UNITED STATES
DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE
DECISION RECORD

PERKINS CREEK DENSITY MANAGEMENT THINNING

DOI-BLM-OR-E060-2009-0007-EA

Background:

An Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the proposed 2010 Thinning Project (DOI-BLM-OR-E060-2009-0007-EA) were prepared by the Upper Willamette Resource Area, Eugene District of the Bureau of Land Management (BLM). This project was analyzed as part of that EA. It would occur on approximately 90 acres located in T. 21 S., R 2 W., section 27, and is within the Matrix (Connectivity) and Riparian Reserve land use allocations. Actions include thinning in Matrix (Connectivity) and Riparian Reserves, road improvements, culvert replacements, and road decommissioning.

Perkins Creek is part of a cooperative Density Management Study between the BLM, U.S. Geological Survey Biological Resources Division, Oregon State University and the U.S. Forest Service Pacific Northwest Research Station.

Purpose and Objectives:

The need for action in Perkins Creek is demonstrated by the insufficiency of scientific knowledge, and the continuing requirement of research, on the effects of density management in the development of late-successional forest characteristics.

The purpose of the action in Perkins Creek is to determine how to manage 30-70 year old stands to accelerate the development of late-successional forest characteristics, research the response of species to density management treatments, and monitor the effects of density management treatments in riparian treatments on aquatic dependent species.

In Matrix (Connectivity) the action has an additional purpose to provide forest products while (1) generally maintaining or enhancing the diversity of the forest structure, and (2) specifically hastening the development of late-successional forest structural characteristics.

In the Riparian Reserves, the action has the additional purpose to enhance or maintain late-successional forest conditions, and to provide habitat for Special Status Species, and other terrestrial species (1995 RMP, pp. 18, 23)

Revision:

In further review of the EA, an error was identified that needs to be corrected. In Section 3.4 *Design Features for the Action Alternatives* (pg. 4), the first bulleted feature of Design Feature #3 states: “No harvest actions…shall occur between March 1 and July 15 in all years the project is active.” The design feature should read:

Consistent with consultation with the United States Fish and Wildlife Service for northern spotted owls, disturbance to spotted owl pairs and their progeny will be minimized through seasonal restrictions. Activities at the Fawn Peak Quarry, as well as road work (including construction and pre-harvest renovations) at Fawn Peak east of stream #1 will be seasonally restricted from March 1 to July 15. Log hauling and post-harvest road decommissioning are not subject to this restriction.

This Design Feature does not apply to the Perkins Creek project area.

Decision:
Based on the analysis documented in the Environmental Assessment (DOI-BLM-OR-E060-2009-0007-EA) and the Finding of No Significant Impact (FONSI), it is my decision to implement Alternative 2 and all associated Project Design Features because it best meets the purpose and need of the project.

Under this alternative, Perkins Creek would be proportionally thinned to an average of 37 trees per acre as outlined in the Density Management Study Plan (Cissel et al. 2006). Douglas-fir, western redcedar, and hemlock would be thinned while other minor species such as incense-cedar, Pacific yew and hardwoods would be retained. Thinning would be accomplished with a combination of cable and ground-based yarding systems.

Under the selected alternative and within the study area there would be no road construction, although some existing road may be upgraded to accommodate haul. Also, portions of Road Nos. 21-2-27.4 and 21-2-27.1 would be fully decommissioned, while all of Road Nos. 21-2-27.9 and 21-2-27.8 would be fully decommissioned.

I did not select Alternative 1 because it either does not meet or would delay the achievement of the Purpose and Need and subsequent objectives of the project as outlined in the EA (page 1).

Alternative 3 was not selected as it has no discernable difference in actions for the study area.

Compliance:
This project is in conformance the 1995 *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl* (Northwest Forest Plan {NSO-ROD} USDA Forest Service and USDI Bureau of Land Management, April 1994), and the 1995 *Eugene District Resource Management Plan* (1995 RMP) including the *2007 Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans within the Range of the Northern Spotted Owl*.

This 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 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.

The implementation of this project will not have significant environmental effects beyond those already indentified in the 1995 Final EIS/Proposed RMP.

Administrative Review Opportunities:
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.

Approved by:

/s/ Alan Corbin Date: 9/28/2010
Alan Corbin
Field Manager
Upper Willamette Resource Area