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

In Reply Refer To:
5400/1792 (ORC030)
Umpqua River Sawyer Rapids
EA OR125-05-01
Sawyer Creek DM/CT
OR120-TS10-01

March 25, 2010

Dear Concerned Citizen:

We have prepared the Decision Documentation for the *Sawyer Creek DM/CT* (OR120-TS10-01) timber sale. The units in this sale were analyzed as part of the Umpqua River Sawyer Rapids Environmental Assessment (EA OR 125-05-01). The analysis concluded in a Finding of No Significant Impact (FONSI) for proposed density management/commercial thinning and red alder conversion harvest projects. These projects were 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, A. Dennis Turowski 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: Paul Fontaine; call 541-756-0100; FAX 541-751-4303, or email to OR_CoosBay_Mail@blm.gov, ATTN: Paul Fontaine.

Sincerely,

/s/ Teresa A. Stutesman for

A. Dennis Turowski
Umpqua Field Manager

United States Department of the Interior

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In Reply Refer To:
1792/5400 (ORC030)
Sawyer Creek DM/CT
OR120-TS10-01
Umpqua River-Sawyer Rapids EA
OR125-05-01

Decision Documentation
Sawyer Creek DM/CT Timber Sale
Analyzed in
EA No. OR125-05-01, Umpqua River-Sawyer Rapids

Background:

The Umpqua Resource Area, Coos Bay District Bureau of Land Management, using input from District resource staff and public input, prepared the *Umpqua River-Sawyer Rapids Environmental Assessment* (EA) which concluded with a Finding of No Significant Impact (FONSI) dated February 1, 2008. The Proposed Action Alternative proposes to thin approximately 8,796 acres of conifer and to convert approximately 167 acres of red alder to conifer in 31-80 year old stands within the Umpqua River-Sawyer Rapids Fifth Field Watershed. The edges of the project area overlap into Vincent Creek, Big Creek-Lower Umpqua, Lower Elk Creek, and Lower Camp Creek sub-watersheds all within Douglas County.

The *Sawyer Creek DM/CT* timber sale, composed of EA units 63, 64, 65, 66A, 66B, 67, 71, 72A and 72B, as outlined in the table below, is part of this EA and is located in T. 22 S., R. 08 W., Sections 25, 27, 29, 32, 33; and T. 23 S., R. 08 W., Section 5, Willamette Meridian.

Proposed Action:

The *Sawyer Creek DM/CT* timber sale would implement treatments on 332 acres in the General Forest Management Area (GFMA), Late-Successional Reserve (LSR), and Riparian Reserve (RR) land use allocations. This acreage has been reduced by 228 acres from an EA estimate of 560 acres. The reduction is due to area deemed not suitable for harvest at this time and for no-thin buffers on intermittent and perennial streams within units.

Approximately 5,357 MBF of timber is scheduled for removal.

The sale will require construction of 0.60 miles of new road, a decrease from 0.68 miles of road identified in the EA.

The following tables show the relationship between EA estimates and field verified acres of forest treatment and miles of road construction/decommissioning for the *Sawyer Creek DM/CT* timber sale:

EA Unit Number	Sawyer Creek Unit Number	Estimated Acres	Actual Acres*
63	3, 4, 5	63.1	43
64	6	35.0	28
65	7A, 7B	107.1	86
66A	8, 9	23.7	15
66B	10	25.2	18
67	11	59.0	33
71	2	72.9	67
72A	1	35.6	34
72B	1	10.9	8
Totals		560.3	332

*includes right-of-way acreage

	Treatment Acres	New Road Construction (miles)	Road Decommissioning (miles)
EA Estimate	560.3	0.68	3.29
Sawyer Creek DM/CT	332.0	0.60	4.14

The EA's Design Features are incorporated in the special provisions of the *Sawyer Creek DM/CT* timber sale. The following is a brief summary of some of these Design Features.

Harvest Systems

- The sale area will be harvested with skyline cable and ground based systems.

Road Decommissioning

- 4.14 miles of road decommissioning consists of barricading with rip rap, scarifying, and water-barring, seeding, fertilizing, and mulching the natural surface spur roads to stabilize the road surface.

Prescription

- The *Sawyer Creek DM/CT* timber sale units # 1 - 7 were marked using various basal area leave tree prescriptions for the Douglas fir. These prescriptions ranged from 110 to 140 basal area leave. Units # 8 - 10 were marked to leave trees on a 27 by 27 foot average spacing. Unit #11 was marked to retain trees greater than 14 inches except where additional retention is needed to maintain maximum 50 foot spacing.
- Minor conifer and hardwood species other than red alder will be reserved, except those trees that fall within road rights-of-way, landings, yarding corridors or need to be removed for safety reasons.

Compliance and Conformance:

On July 16, 2009 the U.S. Department of the Interior, withdrew the Records of Decision (2008 ROD) for the Western Oregon Plan Revision and directed the BLM to implement actions in conformance with the resource management plans for western Oregon that were in place prior to December 30, 2008.

Since project planning and preparation of National Environmental Policy Act documentation for this project began prior to the effective date of the 2008 ROD, this project had been designed to comply with land use allocations, management direction, and objectives of the 1995 Resource Management Plan (1995 RMP).

Based on analysis by the Umpqua Field Office fisheries biologist, it has been concluded that the proposed activities in the *Umpqua River-Sawyer Rapids EA* project area will not adversely affect Essential Fish Habitat (EFH). Projects addressed in the EA have been determined to have "no effect" on the listed Oregon Coast coho and its critical habitat. Therefore, consultation with the National Marine Fisheries Service (NMFS) is not warranted.

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 was received from the U.S. Fish and Wildlife Service in which they concurred that the proposed actions are "not likely to adversely affect" the northern spotted owl, and the marbled murrelet.

The Umpqua River-Sawyer Rapids EA is 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.

Analysis also concluded that implementation of the proposed actions would not contribute to 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 have been completed on all units for which surveys are practical or those species included in the 2008 State Director's Special Status Species List. These surveys did not identify any botanical Special Status Species in the *Sawyer Creek DM/CT* timber sale area.

The *Sawyer Creek DM/CT* timber sale project 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. 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").

Judge Pechman's Order from October 11, 2006 directs: "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

A. Thinning projects in stands younger than 80 years old;
B. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;
C. Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and
D. The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph."

Following the Court's December 17, 2009 ruling, the Pechman exemptions are still in place. 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. Nevertheless, I have reviewed the *Sawyer Creek DM/CT* timber sale project in consideration of both the December 17, 2009 and October 11, 2006 order. Because the project entails no regeneration harvest and entails thinning only in stands less than 80 years old, I have made the determination that the *Sawyer Creek DM/CT* timber sale 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 first notice for sale will appear in the newspaper March 25, 2010.

The *Umpqua River-Sawyer Rapids* EA (EA #OR125-05-01) resulted in a Finding of No Significant Impact (FONSI), thus development of an Environmental Impact Statement (EIS) is not required.

Public Involvement:

The *Umpqua River - Sawyer Rapids* Environmental Assessment and Finding of No Significant Impact were made available for public comment on February 1, 2008. The comment period closed on March 3, 2008.

In response to public comments, the EA was edited where appropriate to clarify the description of the various thinning prescriptions and the reserve language as it applies to selected species within the forest management activities. Since these edits provide clarification, do not change the action prescription, and are therefore not substantial, a revision of the EA is not warranted. Accordingly, the environmental assessment and existing Finding of No Significant Impact fully cover this timber sale and constitute BLM's compliance with the requirements of NEPA. As stated in the Notice of Sale for the *Sawyer Creek DM/CT* timber sale, these documents are available for inspection at the Coos Bay District Office.

Decision:

It is my decision to implement the Proposed Action Alternative as it applies to offering the *Sawyer Creek DM/CT* timber sale described in the EA OR125-05-01 for the *Umpqua River – Sawyer Rapids EA* project for the following reasons:

- It is consistent with the Proposed Action and best meets the purpose and need described in the *Umpqua River-Sawyer Rapids* EA. The No Action alternative fails to address the purpose and need for action and does not meet the management objectives.

- The project is in conformance with the *1995 Final - Coos Bay District Resource Management Plan and Environmental Impact Statement* (RMP) and its *1995 Record of Decision*, as supplemented and amended. The *Sawyer Creek DM/CT* timber sale meets the objectives and management directions for the GFMA, LSR, and RMA/Riparian Reserve land use allocations.

- 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 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 March 25, 2010.

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/ Teresa A. Stutesman for ***March 11, 2010***

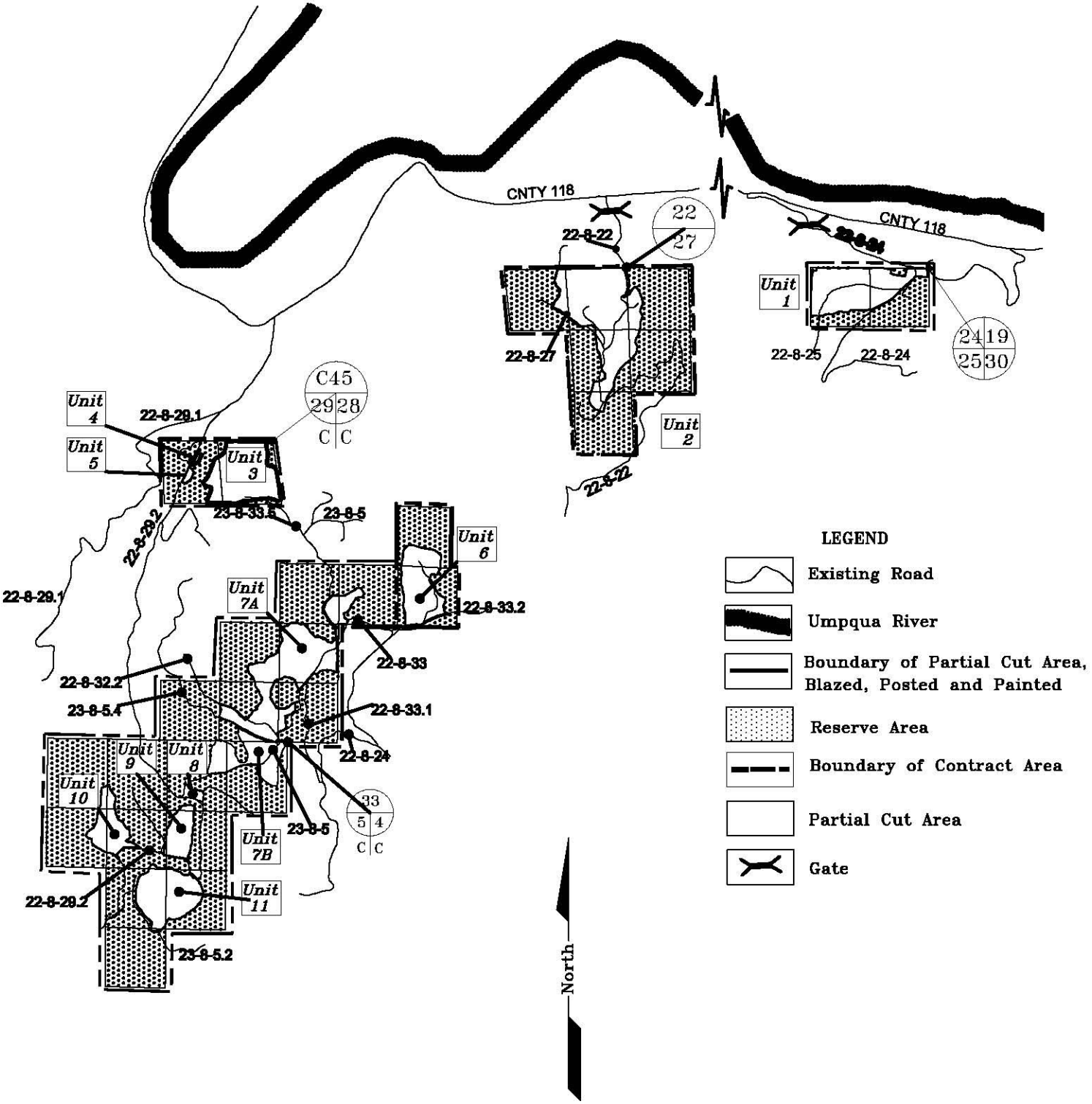
A. Dennis Turowski
Umpqua Field Manager

Date

TIMBER SALE CONTRACT MAP
USDI–BLM COOS BAY DISTRICT

T. 22 S., R. 08 W., Sec. 25, 27, 29, 32, 33, Will. Mer.
T. 23 S., R. 08 W., Sec. 5, Will. Mer.

SALE NO. 10–01
EXHIBIT A–1
Page 1 of 1
Sawyer Creek DM



SCALE 1" = 330 FEET

TIMBER SALE CONTRACT MAP
USDI–BLM COOS BAY DISTRICT

T. 22 S. R. 08 W., Sec. 25, 27, 29, 32, 33 Will. Mer.
T. 23 S. R. 08 W., Sec. 5, Will. Mer.

SALE NO.10–01
EXHIBIT A
Page 1 of 2
Sawyer Creek DM

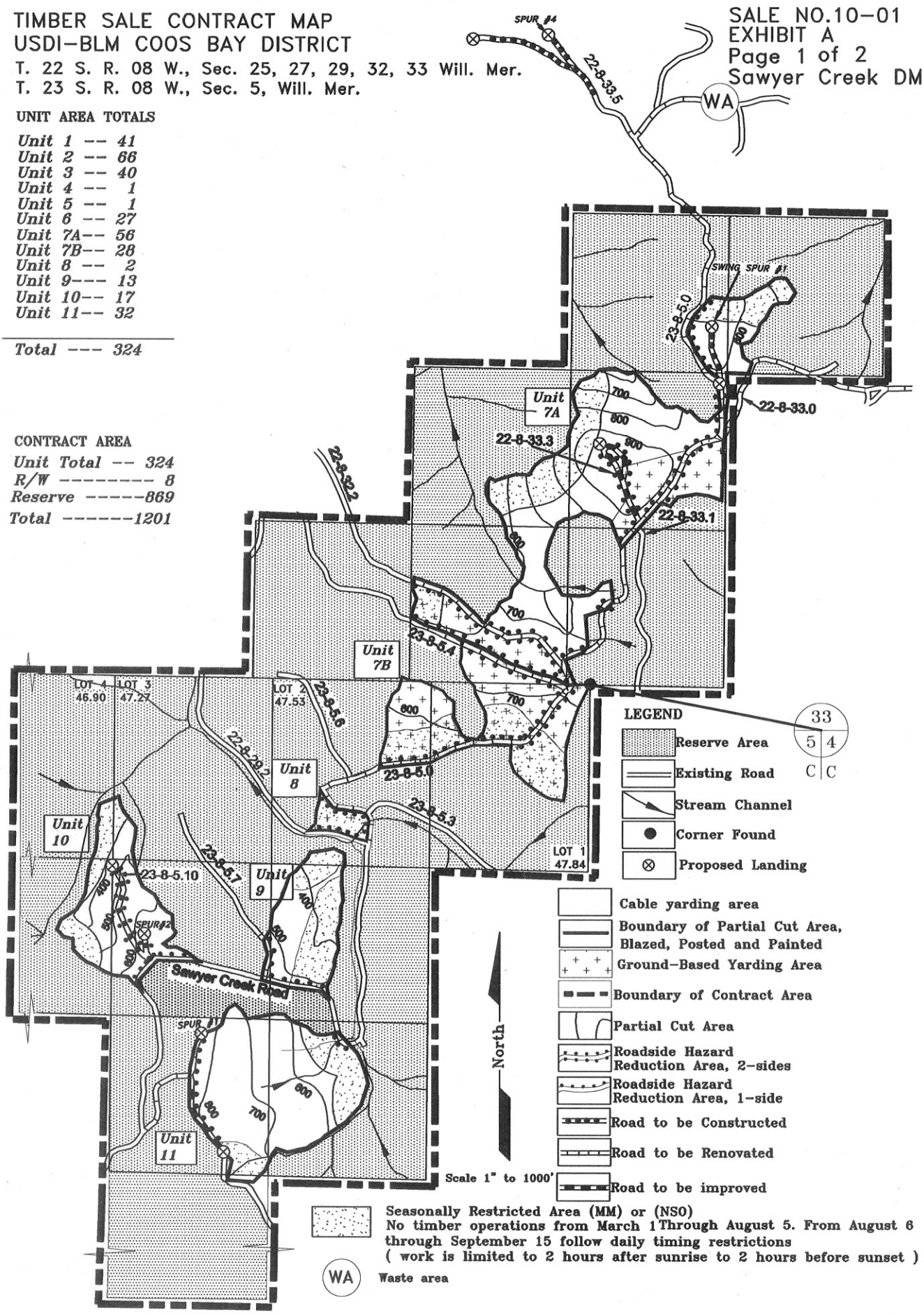
UNIT AREA TOTALS

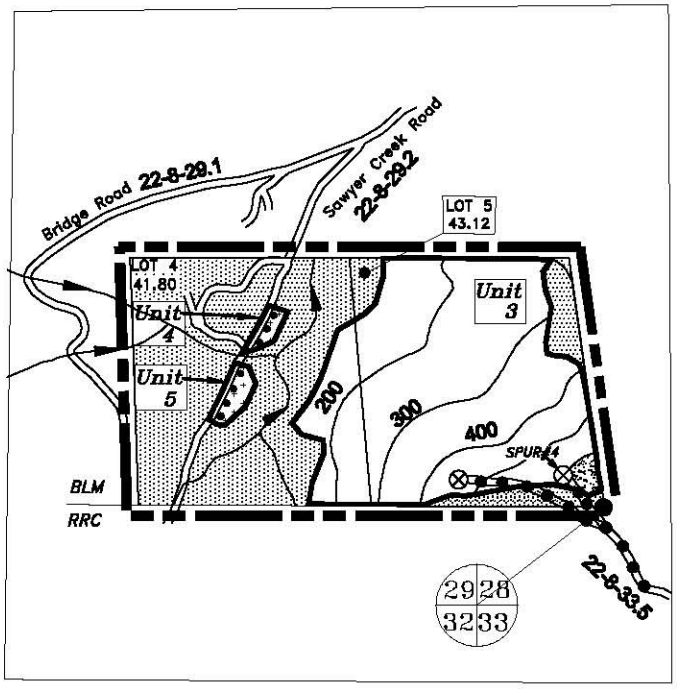
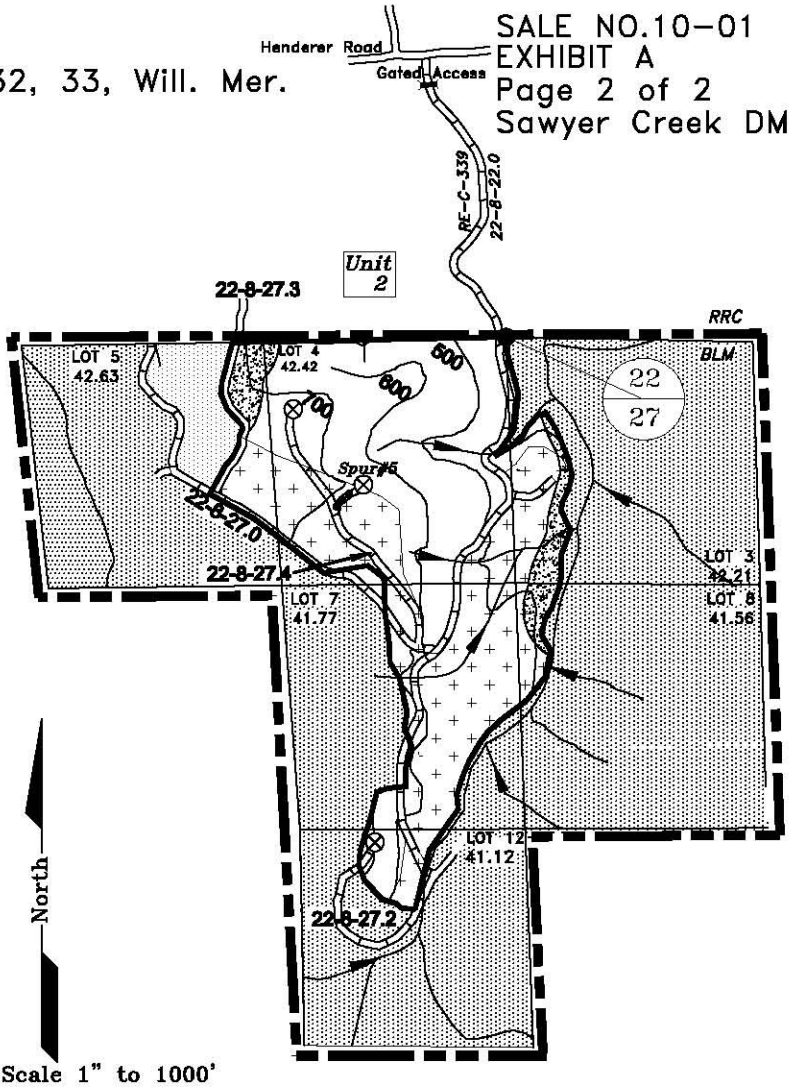
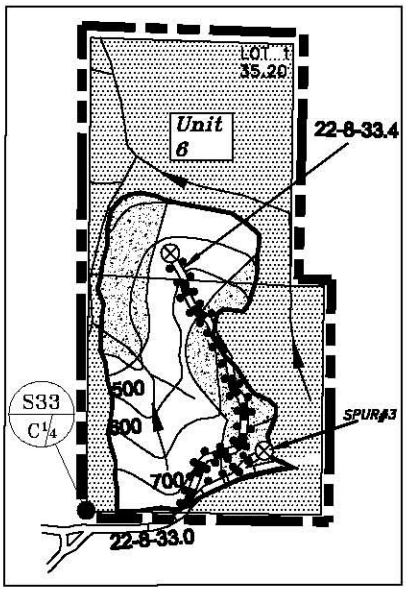
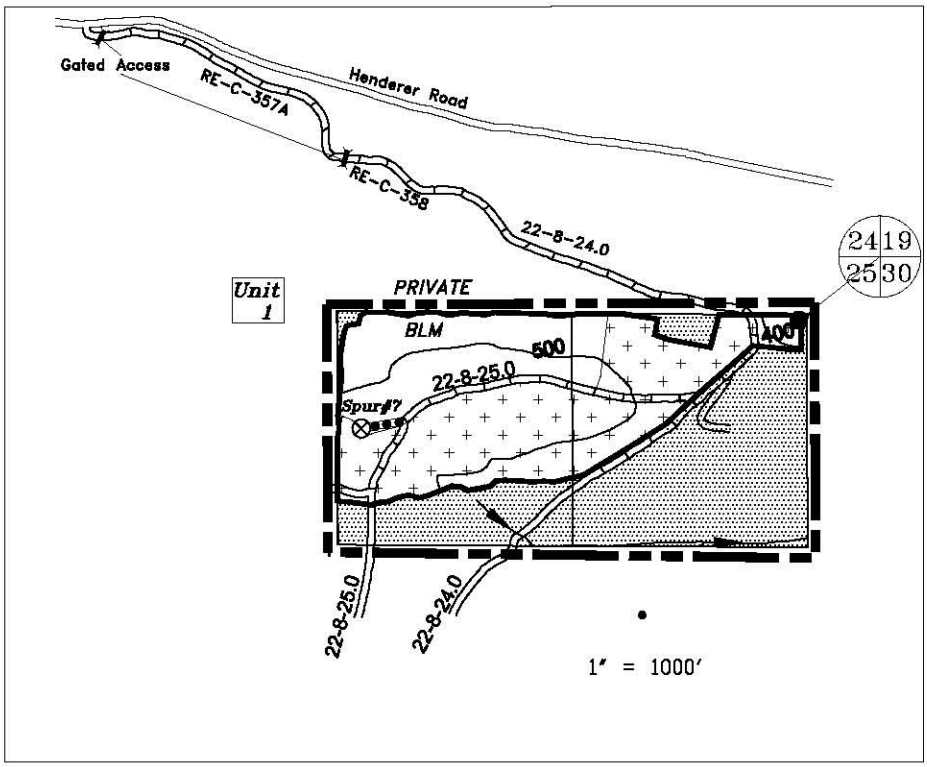
Unit 1 -- 41
Unit 2 -- 66
Unit 3 -- 40
Unit 4 -- 1
Unit 5 -- 1
Unit 6 -- 27
Unit 7A-- 56
Unit 7B-- 28
Unit 8 -- 2
Unit 9--- 13
Unit 10-- 17
Unit 11-- 32

Total --- 324

CONTRACT AREA

Unit Total -- 324
R/W -------- 8
Reserve -----869
Total ------1201



TIMBER SALE CONTRACT MAP
USDI-BLM COOS BAY DISTRICT Will. Mer.
T. 22 S., R. 08 W., Sec. 25, 27, 29, 32, 33, Will. Mer.
T. 23 S., R. 08 W., Sec. 5, Will. Mer.

SALE NO.10-01
EXHIBIT A
Page 2 of 2
Sawyer Creek DM