United States Department of the Interior

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IN REPLY REFER TO:
5400 (014)

DECISION RECORD #1
FOR
COLD ONION FOREST HEALTH TREATMENTS EA #OR-014-08-01
PROJECT: Cold Creek Timber Sale

INTRODUCTION

The effects of the Cold Creek Timber Sale are analyzed in the Cold Onion Forest Health Treatments Environmental Assessment (EA) # OR014-08-01. 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 to the Cold Creek Timber Sale (See Map 1) activities and some adjacent road treatments. The timber sale is scheduled to be sold December 16, 2009. I will be making additional decisions in the future to implement other proposed actions analyzed in the Cold Onion EA.

The Klamath Falls Resource Area (KFRA) interdisciplinary team designed the Cold Creek Timber Sale based on: (a) current resource conditions in the project area, (b) the results of monitoring the previous decade of timber harvest activities, (c) meeting the purpose and need as identified in the Cold Onion EA, (d) implementation of the management action and direction stipulated in the KFRA RMP, and (e) comments from the public. The proposals presented and evaluated in the Cold Onion 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 Area Resource Management Plan (1995 RMP).

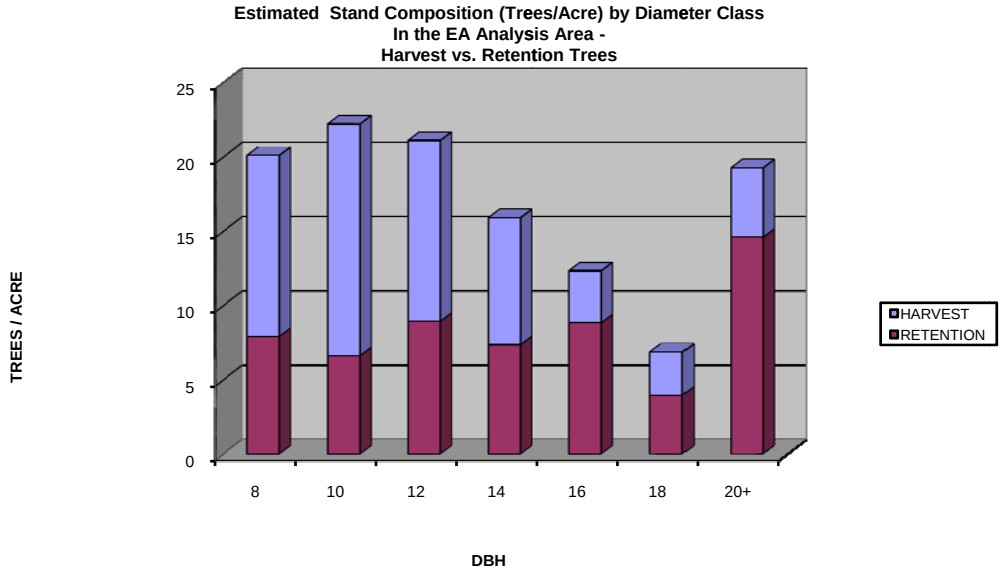
DECISION

It is my decision to implement the portions of the Proposed Action Alternative in the Cold Onion EA that applies to the Cold Creek Timber Sale area. As part of this action Best Management Practices (BMPs) in Appendix D of the KFRA ROD/RMP and the Project Design Features in Appendix B of the EA will be applied. The approved action will result in the implementation of the Cold Creek Timber Sale within the analysis area, specifically:

Timber Harvesting:

- Timber harvesting in the northwest portion of the KFRA in Township 38 South, Range 5 East and Township 39 South, Range 5 East, Willamette Meridian (see attached map).
- Approximately 507 acres of BLM commercial forest land will be thinned using a Variable Density Management prescription. (No regeneration harvest is planned as part of the Cold Creek Timber Sale).
- The Klamath Falls Resource Area density management prescriptions are designed to improve the forest health, reduce hazardous fuels and associated risks of higher severity wildfires, and to harvest and offer a sustainable supply of timber as stipulated in the KFRA 1995 RMP and O&C Act of 1937. They are also designed to reserve an array of tree sizes and forest structure and maintain and enhance the existing ecological functions of the stand including wildlife habitat. Based on the results of precruise and quality control plots taken in the Cold Onion EA area, Figure 1 shows the expected distribution by diameter class of trees designated for harvest (take trees) and retention (leave trees).
- Harvesting activities will occur within the Westside Matrix lands and Riparian Reserves.
- Harvesting will be done with both ground based equipment (437 acres) and a skyline cable yarding system (70 acres). The ground based equipment may include: rubber tired skidders, track mounted skidders, and mechanical harvesters with twenty (20) foot radial booms. Within the Aspen restoration area in unit 3-2 (approximately three acres) the skyline corridors shall be designated by the BLM prior to harvesting operations.
- Approximately 2.76 million board feet (MMBF) of commercial timber will be harvested.

Figure 1 – Estimated Stand Composition (trees/acre) by Diameter Class (Proposed Action)
(developed from systematic random variable plots, approximately 1 plot for every 10 acres)



Roads:

- Access to the sale areas will be on existing road systems.
- Approximately 5.6 miles of road will be renovated which includes grading, cleaning ditches and culverts, and resurfacing roads with 230 cubic yards of rock.
- All blocked roads that are opened to facilitate logging will be blocked again upon completion of harvest. The road closures in the Proposed Action Alternative in section 33 (displayed on Map 4 of the EA) are included in this decision record. Since these roads are not associated with the timber sale, the closures will be completed with separate funding.

Riparian Reserves:

- A total of approximately 30 acres of riparian reserve will be thinned.
- The outer half of the 320' riparian reserve on Cold Creek in section 3 will be harvested with a density management prescription. Large trees that may help provide shade to the stream will not be harvested.
- The outer 100' of the 160' riparian reserve on the intermittent stream in unit 3-3 will also be harvested with a density management prescription.

Wildlife Management:

- Northern Spotted Owl –
  - In the Matrix, the Density Management silvicultural prescription will retain relatively high average stocking levels of 120 to 160 square feet of basal area (BA) per acre. Variable Density Management will result in stocking levels varying above and below the average.
  - In the District Designated Reserve Buffers, an average BA of 160 BA is being retained to promote/retain NSO habitat features.
- Implement the PDFs described in Appendix B of the Cold Onion EA and the BMPs applying to timber harvesting in the KFRA ROD/RMP, Appendix D, for all actions conducted in the Cold Creek Timber Sale Area.
- Special Status, Threatened and Endangered Species – The management actions/directions as described on pages 38 and 39 of the RMP will be applied.

Fuel treatments associated with timber harvest:

- Where operationally feasible, whole tree yarding of all material designated for harvest will be done to reduce activity generated hazardous fuel loading. In the cable yarding areas and in other areas where trees larger than twenty (20) inches DBH are harvested, tops will be yarded attached to the last log.
- Biomass utilization or burning of residual slash piles, landing piles and cull decks will occur.

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 resulting 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 Cold Creek Timber Sale will have some or all of these attributes monitored.

Mitigation
All PDFs described in Appendix B of the Cold Onion EA and all applicable BMPs in Appendix D of the KFRA ROD/RMP that pertain to timber harvesting and to the resources listed in the above sections 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 Cold Creek 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 Cold Onion EA and the 1994 Klamath Falls Resource Area Resource Management Plan and Environmental Impact Statement (EIS). The PDFs from the Cold Onion 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 EIS.

RATIONALE FOR SELECTION OF PROPOSED ACTION ALTERNATIVE

The decision to implement this proposal 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 as described in the EA and other sections of this Decision Record.

The Regeneration Harvest Alternative is rejected because the 150 acres proposed for regeneration harvest would remove a proportionately high amount of spotted owl dispersal habitat from the timber sale area. Also the removal of a large block of upland vegetation within this watershed could increase runoff rates into the adjacent drainages causing unacceptable water impacts.

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. Economic opportunities from timber harvesting would be foregone and no thinning or fuels reduction benefits would be realized.

CONSULTATION AND COORDINATION

Consultation with U.S. Fish and Wildlife Service (FWS) as required under Section 7 of the Endangered Species Act (as amended) was completed for the Cold Creek Timber sale. The BLM has made a “Likely to Adversely Affect” determination for the Northern Spotted Owl (NSO) due to the down grading of some suitable habitat to dispersal habitat within two spotted owl territories. The Cold Creek Timber sale will likely adversely impact two spotted owl territories due to the reduction in amount of suitable habitat. The FWS has concurred with this determination and issued a Biological Opinion (8-10-09-08F0009) on August 12th, 2009 and issued incidental take for two pair of owls due to the reduction of habitat from the Cold Creek

Timber sale area. The FWS determined that the loss of these spotted owls would not jeopardize the recovery or the existence of the species.

A "No Effect" determination was made for all other listed species for actions from Cold Creek Timber Sale.

PUBLIC INVOLVEMENT

Public scoping input and EA comments were considered in development and refinement of the proposed action and alternatives, and in this decision. The KFRA requested public scoping input on the Cold Onion EA on October 15, 2007. The scoping letter outlined the proposed treatments for the analysis area. Four scoping response letters were received. The following scoping issues received early in the planning process were addressed in the EA in one or more alternatives:

Scoping Issues

Roads – upgrade existing roads; improve fish passage and stream crossings; avoid new road construction; and reduce road density

Vegetation – use variable density thinning in young stands; leave trees with old growth characteristics and trees over 20 inches DBH; retain and protect under represented trees and shrubs; maintain connectivity, maintain habitat diversity and important ecological functions; manage to retain special status plants; and avoid spread of noxious weeds

Hydrology and Fisheries – follow Northwest Forest Plan (NWFP) guidelines for fisheries; retain adequate stream buffers; and follow the Aquatic Conservation Strategy to maintain water quality

Wildlife – avoid a "take" of Northern Spotted owl, protect goshawks, protect other rare bird and old growth dependent species, avoid impacts to raptor nests, and retain snags and coarse woody debris (CWD)

Soils – minimize disturbance from tractor yarding and maintain soil integrity

Fuels – reduce fuels to lower the potential hazard and risk of wildfire

Range – reduce and/or remove livestock grazing

Other – the current watershed analysis may be inadequate; analyze cumulative impacts; and monitor the on the ground actions

Upon completion of the EA, the public was notified on March 2, 2009 and given an opportunity to comment during a formal thirty (30) day public comment period. Two comment letters were received. In August of 2009, the KFRA also received a series of comments related to the proposed action specifically relating to the proposed Cold Creek Timber Sale. The following comments were received during and after the 30-day EA comment period. None of the comments were of the nature to cause the interdisciplinary team to need to revise the environmental assessment. However, they were considered in development of this Decision and I provide responses to those paraphrased comments below:

EA Comments
Vegetation
Comment: *Coarse Woody Material – densities should support the natural range of biota for the site.*
Response: As described in the EA (Appendix B, page 57), a minimum of 120 linear feet per acre will be retained. Logs will be greater than or equal to sixteen (16) inches in diameter and sixteen (16) feet in length. All of the harvest units in the Cold Creek Timber Sale actually exceed these amounts.

Comment: *3P Fall, Buck and Scale Sampling is not allowed under NEPA.*
Response: 3P Fall, Buck and Scale Sampling will not be used on this project.

Comments: *Many of the unhealthy cedar are providing great wildlife habitat for woodpeckers and cavity nesting bird species. The large cedars are also underrepresented on the landscape.*
Response: Many of the large cedar trees that were originally marked for harvest and the consideration for their part in diversity across the landscape were reviewed. The BLM has since reserved, with orange paint, approximately 104 cedar trees, previously marked for harvest. Many of these 104 trees now marked for retention may be considered underrepresented in the project area and exhibited one or more of the following characteristics that could be valuable for wildlife:

-larger diameters
-cull trees
-trees with evidence of wildlife use (cavities, bird holes, etc.)
-frost cracks
-cat faces

Comment: *Regeneration and density management logging are inappropriate in this watershed.*
Response: No regeneration harvests are proposed in this sale. Both regeneration and density management logging were analyzed under the 1995 RMP. Pages 4 and 77 of the KFRA 2008 Annual Program Summary indicate that the KFRA has only implemented 259 acres of Regeneration Harvest of the planned 2,296 projected in the RMP. The primary harvest prescription in the KFRA since the signing of the 1995 RMP has been density management.

Insects and Disease
Comment: *The EA did not address the significant scientific controversy reflected in the following peer-reviewed documents and studies concerning logging to influence insects and disease that were submitted in our scoping comments.*
Response: The BLM recognizes the different positions within the scientific community for the historic and present roles insects and diseases have had in shaping our present day forest. As cited on page 3 of the EA and referenced on pages 3-63 to 3-66 of the KFRA 1994 Final EIS, the BLM acknowledges that past management practices like fire suppression and logging have influenced present day insect and disease responses. As stated on page 3 of the EA under the Purpose and Need for Action section, one of the purposes for the proposed action is to "improve the resiliency of residual trees" to drought, insect, and disease. The most commonly accepted and promoted forest management treatment to improve stand resiliency on fire prone, dry forest sites is to thin overstocked stands. Thinning of overstocked stands as prescribed in the Cold Creek Timber Sale is expected to result in:

- retention of the most resilient tree species to both fire and insects,
- increased vigor of the residual trees,
- reduction in stand replacement fire risks as a result of canopy gaps, and
- overall increase in forest health.

The environmental consequences of the No Action alternative are summarized on page 14 of the EA. In summary, the No Action alternative would leave many of the stands more vulnerable and at a higher risk to stand replacement fires and higher insect mortality.

Hydrology and Fisheries

Comment: *The variable width no cut riparian buffer on Cold Creek is not adequate for shading and down woody debris recruitment.*

Response: This no cut buffer was redesigned to be a minimum of 160' slope distance on both sides of the stream. Additional trees outside the buffer that could potentially contribute shading or large woody debris to the stream were reserved from harvesting.

Comment: *The short spur road to the pump chance adjacent to Cold Creek (between Units 3-1 and 3-2) is in the riparian reserve and not specifically addressed in the EA.*

Response: Stream crossings and roads within 100' of streams (including this road) were analyzed in this EA (Hydrology – Environmental Consequences) page 37, but were not individually listed. The road in question is not proposed for closure or modification in the EA for the following reasons:

-current condition is relatively stable with little evidence of erosion or contribution of sediment to Cold Creek
-the road and associated landing serves as a dispersed recreation camping area
-the water hole/pump chance needs to remain available for fire suppression use
-the road will not be used for timber harvest activities except as a watersource

Comment: *Cable yarding through the 3 acre "Aspen Restoration" portion of unit 3-2 could damage the seeps (wet areas) within this area.*

Response: This area will have designated skyline corridors which will be laid out in advance to avoid damage to the "seep"/wet areas.

NEPA

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

Response: The Cold Onion 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 addresses 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: *Inadequate Range of Alternatives.*

Response: An adequate range of alternatives was considered. Three alternatives were considered in depth; the Proposed Action, a Regeneration Harvest Alternative, and the No Action Alternative. The Proposed Action meets the purpose and need identified in the EA (page 4) and furthers the intent established in the RMP to harvest timber while meeting other resource objectives; wildlife, soils, snags, coarse woody debris, improving vigor of forested stands, and reducing wildfire hazard conditions. Other alternatives were also considered but were dropped from detailed analysis (see EA

page 11) including Fuels Treatment Only and Restoration Treatments Only. These alternatives were rejected because they would not meet one or more parts of the Purpose and Need section of the EA.

Fire and Fuels

Comment: *Slash Burning – consider using Kraft paper rather than polyethylene for slash piles.*
Response: The Resource Area has experimented with the use of Kraft paper for covering slash piles. Under the desired burning conditions, when the surrounding fuels are moist, the paper covered slash pile was typically moist as well. This typically results in poor consumption and excessive production of particulate matter ($PM_{2.5}$) and particles of incomplete combustion (PIC). The emissions to the atmosphere contributed by the sheet of polyethylene covering are chemically similar to the emissions from the underlying pile of slash. There is no evidence that unique classes of chemicals are found in emissions from burning polyethylene, in comparison to burning wood debris. The literature, and anecdotal evidence, clearly indicates that slash piles burn more efficiently and produce fewer PICs & $PM_{2.5}$ when they are allowed to cure to a dryness that readily supports combustion.

Wildlife

Comment: *No Analysis [of] Acorn Woodpecker and Plain Titmouse*
Response: The EA did not cover the above species because neither they nor their habitat are present within the analysis area. Both species are associated with oak woodland and that habitat is not present and would not be affected from the proposed actions.

Comment: *Impacts to Fisher ignored in EA.*
Response: Impacts to Pacific Fisher were not ignored, rather it was identified in the EA on page 23 that the Fisher has not been documented within the analysis area after surveys have been completed and that the likelihood of fishers being present is extremely low. Currently there are only two populations documented in Oregon as stated on page 23 which does not include the analysis area. Therefore no impacts to fisher from the Cold Creek Timber Sale are anticipated.

Comment: *Project degrades NSO dispersal and foraging habitat below 40% canopy.*
Response: The proposed timber sale would not downgrade habitat below dispersal habitat. On page 26 of the EA it states that no dispersal habitat will be downgraded. Similar density management prescriptions implemented in the past on similar type stands have supported this. The project will downgrade some nesting, roosting and foraging habitat to dispersal habitat but maintain a greater than 40% canopy closure within the timber stands, therefore maintaining dispersal habitat as stated on page 26.

Comment: *EA fails to recognize NSO critical habitat removed by the flawed 2008 process.*
Response: The EA addressed Northern Spotted Owl Critical Habitat on page 22 of the EA. At the time of the EA and the development of this decision record Critical Habitat is still not present within the analysis area. However since the Department of Interior has announced a voluntary remand of the revision to Critical Habitat the BLM has consulted with the U.S. Fish and Wildlife Service on the impacts to Critical Habitat from the Cold Creek timber sale if the 1992 designation is reinstated. The BLM amended the Cold Onion Biological Assessment to include the 1992 Critical Habitat designation to assess impacts to Designated Critical Habitat. The following is a summary from the amendment that covers the impacts to Designated Critical Habitat.

There is approximately 18,504 acres of the KFRA within OR-37 this equates to approximately 16% of the entire critical habitat unit. At the time of the implementation of the KFRA Resource Management Plan (RMP) (1995) there were approximately 11,120 acres of suitable habitat within that portion of OR-37 that falls within the KFRA. In 2009, there is approximately 9,702 acres remaining (Table 1). Since the RMP (1995) was implemented in 1995 there has been an 18% reduction of suitable habitat within the KFRA portion of critical habitat unit OR-37 primarily from timber harvest. No reduction of dispersal habitat has occurred.

The majority of the Cold Onion Project Area is within OR-37. Approximately 3,317 acres of Cold Onion project area is within Designated Critical Habitat (OR-37). This equates to approximately 3% of the CH unit OR-37. The remaining 766 acres of the Cold Onion project is outside of the CH unit. Of these 3,317 acres, approximately 1,445 acres are classified as suitable and 1,824 acres are classified as dispersal habitat.

Effects to Designated Critical Habitat
Under the proposed actions approximately 640 acres of suitable habitat will be entered for commercial timber harvest. From this harvest approximately 543 acres of suitable (nesting, roosting, foraging) habitat will be downgraded to dispersal habitat. The timber harvest will consist of density management thinning of the forest stands. No regeneration harvest is planned. The plan is to thin the stands to a Basal Area range of 80-180 sq feet with an average of 120 Basal Area. This will result in a reduced canopy and a less structurally diverse stand. Enough reduced canopy and reduced diversity in some areas to downgrade suitable nesting, roosting and foraging habitat to dispersal therefore affecting the Primary Constituent Elements. The removal of this suitable habitat equates to 6% of the available suitable habitat of OR-37 within the Klamath Falls Resource Area. The overall effect to suitable habitat within the entire OR-37 unit would equate to less than 1%.

Critical Habitat Unit OR-37 was designated primarily for its location on the landscape and its connectivity to other CHU and is considered a critical stepping stone between the Oregon Cascades to the Klamath Mountains province (USDI FWS 1992a). The actions under the Cold Onion EA will not change the functionality for which it was designated. The Cold Onion projects, including the Cold Creek Timber Sale, will maintain a mix of suitable and dispersal habitat within the project area and connectivity will be maintained. No dispersal habitat will be downgraded.

If the 1992 Critical Habitat designation is reinstated by the court then the BLM would reinitiate consultation with the Fish and Wildlife Service to ensure that the analysis and determinations within the Biological Assessment and Biological Opinion are still appropriate.

Comment: *The statement in the Cold Onion EA that NSO populations in Southern Oregon are "stationary or stable" is in error.*
Response: As stated in the EA on page 23 “The latest population trend information for the spotted owl indicates that the Southern Cascades demographic area population is considered stationary or stable (Lint 2005). The Klamath Falls Resource Area is within the Southern Cascades province and the population trends would be representative.” A new meta-analysis for the spotted owl (2003-2008) was conducted in 2009 and the results from the analysis have not been published at the time of the EA and this Decision Record. The latest published information

still shows that the population is considered stationary or stable. Once the new meta-analysis is published the information would reflect the population trends within the Southern Cascades Province.

Comment: *The analysis of Barred Owls is not sufficient.*
Response: The spotted owl analysis considered barred owls with respect to detectability and occupancy of spotted owls in the presence of barred owls (pg 22 of the EA). As stated in the EA "Kelly et al (2003) reported that occupancy of spotted owls was significantly lower in the presence of barred owls". Additionally, Appendix D of the EA "Review and Key findings for the Northern Spotted Owl" also addresses some of the assumptions to the affects that barred owls may be having on spotted owls.

Currently no barred owls have been detected within the EA analysis area (pg 22 of the EA), therefore, there would be no cumulative effects to the spotted owls from the loss of habitat (pg 23-27 of the EA) and the presence of barred owls. As described in the EA pg 26, the removal of habitat will have a direct negative effect on the spotted owls due to downgrading some habitat. Therefore, the BLM consulted with the U.S. Fish and Wildlife Service to meet the requirements of the Endangered Species Act of 1973, as amended.

Special Status Plants
Comment: *The BLM is not following the requirements of NEPA, FLPMA or its RMP/ROD for management of Bureau sensitive species (BSS) in this extremely important botanical hotspot.*
Response: The requirements of NEPA, FLPMA and its RMP/ROD for the management of Bureau sensitive species were considered and followed in the preparation of this document. Appropriate surveys for vascular plants occurred, and mitigation measures have been applied for non-vascular species not recently surveyed for.

Comment: *The EA (page 13) indicates that many of the BSS vascular plant surveys were conducted in 2002. By the time a decision is signed for this project those surveys will be over 7 years old and no longer reliable.*
Response: KFRA has determined that vascular plant surveys that were conducted within the past 10 years are sufficient. These surveys were considered sufficient because no changes in Bureau sensitive species populations were expected to have occurred in the time since the last survey.

Comment: *The EA (page 13) further indicates that no surveys were conducted for non-vascular BSS species despite the suspected presence of up to 13 species of BSS non-vascular plants in the project area. Hence the potential impacts to these species are unknown and undocumented.*
Response: Page 8 of the 2007 Record of Decision to Remove the Survey and Manage Mitigation Measure Standards and Guidelines from BLM Resource Management Plans within the Range of the Northern Spotted Owl states:

> "For …species whose characteristics make them impractical to locate during field surveys, pre-project clearances may be accomplished by surveys; habitat examinations; habitat evaluation; evaluation of species-habitat associations and presence of suitable or potential habitat; review of existing survey records, inventories, and spatial data; or utilization of professional research, literature, and other technology transfer sources."

The determination was made that the proposed activities would not significantly impact any possible populations of non-vascular plants, so field surveys were not conducted. In addition, the likelihood of locating the non-vascular plants on the Bureau Sensitive Species list in the project areas during field studies is low.

Comment: *The claim (EA page 17) that the project will not result in any impacts of BSS due to lack of known sites is not credible given: (1) the complete lack of surveys for non-vascular sensitive species; and (2) the fact that many of the surveys for vascular plants are over 7 years old. Indeed, the EA in no way recognizes or analyses the many unique botanical properties of this watershed and the potential impacts of the project on those botanical values.*
Response:
(1) The determination was made that the proposed activities would not significantly impact any possible populations of non-vascular plants, so field surveys were not recently conducted. In addition, the likelihood of locating the non-vascular plants on the Bureau Sensitive Species list in the project areas during field studies is low.
(2) KFRA has determined that vascular plant surveys that were conducted within the past 10 years are sufficient. These surveys were considered sufficient because no changes in Bureau sensitive species populations were expected to have occurred in the time since the last survey.

CONCLUSION

A. 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 Cold Onion 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/EIS to which the EA is tiered, represents a thorough analysis of potential effects associated with the Cold Creek Timber Sale.

B. Plan Consistency
Based on the information in the Cold Onion 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).

C. 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.

D. Summary

In consideration of public comments, the consistency with the RMP and the finding that there would not be any significant impacts, this decision allows for activities related to the Cold Creek Timber Sale and some additional road treatment.

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.

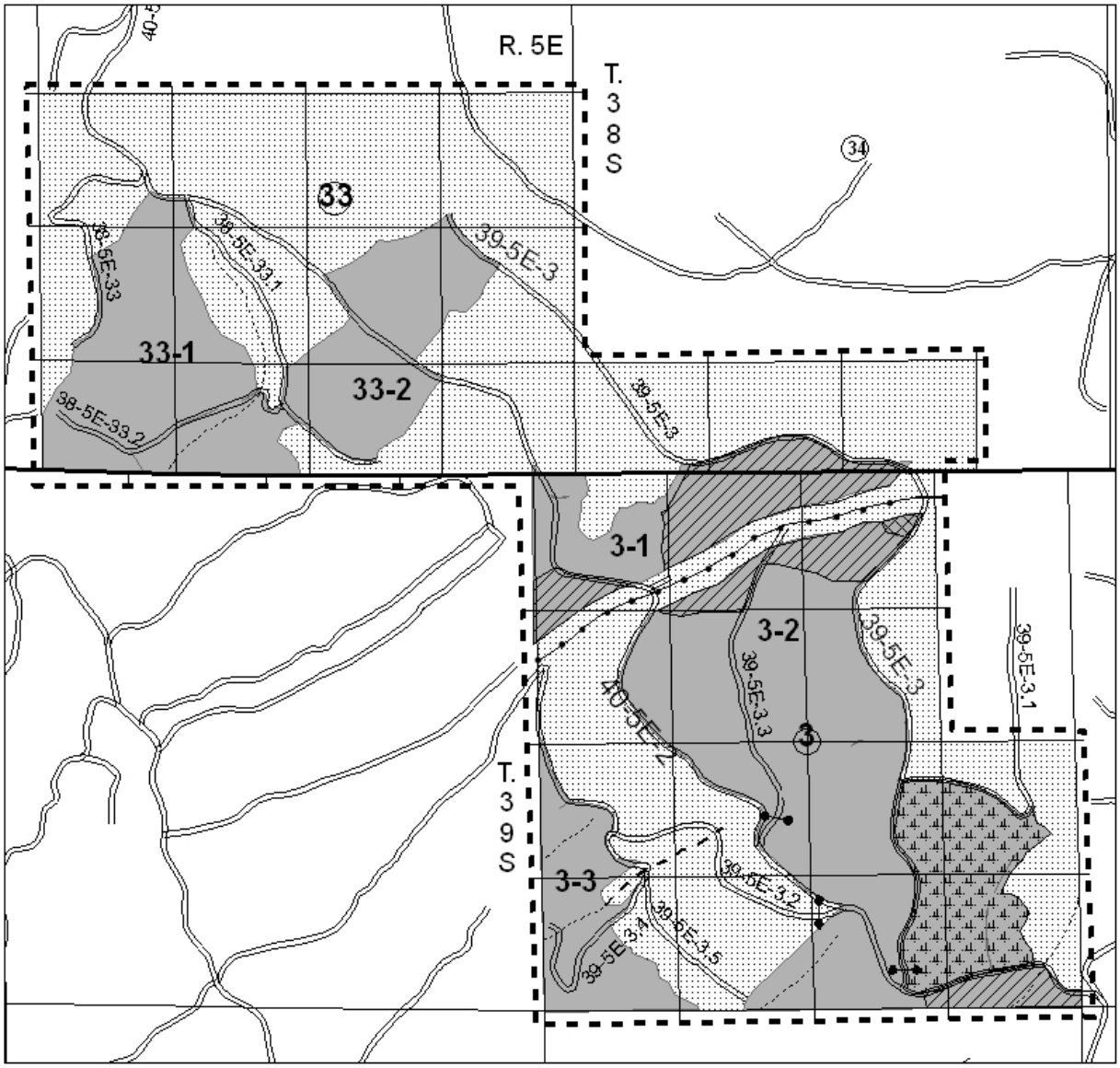
__/s/ *Donald J. Holmstrom*_____ _11/18/2009_____

Donald J. Holmstrom, Manager Date

Klamath Falls Resource Area

Lakeview District, Bureau of Land Management

The Proposed Cold Creek Timber Sale



Legend

- Roads
- Gates
- Ephemeral Stream
- Intermittent Stream
- Perrenial Stream
- Fish Bearing Stream
- Contract Area
- Cutting Areas Density Management
- Cable Yarding Areas
- Special Cable Yarding Area
- 3-7" Treatment Area
- Reserve Area

Unit 3-1 64 acres
Unit 3-2 246 acres
Unit 3-3 43 acres

Unit 33-1 94 acres
Unit 33-2 60 acres

N

1,000 500 0 1,000 Feet

1:16,000