First publication of the notice of this timber sale will be August 17, 2011 in the Eugene Register-Guard. This notice in the newspaper constitutes the decision document for purposes of protest under 43 CFR 5003 - Administrative Remedies. Protests of this sale must be filed within 15 days after the first publication of this notice. 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 Eugene District Office as defined below.

Site Address (Note: DO NOT send mail to this address):
3106 Pierce Parkway, Suite E
Springfield Oregon

Mailing address:
Bureau of Land Management
P.O. Box 10226
Eugene, Oregon 97440

If you have any questions, please call Christie Hardenbrook at (541) 683-6110 or William O'Sullivan at (541) 683-6287.

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

HORSEPOWER TIMBER SALE
DOI-BLM-OR-E060-2010-0001-EA

Background:
An Environmental Assessment (EA) and Finding of No Significant Impacts (FONSI) for the proposed 2011 Thinning Project (DOI-BLM-OR-E060-2010-0001-EA) were prepared by the Upper Willamette Resource Area, Eugene District of the Bureau of Land Management (BLM). This timber sale was analyzed as part of that project, and would occur on approximately 390 acres located in T. 15 S., R. 2 W., Sections 1 and 11, and T. 15 S., R. 1 W., Section 1. Land Use Allocations are Matrix and Riparian Reserves. Actions include thinning in Matrix and Riparian Reserves, road improvements, culvert replacements, temporary road construction, and road decommissioning.

Purpose and Objectives:
The need for action in Matrix and Riparian Reserves has been established through the results of field reviews and stand examinations, which indicate that stands (ages 30-70 years) would benefit from thinning or density management release. Currently, the stands are dense, overstocked and uniform in structure. This results in reduced tree growth and stand vigor. Treatment would increase stand vigor, growth rates, crown differentiation and stand complexity.

The purposes of the actions in Matrix are to meet the objectives given in the 1995 Eugene District Record of Decision and Resource Management Plan (1995 ROD/RMP). Some listed objectives are to: (1) Produce a sustainable supply of timber and other forest commodities to provide jobs and to contribute to community stability; (2) Provide habitat for a variety of organisms associated with both late-successional and younger forests and maintain valuable structural components, such as down logs and snags (pg. 34). Direction for road management is stated on page 98 of the 1995 RMP, which directs the BLM to, “manage roads to meet the needs identified under other resource programs.”

The purposes of the actions in Riparian Reserves are to provide habitat for Special Status Species, and other terrestrial species, and to maintain and restore water quality (1995 RMP, pp. 18, 23).

Additional Project Design Feature:
Nesting Golden Eagles have been found in the Horse Rock Ridge ACEC (15S-02W-01), near Horsepower thinning units. Eagles are not T&E species but are protected by the Bald and Golden Eagle Protection Act (BGEPA). To mitigate potential disturbance, the following stipulations have been added to the timber sale contract:

1) No felling, yarding, hauling, snag and course woody debris creation, road construction or decommissioning operations shall be conducted on Partial Harvest Areas Nos. 5, and 6,

as shown on Exhibit A, from January 1 to July 31 of each year, both days inclusive. This restriction is for wildlife purposes and shall not be waived.

2) No felling and yarding shall be conducted in the Special Operating Area of Partial Harvest Area No. 7 as shown on Exhibit A, from January 1 to July 31 of each year, both days inclusive. Hauling will be allowed during this time restriction on road Nos. 14-1-31.3, and 14-1-32. This restriction is for wildlife purposes and shall not be waived.

Decision:
Based on the analysis documented in the Environmental Assessment (DOI-BLM-OR-E060-2010-0001-EA) and the Finding of No Significant Impact (FONSI), it is my decision to implement Alternative 2: Management Action and all associated Project Design Features because it best meets the purpose and need of the project.

This alternative proposes to thin approximately 144 Matrix acres and 30 Riparian Reserve Acres. 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, leaving the larger trees. This prescription would result in a stand with variable spacing, between 15 and 35 feet between remaining conifers and hardwoods. All 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 the Riparian Reserve and would be treated the same as Matrix. Depending on stream channel stability, effective shade zone needed, and current stand conditions, the no-harvest buffers adjacent to the streams would vary between 75 and 400 feet. Seeps and springs would have no-harvest buffers ranging between 25 to 50 feet. An average of 160 linear feet per acre of down logs and an average of 3 snags per acre would be created within treated portions of the Riparian Reserve.

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.

Under the selected alternative and within this sale, approximately .25 miles of road would be temporarily constructed, and approximately .45 miles of road would be permanently constructed. Approximately .25 miles would be decommissioned.

I did not select Alternative 1: No Action, 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).

Compliance:
The Eugene District initiated planning and design for this project to conform and be consistent with the Eugene 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 Eugene District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the selected alternative contains some design features not

mentioned specifically in the 2008 ROD and RMP. The 2008 ROD and RMP did not preclude use of these design features, and the use of these design features is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Eugene District's 1995 RMP and the 2008 ROD/RMP.

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 identified in the 1995 Final EIS/Proposed RMP.

<u>Administrative Review Opportunities:</u>
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/ William O'Sullivan__ Date:_August 11_, 2011
William O'Sullivan,
Upper Willamette Resource Area Manager