Record of Decision and Resource Management Plan

Klamath Falls Resource Area

BLM

Klamath Falls Resource Area

December 2008

WESTERN OREGON PLAN REVISIONS

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

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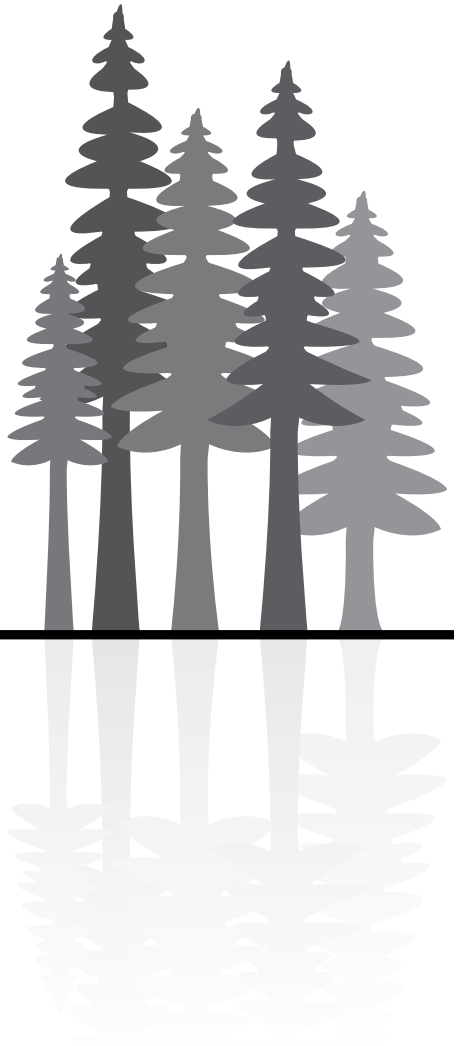

Summary

This decision selects the Proposed Resource Management Plan set forth in the October 2008 Proposed Resource Management Plan and Final Environmental Impact Statement for the Western Oregon Bureau of Land Management (BLM) as the Approved Resource Management Plan for BLM-administered lands under the jurisdiction of the Klamath Falls Resource Area of the Lakeview District. The PRMP set forth in the final environmental impact statement analyzed management of all BLM-administered lands in the Salem, Eugene, Coos Bay, Roseburg, and Medford Districts, and the Klamath Falls Resource Area of the Lakeview District. This decision for the Klamath Falls Resource Area of the Lakeview District Resource Management Plan is being made consistent with decisions for the resource management plans for the Eugene, Coos Bay, Salem, Roseburg, and Medford Districts. These six coordinated resource management plans address management of BLM-administered lands and resources for approximately 2.6 million acres, the majority of which are lands under the Oregon and California Railroad and Coos Bay Wagon Road Grant Land Act (O&C Act).

The purpose of this plan revision is to adopt a resource management plan that will guide the management of the BLM-administered lands for permanent forest production in conformity with the principles of sustained yield, consistent with the O&C Act. The plan will also provide direction so that future actions taken in accordance with the plan will comply with all other applicable laws including, but not limited to, the Endangered Species Act, the Clean Water Act, and the Federal Land Policy and Management Act.

Major decisions in this plan include:

- Setting objectives for the management of BLM-administered lands and resources;
- Establishing land use allocations relative to future uses for the purposes of achieving the various objectives; and
- Providing management direction that identifies where future actions may or may not be allowed and what restrictions or requirements may be placed on those future actions to achieve the objectives set for the BLM-administered lands and resources.

Five alternatives for the management of BLM-administered lands and resources were analyzed in the final environmental impact statement: the No Action Alternative, Alternative 1, Alternative 2 (which was identified as the preferred alternatives in the draft environmental impact statement), Alternative 3, and the Proposed Resource Management Plan. The decision to select the Proposed Resource Management Plan as the Approved Resource Management Plan is based on the conclusion that it best meets the purpose and need and would have favorable outcomes for various resources and programs and relatively low adverse environmental impacts in comparison to the other alternatives.

The decision explains why potential mitigation measures are not adopted as part of the Approved Resource Management Plan.

The effectiveness of future actions implemented in accordance with the Approved Resource Management Plan will be monitored in accordance with the approved monitoring plan attached to this document.

In revising this resource management plan (RMP), the BLM worked with cooperators from four Federal agencies, including the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, ten state agencies, and seventeen county governments. The BLM also worked with nine Federally recognized tribes within the planning area or with interests in the planning area in government-to-government relationships. Interaction with the public regarding this resource management plan revision began in August 2005 and included newsletters, meetings, workshops, comment periods, and a protest period.

Decision

The decision is hereby made to approve the resource management plan for the Klamath Falls Resource Area. This decision revises the 1995 Klamath Falls Resource Area Resource Management Plan. This plan revision was prepared under the regulations implementing the Federal Land Policy and Management Act of 1976 (43 CFR 1600). An environmental impact statement was prepared for this plan in compliance with regulations implementing the National Environmental Policy Act of 1969 (40 CFR 1500). This plan is nearly identical to the one set forth in the October 2008 Proposed Resource Management Plan (PRMP) and Final Environmental Impact Statement (FEIS) for the Western Oregon Bureau of Land Management (BLM) Districts under the Proposed Resource Management Plan Alternative.

The PRMP set forth in the FEIS analyzed management of all BLM-administered lands in the Salem, Eugene, Coos Bay, Roseburg, and Medford Districts, and the Klamath Falls Resource Area of the Lakeview District. This decision for the Klamath Falls Resource Area of the Lakeview District Resource Management Plan is being made consistent with decisions for the resource management plans for the Eugene, Salem, Roseburg, Coos Bay, and Medford Districts.

What the Plan Will Provide

Major provisions in this resource management plan include:

- objectives for the management of BLM-administered lands and resources;
- land use allocations relative to future uses for the purposes of achieving the various objectives; and
- management direction that identifies where future actions may or may not be allowed and what restrictions or requirements may be placed on those future actions to achieve the objectives set for the BLM-administered lands and resources.

What the Plan Will Not Provide

The plan does not authorize implementation of on-the-ground projects. Implementation of future projects under the resource management plan will be authorized, funded, or carried out subsequently only after completion of further appropriate National Environmental Policy Act analysis or documentation, consultation under the Endangered Species Act of 1973, and decision-making processes.

As described in FLPMA, land use plans are tools by which "present and future use is projected." 43 U.S.C. § 1701(a)(2). The BLM's planning regulations make clear that land use plans are a preliminary step in the overall process of managing public lands, and are "designed to guide and control future management actions and the development of subsequent, more detailed and limited scope plans for resources and uses." 43 C.F.R. § 1601.0-2. A land use plan therefore is not ordinarily the medium for affirmative decisions that implement BLM's projections; FLPMA provides that "[t]he Secretary may issue management decisions to implement land use plans." 43 U.S.C. § 1712(e). In other words, the decisions implementing the direction in a land use plan are distinct from the plan itself. Furthermore, the regulation defining a land use plan declares that a plan "is not a final implementation decision on actions which require further specific plans, process steps, or decisions under specific provisions of law and regulations." 43 C.F.R. § 1601.0-5.

Application of the Plan to Existing Projects

Revision of a resource management plan necessarily involves a transition from the application of the old resource management plan to the application of the new resource management plan. The planning and analysis of future projects such as timber sales typically requires at least two years of preparation before a site-specific project can be designed and a decision reached. Allowing for a transition from the old resource management plan to the new resource management plan avoids disruption of the management of the BLM-administered lands and allows the BLM to utilize work already begun on the planning and analysis of projects. This section addressed the application of the resource management plan to three categories of future projects:

1. projects for which site-specific decisions have been signed prior to the effective date of this Record of Decision but which have not yet been implemented;
2. projects for which site-specific decisions have not yet been signed, but for which preparation of National Environmental Policy Act documents has begun prior to the effective date of this Record of Decision; and
3. projects for which site-specific project planning and preparation of National Environmental Policy Act documents have not begun prior to the effective date of this Record of Decision.

For this discussion, projects are considered to be on-the-ground implementation actions including but not limited to timber sales, precommercial thinning, fuels reduction (prescribed fire and mechanical treatments), culvert replacements, road renovations, stream bank restoration, tree planting, pruning, and construction of fire breaks. Also for this discussion, a decision is considered to be signed for a timber sale upon the publication of a notice of sale in a newspaper, consistent with 43 CFR 5003.2.

Implementation of projects for which a decision has been signed prior to the effective date of this Record of Decision is not affected by this Record of Decision. The effects of implementation of these projects were factored into the analysis in the FEIS either as an analytical assumption about current land treatment types and levels of activity, or were generally considered as part of the current condition of the affected environment. For example, the timber stands included in existing sold and unawarded, or awarded and uncut timber sales that were planned to be offered in FY 2008 and FY 2009 were assumed in the FEIS as already cut for analytical purposes and for identifying where land use allocation boundaries should be drawn.

Site-specific projects for which a decision has not been signed prior to the effective date of this Record of Decision, for which preparation of National Environmental Policy Act documentation began prior to the effective date of this Record of Decision, and for which a decision on the project is signed within two years of the effective date of this Record of Decision may be implemented consistent with the management direction of either the 1995 resource management plan or the Approved Resource Management Plan attached to this Record of Decision, at the discretion of the decision maker. In this context, preparation of National Environmental Policy Act documentation is considered to have begun upon the earliest of one of the following:

- public notification that the BLM will be preparing a National Environmental Policy Act document;
- initiation of external scoping;
- completion of documentation of a Determination of National Environmental Policy Act Adequacy; or
- completion of documentation of a Categorical Exclusion Review.

However, such projects with unsigned decisions may not proceed even within this two-year period of transition to the extent that they would:

- employ regeneration harvest in a late-successional management area allocated by this Record of Decision;
- employ timber harvest in a deferred timber management area allocated by this Record of Decision; or
- result in the destruction or adverse modification of critical habitat designated for species listed as endangered or threatened under the Endangered Species Act.

If the decision maker elects to implement such projects consistent with the management direction in the 1995 resource management plans, such projects may include features not consistent with the management direction in the Approved Resource Management Plan attached to this Record of Decision. However, any difference in the specific effects resulting from implementation of timber sales and other projects not consistent with the management direction in the Approved Resource Management Plan would not alter the analysis of effects in the FEIS because of the geographic extent of such projects. Additionally, any inconsistencies with the management direction in this Record of Decision, in almost all cases, are anticipated to result in less change to the current condition of the affected environment than if the timber sales and other projects were implemented consistent with the management direction in the Approved Resource Management Plan. The primary inconsistency with the Approved Resource Management Plan that is likely to occur in these projects is the retention of merchantable material in regeneration harvest units for green tree retention, snags, and coarse woody debris where the management direction in the Approved Resource Management Plan would direct the removal of all merchantable material.

Projects for which preparation of National Environmental Policy Act documentation begins after the effective date of this Record of Decision or for which a decision is signed more than two years after the effective date of this Record of Decision must be consistent with the management direction in the Approved Resource Management Plan.

Valid Existing Rights

This decision does not alter or extinguish valid existing rights on BLM-administered lands. Valid existing rights take precedence over the decisions in this plan. Valid existing rights may be held by other Federal, State, or local government agencies; tribes; or by private individuals or companies. Valid existing rights may pertain to timber sale contracts, mining claims, mineral or energy leases, leases, easements, permits, rights-of-way, and water rights.

Federal Energy Regulatory Commission (FERC) relicensing proceedings

The BLM's section 4(e) conditions and other BLM decisions made in the FERC relicensing proceeding for the Klamath Hydroelectric Project (FERC No. 2082) are not affected by this decision regarding the revision of Klamath Falls Resource Area Resource Management Plan. The relicensing proceeding was initiated in 2000, well before the process for revising the existing resource management plan was initiated. The BLM's section 4(e) conditions and record of decision were developed under the guidance of the then existing management plan. The section 4(e) conditions have been subjected to extensive public review and comment, and a trial type hearing by an Administrative Law Judge under the Energy Policy Act of 2005 ("EP Act"). Additionally, the BLM received and analyzed alternatives submitted under the EP Act. These conditions ultimately became conditions of the Department of the Interior through a submission by the Department to FERC dated January 24, 2006, and no changes made in this decision on the resource management plan revision would be inconsistent with that submission.

Approved Changes to the Resource Management Plans between the FEIS and the Record of Decision

The following changes and corrections were made to the Klamath Falls Resource Area RMP. These changes were made to correct errors and provide clarifications of existing management direction and objectives. In addition to the items noted here, other minor typographical, table, and mapping errors were corrected. The

acres involved in these corrections are small and mostly reflect slivers and overlaps in data. The changes and corrections noted below are relatively inconsequential and would not substantially change the analytical conclusions described in the FEIS.

Clarified that the listed Oregon State Scenic Waterway in the Klamath Falls Resource Area is the Upper Klamath River, not the Klamath River (FEIS, Volume I, p. 99).

The footnote for Table 2-33, District Specific Designated Wild and Scenic Rivers and River Segments (FEIS, Volume I, p. 100) was corrected. Acreage calculations are based on BLM-administered lands in a .5 mile wide corridor, not a .05 mile wide corridor.

The description of the administratively withdrawn area (FEIS, Volume I, p. 27), was clarified to state that these areas are withdrawn from the harvest land base and therefore do not contribute to the calculation of the allowable sale quantity of timber. In addition, clarifications were made regarding sites managed for special status species. These are sites that were withdrawn from the harvest land base for designated management such as Bald Eagle Management Areas that have not been included in other land use allocations such as Late Successional Management Areas.

The Riparian Management Area objective to provide for the conservation of special status fish species applies to other aquatic special status species as well.

In Table 2-5, criteria established for the riparian management area land use allocation under the PRMP (FEIS, Volume I, p. 33) was modified to distinguish between small and large ponds. Ponds greater than 0.25 acres in size would have a riparian management area equal to one site-potential tree height from the edge of the water body. Ponds smaller than 0.25 acres would have a riparian management area equal to the edge of the body of water to the outer edge of riparian vegetation.

The language in the management objective for air quality was refined to make it consistent with the management direction to avoid rather than prevent smoke intrusions into Class I areas.

The word "fungi" was removed from the management direction for management of botany species listed under the Endangered Species Act, because no fungi species are listed under the Endangered Species Act.

The monitoring requirement for monitoring question M14 (FEIS, Volume II, p. 886) was revised to clarify that changes to the acres of Deferred Timber Management Area will be monitored rather than the changes to the acres of 160-year-old forest.

The monitoring requirement for monitoring question M19 (FEIS, Volume II, p. 887) was revised to require that all completed projects that "may affect" listed species will be reviewed after completion, as opposed to monitoring five such projects. A district may not have five such projects in a single year.

The monitoring requirement for monitoring question M20 (FEIS, Volume II, p. 887) was revised to require review of 20% of completed projects in which protection measures are implemented to accommodate BLM special status plant and fungi species, as opposed to requiring review for five projects.

The Best Management Practice F-15 (FEIS, Volume III, p. 295) was revised to include a recent requirement to keep wildland fire chemicals further than 300 feet from lakes, ponds, seeps, and perennial and intermittent streams.

Edits were made to the locatable and saleable portion of the "Proposed Restrictions and Requirements of Mineral and Energy Exploration and Development Activity" in the Energy and Minerals Appendix to remove site specific or District specific language and processes. Details about the specifics of state regulation processes (costs, addresses, etc.) were deleted.

Management Considerations – Rationale for the Decision

The decision regarding the Approved Resource Management Plan is based on consideration and evaluation of :

1. how well the purpose and need is met; and
2. associated environmental consequences and the cost of implementation.

Because this decision for the Klamath Falls Resource Area Resource Management Plan is being made consistent with decisions for the other resource management plans in western Oregon based on the analysis in the environmental impact statement, which analyzed management of all BLM-administered lands in western Oregon, the rationale for the decision addresses elements that are not applicable in this resource area (e.g., effects on marbled murrelet).

The facts found through analysis in the FEIS provide the basis for determining how well the purpose and need is met and for considering the environmental consequences and costs of implementing the plan. The decision to select the PRMP as the Approved Resource Management Plan is based on the conclusion that the management direction in the PRMP best meets the purpose and need, as summarized below. The decision is also based on the conclusion that the PRMP has associated with it relatively low adverse environmental impacts and relatively favorable outcomes for various resources and programs in comparison to the other alternatives.

Purpose and Need

The purpose of this action is to adopt a resource management plan that will guide the management of the BLM-administered lands for permanent forest production in conformity with the principles of sustained yield, consistent with the Oregon and California Railroad and Coos Bay Wagon Road Grant Land Act (O&C Act). The plan will also provide direction so that future actions taken in accordance with the plan will comply with all other applicable laws including, but not limited to, the Endangered Species Act, the Clean Water Act, and the Federal Land Policy and Management Act.

The need for this action is threefold:

- Plan evaluations showed the BLM's timber harvest levels, as directed by the 1995 resource management plans, were not being achieved. The BLM now has more detailed and accurate information on the effects of sustained yield timber management on other resources.
- There is an opportunity to coordinate the resource management plan revisions with new recovery plans and re-designations of critical habitat.
- The BLM has re-focused the goal for management of the BLM-administered lands to the statutory mandates specifically applicable to these lands.

Meeting the Purpose and Need, Environmental Consequences, and Costs of Implementation

The conclusions that the PRMP best meets the purpose and need, has relatively low adverse environmental impacts, and has relatively favorable outcomes for resources and programs in comparison to the other alternatives are supported by the analysis and conclusions in the FEIS. Because this decision for the Klamath Falls Resource Area Resource Management Plan is being made consistent with decisions for the other resource management plans in western Oregon, this description of the effects of the PRMP and other alternatives addresses effects across the planning area analyzed in the FEIS.

The PRMP provides direction that, if implemented in future actions, would be expected to meet the purpose of managing the BLM-administered lands for permanent forest production in conformity with the principles of sustained yield:

- The allowable sale quantity would be 502 million board feet, an increase of approximately 87 percent from the No Action Alternative.
- The allowable sale quantity is expected to be sustainable on a permanent basis.

The PRMP provides direction that, if implemented in future actions, meets the purpose of complying with the Endangered Species Act by conserving habitat needed for the survival and conservation of species listed as threatened or endangered under the Endangered Species Act:

- Northern spotted owl habitat is expected to increase.
- Habitat conditions that facilitate spotted owl movement and survival are expected to improve.
- A network of large blocks of suitable northern spotted owl habitat is expected to develop.
- Marbled murrelet habitat is expected to increase 60 percent by 2106.
- Ninety-nine percent of all marbled murrelet nesting habitat in stands greater than 200 years old is expected to be retained through 2026.
- BLM actions are not expected to contribute to an increase in stream temperature that would affect fish.
- The risk of adverse effects to fish from peak flow increases is expected to be very low.
- Fine sediment delivery to stream channels is expected to increase less than one percent above existing levels and is not expected to decrease fish survival.
- The potential for large wood delivery to streams for fish habitat is expected to increase.

In accordance with Section 7(a)(2) of the Endangered Species Act, the BLM has analyzed whether the adoption of the revised resource management plan "may affect" listed species or critical habitat. As a result of this analysis, the BLM has concluded that the adoption of the revised plan will have no effect to listed species or critical habitat. The plan is not self-executing and does not authorize any on-the-ground action; does not create any legal right or obligation; and does not grant, withhold, or modify any legal license, power, or authority. As such, further Federal decision-making is required before the BLM or any third party can conduct ground-disturbing activity.

In determining what the effects of a proposed action are likely to be, agencies are subject to the definition of "effects of the action" found in the regulations implementing the Endangered Species Act. The regulations define "effects of the action" to refer to "the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action that will be added to the environmental baseline. The environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions which are contemporaneous with the consultation in process. Indirect effects are those that are caused by the proposed action and are later in time, but still are reasonably certain to occur." 50 C.F.R. § 402.02.

While "direct effects" are not defined in the regulations, they are commonly understood to be the immediate effects on a listed species or critical habitat that will result from the carrying out by the Federal agency of the proposed action itself or from the carrying out by third parties of the activities authorized or funded by the Federal agency. If the agency does what it is proposing to do, the "direct effects" are the effects that are the immediate and natural consequences of taking the proposed action. In other words, "direct effects" are effects that will inevitably occur if the action is taken and are not dependent upon the occurrence of any additional intervening actions for the impact to listed species or critical habitat to occur.

"Indirect effects" are defined in the regulations as "those that are caused by the proposed action and are later in time, but still are reasonably certain to occur." 50 C.F.R. § 402.02. Like "direct effects," indirect effects must be "caused by" the proposed action. Indirect effects are distinguished from direct effects, however, in that they typically occur after the taking of actions other than the proposed Federal action, and as such, they are not necessarily inevitable.

Adoption of the PRMP will by itself have no "direct effects" on listed species or critical habitat. This is because the PRMP will be implemented only through the approval of future proposed projects and activities consistent with the plan's management direction, and because there are numerous steps that must occur before any on-the-ground activities can actually occur.

The BLM considered if approval of the plan would have indirect effects to threatened and endangered species or critical habitat. While the BLM acknowledges that it intends to develop and carry out a program of work consistent with the management guidance in the future as described in the plan, the specific details of the scope and extent of that program of work are unknown at this time. The timing, size, location, and design of future actions are too uncertain and so widely variable that it is impossible to conduct an assessment of the effects of future actions that would allow the BLM or the National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (FWS) to determine a level of the potential "take" of a listed species or changes to the environmental baseline. Before those future actions can take place, many things must happen, including appropriations, the design of project proposals, and completion of the analysis of environmental consequences under the National Environmental Policy Act for those actions. Given the number of steps that must occur between adoption of the plan and implementation of any future Federal site-specific actions that involve discretionary decisions by Federal agencies, the action of adopting the plan has no indirect effects on listed species or critical habitat.

In furtherance of the BLM's obligations under Section 7 to cooperate with NMFS and FWS to assure that its actions will not jeopardize or adversely modify the habitat of a listed species and consistent with the Consultation Handbook, the BLM will consult on projects when they are actually proposed and when sufficient information is available at the appropriate scale to identify effects. At that project scale, there will be a sufficient level of information to conduct an analysis to conclude with reasonable certainty what effects will occur and whether a biological opinion will be necessary. Through this project-level consultation, the BLM will ensure that future actions taken to carry out the plan's management guidance will not jeopardize the continued existence of a listed species or adversely modify critical habitat.

The PRMP provides direction that, if implemented in future actions, would be expected to meet the purpose of complying with the Clean Water Act:

- Actions are not expected to contribute to any measurable increase in stream temperature.
- Fine sediment delivery to stream channels is not expected to increase more than 1 percent above existing levels.
- Very few watersheds are expected to be susceptible to peak flow increases.

The PRMP responds to the need for the action, because it provides a framework that:

- utilizes the most detailed and accurate information in determining the annual sustainable yield capacity of BLM-administered lands;
- is consistent with the recovery plans and critical habitat for the northern spotted owl[1], marbled murrelet, and other species listed as threatened or endangered under the Endangered Species Act; and
- provides for the management of lands under the Oregon and California Railroad and Coos Bay Wagon Road Grant Land Act (O&C lands) for sustained yield timber production except as limited by other statutes.

[1] In the final recovery plan for the northern spotted owl, the U.S. Fish and Wildlife Service noted particular challenges in managing spotted owl habitat in the East Cascades province. The recovery plan identified the need for establishing an interagency work group for the East Cascades province to develop a landscape approach to support spotted owl recovery. The BLM will continue to work with the U.S. Fish and Wildlife Service as the interagency work group develops a management approach for the East Cascades province so that BLM management will remain consistent with recovery planning. The work of the interagency group may ultimately result in a need to change land use allocations or management direction in the Klamath Falls Resource Area RMP. Such changes would be considered through a RMP amendment and associated National Environmental Policy Act analysis, as appropriate.

In addition to analysis related to how well the alternatives meet the purpose and need for the action, the FEIS identified five issues for analysis:

- **Vegetation.** How should the BLM provide a sustainable supply of wood and other forest products, as mandated by the O&C Act, while also meeting all applicable laws and regulations?
- **Habitat for species listed under the Endangered Species Act.** How should the BLM manage Federal lands in a manner that is consistent with the Endangered Species Act in order to contribute to the conservation of species?
- **Watershed management and water quality.** How should the BLM manage Federal lands to contribute to the goals of the Clean Water Act and the Safe Drinking Water Act?
- **Wildland fire and fuels.** How should the BLM manage Federal lands to reduce the risk of wildfires and integrate fire back into the ecosystem?
- **Off-highway vehicle management (particularly in the Medford District).** How should the BLM administer Federal lands to meet the demand for off-highway vehicle use while protecting other resources?

The environmental impact of future actions implemented in accordance with the PRMP with regard to the identified issues related to vegetation, habitat for species listed under the Endangered Species Act, and watershed management and water quality are summarized above in how the PRMP meets the purpose of the action.

The PRMP provides direction that, if implemented in future actions, addresses the issue related to wildland fire and fuels:

- Fire hazard and acres susceptible to high severity fire are expected to be reduced.

The PRMP provides direction that if implemented in future actions addresses the issue related to off-highway vehicle management:

- Future actions to redesignate off-highway vehicle areas are expected to improve off-highway vehicle opportunities, public safety, and visitor experiences compared to the No Action Alternative.
- Future plans that will manage off-highway vehicle emphasis areas are expected to improve off-highway vehicle opportunities and would result in fewer visitor conflicts, thereby improving the quality of experiences for all visitors compared to the other alternatives.
- Future plans that will limit off-highway vehicle activity to designated roads and trails are expected to improve protection of other resources (e.g., limiting introduction and spread of invasive species, reducing disturbance to wildlife, and reducing sediment and contaminant delivery to water-bodies) compared to the No Action Alternative.

There are outcomes or benefits that Congress expected as a result of managing BLM-administered lands for permanent forest production in conformity with the principles of sustained yield under the O&C Act. These benefits include providing a substantial stream of revenue to the county governments in western Oregon from timber management through the revenue sharing provisions of the O&C Act. In addition to the benefits to county governments, Congress expected the benefits of sustained yield timber management under the O&C Act to provide a permanent source of timber, contribute to the economic stability of local communities and industries, as well as benefit watersheds, regulate stream flows, and provide recreational use. How the framework set forth in the PRMP is anticipated to provide a permanent source of timber, benefit watersheds, and regulate stream flows when future actions are undertaken in accordance with the PRMP is summarized above in how the PRMP meets the purpose of the action.

Future actions implemented in accordance with the PRMP are forecast to provide benefits to county governments across the planning area covered by the six resource management plans:

- Annual payment to counties is anticipated to be $74 million (65 percent of former Secure Rural School funding compared to 37 percent under the No Action Alternative).

Future actions implemented in accordance with the PRMP are anticipated to contribute to the economic stability of local communities and industries:

- An estimated net gain of approximately 1,184 jobs and a net gain of $52 million in associated income compared to a net loss of approximately 3,770 jobs and a net loss of $125 million in associated income under the No Action Alternative.
- It is estimated that the present net value over 50 years of revenues and costs will be approximately $465.0 million compared to approximately $107.5 million under the No Action Alternative.

Future actions implemented in accordance with the goals of the PRMP are expected to provide recreational use:

- A mix of recreation settings that provide a variety of opportunities and experiences for visitors is anticipated to be maintained.
- Projected recreational demand is anticipated to be met.
- The quality of recreation visitor experience is anticipated to be improved.

The FEIS analyzed other potential environmental impacts and outcomes for resources and programs beyond those described above. Future actions taken in accordance with the PRMP are expected to have favorable outcomes for various resources and programs and relatively low adverse environmental impacts in comparison to the other alternatives. Under the management direction of the PRMP:

- Special status plant and animal species will be managed such that future actions implemented in conformance with the PRMP are not anticipated to contribute to the listing of these species under the Endangered Species Act.
- Future actions will be undertaken in such a fashion that no watersheds are expected to be in the category of highest risk for introduction of invasive plants; only nine watersheds are expected to be in the categories of high or moderately high risk for the introduction or spread of invasive plants; and 159 watersheds are expected to be in the categories of moderate, moderately low, and low risk for the introduction or spread of invasive plants.
- The productive capacity of forest and rangeland soils across the planning area is expected to be maintained.
- Opportunities for collection and harvest of special forest products are expected to be maintained.
- The PRMP is not expected to alter the current level of livestock grazing use.
- At least ninety-eight percent of cultural and paleontological sites are expected to be undamaged from incidental or inadvertent loss of sites or site values per decade.
- Future actions under the PRMP are not expected to alter the availability and quantity of energy and mineral resources on public lands.
- Almost all lands are expected to remain available for location of mining claims and common varieties of rock.
- The appropriate management level of 30 to 50 head is expected to be maintained through future actions for wild horses in the Pokegama Herd Management Area.

The cost of implementation will be higher under the PRMP than under the No Action Alternative due to the higher costs associated with future actions, primarily related to the cost of planning and future implementation of higher timber harvest levels and silvicultural treatments. However, the cost of future actions is expected to increase under all alternatives, and the proportional increase in the cost of implementation of future actions in accordance with the PRMP from the No Action Alternative will be less than the proportional increase in the allowable sale quantity of timber.

New Information

The analysis included in the FEIS was based on the best available Geographic Information System (GIS) data available at the time the analysis was conducted. The GIS data is continually being refined and adjusted, and it is expected that refinements and adjustments in GIS data will occur during plan implementation. Plan evaluations review the land use plan to determine if plan decisions are implemented as expected, and whether the associated NEPA analyses are still valid. Changes that do not expand the scope of resource uses or restrictions or change the terms, conditions, and decisions of the approved plan would be accomplished through plan maintenance. Changes that would expand the scope of resource uses or restrictions or change the terms, conditions, and decisions in the approved plan would be accomplished through plan amendment or revision.

Since the release of the FEIS, new information has arisen regarding the BLM Special Status Species Manual, Endangered Species Act regulations, the Secure Rural Schools and Community Self-Determination Act of 2000, and the marbled murrelet critical habitat final rule. As discussed below, this new information would not result in significant effects outside the range of effects analyzed in the FEIS and therefore does not require supplementation of the FEIS.

Revision of the BLM Special Status Species Manual

The BLM revised its 6840 Special Status Species Manual on December 12, 2008. The BLM 6840 Manual is the principal policy instrument detailing BLM management of special status species. The manual identifies how Field Offices are to meet their responsibilities under the Endangered Species Act and its implementing regulations, as well as how to go about designating and ensuring the conservation of Bureau sensitive species on BLM-administered lands. Since the previous 6840 Manual was issued in 2001, a number of regulatory agency policy revisions and court decisions have been issued warranting revisions to the current BLM policies. The BLM envisions that its revised policies will help to focus the agency efforts on those listed or rare species where BLM actions can most effectively contribute to successful conservation. The manual revision includes modification of the criteria applied to designation of Bureau sensitive species on BLM-administered lands. The manual revision does not itself alter the list of sensitive species, and therefore does not alter the analytical assumptions used in the FEIS. Any future change to the sensitive species list will be evaluated to determine if the changes would result in effects outside the range of effects analyzed in the FEIS. Because the objectives and management direction relative to special status species that were included in the PRMP are consistent with the objectives in the revised BLM special status species manual, the manual revision does not constitute a substantial change to the proposed action, as described in 40 CFR 1502.9(c)(1)(i). Therefore, supplementation of the FEIS is not required.

Endangered Species Act Regulations

The recently published revised Section 7 regulations (73 Fed. Reg. 76272, Dec. 16, 2008) provide discussion of the Service's interpretation of effects cognizable under the Endangered Species Act. Since these regulations are not in effect at the time of this decision, they are inapplicable. However, the determination that we have made under the current regulations that consultation was not necessary for purposes of Section 7(a)(2) of the Endangered Species Act would also be consistent with the guidance provided by these new regulations. The discussion in the new regulations reaffirms the approach the BLM is taking here.

Reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000

On October 3, 2008, President Bush signed into law Public Law 110-343, The Emergency Economic Stabilization Act of 2008. Title VI of the law contains a reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000. The stated purpose of the reauthorization includes stabilizing and transitioning payments to counties to provide funding for schools and roads that supplements other available funds. This temporary extension of the Secure Rural Schools and Community Self-Determination Act of 2000, hereinafter referred to as the "county payments program" is intended to provide a financial bridge to prepare for the eventual loss of the program. The annual payment amount will decrease each year during the re-authorization until 2011 when the reauthorization expires and payments cease.

The socioeconomic analysis in the FEIS (FEIS, Volume II, p. 547) acknowledged the possibility of short-term renewals of the county payments program but predicted there would be no permanent or long-term extension. The analysis therefore assumed that the BLM payments to counties would be based on the pre-existing formula under which the counties would receive 50 percent of the BLM stumpage receipts. The FEIS acknowledged that the organizational transition to the new allowable sale quantities could occur over a period of up to five years (FEIS, Volume II, p. 480). Due to the speculative nature of the transition period, the analysis of effects assumed full implementation of all alternatives from the date of a decision.

The analysis of economic effects assumed immediate, full implementation in order to compare and contrast the alternatives. Upon the signing of this Record of Decision in December 2008, the BLM will begin to implement the Approved Resource Management Plan by ramping up organizational capabilities to produce the declared annual sale quantity of timber. Because planning a timber sale project requires approximately two years, the BLM could not expect to begin realizing full implementation until at least December 2010.

The reauthorization of county payments program does not create significant new circumstances or information relevant to environmental concerns bearing on the selected alternatives or its impacts. The analysis of socioeconomic effects assumed immediate, full implementation of the Approved Resource Management Plan that would provide payments from timber revenues similar to the payments the counties will receive from the temporary extension of the Secure Rural Schools Act; recognizing that there could be temporary, short-term renewals of the county payments program, and because a gradual ramp up to full annual sale quantities of timber will occur over a similar time frame as the reducing county payments.

Delay of Marbled Murrelet Critical Habitat Final Rule

On July 31, 2008, the U.S. Fish and Wildlife Service published a proposed rule that would change critical habitat for the marbled murrelet. The proposal would remove approximately 250,000 acres from designated critical habitat (in the Northwest Forest Plan management Zone 2) in northern California and Oregon based on new information that indicates these areas do not meet the criteria for critical habitat. Approximately 60,000 of the removed acres fall within BLM-administered lands in western Oregon. A final rule has not yet been published. Delay in the publication of the final rule has two potential implications for the FEIS analysis.

1. Analysis of effects of the alternatives on the marbled murrelet and its critical habitat: The analysis of the environmental effects of the alternatives on marbled murrelets was based on effects to all nesting habitat regardless of whether or not it occurs within critical habitat units. The delay in issuing the final rule would therefore have no relevance to this analysis. Appendix H: Wildlife, contains an analysis of how nesting habitat would develop under the alternatives within the marbled murrelet critical habitat units designated in 1996. The critical habitat units affected by the proposed rule are noted. Again, the delay would have no relevance to this analysis, because the analysis was in regard to the critical habitat existing at the time, rather than to the proposed change to critical habitat.
2. Designation of the Timber Management Area Land Use Allocations and resulting levels of Annual Sale Quantity of timber: The Timber Management Area land use allocation contains approximately 23,000 acres in Zone 2 that would be critical habitat under the 1996 rule but would not be critical habitat under the proposed rule. Because the BLM had anticipated that the final rule would be published prior to this Record of Decision, these acres were included in the harvest land base and therefore contributed to sustained yield timber management and the calculation of the annual sale quantity. These acres represent approximately 2% of the harvest land base in BLM-administered lands in western Oregon. Additionally, about 7,000 of these 23,000 acres occur in the Deferred Timber Management Area land use allocation and would not be subject to harvest for 15 years.

Any future planned timber harvest within the boundaries of critical habitat would include appropriate National Environmental Policy Act analysis and Endangered Species Act consultation with the U.S. Fish and Wildlife Service prior to implementation, which would ensure that any action would not result in the destruction or adverse modification of critical habitat. Any potential effect on the allowable sale quantity of timber if the BLM avoids timber harvest within the harvest land base pending completion of the proposed change to marbled murrelet critical habitat is speculative at this time. If no final rule is published, any potential effect on the allowable sale quantity of timber of avoiding timber harvest within the harvest land base to avoid destruction or adverse modification of marbled murrelet critical habitat would be addressed in the 5th-year evaluation of the resource management plan.

Alternatives Considered

Five alternatives for the management of BLM-administered lands and resources were analyzed in the FEIS: the No Action Alternative, Alternative 1, Alternative 2 (which was identified as the preferred alternatives in the draft environmental impact statement (DEIS)), Alternative 3, and the PRMP. The FEIS provides a detailed description of the land use allocations, objectives, and management direction of each alternative. The key features (allocations and management direction) of the alternatives are summarized and compared in Table 2-62 in the FEIS. The key impacts of the alternatives are summarized and compared in Table 2-63 in the FEIS.

Because all action alternatives were designed to address the purpose and need for the action, they share a relative commonality in their objectives. However, the land use allocations and management direction by which the objectives would be achieved through future actions varies substantially among the alternatives. All alternatives address water quality and fish habitat through variations of land use allocations and management direction centered on streams and riparian habitat. Terrestrial objectives were addressed in the No Action Alternative, Alternative 1, Alternative 2, and the PRMP through a mix of land use allocations designed to create large blocks of habitat and to provide areas for sustained yield timber management. Alternative 3 addressed terrestrial objectives and sustained yield timber management by minimizing land use allocations and managing the majority of lands under long timber harvest intervals.

As a result of the information gained in the analysis in the DEIS, the PRMP was designed so that the PRMP would better meet the purpose and need, and that future actions taken in accordance with the PRMP would be anticipated to avoid or reduce adverse environmental impacts and have favorable outcomes for various resources and programs, compared to the other alternatives.

As described in Chapter 1 of the FEIS, the No Action Alternative would not meet the purpose and need for the action. The analysis in the FEIS indicates that the management direction provided in Alternative 1, Alternative 2, and Alternative 3 would fail to meet some aspect of the purpose and need and, if implemented in future actions, would have resulted in substantive adverse environmental impacts or relatively low favorable outcomes for various resources and programs. For example, Alternatives 1, 2, and 3 would each fail to contribute to a landscape that meets all of the conservation needs of the northern spotted owl if implemented in future actions; would not be consistent with the recovery plan for the northern spotted owl; and would not align land use allocations with critical habitat designated for the northern spotted owl. Alternatives 2 and 3, if implemented in future actions, would result in decreases in marbled murrelet habitat for at least 50 years and would not align land use allocations with critical habitat designated for marbled murrelets. Alternatives 1 and 3, if implemented in future actions, would result in less timber harvest and less favorable outcomes for jobs, income, and revenue to counties than the PRMP.

Of all of the alternatives considered, the PRMP best meets the purpose and need while anticipated to have relatively low adverse environmental impacts and favorable outcomes for resources and programs as a result of future actions taken consistent with the plan.

Environmentally Preferable Alternative

Environmental preference is judged based on the criteria expressed in the regulations implementing the National Environmental Policy Act. The Council of Environmental Quality has stated, "The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative that best protects, preserves, and enhances historic, cultural and natural resources." (Question 6a, Council on Environmental Quality, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981.)

Title 1, Section 101(b) of the National Environmental Policy Act establishes the following goals:

- fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- preserve important historic, cultural, and natural aspects of our national heritage; and maintain, whenever possible, an environment which supports diversity and variety of individual choice;
- achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The effects of future actions consistent with each of the alternatives at the scale of the planning area over the time frames analyzed in the FEIS are complex and difficult to summarize into a single statement of environmental preference. For many resources, implementation of the management direction of the No Action Alternative would cause the least damage to the biological and physical environment of all alternatives. However, the No Action Alternative would not meet the purpose and need for the action and therefore is not a reasonable alternative.

Of all of the action alternatives, the PRMP is the environmentally preferable alternative. The following rationale is not intended to provide a complete list of favorable outcomes anticipated under the PRMP but to highlight those areas in which favorable outcomes are anticipated to be substantially greater than those under the other alternatives. Because this decision for the Klamath Falls Resource Area Resource Management Plan is being made consistent with decisions for the other resource management plans in western Oregon, this description of the effects for NEPA purposes of the PRMP and other alternatives addresses these anticipated effects of future actions across the planning area analyzed in the FEIS.

More acres are anticipated to be allocated to the non-harvest land base (e.g., late-successional management areas, riparian management areas, National Landscape Conservation System, administratively withdrawn) under the PRMP than the other action alternatives except for Alternative 1. Although the PRMP would allocate less land to the non-harvest land base than Alternative 1, the late-successional management area under the PRMP coincides with critical habitat and is specifically designed to meet the conservation needs identified in the northern spotted owl recovery plan.

The PRMP is the only alternative the implementation of which would defer for 15 years the harvest of substantially all older and more structurally complex multi-layered conifer forests.

The PRMP is the only alternative the implementation of which would survey for marbled murrelets prior to management activities and retain all existing sites and sites found in the future.

The PRMP is the only alternative the implementation of which would apply the BLM Special Status Species Policy on all BLM-administered lands to protect species.

The PRMP is the only alternative the implementation of which would exclude thinning harvest within 60 feet of perennial and fish bearing streams and within 35 feet of intermittent non-fish bearing streams to protect water quality and fish.

There would be a greater potential for large wood contribution to streams under the management direction of the PRMP than under any of the other alternatives.

An Uneven-Age Timber Management Area would be established under the management direction of the PRMP which is anticipated to reduce fire hazard and increase fire resiliency.

More Areas of Critical Environmental Concern would be designated under the management direction of the PRMP than under any of the other alternatives.

More acres would be allocated to Visual Resource Management Class II and III under the management direction of the PRMP than under any of the other alternatives.

There would be an anticipated net increase of approximately 1,184 jobs from implementation of future actions under the management direction of the PRMP compared to an anticipated net loss of approximately 3,770 jobs under the No Action Alternative.

Annual payments to the counties are expected to be $75 million from implementation of future actions under the management direction of the PRMP compared to an anticipated $42 million expected under the No Action Alternative.

Mitigation

The regulations implementing the National Environmental Policy Act state that mitigation includes avoiding, minimizing, rectifying, reducing, eliminating or compensating for adverse environmental impacts. The analysis of the PRMP in the FEIS indicated that levels of impacts from implementation of future actions for the various resources would be anticipated to be low. This is primarily because almost all measures to avoid, rectify or reduce environmental impacts were incorporated into the design of the PRMP where practicable and consistent with meeting the purpose and need of the plan revision. Additional site-specific project-level mitigation measures that are consistent with approved Resource Management Plan objectives and direction may be implemented as determined necessary through site-specific analysis at the time of the project, but are not specifically listed in the approved Resource Management Plan.

Mitigation Not Adopted

All practicable means to avoid or minimize environmental harm from future actions taken in accordance with the PRMP have been adopted in these decisions, except for the following measures:

- Prohibiting construction of new roads within 200 feet of streams to avoid any increase in sediment delivery from current levels was not adopted because it would require either a substantial reduction in activities or construction of a substantially greater length of road to avoid the area around streams. A reduction in the amount of timber harvest would reduce the favorable outcomes of the plan for jobs, income, and revenue to counties. Construction of a substantially greater length of road to avoid the area around streams would increase the adverse effects of road construction on wildlife and plant habitat; would increase the introduction and spread of invasive plant species; and would increase the cost of implementation.
- Requiring the retention of green trees, snags, and coarse woody debris in all regeneration harvest units to reduce the loss of habitat for species that use legacy components was not adopted because it would result in a substantial reduction in timber harvest levels and thereby reduce the favorable outcomes of the plan for jobs, income, and revenue to counties.
- Measures to reduce the overall risk of the introduction and spread of invasive plants under the PRMP from moderate to low (comparable to the No Action Alternative, for example) were not adopted because it would require a substantial reduction in timber harvest and road construction. Such a redesign of the PRMP would reduce the favorable outcomes of the plan for jobs, income, and revenue to counties. Project-specific measures described in the FEIS to prevent the introduction and spread of invasive plants may be implemented as determined necessary through site-specific analysis at the time of the project.
- Measures to reduce the amount of detrimental soil disturbance under the PRMP from 0.6 percent of soils in the planning area to 0.4 percent were not adopted because it would require a substantial reduction in timber harvest activities or a redesign of the plan which would have increased adverse effects on other resources. This reduction of impacts to soils would require either a substantial reduction in the amount of timber harvest or a substantial shift in timber harvest methods, reducing the amount of thinning and increasing the amount of regeneration harvest similar to that under Alternative 2 in the FEIS (because regeneration harvest would require harvest on fewer acres than thinning to produce the same timber volume). A reduction in the amount of timber harvest would reduce the favorable outcomes of the plan for jobs, income, and revenue to counties. A shift in timber harvest methods to a design similar to Alternative 2 would result in increased adverse impacts to other resources, such as northern spotted owl habitat, an increase in fire hazard and severity, reduced fire resiliency, and an increased risk of the introduction and spread of invasive plants.

Plan Monitoring and Evaluations

The effectiveness of future actions implemented in accordance with the Approved Resource Management Plan will be monitored in accordance with the monitoring plan attached to this document. The approved monitoring plan details the monitoring strategy to be used, monitoring questions, program reporting items, reporting intervals, and an adaptive management process.

The monitoring plan is designed to focus specifically on monitoring the resource management plan itself and is not intended as an overarching plan that addresses all ongoing monitoring and research efforts. The monitoring plan does not address science questions or issues of a regional or interagency scale. There are many ongoing local, regional, interagency, and research (science-based) efforts in which the BLM participates. This includes interagency, regional monitoring efforts such as the Aquatic and Riparian Effectiveness Monitoring Program (AREMP), the Density Management Study, spotted owl demographics, old growth and late successional forests, marbled murrelet demographics and habitat, and socioeconomic change. It also includes continuing research efforts such as the Watershed Research Cooperative and the Forest Science Partnership. These other efforts also have important implications for BLM-administered lands and resources in western Oregon.

Adaptive management will be applied by acting on information found through monitoring. Adaptive management associated with monitoring will include corrective actions precipitated by findings of non-compliance. Corrective action precipitated by monitoring can range from simple changes in administrative procedures, refinements of the plan through plan maintenance, or more substantive changes through plan amendments.

In addition to monitoring results, new information or changed circumstances will be evaluated to determine its significance and if changes in resource management plan decisions or changes in supporting NEPA analyses would be warranted. Adaptive management tools and procedures that will be used to make changes in the plan in response to monitoring information, new information, or changed circumstances include: plan maintenance, plan evaluations, plan amendments and plan revisions.

The Approved Resource Management Plan will be formally evaluated at five-year intervals. In addition to the monitoring results, underlying assumptions regarding levels of activities and anticipated environmental consequences will be examined at the time of the five-year plan evaluation to determine if plan objectives are being met or are likely to be met. The evaluation will also assess whether changed circumstances or new information have created a situation in which expected impacts or environmental consequences of the plan are significantly different than those anticipated in the FEIS. The plan evaluation will make a finding of whether or not a plan amendment or plan revision is warranted. In addition to formal evaluations at five-year intervals, a plan evaluation may be conducted to address changed circumstances or new information that would substantially call into question the underlying assumptions, anticipated environmental consequences, or decisions of the plan.

Collaboration

Cooperating agency status provides a formal framework for governmental units (including local, State, and Federal) to engage in active collaboration with a lead Federal agency to implement requirements of the National Environmental Policy Act. For this resource management plan revision and its associated FEIS, the BLM worked with cooperators from four Federal agencies, ten state agencies, and seventeen county governments.[2] Cooperators provided expertise in much of the subject matter analyzed and provided advice based on experiences with similar planning efforts.

Pursuant to the Endangered Species Act, the BLM consulted with NMFS and FWS on proposed programs and actions that may affect listed species or critical habitat. In 2005, the BLM began cooperative consultation under the Endangered Species Act when NMFS and FWS received cooperating agency status for the development of the EIS.

Pursuant to the Endangered Species Act Section 7(a)(1), the BLM, in cooperative consultation with NMFS and FWS, examined how the RMP revision may affect listed species and designated critical habitat. The BLM, NMFS, and FWS cooperated in the development of draft and final recovery plans for the spotted owl and marbled murrelet. The BLM, NMFS, and FWS also cooperated to develop proposed and final designations of critical habitat for certain listed species within the planning area. The FEIS includes modifications made to the preferred alternative in the DEIS based on this interagency cooperation. Additionally, the RMP provides planning direction that will guide BLM planners to design future actions that avoid jeopardizing listed species or adversely modifying critical habitat.

The Environmental Protection Agency (EPA), citing authority under the National Environmental Policy Act and Section 309 of the Clean Air Act, reviewed the FEIS and Proposed Resource Management Plan, and provided comments in a letter to the BLM dated November 25, 2008. The EPA supported the proposed modifications to the PRMP, but indicated concerns that the BLM's analysis used in the FEIS would overestimate the ability of the PRMP to meet stream temperature water quality standards, based on the EPA's independent analysis. The EPA questioned some of the assumptions regarding sediment contributions and offered concerns about the effectiveness monitoring plan. The EPA recommended that the BLM maintain the current Northwest Forest Plan-based aquatic strategy, and indicated that if the PRMP were adopted, the BLM should provide or commit to the development of a robust effectiveness monitoring plan to help guide adaptive management.

The November 25, 2008, letter from EPA did not include any information not already provided by the EPA in their comments on the DEIS. The EPA's comments on the DEIS were carefully evaluated by the BLM in the FEIS. BLM modified some of the water quality analysis and adjusted the RMA allocation based, in part, on EPA's comment on the DEIS.

Further, the BLM responded to the November 25, 2008 EPA letter and specifically addressed concerns about the BLM analysis, the need for effectiveness monitoring and their preference for the Northwest Forest Plan-based Aquatic Conservation Strategy. A copy of the BLM response is available on the BLM website at www.blm.gov/or/plans/wopr/index.php.

[2] Although there are 18 county governments that are identified as recipients of revenues generated under the O&C Act, Multnomah County chose not to participate as a cooperator.

The BLM analytical assumptions associated with the water quality analysis in the FEIS constitute the reasonably foreseeable conditions typical within the planning area and represent a reasonable and appropriate set of assumptions for the analysis documented in the FEIS given the scale and scope of the analysis. It is possible that the scenario modeled by the EPA or other variations from the BLM assumptions could occur at some locations within the planning areas, although such conditions are not reasonably foreseeable at the land use plan level scale of analysis. Therefore, as future projects are planned, the BLM will perform project level analysis as needed to confirm compliance with RMP water quality objectives and direction consistent with the PRMP. Also, the BLM will continue to assist the Oregon Department of Environmental Quality in developing and implementing Total Maximum Daily Load (TMDL) and water quality restoration plans to achieve Clean Water Act compliance objectives. These project level analyses and planning efforts could include subsequent Analysis and monitoring at the appropriate scale as necessary. The BLM will continue to work closely with the EPA and the Oregon Department of Environmental Quality to ensure BLM actions maintain and restore water quality and protect source water watersheds.

For this resource management plan revision and its associated FEIS, the BLM worked with nine Federally recognized tribes within the planning area or with interests in the planning area in government-to-government relationships. One of these tribes, the Coquille Indian Tribe, was directly engaged in the planning process, because the management of the Coquille Forest is subject by law (25 U.S.C. § 715c(d)) to the standards and guidelines of forest plans for adjacent or nearby Federal forest lands.

On October 8, 2008, the BLM provided to the Governor of Oregon an analysis of the PRMP for consistency with applicable state plans and initiated the 60-day Governor's consistency review. The purpose of the Governor's consistency review is to ensure consistency of the PRMP with officially approved or adopted resource-related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments, and Indian Tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies, and programs of Federal laws and regulations applicable to public lands (43 CFR 1610.3-2(a)).

In his consistency review comments, dated December 8, 2008, the Governor of Oregon did not identify any plans, and the policies or programs therein, of State and local governments with which he found the PRMP inconsistent. Therefore, no changes to the plan are warranted based on the Governor's consistency review. However, the Governor did express a number of concerns and offered recommendations regarding the planning process and implementation of the plan. The BLM has responded to these concerns and recommendations in a letter to the Governor, a copy of which is available on the BLM website at www.blm.gov/or/plans/wopr/index.php.

Since the Governor did not identify specific findings of "inconsistency," and consequently did not make any recommendations for substantive changes to the proposed plan revision itself based on any such findings, the BLM's planning regulations do not require that the BLM provide the public an opportunity to comment on the Governor's recommendations. Furthermore, because the Governor did not identify an inconsistency between the PRMP and state or local plans and the policies or programs contained therein, BLM's response to the Governor's recommendations regarding how best to proceed with implementation are outside the scope of the Governor's consistency review, and thus are not appealable under 43 CFR 1610.3-2(a).

Public Involvement

Interaction with public regarding this resource management plan revision began with the mailing of a newsletter dedicated to the plan revision in August 2005. The BLM subsequently did a total of nine mailings of a newsletter dedicated to the plan revision. During the initial phase of public involvement (scoping of issues) from September through October 2005, the BLM attended or hosted 75 meetings with community groups, special interest groups, elected officials and many others. The BLM received about 3,000 e-mail messages, letters, and written and oral suggestions from the public.

In October 2005, the BLM published and distributed the Analysis of the Management Situation.

In February 2006, the BLM published a report which detailed what the BLM had heard and learned from the public during scoping. In addition, in February 2006, the BLM distributed and solicited comments from the public on its Proposed Planning Criteria and State Director Guidance. The BLM hosted six public workshops in western Oregon to discuss the range of alternatives and other aspects of the plan revision addressed in the Proposed Planning Criteria and State Director Guidance document. A BLM web site was established in February 2006 to provide a further avenue of information to the public regarding the resource management plan revision.

In June 2006, the BLM hosted a "State of the Science" workshop held at Oregon State University. The workshop brought together scientists, forest managers, interested citizens, interest groups, and plan cooperators to discuss a series of state of the science reviews prepared for the BLM to address critical information needs related to this resource management plan revision.

In August 2007, the DEIS for this resource management plan revision was released for public comment. During the same month, an On-Line Web Forum for the DEIS was initiated. The 90-day public comment period was subsequently extended to January 2008, for a total of 150 days. The BLM received almost 30,000 submissions through the Web Forum and through e-mail or postal mail. Comments came from across the country from private citizens, organized groups, government officials, tribes, and cooperating agencies.

The FEIS for the PRMP was released in October 2008. On November 7, 2008, a Federal Register notice was published announcing the beginning of a 30-day protest period for the PRMP. Resolution of protests is delegated to the BLM Assistant Director for Renewable Resources and Planning on behalf of the Director of the BLM, whose decision on the protest is the final decision of the Department of the Interior. The Assistant Director received 264 protest letters timely filed during the 30-day protest period. The BLM reviewed the letters and identified the valid protest issues.

The main issues raised in the protest letters were related to:

- compliance with the National Environmental Policy Act;
- compliance with the Federal Land Policy and Management Act;
- compliance with the O&C Act;
- Endangered Species Act consultation;
- impacts to species listed under the Endangered Species Act;
- climate change and carbon storage;
- travel management and Off-Highway Vehicle Emphasis Areas;
- Riparian Management Areas; and
- departing from the Northwest Forest Plan.

The BLM has resolved all protest issues and responded to each protesting party for each protest issue that was timely raised by a party that had standing to protest, had been previously raised in comments during the planning process to the extent it was possible to do so, and was germane to the planning process.

The BLM has denied all protests of the PRMP. Further, the BLM has determined the PRMP complies with applicable law, regulation, and policy. The BLM's responses to the protest issues are available on the BLM website at www.blm.gov/or/plans/wopr/index.php.

Recommendation

I have considered how the alternatives analyzed in the environmental impact statement meet the purpose and need, the associated environmental impacts, and public input. Based on these considerations, I recommend approval of the attached Resource Management Plan for the Klamath Falls Resource Area of the Lakeview District.

DEC 30 2008

Donald J. Holmstrom — Date
Klamath Falls Resource Area Manager
Bureau of Land Management

DEC 30 2008

Michael Haske — Date
Lakeview District Manager, acting
Bureau of Land Management

Concurrence

DEC 30 2008

Edward W. Shepard — Date
Oregon/Washington State Director
Bureau of Land Management

Approval

I approve the attached Resource Management Plan for the Klamath Falls Resource Area of the Lakeview District as recommended and hereby declare that the annual productive capacity (allowable sale quantity) of the Klamath Falls sustained yield unit is five million board feet. This Record of Decision is effective immediately.

DEC 30 2008

C. Stephen Allred — Date
Assistant Secretary
Land and Minerals Management
Department of the Interior