

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

DECISION RECORD  
Determination of NEPA Adequacy  
Gunsight Thinning Project  
**DOI-BLM-OR-E050-2010-0011-DNA**

Decision:

It is my decision to implement the Gunsight Thinning Project as described in the Documentation of NEPA Adequacy **DOI-BLM-OR-E050-2010-0011-DNA** and in the attached implementation prescription.

The proposed action has been reviewed by Resource Area Staff and appropriate project Design Features as specified in the North Lake Creek EA analyzed these actions will be incorporated into the proposal. Based on the Documentation of NEPA Adequacy, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

The Proposed Action is in conformance with the standards and guidelines of the 1995 Eugene District Record of Decision and Resource Management Plan (as amended).

The Gunsight Thinning Project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Eugene 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 (emphasis added):
- 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 Gunsight Thinning Project in consideration of both the December 17, 2009 and October 11, 2006 order. Because the Gunsight Thinning Project entails no regeneration harvest and entails thinning only in stands less than 80 years old, I have made the determination that this 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 on September 29, 2010.

Administrative Remedies:

The forest management decision to be made on the action described in the Determination of NEPA Adequacy is subject to protest under 43 CFR subpart 5003. Under 43 CFR 5003.2 subsection (b), the decision will be published in local newspaper(s) and this notice shall constitute the decision document. Under 43 CFR 5003.3 subsection (a), protests may be filed with the authorized officer within 15 days of the publication date of this decision. Under 43 CFR 5003.3 (b), protest(s) filed with the authorized officer shall contain a written statement of reasons for protesting the decision. A decision on this protest would be subject to appeal to the Interior Board of Land Appeals, although, under 43 CFR 5003.1 subsection (a), filing a notice of appeal under 43 CFR part 4 does not automatically suspend the effect of a decision governing or relating to forest management under 43 CFR 5003.2 or 5003.3.

Authorizing Official:

**/s/ William E. Hatton**

William E. Hatton  
Field Manager  
Siuslaw Resource Area

**9/21/2010**

Date

## Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

U.S. Department of the Interior  
Bureau of Land Management (BLM)  
Eugene District, Oregon

### Gunsight Thinning DOI-BLM-OR-E050-2010-0011-DNA

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#### A. Description of the Proposed Action

The proposed action is to implement the Gunsight Thinning by thinning approximately 188 acres within the North Lake Creek planning area, approximately 143 acres in matrix will be commercially thinned and density management thinning on approximately 45 acres in riparian reserves will occur. The proposed action, including silvicultural prescriptions, logging systems, road decommissioning prescriptions, and wildlife mitigation measures is described in the attached "Project Implementation Prescription."

**Location:** T.15 S. R.7 W. Sec. 8 and 17 Will. Mer.

#### B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name: Eugene District Record of Decision and Resource Management Plan (RMP), as amended

Date Approved: June 1995

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

The Eugene District Record of Decision and Resource Management Plan calls for providing a sustainable supply of timber from the Matrix Land Use Allocation (LUA) (p. 84). The Proposed Action is within the Matrix LUA. The RMP also calls for applying silvicultural practices in Riparian Reserves to control stocking, reestablish and manage stands, and acquire desired vegetation characteristics needed to attain Aquatic Conservation Strategy objectives (p. 24).

#### C. Identify the applicable NEPA document(s) and other related documents that cover the Proposed Action.

1. EA OR090-04-07, North Lake Creek Thinning Project; June, 2005.
2. Biological Assessment of the North Lake Creek Thinning Project, January 25, 2005, Eugene District, Siuslaw Resource Area.
3. Biological Opinion – US Fish and Wildlife Service, March 17, 2005 (*amended September 2008*).
4. Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage Protection Buffer, and other Mitigation Measures Standards and Guidelines. January 2001.

#### D. NEPA Adequacy Criteria

##### 1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Yes. The North Lake Creek EA considered commercial thinning on 5,500 acres of Matrix and Riparian Reserve LUAs. The Proposed Action is included in that analysis area (see Map 5 in the EA).

##### 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes. The EA analyzed an appropriate range of alternatives given the purpose and need for the project. Five alternatives were analyzed: (1) Alternative A, No Action; (2) Alternative B, designed to contribute to the Eugene District's Allowable Sale Quantity (ASQ) as well as provide for forest health and productivity; (3) Alternative C, designed to contribute to ASQ, but included additional objectives to protect and enhance northern spotted owl habitat and mushroom productivity; (4) Alternative D, designed to contribute to ASQ, but included objectives to emphasize stand structure development in a portion of the Riparian Reserves and minimize short-term impacts to aquatic habitat; and (5) Alternative E, which would contribute to ASQ, but also enhance aquatic habitat complexity. See EA, pp. 5-11. The selected alternative is Alternative E as described in the North Lake Creek Thinning Project EA, modified to include the heavy thinning in 20% of the Riparian Reserves as described under Alternative D. The

Gunsight thinning includes 416 acres of moderate thinning as described in Alternative E. No new environmental concerns, interests, resource values, or circumstances have been revealed since the EA was published in 2004 that would indicate a need for additional alternatives.

**3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances.**

Yes. No new information or circumstances have arisen since the EA was published in 2004 that could affect the adequacy of the analysis. The North Lake Creek area has been designated as Critical Habitat for the Northern Spotted Owl in the 2008 recovery plan. The USFWS issued an amendment to the 2005 Biological Opinion taking this change into consideration. The effects analysis for the proposed action in the EA was adequate under the critical habitat designations. The effects analysis regarding road-related sediment was extensive and appropriate for the type of landscape comprising the Gunsight thinning timber sale, in that the type and amount of road construction and renovation needed to implement the Gunsight thinning project is consistent with what was anticipated in the EA (pp. 5, 8, 9-11). Effects analysis in the EA regarding dispersal habitat for spotted owls and mushroom production remains adequate. The Gunsight thinning project overlaps with a portion of the Upper Lake Creek owl pair home range, this owl site is known to be occupied by a single resident owl. The thinning project is located within designated Critical Habitat under the 2008 designation. The EA specified that thinning dispersal habitat would degrade but not remove dispersal habitat (pp. 31-32), the current proposed action will maintain 40% canopy closure after treatment. The effects determination due to light to moderate thinning and road renovation associated with this action is likely to adversely affect the Upper Lake Creek spotted owl pair because the thinning will occur within foraging habitat within their home range. This conclusion is consistent with the findings of the original Biological Opinion and amendment from the USFWS. The terms and conditions in the Biological Opinion specified that harvest in this area would occur only after October 1, 2007. Analysis of mushroom productivity assumed that productivity would be reduced on a nearly 1:1 ratio between the number of trees removed and loss of mushrooms, when averaged over a large area and multiple years (EA, p. 34). The EA estimated that productivity would be reduced overall to 38% within thinned areas (EA, p.36) for the Proposed Action under a moderate thinning regime (EA, p. 8) with a relative density in the mid-30's. The silvicultural prescription for Gunsight thinning would result in a relative density of approximately 33 which is within the range anticipated in the EA.

The effects of thinning on climate change have come into question recently. The appropriate scale at which carbon estimates should occur are at the Resource Management Plan or larger. Since the USLP EA and the LSR 267 EIS tiered to the 1995 RMP, the analysis has been completed in the EIS that accompanied the 1995 RMP. The 1995 RMP did consider increases in carbon dioxide release from forest management activities. The two forest management activities that were considered as having a measureable impact (based on research available at that time) included large scale clear cutting of old growth (age class 200+) and prescribed burning after harvest of those acres. The total increase in atmospheric carbon would not exceed 0.01 percent due to those actions under the 1995 Proposed Resource Management Plan (pages 4-9; 4-10 1995 FEIS). All other forest management actions were considered to have much less of an impact and therefore were not considered. In comparison, Gunsight is a thinning project and does not include clear cut harvest of old growth and associated prescribed burning. The proposed action includes piling of slash within 25 feet of roads. Slash from these piles would be used to scatter over decommissioned roads, and the remaining material would be covered and burned to increase safety in the event of wildfire occurrences. The carbon released from these slash piles is not expected to have measurable impacts to increases in carbon dioxide in the atmosphere due to the small quantity and short duration of burning that is to occur. The conclusions in the 1995 RMP/EIS analysis of carbon release support the thinning as described in this proposed action would have a negligible effect on the global carbon pool. New information or circumstances about carbon release with regards to the proposed action is considered to be insignificant.

**4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?**

Yes. A new recovery plan for the northern spotted owl was released in August of 2008, resulting in portions of the North Lake Creek area being designated as critical habitat. The Gunsight thinning timber sale is located within the newly designated critical habitat. Formal consultation was reinitiated for the

North Lake Creek EA resulting in an amendment to the original Biological Opinion since other portions of the North Lake planning area do fall within the newly designated critical habitat. The Gunsight thinning project is consistent with the US Fish and Wildlife Service's biological opinion and its amendment for the North Lake Creek EA. There are no changes in resource conditions from when the EA was published in 2004. There are no changes in resource-related plans, policies or programs of other government agencies, Indian tribes. There are no changes in statute, case law, or regulation that would affect the implementation of the Gunsight thinning project.

**5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?**

Yes. The EA describes impacts to the aquatic ecosystem, northern spotted owl foraging habitat and dispersal habitat, mushroom productivity, noxious weeds, and implementation costs. Impacts from implementing the Gunsight thinning timber sale would fall within those analyzed in the EA, and were anticipated in the EA. The models used in the EA to predict road-related sediment remain current and appropriate at the landscape scale. The analysis of effects to northern spotted owls is consistent with that contained in the original and amended Biological Opinion from the US Fish and Wildlife Service. No new research has come to light regarding effects of commercial thinning on mushroom productivity. The EA analysis included typical effects that would be expected at the site-specific level, and identified BMPs that would be implemented as needed depending on site-specific conditions. There are no known wildlife special status species in the project area. No special status botanical species were found during surveys. There is no indication that implementing the Gunsight thinning would result in different environmental effects than those anticipated in the EA.

**6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?**

Yes. Cumulative effects considered in the EA included those from past and future timber sales on public and private land, recreation management activities through implementation of the Upper Lake Creek Recreation Area Management Plan (RAMP), and road paving (EA, p. 19). No unanticipated actions or events have occurred in the North Lake Creek planning area that would have additional cumulative effects with the Gunsight thinning project.

**7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

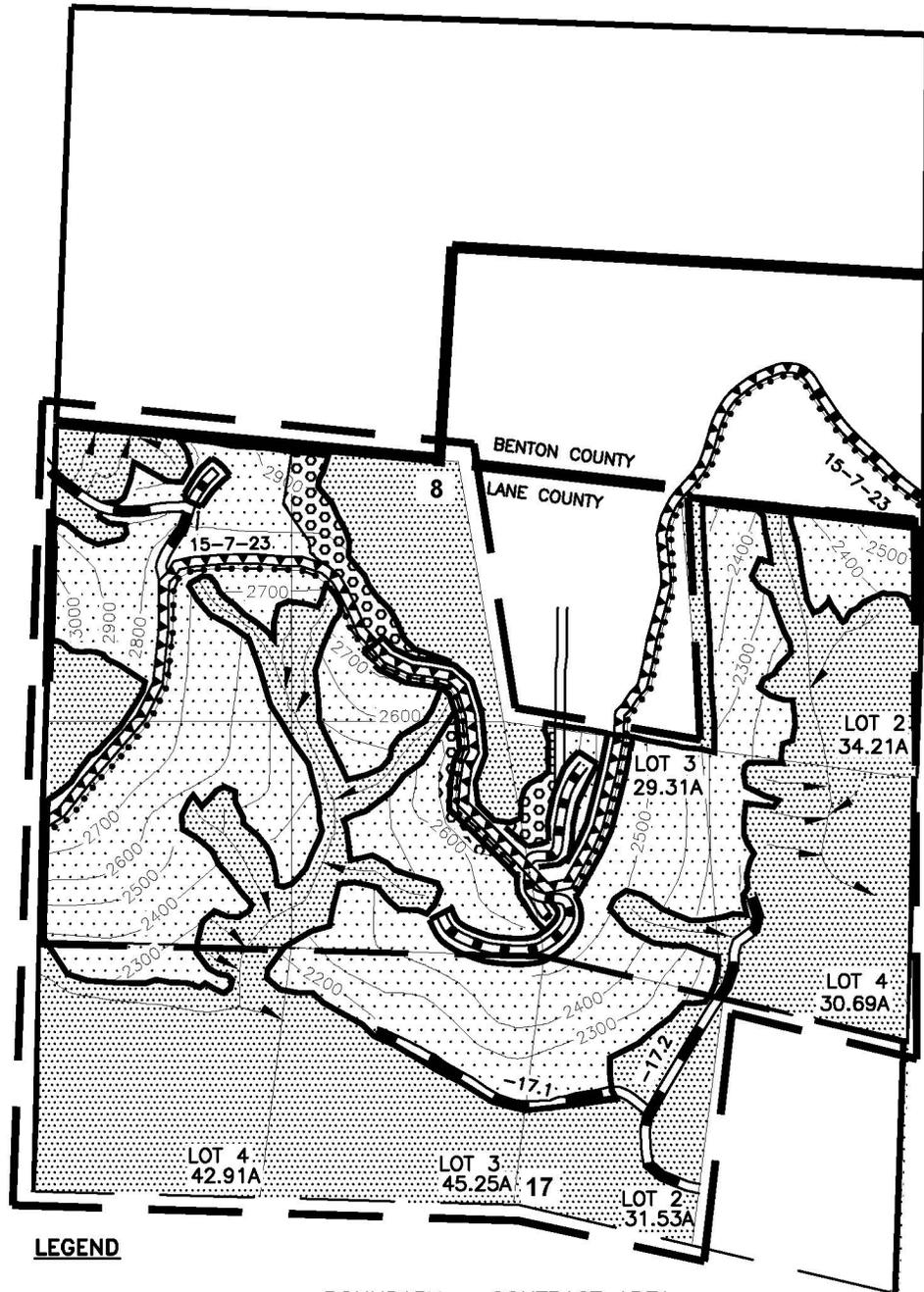
Yes. The Gunsight thinning project area is within the North Lake Creek planning area, which went through extensive public scoping prior to development of the EA. In August, 2003, a scoping letter was mailed to over 300 groups, businesses, local government agencies, and individuals, announcing that BLM was seeking help identifying issues and concerns regarding timber harvest in the North Lake Creek area. An open house was held at the Triangle Grange on September 4, 2003, and BLM staff was available during the Blachly Fair, September 7-8, 2003. In May, 2004, the North Lake Creek EA was released for a 30-day public review and was sent to 12 groups or businesses, 9 state or local government agencies, and 15 individuals. In addition, a notice announcing the availability of the EA was sent to approximately 90 individuals who had received commercial mushroom harvesting permits for this area since October 2003.

Formal consultation as required by Section 7 of the Endangered Species Act was initiated with the US Fish and Wildlife Service (FWS). The FWS issued its biological opinion on March 17, 2005. After a new spotted owl recovery plan was released by the USFWS in August of 2008 formal consultation was reinitiated with the services and an amendment to the original Biological Opinion was issued on September 15, 2008. Because the current proposed action would have no effect on coho salmon and its designated critical habitat, as well as no adverse effect on Essential Fish Habitat, consultation with NOAA Fisheries is not required.



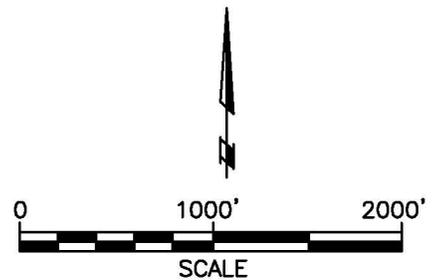
UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
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PROJECT AREA MAP: GUNSIGHT  
 T. 15 S., R. 7 W., SECS. 8 & 17 WILL. MER., EUGENE DISTRICT



**LEGEND**

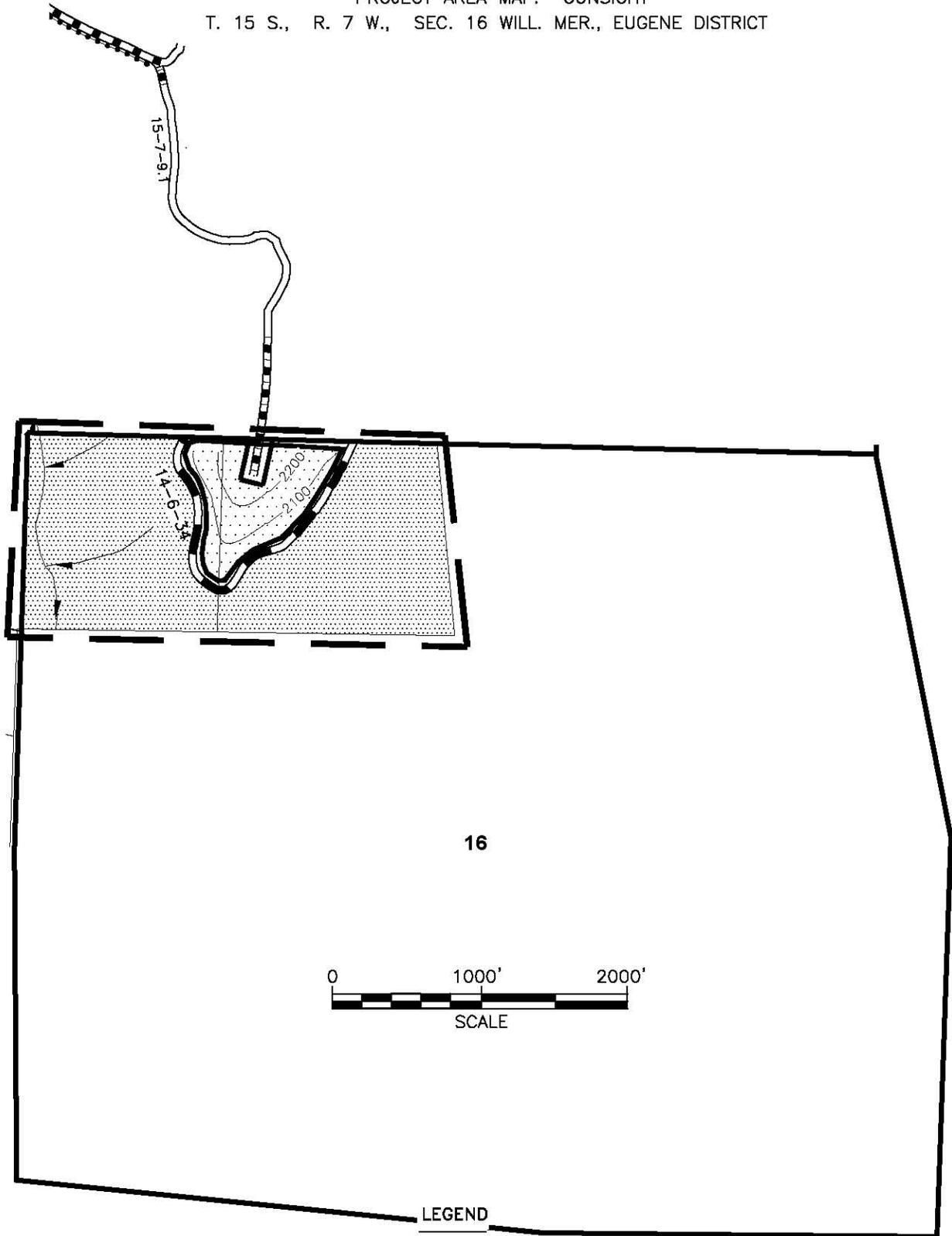
- |  |                        |   |                          |
|--|------------------------|---|--------------------------|
|  | PARTIAL HARVEST AREA   |  | BOUNDARY - CONTRACT AREA |
|  | RESERVE AREA           |  | BOUNDARY - CUTTING AREA  |
|  | CLEARCUT (R/W) AREA    |  | NATURAL SURFACED ROAD    |
|  | SPECIAL OPERATING AREA |  | ROCK SURFACED ROAD       |
|  | STREAM                 |  | ROAD TO BE RENOVATED     |
|  |                        |  | ROAD TO BE IMPROVED      |
|  |                        |  | UTILITY CABLE            |



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

SHEET 2 OF 2

PROJECT AREA MAP: GUNSIGHT  
T. 15 S., R. 7 W., SEC. 16 WILL. MER., EUGENE DISTRICT



- LEGEND**
- |                      |                          |
|----------------------|--------------------------|
| PARTIAL HARVEST AREA | BOUNDARY - CONTRACT AREA |
| RESERVE AREA         | BOUNDARY - CUTTING AREA  |
| CLEARCUT (R/W) AREA  | NATURAL SURFACED ROAD    |
| STREAM               | ROAD TO BE CONSTRUCTED   |
|                      | UTILITY CABLE            |

DATE: 9/24/10