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

RAISOR ROAD TIMBER SALE
DOI-BLM-OR-E060-2009-0007-EA

Background:
An Environmental Assessment (EA) and Finding of No Significant Impacts (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 timber sale was analyzed as part of that project, and would occur on approximately 108 acres located in T. 22 S., R 4 W., section 13. Land Use Allocations are Matrix and Riparian Reserves and are within designated Northern Spotted Owl Critical Habitat. 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 30-80 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. In addition, treatments would also be designed to retain or enhance the Primary Constituent Elements (PCEs) necessary to support spotted owls. Primary Constituent Elements are the physical and biological features that support nesting, roosting, foraging and dispersal, and are determined to be essential for the conservation of the spotted owl. These elements, as they relate to this project, include stand characteristics such as moderate to high canopy closure, multi-storied and multi-species canopies, large trees with a high degree of deformities (e.g., cavities, broken tops), and large snags and down logs.

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.” Additional guidance for recreation management directs the BLM to, “manage Off Highway Vehicle use on BLM administered land to protect natural resources, provide visitor safety, and minimize conflicts among various users (1995 RMP, pg. 80).

The purpose of the actions in Riparian Reserves are to enhance or maintain late-successional forest conditions, acquire or maintain characteristics needed to attain Aquatic Conservation Strategy objectives, 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.

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.

This alternative proposes to thin approximately 108 acres. Thinning would be designed to increase tree size through time, develop windfirm 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 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 channel stability, effective shade zone needed, and current stand conditions, the no-harvest buffers adjacent to the streams would vary between 25 and 200 feet. Seeps and springs would have no-harvest buffers ranging between 25 to 50 feet.

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, less than 1/2 mile of road would be permanently constructed, and approximately 1 mile of road would be temporarily constructed.

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).

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:

William O'Sullivan Date: July 26, 2010

William O'Sullivan,
Upper Willamette Resource Area Manager