



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)

TSOR120-12-35

Wagon Road Pilot

DOI-BLM-OR-C040-2011-0008-EA

Wagon Road Pilot Environmental Assessment

January 18, 2012

Dear Concerned Citizen:

We have prepared the Decision Documentation for the Wagon Road Pilot Timber Sale, OR120-12-35. The Wagon Road Pilot Timber Sale is the Proposed Action of the Wagon Road Pilot Environmental Assessment (EA).

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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DECISION DOCUMENTATION

For the

Wagon Road Pilot Timber Sale (OR120-12-35)

Introduction

The Secretary of the Interior endorsed a pilot project on the Coos Bay District to demonstrate the restoration ecology principles of Drs. Norm Johnson and Jerry Franklin under the 1995 Resource Management Plan (RMP). This project was a joint effort between the Bureau of Land Management (BLM) and the Coquille Indian Tribe (CIT).

Background

The Myrtlewood Field Office, Coos Bay District Bureau of Land Management, and the Coquille Indian Tribe previously prepared an Environmental Assessment (DOI-BLM-OR-C040-2011-0008-EA; Wagon Road Pilot Environmental Assessment (Pilot EA)) which contained analysis of the effects of conducting a variable retention regeneration harvest, density management thinning and alder conversion as well as analysis of a No Action Alternative. This EA, which is hereby incorporated by reference, resulted in a FONSI (Finding of No Significant Impact) signed January 12, 2012.

Table I-1 shows the acreage progression from the EA to the *Wagon Road Pilot* Timber Sale. The sale will have approximately 6.1 MMbf of timber.

Table I-1 Comparison of project acres between the EA estimate and the final timber sale.

Classification	EA Acres	Timber Sale Acres
Area available for harvest	151	146
Variable Retention Harvest	121	114*
Riparian Density Management	5	4
Alder Conversion/Density Management	9	9
Aggregates (not including Riparian Reserve)	30	32
Riparian Reserve Aggregate	15	14.6

*110 harvest acres and 4 acres from road construction clearing. The EA estimated these together under the final harvest acres.

The final percentage of the pre-harvest stand retained in aggregates is 32%¹, which demonstrates the general retention prescription (30%) of Drs. Johnson and Franklin.

¹ Calculation: aggregate total ÷ available harvest area (32 acres + 14.6 acres ÷ 146 = 32%)

Proposed Action

Through the *Wagon Road Pilot* Timber Sale, the BLM will implement a variable retention harvest in the Matrix land use allocation (LUA), density management thinning in a portion of the Riparian Reserve LUA, and alder conversion/density management in a marbled murrelet habitat buffer area. The *Wagon Road Pilot* Timber Sale will require construction of 0.8 miles of new road and renovation/improvement of 4.2 miles of existing road. This timber sale will include decommissioning of a total of 1.2 miles of newly constructed and renovated roads. The following table (Table I-2) shows the comparison between the *Wagon Road Pilot* Timber Sale and the EA estimates for road work.

Table I-2 Comparison of road work between the EA estimate and the final timber sale.

	New Road Construction (Miles)	Road Renovation (Miles)	Road Improvement (Miles)	Decommissioning (Miles)
EA Estimate	1.1	3	1.2	1.2
Timber Sale	0.8	2.8	1.4	1.2

The variable retention harvest includes aggregates scattered throughout the harvest unit. These contain trees from an older cohort, snags and down wood, and other special landscape features. The aggregates will not be entered at any time during the sale. Individual tree retention also will occur throughout the regeneration harvest area. Minimal reforestation will occur to ensure conifer reestablishment, but the early-seral stage will be extended to allow shrub and brush species to persist at the site.

Density management thinning will occur within a portion of the Riparian Reserve to control stocking and acquire desired vegetation characteristics in an overstocked area. Additionally, a low intensity broadcast burn will stimulate growth in a beargrass population located within the upland portion of the Riparian Reserve. Beargrass is of cultural significance to the Coquille Indian Tribe.

Alder conversion and density management will occur adjacent to a portion of unsurveyed suitable marbled murrelet habitat to enhance growth of existing conifer and reestablish conifer on the site. This will meet recommendations within the Recovery Plan for the marbled murrelet.

The EA included a complete list of Project Design Features (pp. 19-24) 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:

- All non-alder hardwoods ≥ 12 inches DBH will be retained.
- Road construction will use the applicable conservation practices for road and landing construction.
- Planting will occur at an average of 200 trees per harvested acre.
- Measures will be implemented to protect Port-Orford-cedar (POC) from the spread of *Phytophthora lateralis*. These include retention of all POC ≥ 36 " DBH and other additional healthy POC.

Compliance and Conformance

The BLM and CIT developed the *Wagon Road Pilot* 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 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 Plaintiff's motion for partial summary judgment and finding NEPA violations in the *Final Supplement 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 manage standards and guidelines in the 2001 ROD, as modified by the 2011 Settlement Agreement.

I have reviewed the NEPA document for the Wagon Road Pilot project 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.

The BLM requested formal and informal consultation with the U.S. Fish and Wildlife Service in August 2010 for evaluation of effects to the Northern Spotted Owl and the Marbled Murrelet. The U.S. Fish and Wildlife Service concurred with the District's effects determination and stated that the Proposed Action "would not jeopardize the continued existence of the spotted owl or the murrelet."²

Consultation with the National Marine Fisheries Service is not required, as the Proposed Action (*Wagon Road Pilot*) has 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 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 for species in which surveys are practical and are included in the 2008 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 quality (EA pp. 47-52) and the Aquatic Conservation Strategy Objectives would be restored or maintained (EA pp. 58-66).

The Wagon Road Pilot EA complies with the Clean Water Act, the National Historic Preservation Act and the Clean Air Act. This project area does not contain any designated Wilderness, Wild & Scenic Rivers, Areas of Critical Environmental Concern, or prime or unique farmlands. There were no concerns identified regarding Cultural Resource Values, Native American Religious Concerns, or Environmental Justice issues.

² December 2, 2011. Biological Opinion on the Wagon Road Pilot Project (FWS #13420-2011-F-0225)

The Wagon Road Pilot EA (DOI-BLM-OR-C040-2011-0008-EA) 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 availability of the EA and preliminary FONSI for review through a direct notification (November 10, 2011) to those on the Field Office's mailing list, which included adjacent landowners, the web update group, and others who requested notice of this pilot 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 December 12, 2011. The BLM received five comments. Upon reviewing the external and internal comments, the BLM made a few notable changes to the EA to provide additional information, refine the proposed action, and further clarify project design features. These did not constitute substantive changes and additional effects analysis was not needed. The BLM informed the public of these changes with the publishing of the final EA and signed FONSI on January 12, 2012.

Rationale for the Decision

Using the Decision Factors for this project (EA p.7); I am choosing to offer the *Wagon Road Pilot Timber Sale* for the following reasons:

- Implementation of the Proposed Alternative best meets the Purpose and Need described in the Wagon Road Pilot EA (pp.3-6); the No Action Alternative does not meet the Purpose and Need.
- It will demonstrate the ecological restoration principles described by Drs. Norman Johnson and Jerry Franklin as directed by the Secretary of the Interior.
- It is consistent with both the *1995 Record of Decision and Resource Management Plan* for the Coos Bay District of the Bureau of Land Management.
- It provides a commercially viable timber sale that provides jobs in the local communities from forest management.
- 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, 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 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 Aimee Hoefs, Team Lead, at 1300 Airport Lane, North Bend, OR. 97459 or (541) 756-0100.

Decision Approved by:

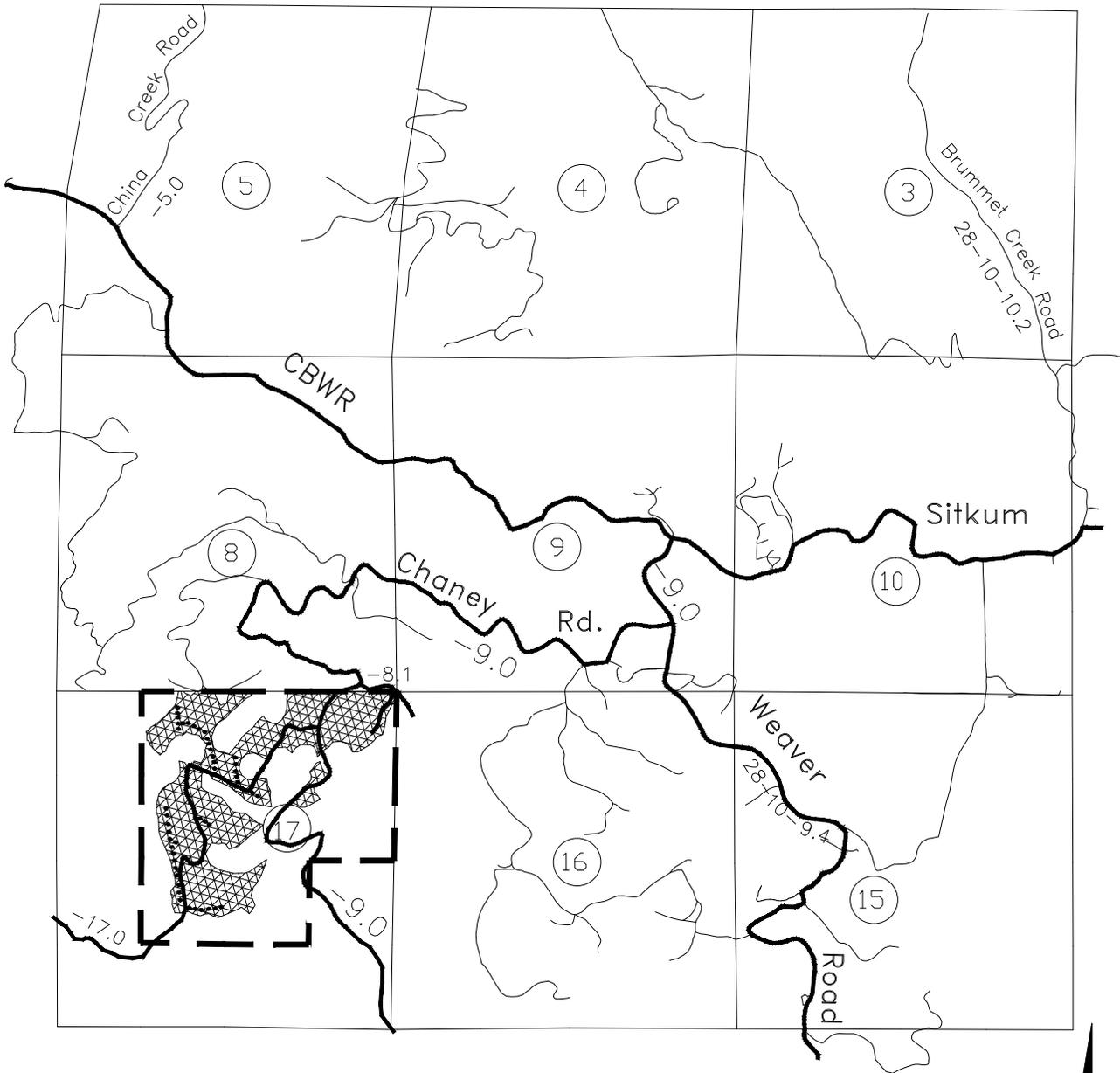
/s/ Kathy Hoffine

January 18, 2012

Kathy Hoffine
Myrtlewood Field Manager

Date

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



-  Units

-  Boundary of Contract Area

-  Existing Road

-  Road to be Constructed



TIMBER SALE CONTRACT MAP
 USDI-BLM COOS BAY DISTRICT
 T. 28 S., R. 10 W., Sec. 17, Will. Mer.

SALE NO. 12-35
 EXHIBIT A
 Page 1 of 2
 Wagon Road Pilot

Unit 1

Variable Retention Harvest Area	110 ac.	Total Reserve Area	201 acres
Alder Conversion/Density Management Area ...	9 ac.	Total Contract Area	360 acres
Density Management Area	4 ac.		
Aggregate Reserve Area	32 ac.		
R/w	4 ac.		
Total		159 ac.	



SCALE 1" = 1000'

	Variable Retention Harvest Area		Existing Road
	Alder Conversion/Density Management Area		Road to be Constructed
	Density Management Area		Road to be Renovated
	Aggregate Reserve Area		Proposed Landing
	Reserve Area		Stream Channel
	Boundary of Cutting Area, Blazed, Posted and Painted		Corner Found
	Boundary of Contract Area		

