



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Klamath Falls Resource Area
2795 Anderson Avenue, Building 25
Klamath Falls, Oregon 97603-7891
Phone: (541) 883-6916 | Fax: (541) 884-2097
E-Mail Address: Username@or.blm.gov

IN REPLY REFER TO:
5400 (014)

Website: <http://www.or.blm.gov/Lakeview/kfra/index.htm>

**DECISION RECORD #3
FOR
SOUTH GERBER FOREST HEALTH TREATMENTS EA #OR-014-04-06
PROJECT: Brady's Boot Timber Sale**

INTRODUCTION

The effects of the Brady's Boot Timber Sale were analyzed in the South Gerber Forest Health Treatments Environmental Assessment (EA) # OR014-04-06. This assessment analyzed multiple proposed actions across watersheds with implementation proposed over a five to ten year period. It was anticipated that separate Decision Records would be prepared at the time specific projects were proposed. This Decision Record applies only to the Brady's Boot Timber Sale (See Map 1) including associated activities. The timber sale is scheduled to be sold September 16, 2009. I will be making further decisions in the future based on the other proposed actions outlined in the South Gerber EA.

The Klamath Falls Resource Area (KFRA) interdisciplinary team designed the Brady's Boot Timber Sale based on: (a) resource conditions in the project area, (b) the results of monitoring the previous decade of timber harvest activities, and (c) meeting the purpose and need as identified in the South Gerber EA. The proposals presented and evaluated in the South Gerber EA reflect what the interdisciplinary team determined to be the best balance and integration of resource conditions, resource potentials, competing management objectives, expressed interests of the various publics, and the concerns of surrounding communities.

PLAN CONFORMANCE

On July 16, 2009 the U.S. Department of the Interior, withdrew the Records of Decision (2008 ROD) for the Western Oregon Plan Revision and directed the BLM to implement actions in conformance with the resource management plans for western Oregon that were in place prior to December 30, 2008.

Since project planning and preparation of National Environmental Policy Act documentation for this project began prior to the effective date of the 2008 ROD, this project had been designed to comply with the land use allocations, management direction, and objectives of the 1995 Klamath Falls Resource Management Plan (1995 RMP).

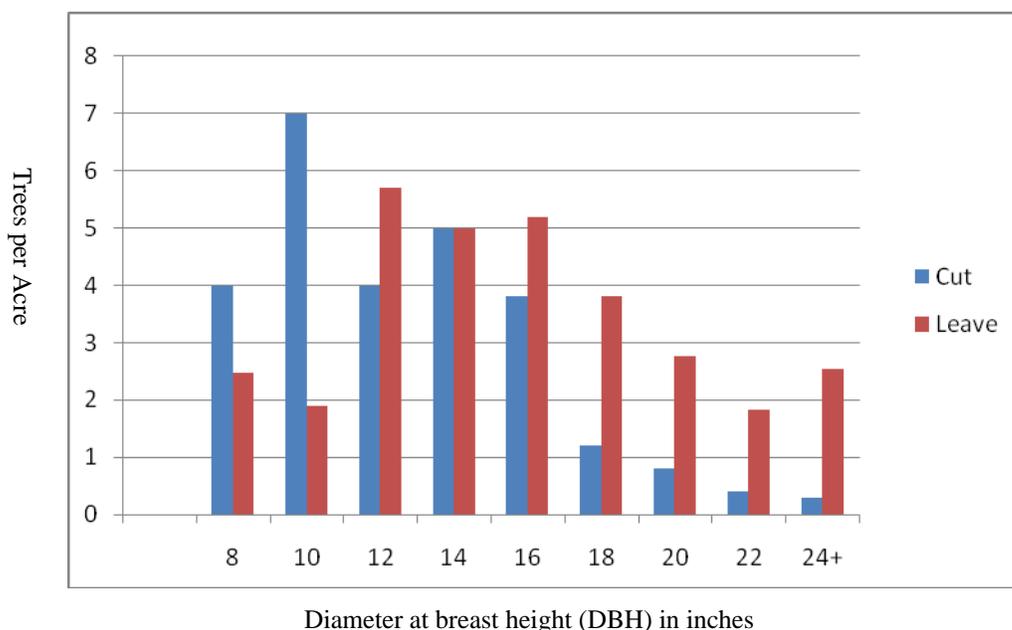
DECISION

It is my decision to implement Alternative 1, the Preferred Alternative, proposed in the South Gerber EA. As part of this action Best Management Practices (BMPs) in Appendix D of the KFRA ROD/RMP and the Project Design Features(PDFs) in Appendix B of the EA will be applied. The approved action will result in the implementation of the Brady’s Boot Timber Sale within the analysis area, specifically:

Timber Harvesting:

- Timber harvesting in the very southeast portion of the KFRA in Townships 41 South, Range 14.5 East (see attached map).
- Approximately 551 acres of BLM commercial forest land and juniper woodland will be thinned using a Density Management prescription. No regeneration harvest is planned as part of the Brady’s Boot Timber Sale. The Klamath Falls Resource Area density management prescriptions are designed to improve the forest health and reduce hazardous fuels and associated risks of higher severity wildfires. They are also designed to reserve an array of trees sizes and forest structure and to maintain and enhance the existing ecological functions of the stand including wildlife habitat. Based on results of some quality control plots taken within the proposed Brady’s Boot Timber Sale area, Figure 1 shows the expected distribution by diameter class of trees designated for removal (take trees) and retention (leave trees).
- Approximately 561 thousand board feet (MBF) of commercial timber will be harvested.
- Within the unit boundaries, all junipers over six (6) feet tall, except those meeting the older juniper definition (Exhibit S of Brady’s Boot Timber sale contract) will be cut concurrently with the commercial timber harvesting operations.
- All harvesting will be done with ground based equipment; rubber tired grapple skidders, track mounted skidders, and mechanical harvesters with twenty (20) foot radial booms.
- Harvesting activities will occur within the Eastside Forest Management area.

Figure 1: Brady’s Boot Timber Sale – Quality Control Plots Showing Comparison of Take versus Leave Trees Per Acre by Diameter Class.



Roads:

- Access to the sale areas will be on existing road systems.
- Approximately 1.5 miles of road will be renovated which includes grading, cleaning ditches and culverts.
- 0.38 miles of new permanent road will be relocated/constructed as shown in Exhibit C of Brady's Boot Timber Sale Contract.
- 0.42 miles of existing road will be decommissioned as shown in Exhibit C of Brady's Boot Timber Sale Contract.
- Up to .25 miles of temporary road may be constructed to facilitate logging. Any temporary road construction will be blocked and obliterated upon completion of logging activities.
- All blocked roads that are opened to facilitate logging will be blocked again upon completion of harvest activities.

Riparian Reserves:

- There are no proposed activities within the riparian reserves for this timber sale.

Wildlife Management:

- An Osprey nest is located adjacent to unit 14-1. The nest has been active as recent as 2008. If nesting is confirmed at this site, a seasonal restriction from timber harvest activity will be implemented from April 15th – Aug 15th (RMP page 34). The nest will be monitored to determine occupancy and reproductive status. If the nest is not occupied or non-nesting is confirmed then the seasonal restriction would be waived.
- Implement the PDFs described in Appendix B of the South Gerber EA and the BMPs applying to timber harvesting in the KFRA ROD/RMP, Appendix D, for all actions conducted in the Brady's Boot Timber Sale Area.
- Special Status, Threatened and Endangered Species – The management actions/directions as described on pages 36-39 of the RMP will be applied.
- In 2009 a Bald Eagle nest was discovered in unit 14-1. A seasonal cutting restriction will be implemented as described in the RMP on page 38. The nest will be monitored to determine occupancy and reproductive status. If the nest is not occupied or non-nesting is confirmed then the seasonal restriction would be waived.

Fuel treatments:

- Whole tree yarding of all harvested material.
- Utilization or burning of residual piles and cull decks.
- Underburning of 551 acres of primarily ponderosa pine forest. This will include the clearing of approximately three miles of existing fire line along private property lines.

Monitoring

The KFRA has issued an Annual Program Summary (APS) and Monitoring Report on a yearly basis since the signing of the 1995 RMP. The Annual Program Summary documents the results of annual timber sale monitoring as well as on-going monitoring of other resources. The 2008 Annual Program Summary and Monitoring Report, Table M.5 on page 83 lists all the sales that have been sold and those that have been monitored to date. Monitoring related to timber harvesting has included determining soil effects, stand attribute changes (basal area, trees per acre, species composition, structure), numbers and spacing of skid trails, coarse woody debris and snag requirement compliance, establishment and adherence to riparian reserve buffers,

threatened and endangered species buffers, cultural resources buffers, and seasonal use restrictions. The Brady's Boot Timber Sale will have some or all of these attributes monitored.

Mitigation

All PDFs described in Appendix B of the South Gerber EA and all BMPs in Appendix D of the KFRA ROD/RMP that pertain to timber harvesting and to the resources listed in the Site Specific Information section above will be implemented. No additional mitigation was deemed necessary and thus none was described in the EA or in this decision record.

Resources Not Present

The following resources are not present within the proposed Brady's Boot Timber Sale Area: prime and unique farmlands, mining claims, paleontological resources, hazardous materials, roadless areas, wilderness areas, and wilderness study areas.

Environmental Consequences

Implementation of the proposed action is consistent with the effects analyzed in the South Gerber EA and the RMP/EIS. The PDFs from the South Gerber EA and the BMPs from the KFRA ROD/RMP will minimize the effects to the affected resources and result in no impacts greater than those described in the EA and the KFRA ROD/RMP.

RATIONALE FOR SELECTION OF ALTERNATIVE 1

The decision to implement this proposal, Alternative 1, meets the purpose and need identified in the EA and furthers the intent established in the Klamath Falls Resource Area RMP to harvest timber and protect other resource values.

Alternative 2, the No Action Alternative, is rejected because it does not meet the resource management objectives for the Matrix identified in the Klamath Falls RMP and the Northwest Forest Plan. In addition, beneficial economic opportunities from timber harvesting would be foregone and no thinning or fuels reduction benefits would be realized.

CONSULTATION AND COORDINATION

No threatened or endangered species listed under the Endangered Species Act of 1973, as amended, occur within the project area or would be affected from the Brady's Boot timber sale. Therefore the BLM has made a "No Effect" determination for all threatened and endangered species for the Brady's Boot Timber Sale. Due to this determination the BLM is not required to conduct Section 7 consultation with the U.S Fish and Wildlife Service.

PUBLIC INVOLVEMENT

The KFRA requested public comments on the South Gerber EA on two different occasions. The first was an initial scoping letter dated February 5, 2004 that outlined the proposed treatments for the analysis area. Comments were received from four individuals or groups. Upon completion of the EA, the public was again notified on January 13, 2005 and allowed to comment during a formal thirty (30) day public comment period. Again, three comment letters were received. The following provides responses to the main issue topics raised in the comments:

Roads

Comment: *No new road construction, particularly in roadless areas.*

Response: There are 0.38 miles of new road to be constructed. The new road construction is primarily meant to relocate existing roads from seasonally wet meadows to more stable upland areas. The roads being replaced will be decommissioned. In compliance with the Federal Land Policy and Management Act of 1976, the BLM inventories roadless areas 5,000 acres or more in size. There are no roadless areas on BLM land within the project area. Current average road density within the proposed contract areas is estimated at between one and two miles per square mile. No road construction is planned in roadless areas.

Comment: *Limit or don't construct temporary roads.*

Response: Temporary road constructions would be limited to .25 miles or less. Any temporary roads would be blocked and obliterated upon completion of Timber Sale activities.

Comment: *Avoid damage to roads during inclement weather.*

Response: Project activities and road use are seasonally limited to the dry season when soil moisture at a six inch depth is less than 20 percent (typically June 1 to October 15) thereby reducing potential effects.

Comment: *Adverse impacts from roads to streams, soils, wildlife, hydrology, vegetation (noxious weeds), tree growth, and increased spreading of diseases should be addressed.*

Response: The EA discusses road-related environmental effects to the above resources on pages 11, 12 and 19.

Aquatic Conservation Strategy

Comment: *Proposed action is contrary to the requirements of Aquatic Conservation Strategy (ACS).*

Response: Aquatic species and habitats are limited in the project area. The objectives of the ACS include maintaining and restoring the species composition and structural diversity of plant communities in riparian areas (RMP page 7). Riparian Reserve buffers, Best Management Practices, and Project Design Features, as described in the proposed action, are expected to maintain and restore the plant communities in the area thereby reducing negative effects and meeting ACS objectives. Water quality would not be reduced because implementation of BMPs and PDFs, including riparian buffers, will minimize impacts. The cumulative effects of this project and recent nearby restoration treatments are designed to improve, protect, and restore watershed functions in the project area and in the adjacent watershed. This project is consistent with meeting the ACS objectives.

Vegetation

Comment: *Do not cut trees over 12" DBH.*

Response: The KFRA ROD/RMP (page E-3) specifies that "...trees in all size classes are eligible for thinning in order to reduce stocking to site capacity." The KFRA monitors stand structure and forest conditions on an annual basis (see 2008 Annual Program Summary and Monitoring Report pages 82-86). The bulk of the trees to be removed are between 8" and 16" diameter classes. While retaining all trees over 12" DBH may be desirable by some of the public, there is no basis for an arbitrary tree diameter limit for this project. As verified by monitoring past projects (2008 Annual Program Summary and Monitoring Report) uneven-aged conditions and stand diversity is expected to be retained.

Comment: *Retain all large snags.*

Response: As described in the EA (Appendix B, page 3), a minimum of 1.4 snags per acre would be retained to meet the 60% optimum cavity nesting habitat in the area. In addition, because this is a density management harvest where approximately 1/4 to 1/3 of the trees are removed, there is expected to be recruitment trees available to meet future snag and down woody debris requirements. Finally, no snags have been designated for commercial removal, however some green trees marked for removal may die prior to the sale date. All snags not considered a safety hazard will be reserved.

Comments: *Patch cut size violates the RMP. Patch cuts are the same as clear cuts. Retention of diversity in the stand including mistletoe trees is necessary.*

Response: No patch cuts are planned in the Brady's Boot sale area. The 1995 KFRA RMP allows for patch cuts up to four acres in size. As opposed to clear cuts, patch cuts retain a minimum of five to ten large green trees per acre in addition to any snags present. Thinning is done at variable densities, including leaving thermal clumps to provide habitat diversity (pages 23-24 of the EA). In addition, some mistletoe trees, dead topped trees and large limbed trees will be reserved for wildlife and diversity purposes.

Comment: *Thinning should be done at variable densities and carefully.*

Response: Stand precruise and cruise data indicate that the forested stands in the Brady's Boot Timber Sale are stocked with trees ranging in diameter (DBH) from one inch to 36 inches plus. The data also indicates that trees ranging from one inch to 36 inches plus will remain after harvest is completed. The density management/thinning will concentrate primarily on the smaller (8 to 16 inch DBH) trees (see Figure 1 above). Trees of all diameters will be reserved in order to maintain a variable density uneven-aged timber stand.

NEPA

Comment: *Inadequate site-specific analysis of direct, indirect, and cumulative impacts.*

Response: The South Gerber EA tiers to the KFRA RMP/EIS. The assessment addressed direct, indirect, and cumulative effects of each action associated with the proposed timber sale and fuel treatments. The cumulative effects discussion in the EA addressed past, present and reasonably foreseeable future actions on BLM land, and on adjacent Forest Service and private lands. Therefore, the effects are fully and adequately analyzed.

Comment: *An EIS instead of an EA should be written.*

Response: The implementation of this project will not have significant environmental effects beyond those already identified in the Final EIS/ RMP. The proposed action does not constitute a major federal action having significant effects on the human environment; therefore, an environmental impact statement will not be prepared.

Comment: *Inadequate description of mitigation measures.*

Response: The list of Best Management Practices and Project Design Features provided in Appendix B of the EA were sufficient to protect resources and minimize potential environmental effects, so no additional mitigation measures were developed.

Comment: *Inadequate range of alternatives considered.*

Response: Four alternatives were considered and two were analyzed. The rationale for dropping two alternatives from further analysis is on page six of the EA. Despite there being only two alternatives analyzed and documented in detail, the range of alternatives considered was adequate.

Wildlife

Comment: *Inadequate analysis of impacts on wildlife.*

Response: The KFRA RMP/EIS, to which the South Gerber EA is tiered, considers at length the effects of timber management on wildlife. The EA (pages 23-29) describes the current situation and anticipated effects to wildlife specific to the project area.

Grazing

Comments: *Consider impacts on forest health from livestock grazing/Cumulative effects not addressed. Livestock grazing must be eliminated.*

Response: Rangeland Health Standards Assessments completed for all allotments in the project area as part of the Gerber-Willow Valley Watershed Analysis (July, 2003) show that current levels of livestock grazing are appropriate to meet all five standards for Rangeland Health, which would also apply to “forest health”. The cumulative effects of grazing on timber resources and management were not specifically addressed in the EA because grazing is not an issue of concern for this area. Current levels of grazing have no measurable effect on timber resources, especially coniferous species. The KFRA ROD/RMP recognizes and provides for livestock grazing as a legitimate use of the public lands (page 46-48 and Appendix H).

Fire and Fuels

Comments: *Thinning and fuels reduction should focus on smaller trees and ladder fuels, particularly trees less than 12.”*

Response: Thinning and fuels reduction efforts for this project do focus on ladder fuels and primarily smaller trees. The majority of trees designated for harvest are 16” DBH or less (see Figure 1 above).

Comments: *Don’t focus on reducing canopy fuels.*

Response: Canopy levels will be reduced from the proposed thinning but this is not the focus of the project. The project does focus on reducing stocking levels and maintaining forest health and tree vigor.

Comments: *Ensure long-term recruitment of future old-growth.*

Response: The treatments are expected to maintain future old-growth recruitment (see vegetation discussion above) and estimated canopy closure of 40 percent or more in stands that are currently densely stocked. The average diameter of the post harvest stand will be greater than the current average stand diameter (see Figure 1).

Comments: *Harvesting will actually increase wildfire severity and risks.*

Response: In addition to removing a portion of the smaller diameter trees (ladder fuels, see Figure 1), the proposed timber harvest includes whole-tree yarding, which will minimize the generation of surface fuels. Subsequent fuel treatments include underburning to consume accumulated fuels. The overall effect of the proposed action is expected to modify the present fuel condition class to closer resemble historic conditions thereby benefiting multiple resources. As a result of all actions proposed including harvesting, the wildfire severity and risk is not increased.

Juniper Management

Comment: *There is limited scientific evidence supporting western juniper encroachment of historic rangelands.*

Response: There are a variety of objectives for juniper management but the emphasis in this project area is fuels reduction, rangeland health, and forest health. Appendix H of the RMP discusses the type of vegetative improvements proposed in the different allotments. Page H-69 states that vegetative control would consist of cutting or burning juniper to improve resiliency of native grasses, forbs, and shrubs. Page 56 of the RMP discusses the cutting and yarding of up to 1,000 acres per year of juniper woodlands to improve forest and range land ecosystem and watershed conditions. Research is increasingly validating the benefits of treating invasive western juniper; (*Western Juniper Its Impact and Management In Oregon Rangeland*, Oregon State University Extension Service, February 1993, Bedell, Eddleman, Deboodt, Jacks.; *Range Field Day 1999 Progress Report Juniper Woodlands: History, Ecology, and Management*, Agricultural Experiment Station, Oregon State University, Special Report 1002, June 1999; *Western Juniper in Eastern Oregon*, Gedney, Azuma, Bolsinger, McKay, United States Department of Agriculture, Forest Service, Pacific Northwest Research Station, General Technical Report -464, November 1999). The effects of invasive western juniper are discussed in the Gerber Watershed Analysis and the literature cited above. The effects of the proposed actions to treat some of the invasive juniper within the Brady's Boot Timber Sale area are analyzed in the South Gerber EA and are within those analyzed the KFRA RMP. Therefore, the decision is to treat the juniper as proposed.

Salvage Harvesting

Comment: *The cumulative effects of salvage harvesting were not considered.*

Response: There is potential for salvage harvesting to occur unrelated to this sale. Except for salvage of larger areas burned by wildfire or killed by insects or disease, the typical salvage harvest is of individual or small groups of trees. The Roaming Salvage II EA includes discussions of direct, indirect and cumulative effects of these types of actions. Effects on other resources are minimized through implementation of BMPs and PDFs.

CONCLUSION

Consideration of Public Comments

I have reviewed the public comments summarized above and have discussed them with the interdisciplinary team of specialists on my staff. The EA and this DR contain the requisite site specific information to implement the proposed action. The comments received do not provide any substantially new information or new analysis. Nor do they identify substantial new data gaps that would indicate additional analysis is needed. Finally, the comments do not identify any significant new data which would alter the effects described in the EA. I am confident that the South Gerber EA plus the supplemental information, including responses to public comments contained in this DR, in addition to the more comprehensive analysis done in the Klamath Falls Resource Area RMP to which the EA is tiered, represents a thorough analysis of potential effects associated with the Brady's Boot Timber Sale and fuels treatments.

Plan Consistency

Based on the information in the South Gerber EA and in the record, I conclude that this action is consistent with the Klamath Falls Resource Area Resource Management Plan. The action will help to move this portion of the landscape towards the desired future condition considered in development of the RMP. The actions will comply with the Endangered Species Act, the Native American Religious Freedom Act, cultural resource management laws and regulations, and Executive Order 12898 (Environmental Justice). This decision will not have any adverse effects to energy development, production, supply and/or distribution (per Executive Order 13212).

Finding of No Significant Impact

No significant impacts were identified. No impacts beyond those anticipated in the KFRA RMP/EIS would occur. Refer to the accompanying Finding of No Significant Impact.

Summary

In consideration of public comments, the consistency with the RMP and the finding that there would not be any significant impacts, this decision authorizes implementation of activities associated with the Brady's Boot Timber Sale.

As outlined in 43 CFR § 5003 Administrative Remedies at § 5003.3 (a) and (b), protests may be made within 15 days of the publication date of a notice of sale. Publication of such notice in *The Klamath Falls Herald and News*, Klamath Falls, Oregon constitutes the decision date from which such protests may be filed. Protests shall be filed with the authorized officer and contain a written statement of reasons for protesting the decision.

43 CFR 5003.3 subsection (b) states: "Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision." This precludes the acceptance of electronic mail or facsimile protests. Only written and signed hard copies of protests that are delivered to the Klamath Falls Resource Area office will be accepted.

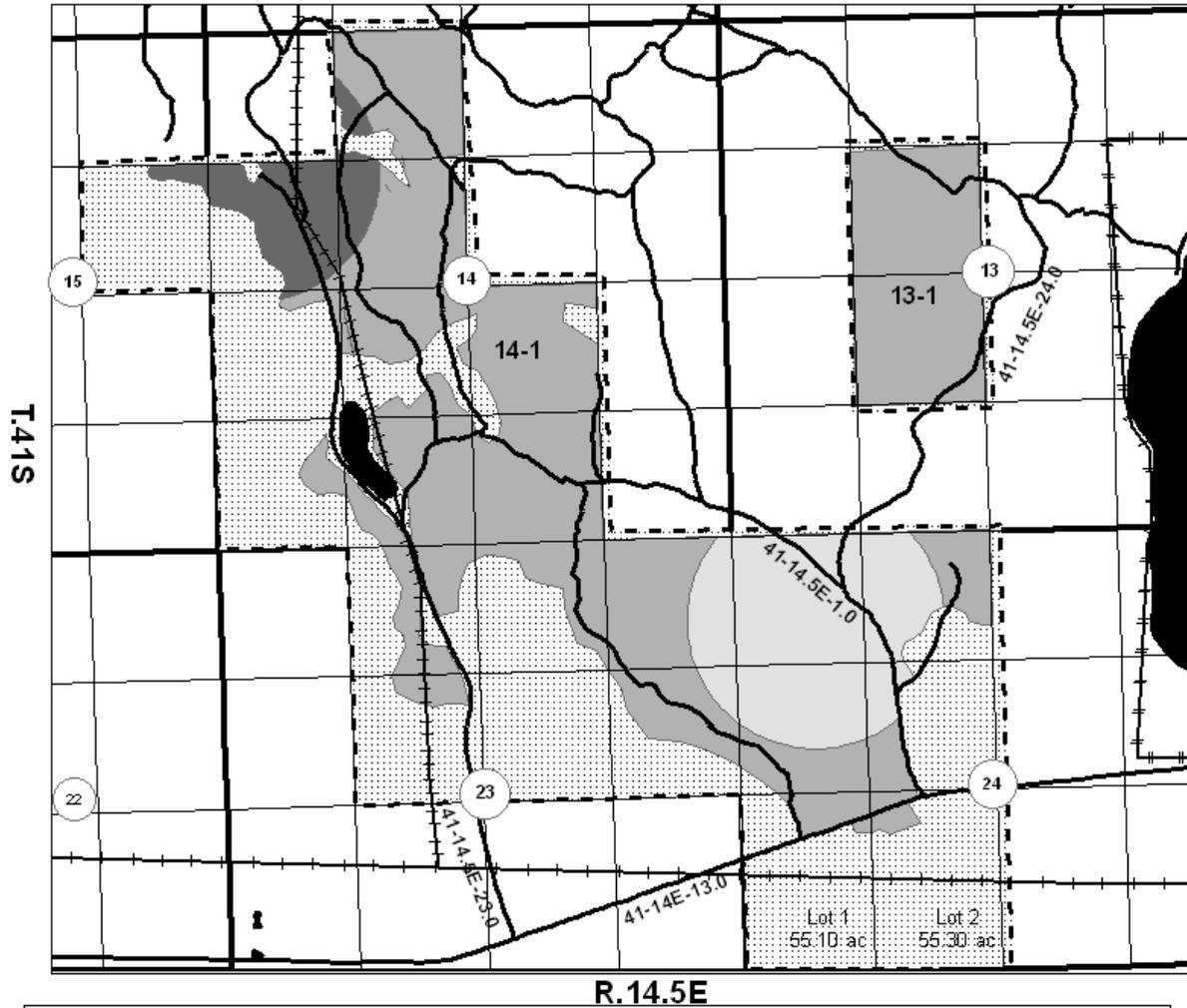
/s/ Donald J. Holmstrom
Donald J. Holmstrom, Manager
Klamath Falls Resource Area
Lakeview District, Bureau of Land Management

8/18/2009
Date

Map 1: Brady's Boot Timber Sale

Timber Sale: Brady's Boot
Willamette Meridian
T.41S.,R.14.5E, Sec. 13,14,15,23,24

Timber Sale Contract Map
Contract No. OR014-TS9-3
Exhibit A
page 2 of 3



Legend

- Existing road
- Cutting area
- Contract area
- Reserve area
- Bald Eagle nesting area
- Osprey Nesting Area
- Allotment fences
- Reservoir

Cutting Area 13-1 80 acres
 Cutting Area 14-1 471 acres

Cut trees are marked with green paint.
 Cutting area boundaries are flagged,
 posted, and painted with orange.

0 0.5 1 Miles

N