

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

DECISION RECORD

DOI-BLM-OR-E060-2013-0001-EA
Witt Butte Timber Sale Decision Record

DECISION

Based on the analysis documented in the South Dorena Thinnings Project EA (DOI-BLM-OR-E060-2013-0001-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 Alternative 1 because it did not 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: Biological Assessment of NLAA Projects with the Potential to Modify the Habitat of Northern Spotted Owls Willamette Planning Province - FY2013.

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

IMPLEMENTATION

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

CORRECTIONS TO THE EA

Two errors of omission from the EA were discovered between the time of public release and issuance of this Decision:

- 1) The following PDF was unintentionally omitted from the EA's Appendix A. Effects analysis assumed the inclusion of this PDF in harvest operations. As such, no additional analysis is needed; the correction for the omission is documented through this Decision:
“Harvest activities during sap flow season should be minimized and monitored to ensure unacceptable residual stand damage is not occurring. Additional protections to trees (e.g., plastic barreling) during sap flow would be required if damage to tree cambium is occurring.”
- 2) Road 23-3-1.6 was unintentionally omitted from the road use tables in Appendix B as a road needed for use for logging activities. The road is privately owned and is authorized for administrative use by the BLM through a right-of-way agreement (RWA E-387). The road is in good condition and requires no improvements prior to use.

These corrections are included as part of this decision.

RESPONSE TO PUBLIC COMMENTS

Comments received on the South Dorena Thinnings Project EA fell into three general categories.

Decommissioning of Roads

A comment was received on this project, concerning the partial or long-term decommissioning of 6.2 miles of rocked roads within the project area. The comment received questioned the effectiveness of partially decommissioning (e.g., blocking) “because the watersheds involved in these proposed sales are both temperature impaired and over road densities”. The comment requested all 6.2 miles to be permanently decommissioned (i.e., tilling and planting).

The 6.2 miles of road in question are rocked roads on the landscape. Roads considered for rocking on the landscape are generally designed to provide for long-term access and infrastructure to reduce future needs for new construction, and to provide continued access for timber harvest or other land management practices. Partial decommissioning typically puts this road infrastructure into a “stored” state with the BLM's infrastructure to protect investments in this infrastructure where a future need has been identified to be likely. Typically, these roads are ridgetop roads and are located outside of riparian reserves. Within the project area, about half of the 6.2 road miles would be constructed on existing linear features (e.g., unauthorized trails, user-created roads) and would not be adding new disturbance on undisturbed ground.

Past attempts to effectively permanently decommission (till and plant) rocky roads have shown the work to be prohibitively expensive for ineffective work, as compaction from the roadbeds could not be excavated and tilled to produce soil productivities that would grow timber. As past mitigations to fully decommission roads have shown to be ineffective, and as these roads have been identified as providing access for future needs, we believe partial decommissioning to be the appropriate disposition of these roads designed through these sales.

Impacts of these roads on the watershed road densities and on stream impairment ratings have been considered and mitigated against for this project. No new roads or harvest units are within riparian reserves for any 303(d) listed stream within the watersheds. Any streams (non-303(d)) within harvest units have a 75 foot no-cut buffer to protect stream shading and, therefore, stream temperature. As such, no impacts to stream temperatures as a result of this project are anticipated to any stream, 303(d) or not, within these watersheds. Exact road densities within the watersheds are unknown, but agreed to likely be above desired watershed road densities. Road densities for watersheds incorporate all lands, regardless of landowner, and reducing this number to desired levels is not something that can be achieved on BLM lands alone or with any one project. The BLM assesses roads for long-term needs and develops the minimal system necessary to achieve land management direction given by all applicable regulatory directives, laws, and policies. We believe that the road design for the South Dorena project has achieved this balance.

Optional Rocking of Roads and Logging Systems

A comment received expressed concern regarding the allowance of selection of 2.9 miles of road rocking and 260 acres of harvest system operations to be the purchaser's discretion. The comment stated that purchaser discretion of these actions "precludes the BLM from being able to conduct an adequate NEPA analysis and inform the public of the environmental consequences of a proposed action." The comment also states that "[r]epeatedly throughout the EA, the BLM states that assessing the extent, intensity, and duration of effects of the project is difficult largely due to the fact that the BLM does not know how much road rocking will occur or what type of yarding will be used where."

The comments received inaccurately capture information presented about the proposed action and about effects disclosures.

Roads identified for optional rocking are roads that lead to harvest units where summer cable has been identified as the harvest method. Summer cable was identified for these units either because soil moistures or slopes were such that would prohibit ground based harvest, or the unit's size and the length of the road to access it would result in costs that could exceed revenue for the unit, or some combination of all of these elements. Rocking roads to these units would open the allowable harvest season to extend beyond dry-soil moisture levels into the winter. Timber industry has expressed interest in winter cable sales to be offered on Upper Willamette Resource Area (UWRA) lands to supplement what can otherwise be a slow season because of inaccessibility in other managed forest areas and have expressed that summer-heavy sales are not a priority for bid on UWRA lands. Elevations on the UWRA, in general, allow for harvest activities to occur in winter months when higher elevations are snowed out, and coastal ranges are muddied out. The Witt Butte timber sale area provides low-elevation winter harvest that is not available on other Resource Areas, Districts, or Forests. Allowing for optional rocking on roads accessing summer units provides flexibility to accommodate industry needs. Each road presented for optional rocking was site-specifically reviewed by the project interdisciplinary team to identify any concerns that could result from rocking the road in the locations identified. Only roads with no concerns or mitigatable concerns were brought forward for analysis. These total 0.8 miles of road for the entire EA, not 2.9 as stated in the comment received: only 0.05 miles of optional rocky road are proposed in the Witt Butte timber sale. Analysis considered the miles of road rocked under a range, and determined that effects within that range were predictable and that no significant effects from the range of miles presented, or at the specific locations proposed, would occur.

Optional harvest systems were identified for analysis to provide for flexibility at the time of the Decision to adjust to timber markets. The discretion to identify the harvest system remains the BLMs and is made with this Decision and is put forward for the timber sale contract for purchaser bid with the harvest systems set for each unit and appraised for as such. For the Witt Butte timber sale, 91 acres were

analyzed that could be harvested either using ground based or cable systems in the EA, and this range, as well as site-specific locations of units identified as optional system, were included in effects analysis. Analysis determined that effects within the range were predictable and that no significant effects from the range of acres presented, or the specific units, would occur.

Dead Wood Recruitment for Northern Spotted Owls

A comment was received on this project, concerning the EA's statement of timber management benefitting dead wood recruitment. The EA does not state that timber management benefits dead wood recruitment, but instead acknowledges the trade-offs regarding thinning on Northern spotted owl habitat, including the role of dead wood. The BLM's analysis in the South 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

8/14/13
Date: