

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
EUGENE DISTRICT OFFICE

**DECISION RECORD**

DOI-BLM-OR-E060-2012-0001-EA  
Bear Ridge Timber Sale Decision Record

**DECISION**

Based on the analysis documented in the North Dorena Thinnings Project EA (DOI-BLM-OR-E060-2012-0001-EA) and the FONSI, it is my decision to implement Alternative 2 as described in the EA, including all applicable project design features (PDFs).

**PLAN CONFORMANCE**

This proposed action is in conformance with the Eugene District's 1995 Resource Management Plan (RMP) as amended.

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 would 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 would 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.

**RATIONALE FOR SELECTION**

I have selected Alternative 2 because it best fits the purpose and need for action as presented in the EA. Treatments would provide and help to create a sustainable supply of timber in the Matrix while managing stocking and species composition in the Riparian Reserves.

Thinning would be designed to increase tree size through time, develop wind firm trees, extend the culmination of mean annual increment and capture anticipated mortality. The stands would be thinned from below. Trees selected for harvest would be the suppressed, intermediate, and some of the co-dominant conifer trees. This prescription would result in a stand with variable spacing, between 15 and 35 feet between remaining conifers and hardwoods. Hardwoods and Pacific yew would be retained, except where necessary to accommodate logging systems and for safety. Thinning would be accomplished with a combination of cable and ground-based yarding systems.

Silvicultural treatments would occur in the outer edges of most Riparian Reserves, and would be treated the same as the uplands. Areas of no harvest, in close proximity to streams, would vary between 75 and 400 feet; and near wetlands, would vary between 25 feet and 400 feet.

I did not select Alternatives 1 or 3 because they did not fully meet the Purpose and Need as outlined in the EA (pg. 1).

### **CONSULTATION AND COORDINATION**

ESA consultation considers effects to general habitat due to habitat modification, and effects to site occupation and reproduction due to habitat modification and nesting behavior due to noise disturbance/disruption. Collectively these considerations result in an overall effects determination of project actions. Consultation was conducted under the following batched Province BA:

- 1) Biological Assessment of NLAA Projects with the Potential to Modify the Habitat of Northern Spotted Owls Willamette Planning Province - FY2013, and;

It was determined that Alternative 2 would result in a “may affect, but not likely to adversely affect” determination for the Bear Ridge timber sale units.

### **IMPLEMENTATION**

Implementation for this Decision Record is anticipated to begin in March 2013.

### **CORRECTIONS TO THE EA**

Due to updates to critical habitat designations having occurred since the release of the EA, corrections to the language describing consultation measures taken (p. 28) are as follows:

ESA consultation considers effects to general habitat and critical habitat due to habitat modification, effects to site occupation and reproduction due to habitat modification, and effects to nesting behavior due to noise disturbance/disruption. These considerations result in an overall effects determination of project actions.

Informal consultation and conferencing with the U.S. Fish and Wildlife Service (USFWS) was conducted and a separate Letter of Concurrence was received. Project actions would conform to the standards in the batched *Biological Assessment of NLAA Projects with the Potential to Modify the Habitat of Northern Spotted Owls Willamette Planning Province – FY2013* and the project Letter of Concurrence and **may affect, but are not likely to adversely affect** the northern spotted owl or its critical habitat.

PDF No. 1, as written in the EA (p. 32), states: “Except when marked for removal and where necessary to accommodate safety, road construction, landings and logging systems (e.g., yarding corridors); retain deciduous/broadleaf tree species (madrone, cottonwood, big leaf maple, chinquapin, alder, oak, ash) and all tree species with a DBH > 22 inches.” Two corrections are needed for this PDF. The corrected PDFs read as follows:

- 1) Except when marked for removal and where necessary to accommodate safety, landings and logging systems (i.e., yarding corridors); retain minor conifer trees (incense cedar, Western red cedar, grand fir, Pacific yew) and deciduous/broadleaf tree species (madrone, cottonwood, big leaf maple, chinquapin, alder, oak, ash) and all tree species with a DBH  $\geq$  22 inches. If trees with a DBH  $\geq$  22 inches are cut, they would be left on site as CWD. Such trees may count towards the total number of trees to be cut for CWD creation, and may be cut into sections ( $\geq$  20 feet in length) and/or moved within the harvest area to facilitate operations or safety.
- 2) Except where necessary to accommodate road construction, avoid felling of all tree species with a DBH  $\geq$  28 inches. If trees with a DBH  $\geq$  28 inches are cut, they would be left on site. Such trees may be cut into sections ( $\geq$  20 feet in length) and/or moved outside the road right-of-way area to facilitate operations or safety.

These corrections are included as part of this decision.

### RESPONSE TO PUBLIC COMMENTS

A comment was received on this project, concerning the EA's acknowledgement of the trade-offs regarding thinning on Northern spotted owl habitat. The commenter cited contradictions with analysis stating the "EA contradicts itself when it admits that thinning will delay the recruitment of snags and dead wood (EA p 20) but then says that thinning will accelerate development of PCEs, including snags and dead wood (p 21)." The BLM's analysis in the North Dorena EA does in fact acknowledge the trade-offs to Northern spotted owl habitat. Thinning was determined to accelerate tree growth and crown development (elements for nesting and high quality foraging habitat) with canopy and understory tree growth recovery estimated at 10-20 years post-harvest. The increase in growth rate of live trees would then result in larger trees being available as recruitment for snags, 20-50 years post-harvest. We believe the short-term and long-term trade-offs of thinning in Northern spotted owl habitat were considered and disclosed in the EA.

### ADMINISTRATIVE REMEDIES

The decision to implement this project may be protested under 43 CFR 5003 - Administrative Remedies. In accordance with 43 CFR 5003.2, the decision for this project will not be subject to protest until the notice of sale is first published in the Eugene Register-Guard. This published notice of sale will constitute the decision document for the purpose of protests of this project (43 CFR 5003.2b). Protests of this decision must be filed with this office within fifteen (15) days after first publication of the notice of sale. As interpreted by BLM, the regulations do not authorize the acceptance of protests in any form other than a signed, written hard copy that is delivered to the physical address of the BLM Eugene District Office.

Signature of the Responsible Official:

/s/ William O'Sullivan  
William O'Sullivan  
Upper Willamette Resource Area Manager  
Eugene District Office

2/25/13  
Date: