



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 (ORC040)

ORC00-TS-2014.0034

Ocean View CT Timber Sale

OR128-07-02

Edson Thin Environmental Assessment

June 24, 2014

Dear Concerned Citizen:

We have prepared the Decision Documentation for the *Ocean View CT* Timber Sale (ORC00-TS-2014.0034). The *Ocean View CT* Timber Sale is a portion of the Proposed Action of the Edson Thin 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 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: Jeff Davis.

Sincerely,

/s/ Todd M. Curtis

Todd M. Curtis

Myrtlewood Field Manager



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Ocean View CT Timber Sale

OR128-07-02

Edson Thin Environmental Assessment

DECISION DOCUMENTATION

Ocean View CT Timber Sale (ORC00-TS-2014.0034)

Edson Thin Environmental Assessment

Background

The Myrtlewood Field Office, Coos Bay District Bureau of Land Management, previously prepared an environmental assessment (Edson Thin; OR128-07-02) which contained the effects of conducting commercial thinning and density management treatments within the Edson Thin 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 April 4, 2008. The *Ocean View CT* Timber Sale is composed of units included in the Proposed Action of this EA and is located in T. 31 S., R. 14 W., Section 14, 15, 22 and 23, Willamette Meridian.

The units comprising the *Ocean View CT* Timber Sale were formerly offered as part of the *Edson Thin CT* Timber Sale on September 19, 2008. The sale went “no-bid.” The BLM is now offering a portion of this previous project in the current sale.

The following table (Table 1-1) shows the EA unit number and the corresponding timber sale unit number for clarification. Table 1-1 also includes the EA estimated acreage and the timber sale final acreage. The EA had the original *Edson Thin CT* Timber Sale consisting of 12 units. The *Ocean View CT* Timber Sale contains only units 1, 2, 3, 4, 5, 6 and 7 from that sale which are also labeled 1, 2, 3, 4, 5, 6 and 7 in the EA.

Table 1-1 Comparison of EA numbers and timber sale numbers for units and final acreage

									Totals
Edson Thin EA	Unit #	1	2	3	4	5	6	7	-
	Acreage	46	5	9	23	76	35	16	210
Ocean View Timber Sale	Unit #	1	2	3	4	5	6	7	-
	Acreage	35	5	10	23	67	34	16	190

Proposed Action

The *Ocean View CT* Timber Sale will consist of 108 acres of commercial thinning in the Matrix land use allocation and 82 acres in the Riparian Reserve land use allocation. The *Ocean View CT* Timber Sale will require 2.05 miles of new road construction and renovation of 4.39 miles of existing road.

The timber sale will decommission 3.34 miles of newly constructed and existing roads. The following table (Table 1-2) shows the comparison between the EA and the final timber sale roadwork.

Table 1-2 Comparison of road work between the EA and the timber sale

	New Road Construction (Miles)	Road Renovation (Miles)	Road Decommissioning (Miles)
EA Estimate	1.84	6.28	3.23
Timber Sale	2.05	4.39	3.34

The BLM will thin stands to achieve the objectives for Matrix and Riparian Reserves listed on pages 4-5 and to meet the need described on pages 3-4. These include reducing stand densities in overstocked Matrix stands to maintain optimum growth and health and reducing stand densities in the Riparian Reserve to restore the distribution, diversity and complexity of watershed and landscape features to ensure protection of aquatic systems. Some stands are interspersed with red alder and these areas would be thinned with some alder being removed. This prescription does not result in a hardwood conversion.

The EA included a complete list of Project Design Features (pp. 19-26) 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:

- Intermittent and perennial streams would have no-harvest buffers.
- Seasonal and daily timing restrictions would be applied to stands within the disturbance distance of occupied or suitable habitat for federally threatened species within the project area.
- Big leaf maple, myrtle and other minor hardwood tree species would be reserved to the extent possible.
- All road work activities would implement the applicable “Best Management Practices” as described in Appendix D of 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 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 *Ocean View CT* Timber Sale project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated by 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.

On February 18, 2014, the U.S. District Court for the Western District of Washington issued an order formally vacating the 2007 Records of Decision and remanded the case for further proceedings. This order included stipulations, allowing the Pechman Exemptions to remain in place for any projects planned or initiated on or before April 25, 2013.

I have reviewed the *Ocean View CT* Timber Sale in consideration of the newest court order. Because the *Ocean View 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), as stated in the February 18, 2014 court order and therefore may still proceed to be offered for sale.

The BLM requested informal consultation with the U.S. Fish and Wildlife Service on June 6, 2007 for evaluation of effects to the threatened northern spotted owl and marbled murrelet. The BLM received a Letter of Concurrence (LOC) that concurred with the effects determination that the Edson Thin EA activities "may affect, but are not likely to adversely affect" these two species¹. This LOC is still valid as 1) there has not been any new information that reveals effects of the action may affect listed species in a manner or extent not considered in the consultation; 2) the action has not been substantially modified; 3) and no new species or critical habitat has been designated that would be affected by this project.

Consultation with the National Marine Fisheries Service is not required, as the Edson Thin EA projects have 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-Steven Fishery Conservation and Management Act (16 U.S.C. 1855(b)).

Analysis has 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 have been completed 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

¹ June 29, 2007. Informal consultation for the proposed Edson commercial thinning and density management project. U.S. Fish and Wildlife Service, Tails # 13420-2007-I-0184.

quality (EA pp. 40-51) and the Aquatic Conservation Strategy objectives would be restored or maintained (EA pp. 68-80).

The Edson Thin 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 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 Edson Thin EA (OR128-07-01) resulted in a Finding of No Significant Impact (FONSI), thus development of an Environmental Impact Statement (EIS) is not required.

Public Involvement

The general public was informed of the availability of the EA and FONSI for review through a direct notification (April 4, 2007) 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. 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 May 7, 2008. Four comments were received. However, no substantive comments were received that required a change to the EA or FONSI determination.

Rationale for the Decision

I am choosing to offer the *Ocean View CT* Timber Sale for the following reasons:

- Implementation of the Proposed Action best meets the purpose and need described in the Edson Thin EA (pp. 3-5); 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 provides timber sale volume toward the Coos Bay District Allowable Sale Quantity as required by the Oregon and California Act of 1937.
- It complies with other major applicable laws, regulations and Bureau policies.

Administrative Remedies

The original *Edson Thin CT* Timber Sale had an administrative remedy opportunity with the first timber sale advertisement (August 21, 2008) in which no protests were received.

The decision described in this document is a forest management decision and is subject to protest by the public. However, the principle of administrative finality precludes any protest of the *Ocean View CT* Timber Sale that is not substantially different from the original *Ocean View CT* Timber Sale from which this sale is derived. In accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protest of this decision may be filed with the authorized officer Todd Curtis 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." A written protest electronically transmitted (e.g. e-mail, facsimile, or social media) will not be accepted as a protest. A written protest must be written on paper. 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 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.

For further information, contact Jeff Davis, Forest Coordinator, at 1300 Airport Lane, North Bend, Oregon 97459; call (541) 756-0100; or e-mail to BLM_OR_CB_Mail@blm.gov, ATTN: Jeff Davis.

Decision Approved by:

/s/ Todd M. Curtis

June 24, 2014

Todd M. Curtis
Myrtlewood Field Manager

Date

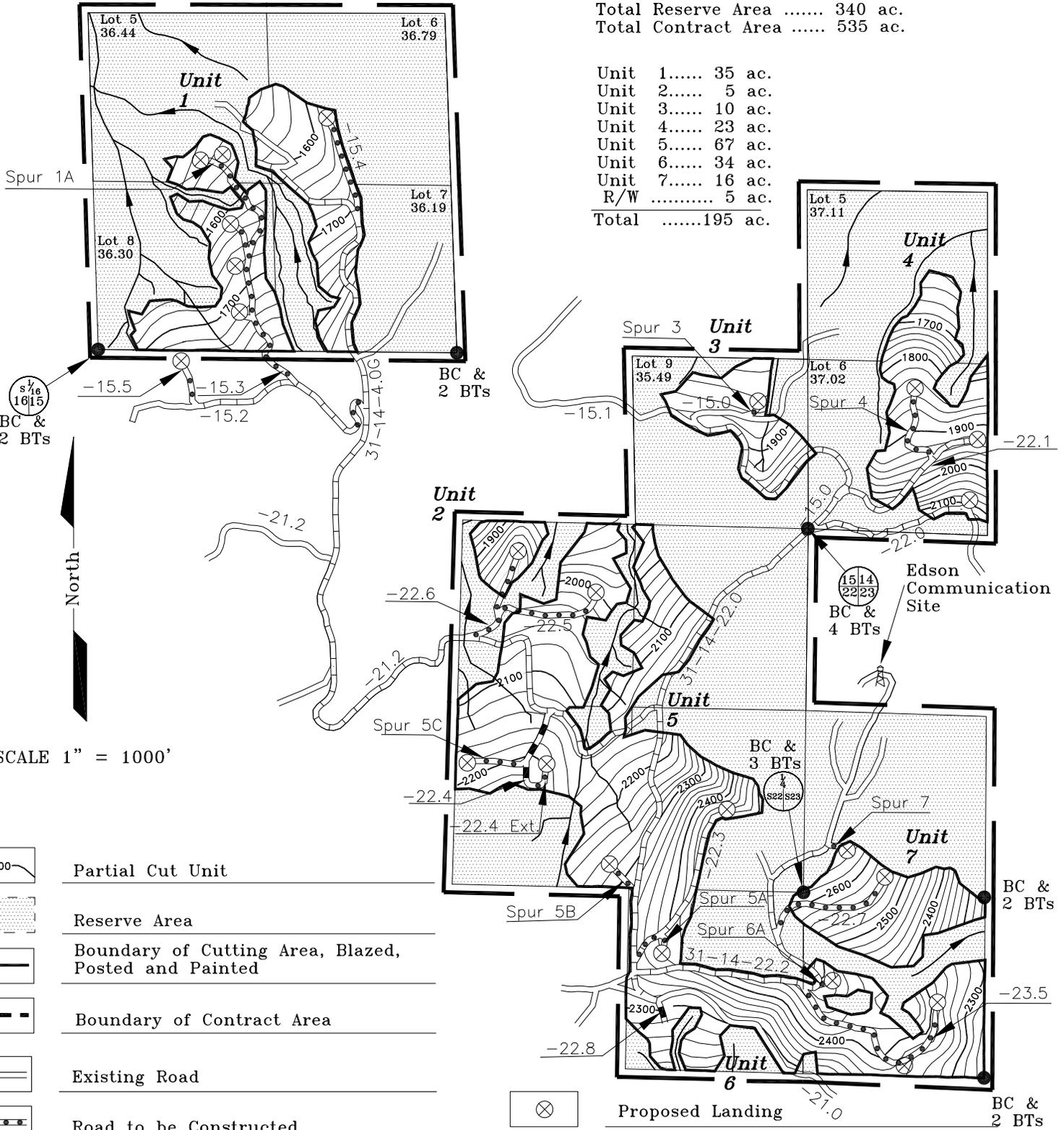
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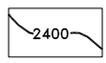
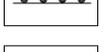
TIMBER SALE CONTRACT MAP
 USDI-BLM COOS BAY DISTRICT
 T.31S., R.14W., Secs14,15,22&23., Will Mer.

ORC00-TS-2014.34
 EXHIBIT A
 Page 1 of 2
 OCEAN VIEW CT

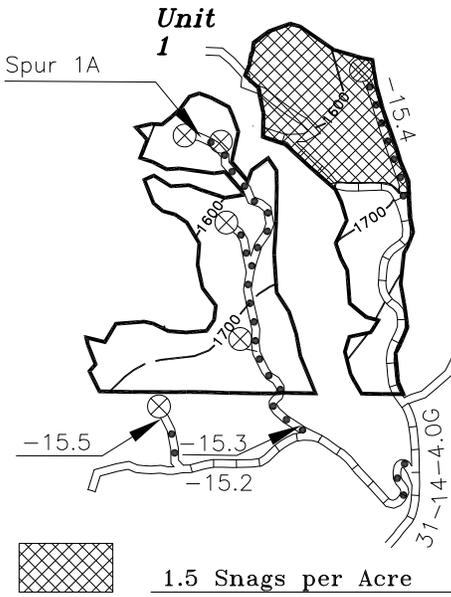
Total Reserve Area 340 ac.
 Total Contract Area 535 ac.

Unit 1.....	35 ac.
Unit 2.....	5 ac.
Unit 3.....	10 ac.
Unit 4.....	23 ac.
Unit 5.....	67 ac.
Unit 6.....	34 ac.
Unit 7.....	16 ac.
R/W	5 ac.
Total	195 ac.

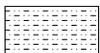
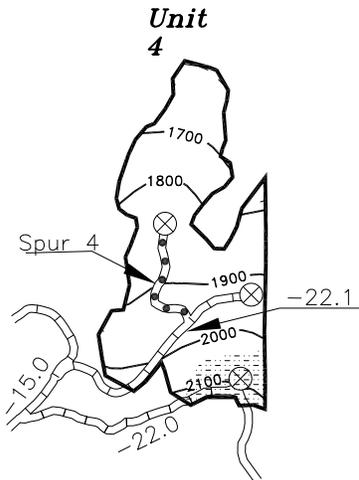
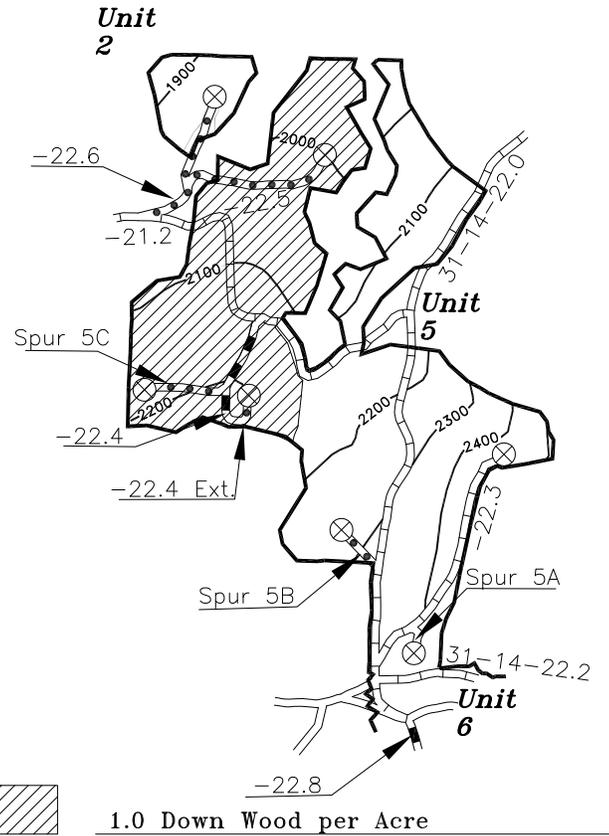


-  Partial Cut Unit
-  Reserve Area
-  Boundary of Cutting Area, Blazed, Posted and Painted
-  Boundary of Contract Area
-  Existing Road
-  Road to be Constructed
-  Road to be Improved
-  Road to be Renovated

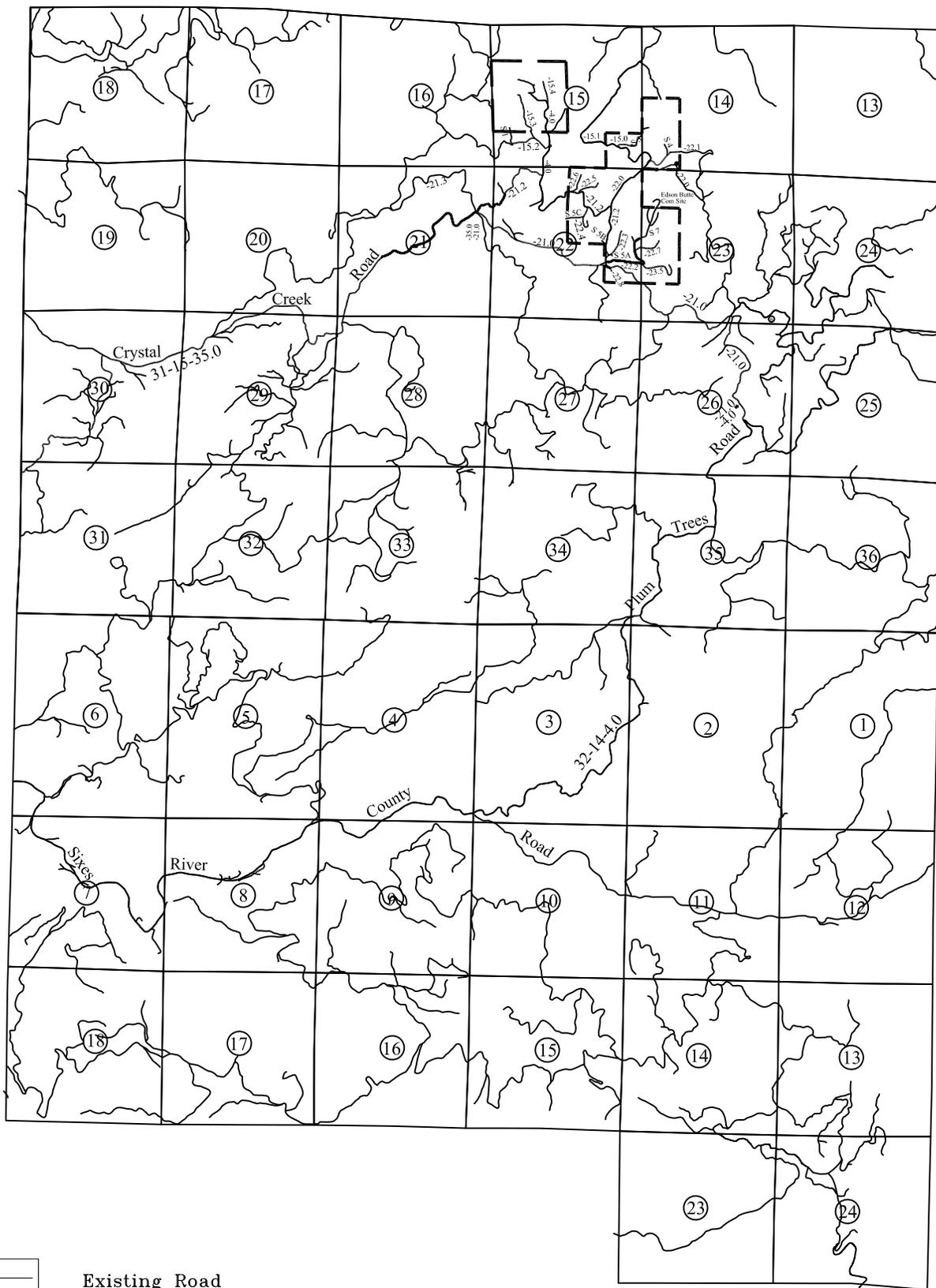
-  Proposed Landing
-  Stream Channel
-  Corner Found



Snag & Down Wood
 Unit 1..... 10ac.
 Unit 5..... 29ac.



Seasonal Restricted Area (MM)



T. 31 S.
T. 32 S.



-  Existing Road
-  Road Number Break

SCALE 1" = 1 Mile