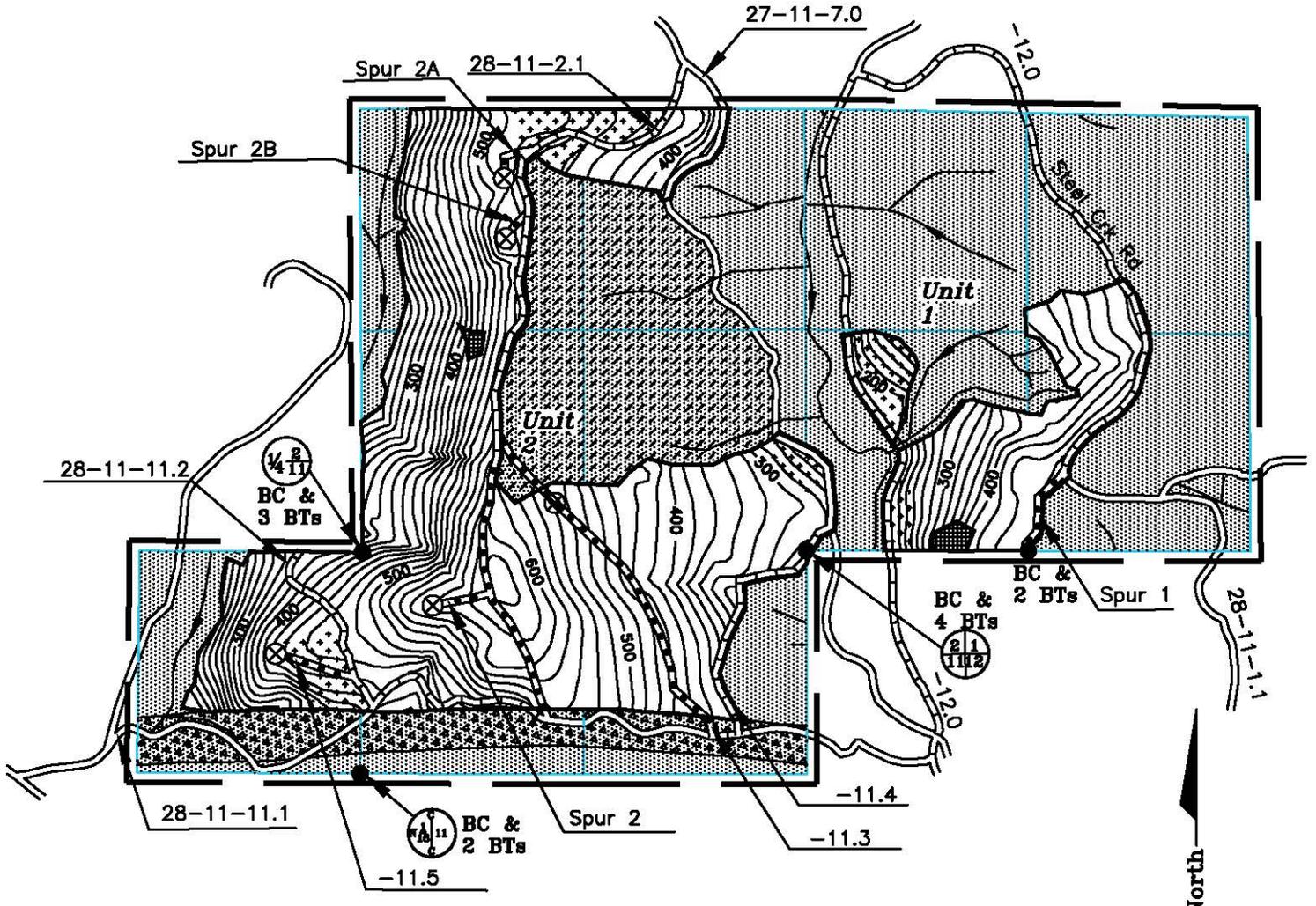
Date

Enclosures: Timber Sale Prospectus Maps (Exhibit A, and A-1; 2 pages)

TIMBER SALE CONTRACT MAP
 USDI-BLM COOS BAY DISTRICT
 T. 28 S., R. 11 W., Secs. 1,2&11 Will. Mer.

ORC00-TS-2013.33
 EXHIBIT A
 Page 1 of 1
 MY FRONA CT

Unit 1..... 30 ac. Total Reserve Area ... 265 ac.
 Unit 2..... 143 ac. Total Contract Area .. 440 ac.
 R/W 2 ac.
 Total 175 ac.

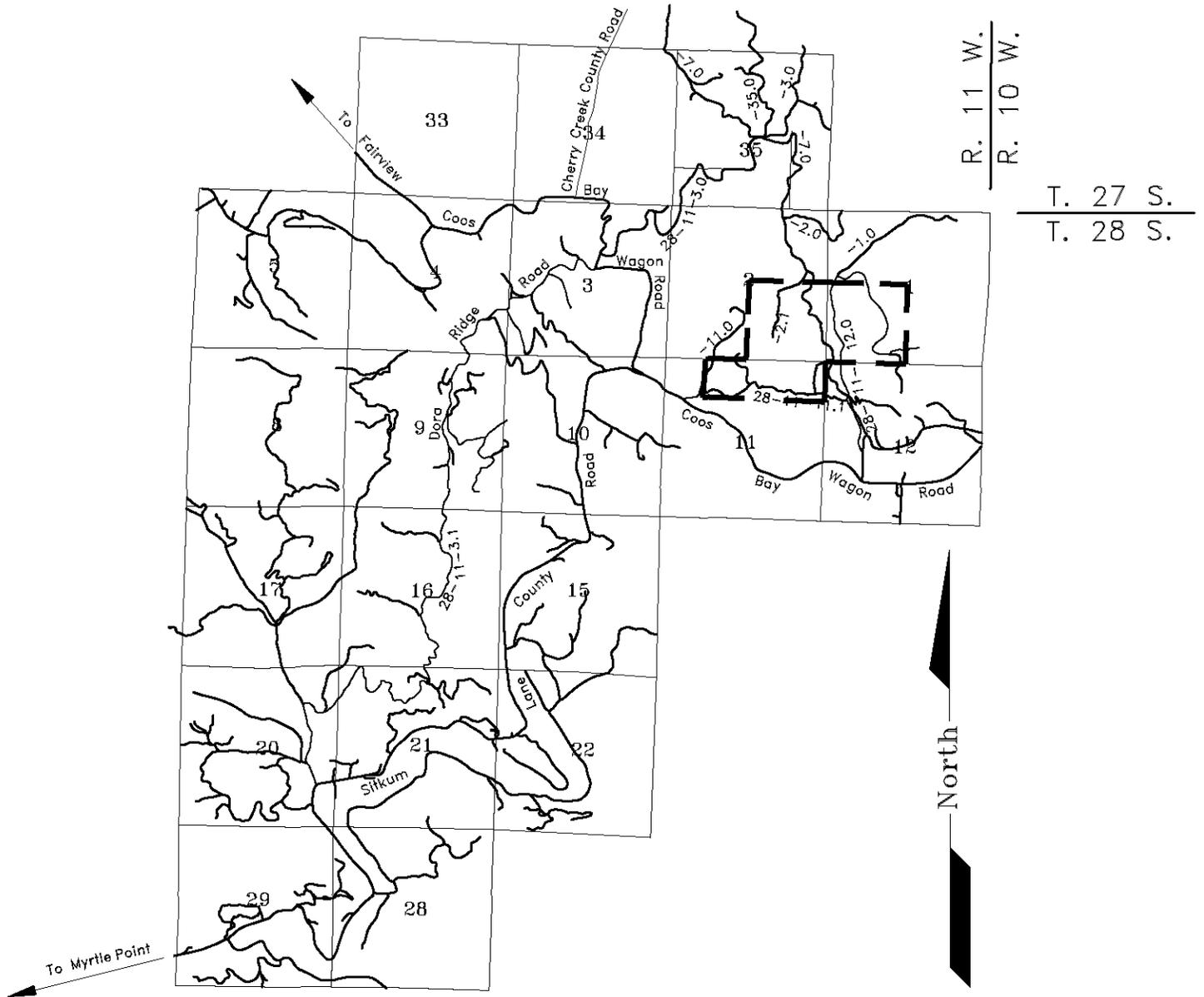


	Partial Cut Unit		Existing Road
	Reserve Area		Road to be Constructed
	Previous Sale Area - Reserve		Road to be Renovated
	BPA Powerline R/W		Proposed Landing
	Reserve Botany Area		Stream Channel
	Ground Base Area (13 ac.)		Corner Found
	Boundary of Cutting Area, Blazed, Posted and Painted		
	Boundary of Contract Area		

SCALE 1" = 1000'

TIMBER SALE CONTRACT MAP
 USDI-BLM COOS BAY DISTRICT
 T. 28 S., R. 11 W., Secs. 1,2&11 Will. Mer.

ORC00-TS-2013.33
 EXHIBIT A
 Page 1 of 1
 MY FRONA CT



-  Existing Road
-  Boundary of Contract Area

SCALE 1" = 1 MILE