



# 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](mailto:BLM_OR_CB_Mail@blm.gov)

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

5400/1792 (ORC030)

OR125-TS12-05

Swayne Creek CT Timber Sale

DOI-BLM-OR-C030-2010-0001-EA

Fairview NWFP Project Environmental Assessment

***December 29, 2011***

Dear Concerned Citizen:

We have prepared the Decision Documentation for the Swayne Creek CT Timber Sale (OR125-TS12-05). The units in this sale were analyzed as part of the Fairview NWFP Project Environmental Assessment (DOI-BLM-OR-C030-2010-0001-EA). The analysis concluded in a Finding of No Significant Impact (FONSI), dated October 17, 2011, 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: John Goering; call (541) 756-0100; FAX (541) 751-4303, or email to [OR\\_CoosBay\\_Mail@blm.gov](mailto:OR_CoosBay_Mail@blm.gov), ATTN: John Goering.

Sincerely,

***/s/ A. Dennis Turowski***

A. Dennis Turowski

Umpqua Field Manager



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Fairview NWFP Project Environmental Assessment

### **DECISION DOCUMENTATION**

**Swayne Creek CT Timber Sale**

**Analyzed in**

**Fairview NWFP Project EA**

### **Background:**

The Umpqua Field Office, Coos Bay District Bureau of Land Management, using input from District resource staff and public input, prepared the *Fairview NWFP Project Environmental Assessment (EA)* which concluded with a Finding of No Significant Impact (FONSI) dated October 17, 2011. The Proposed Action Alternative proposes to thin approximately 6,370 acres of conifer, and convert approximately 974 acres of red alder to conifer, in 40-75 year old stands primarily within the North Fork Coquille River Fifth Field Watershed. The edges of the project area overlap into Daniels Creek, Beaver Slough, Cunningham Creek, Isthmus Slough, and Catching Slough sub-watersheds which are all within Coos County.

The *Swayne Creek CT* Timber Sale is composed of a portion of EA unit 13, as outlined in the table below, is part of this EA and is located in T. 27 S., R. 12 W., Section 13, Willamette Meridian.

### **Proposed Action:**

The *Swayne Creek CT* Timber Sale would implement treatment on 194 acres. This treatment area consists of 144 acres of commercial thinning within the General Forest Management Area (GFMA), and 50 acres of density management thinning within the Riparian Reserve (RR) land use allocation. This acreage has been reduced by 32 acres from an EA estimate of 226 acres. This reduction is due to removing area that is not well suited for harvest at this time and for no-thin buffers on intermittent and perennial streams within units.

Approximately 3.6 MBF of timber is scheduled for removal.

The sale will require new construction of 0.60 miles of road, a decrease of 0.28 miles from the .88 miles of new road construction identified in the EA for this unit. There is 0.10 mile increase in the amount of road renovation. The sale will include 0.66 miles of road decommissioning, a decrease of 0.28 miles identified in the EA. This decrease is due to the corresponding decrease in new construction. New road construction surfaces will be stabilized by grass seeding, mulching, decommissioning, and closure.

The following tables show the relationship between EA estimates and field verified acres of forest treatment and miles of road construction/decommissioning for the *Swayne Creek CT* Timber Sale:

<b>Swayne Creek CT Unit Number</b>	<b>EA Unit Number</b>	<b>Estimated Acres</b>	<b>Actual Acres*</b>
1	13	226	194

\*includes right-of-way acreage

	<b>Treatment Acres</b>	<b>New Road Construction (miles)</b>	<b>Road Decommissioning (miles)</b>
<b>EA Estimate</b>	226	0.88	0.94
<b>Swayne Creek CT</b>	194	0.60	0.66

The EA included a complete list of Project Design Features (pp. 17-27) designed to avoid or minimize impacts on resources as part of the Proposed Action. These and additional features are incorporated as site specific measures in the special provisions of the *Swayne Creek 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.
- Seasonal timing restrictions would be implemented to minimize soil compaction and damage to residual trees.

#### Road Decommissioning

- 0.66 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 *Swayne Creek CT* Timber Sale unit #1 was marked using leave tree prescriptions for the Douglas fir and marked to 145 basal area leave.

#### **Compliance and Conformance:**

This project was developed under the 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 Coos Bay District initiated planning and design for this project to conform 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, I evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, I have determined that the selected alternative is consistent with the Coos Bay District's 1995 RMP and 2008 ROD and RMP. Although the selected alternative 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-JCC (W.D. Wash.), granting Plaintiffs' motion for partial summary judgment and finding NEPA violations in the *Final Supplemental to the 2004 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.

The *Fairview NWFP Project* EA was developed incorporating the 2006 Pechman Exemptions. Per the 2011 Settlement Agreement, these exemptions remain in force. The *Swayne Creek CT* project meets Exemption A because it consists of thinning in stands less than 80 years of age. The BLM determined the stand age based on stand inventory data. Therefore, I have reviewed the NEPA document for the *Swayne Creek 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 Mitigations Measures and Standards and Guidelines* (2001 ROD), as modified by the 2011 Settlement Agreement.

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 (FWS Ref. # 13420-2010-I-10) was received from the U.S. Fish and Wildlife Service on June 21, 2010 in which they stated that the proposed actions "may effect, but are not likely to adversely affect" the northern spotted owl or the marbled murrelet.

Based on analysis by the Umpqua Field Office fisheries biologist, it has been concluded that the proposed activities in the *Fairview NWFP Project* EA project area will have "no effect" on threatened Oregon Coast coho salmon and coho critical habitat. Additionally, project activities would not adversely affect Essential Fish Habitat (EFH). Therefore, consultation with the National Marine Fisheries Service (NMFS) is not warranted (EA p. 73).

Analysis also concluded that implementation of the Proposed Action will not increase the likelihood or 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 identified several small sites with botanical Special Status Species in the *Swayne Creek CT* Timber Sale area and these sites were excluded from the treatment area accordingly.

The project area is covered by watershed analyses (EA p. 3) which addressed Aquatic Conservation Strategy (ACS) Objectives, and relevant findings were incorporated into the Proposed Action. Based on analysis by the Umpqua Field Office hydrologist, it has been concluded that the proposed activities in the *Fairview NWFP Project* EA project area will promote attainment of ACS Objectives (EA pp. 56-66).

The *Fairview NWFP Project* 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 (EA pp. 110-111).

The *Fairview NWFP Project* EA (DOI-BLM-OR-C030-2010-0001-EA) resulted in a Finding of No Significant Impact (FONSI), thus development of an Environmental Impact Statement (EIS) is not required.

### **Public Involvement:**

The *Fairview NWFP Project* EA and Finding of No Significant Impact were made available for public comment on June 30, 2011. The comment period closed on July 31, 2011.

In response to public comments, additional language to clarify project planning considerations, the need for roads, the effects of treatment within the Riparian Reserves, Large Woody Debris effects, and provide additional explanation on how the project is consistent with Aquatic Conservation Strategy objectives was added to the EA. These additions did not change the proposed action or effects and only provide minor corrections to provide additional clarity to the analysis. The updated environmental document was made available to the public. Accordingly, the Environmental Assessment and Finding of No Significant Impact fully cover the *Swayne Creek CT* Timber Sale and constitute BLM's compliance with the requirements of NEPA.

### **Rationale for the Decision:**

Using the Decision Factors for this project (EA p.7); I am choosing to implement the Proposed Action Alternative as it applies to offering the *Swayne Creek CT* Timber Sale described in the *Fairview NWFP Project* EA (DOI-BLM-OR-C030-2010-0001-EA) project for the following reasons:

- It is consistent with the Proposed Action and best meets the purpose and need described in the *Fairview NWFP Project* EA. The No Action alternative fails to address the purpose and need for action and does not meet the management objectives.
- The project is consistent with both the *1995 Record of Decision and Resource Management Plan* and the *2008 Record of Decision and Resource Management Plan* for the Coos Bay District of the Bureau of Land Management. The *Swayne Creek CT* Timber Sale meets the objectives and management directions for the 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 Record 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 December 29, 2011.

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/A. Dennis Turowski*

*December 29, 2011*

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A. Dennis Turowski  
Umpqua Field Manager

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Date