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April 19, 2012

IN REPLY REFER TO
5400 (ORL040)

**DECISION RECORD #4 FOR
SPENCER CREEK TREATMENTS EA #OR-014-08-09
PROJECT: SPIKE TIMBER SALE**

INTRODUCTION

The effects of the Spike Timber Sale, included in this Decision Record (DR) are analyzed in the Spencer Creek Treatments Environmental Assessment (EA) #OR-014-08-09. This EA analyzed multiple proposed actions in the Spencer Creek watershed 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. I may be making additional decisions in the future to implement other proposed actions analyzed in the Spencer Creek Treatments EA.

The Klamath Falls Resource Area (KFRA) interdisciplinary team analyzed the Spike 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 Spencer Creek Treatments EA, (d) implementation of the management action and direction stipulated in the 1995 Klamath Falls Resource Area Resource Management Plan (RMP), and (e) comments from the public. The proposals presented and evaluated in the Spencer Creek Treatments EA reflect what the KFRA 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.

In October 2010, I initially issued Decision Record #1 for the Replacement Gal Timber Sale. Because of concerns over that decision I withdrew that Decision and the BLM entered into negotiations pertaining to the Replacement Gal Timber Sale and future timber sales within the analysis area with Klamath Siskiyou Wildlands Center (KS Wild) representing itself and two other groups, Cascadia Wildlands and Oregon Wild. In December 2010 the BLM and the groups named above reached an agreement that will be referred to in this Decision Record as “KSW Negotiated Agreement”. As a result of the KSW Negotiated Agreement, the original 2010 version of the Replacement Gal Timber Sale was modified. We agreed to also modify proposed future sales within the analysis area, including the Spike Timber Sale referred to in this Decision Record. The modifications primarily affect the proposed treatments of timber stands within suitable northern spotted owl habitat. These changes affected the acres of sale units and the harvested volume of those units. Both acres and volume harvested were reduced as a result of the agreement. The KSW Negotiated Agreement is available at the Klamath Falls Resource Area office and it has been added to the EA as an appendix.

DECISION

It is my decision to implement the portions of the Proposed Action and Alternative 1 in the Spencer Creek Treatments EA, as modified by the KS Wild Agreement, which apply to the Spike Timber Sale and related road maintenance/improvement projects. As part of this action, applicable 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 several projects including the Spike Timber Sale (see Map 1).

Specifically, this decision will result in:

Timber Harvesting (Legacy Tree Culturing), Spike Timber Sale (see Map 1)

Harvest of approximately 600 MBF from nine timber sale units totaling approximately 338 acres:

- Unit 19-1, 63 acres
- Unit 19-2, 38 acres
- Unit 19-3, 39 acres
- Unit 19-4, 43 acres
- Unit 29-1, 22 acres
- Unit 29-2, 47 acres
- Unit 29-3, 23 acres
- Unit 30-1, 52 acres
- Unit 19-5, 11 acres

Harvest includes the following (each management action listed below is part of the total 338 acres):

- Treatments in NRF Habitat (330 acres)
- Treatments in Dispersal Habitat (8 acres)

Understory thinning

Units 20-2, 30-2, 30-3 and 30-4 are previously harvested shelterwoods. They consist of a thick understory beneath large, older trees. In these units understory trees 10" dbh and smaller will be removed in order to improve growing conditions for the large, older trees and to reduce ladder fuels. NRF will be maintained where it exists.

Units 19-6 and 20-1 are natural stands with many large, legacy trees surrounded by thick patches of smaller understory trees. In these units understory trees 14" and smaller will be removed in order to reduce competition for large, legacy trees. NRF habitat will be maintained where it exists.

These treatments will likely be implemented with a stewardship or service contract. These treatments total approximately 227 acres:

Understory Thinning Treatment Unit sizes:

- Unit 19-6, 60 acres
- Unit 20-1, 32 acres
- Unit 20-2, 36 acres
- Unit 30-2, 40 acres
- Unit 30-3, 3 acres
- Unit 30-4, 56 acres

Understory treatments include the following (each management action listed below is part of the total 227 acres):

- Treatments in NRF Habitat (220 acres)

- Treatments in Dispersal Habitat (7 acres)

Yarding

- All 565 treatment acres will be yarded with standard ground based yarding equipment.

Roads

- Approximately 5.5 miles of roads will receive normal road maintenance (grading, cleaning ditch turnouts, cleaning culverts, brushing, etc.)
- Currently closed roads that are used during the Spike Timber Sale will be reclosed after completion of the timber sale.
- All access to the sale areas will be on existing system roads requiring normal periodic maintenance.
- No hauling will occur in wet weather conditions that affect road surface stability and sediment runoff regardless of the season of use. Hauling of timber, biomass or rock will be suspended if road conditions are not acceptable. Winter hauling will be allowed outside of the seasonal restriction dates only when roads are dry, frozen or snow covered.

Wildlife Management

Northern Spotted Owl

- Approximately 550 acres of nesting, roosting and foraging (NRF) habitat will be entered for thinning or timber harvest; however the stands will remain NRF habitat after harvest per the KSW Negotiated Agreement.
- A seasonal restriction will be implemented within ¼ mile of any northern spotted owl nest during the nesting season (March 1- September 30). If non-nesting is determined during the critical nesting period the seasonal restriction may be waived by the local biologist.
- Project Design Features (PDFs) pertaining to wildlife and wildlife habitat described in Appendix B of the Spencer Creek Treatments EA and the BMPs in the KFRA ROD/RMP applying to the planned actions, will be implemented for all actions conducted.

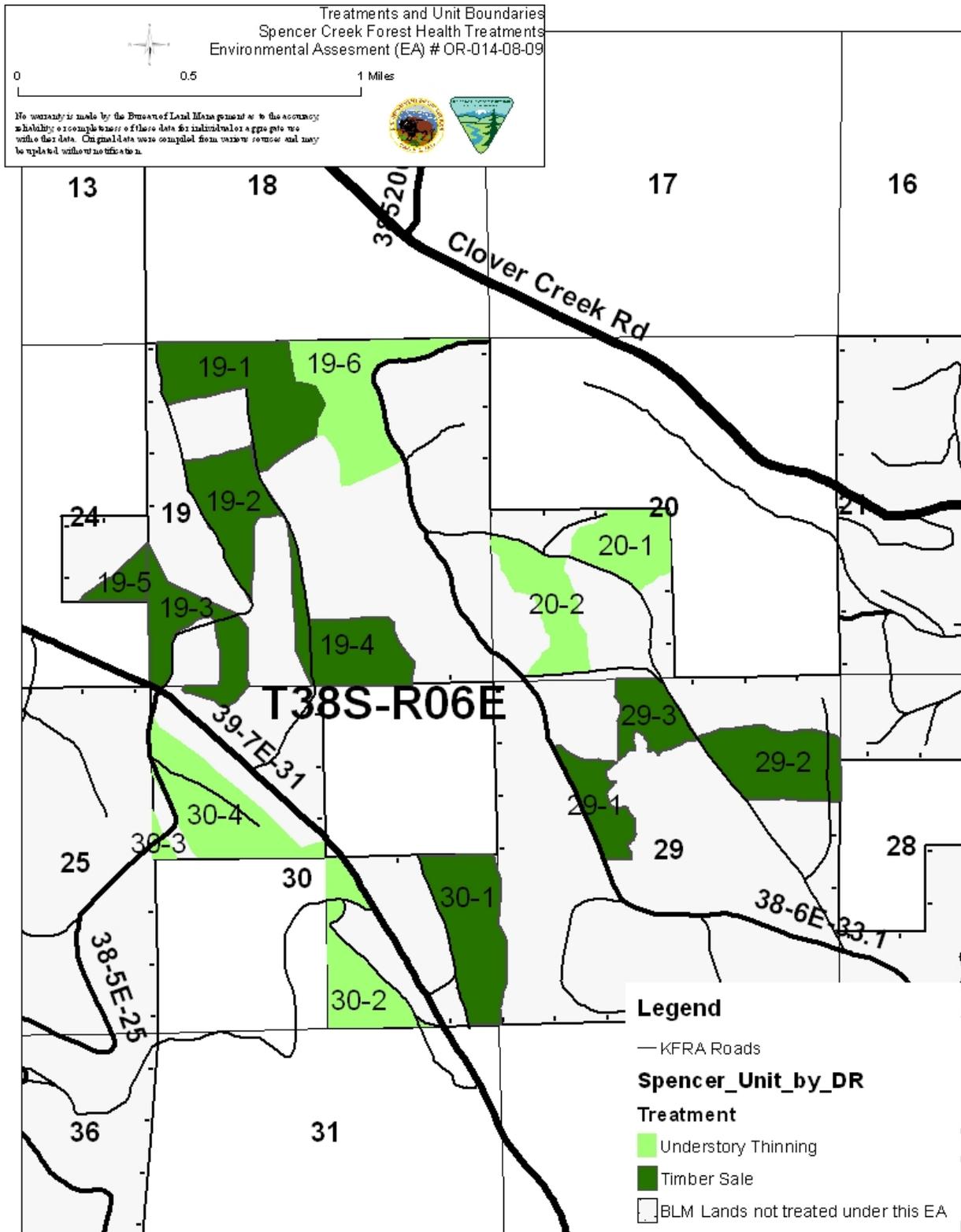
Hydrology and Aquatic Species

- In 2001, surveys for aquatic mollusks were completed within the analysis area. During these surveys, the Klamath pebble snail (*Fluminicola sp.*) was documented in Miners Creek in section 33. These sites will be protected during Riparian Reserve thinning treatments by implementation of the Best Management Practices (BMPs) and Project Design Features (PDFs) as described in Appendix B of the Spencer Creek Treatments EA.

Hazardous Fuels Treatments

- Where operationally feasible, whole tree yarding of all material designated for harvest will be done to reduce activity generated hazardous fuel loading within the stands. If the trees are too large to yard whole, the top will be left attached to the last log and yarded with it.
- In all harvest areas, residual materials will be treated with a variety of methods to reduce fuels including: whole tree yarding, hand and/or machine piling, lopping and scattering and/or burning.
- Landing piles will be utilized for firewood, chips, hog fuel and/or other products, or burned.
- Hand and/or machine piles will be burned or left for wildlife purposes.

Map 1 - Spike Timber Sale and Understory Thinning Treatments



Monitoring

- The BLM will monitor soil impacts of ground disturbing operations implemented as part of the Spencer Creek EA to assure compliance with the KFRA Resource Management Plan Best Management Practices, evaluate effectiveness of the BMPs, and to establish an informational baseline regarding soil disturbance.
- Pre and post stand exam data will be collected in timber sale areas to measure changes in vegetation components including; canopy closure, tree density, tree composition, fuel loading, snags, and coarse woody debris.
- The KFRA annually monitors nesting status of all known northern spotted owl sites.

Mitigation

No additional mitigation was deemed necessary and thus none was described in the EA or in this Decision Record.

CONSULTATION AND COORDINATION

Consultation with the U.S. Fish and Wildlife Service (FWS) as required under Section 7 of the Endangered Species Act [ESA] (as amended) was completed for the Spencer Creek Treatments EA including the 565 acres of treatments described above. For the original timber sale, the BLM made a “May Affect, Likely to Adversely Affect” determination for the northern spotted owl due to the downgrading of suitable habitat to dispersal habitat within two spotted owl territories (Spencer Creek and Surveyor North). That reduction of habitat resulted in those territories dropping below habitat thresholds to maintain the spotted owls in those territories. The FWS concurred with this determination and issued a Biological Opinion (81450-2010-F0025) on August 03, 2010. The remainder of the planned actions would “May Affect, Not Likely to Adversely Affect” the remaining spotted owl territories in the project area. The Service also concluded that the actions as originally proposed would not jeopardize the continued existence of the northern spotted owl.

When the KFRA entered into the agreement with KSW, the BLM agreed to maintain suitable NSO habitat within the project area. This retention of habitat would reduce the potential impacts to spotted owls. The planned action as described in this Decision Record would maintain the current level of spotted owl habitat within the Spencer Creek and Surveyor North owl territories and therefore reduce the effects to the spotted owls below those described in the EA. The FWS and BLM biologists helped to design and review modifications to the original timber sale to meet the KSW agreement. Since the impacts to the spotted owl from the planned action will be reduced (versus increased) re-initiation of consultation was not triggered and the original BO was retained. The 565 acres of NRF habitat that will be entered in the planned action will be maintained as NRF post-harvest. The USFW Service has field reviewed several of the planned treatment units and concurred with this determination.

The proposed rule for the revised designated critical habitat for the northern spotted owl was posted in the Federal Register on March 08, 2012 (50 CFR Part 17). The planned treatments are within proposed critical habitat for the northern spotted owl. The final rule to designate critical habitat is scheduled to occur in November 2012. When finalized a “May Effect” determination on designated critical habitat would trigger re-initiation of consultation under the ESA with the FWS on planned actions. The BLM has met with the FWS on this issue and will conference on the effects to the proposed critical habitat in the summer/fall of 2012. If no substantial changes occur between the proposed and final rule, this conference will meet the consultation requirements once designated critical habitat is finalized.

A “No Effect” determination was made for all other listed species and designated critical habitat.

The State Historic Preservation Office (SHPO) was notified of this project in accordance with 36 CFR §805.5(b). They have raised no objections to the BLM’s finding that it would not adversely impact sites of cultural or historic significance.

PUBLIC INVOLVEMENT

Public scoping input and comments were considered in development and refinement of the proposed action and alternatives, and in this decision.

Initial Scoping

The KFRA requested public input on the Spencer Creek Treatments EA in a letter mailed to “All Interested Persons” on April 4, 2008. This scoping letter outlined the proposed treatments for the analysis area and was mailed to approximately 110 persons and groups on KFRA’s NEPA mailing list. Three response letters were received, some representing multiple groups and/or individuals.

EA Comments

Upon completion of the EA, the public was notified on May 28th, 2010 and given an opportunity to comment on the EA during a formal thirty (30) day public comment period. Five written comments (emails) from various organizations and individuals were received. Refer to Appendix B for EA comments and BLM responses.

2010 Field Tours

On June 10, 2010, the Klamath Falls Field Office conducted a public tour of two Environmental Analysis areas, one was the Spencer Creek Treatments EA area including the (at that time) proposed Replacement Gal and Spike Timber Sales. Three members of the public attended the tour and provided comments.

One October 22, 2010 the BLM conducted another public tour of the Replacement Gal and Spike Timber Sale Areas and a future EA analysis area. Refer to Appendix B for EA tour comments and BLM responses.

BLM Actions Pertaining to Comments Received

Initial scoping comments were considered in the development of the EA and alternatives. None of the later EA and Field Tour comments were of a nature to cause the interdisciplinary team to revise the Environmental Assessment. However, they were considered in sale layout, development of silvicultural prescriptions and in this Decision.

Negotiated Agreement

On December 1, 2010 the KFRA Field Office Manager and other members of the Klamath Falls Resource Area staff met with a representative of environmental groups that were potentially litigating the Replacement Gal Timber Sale. The BLM and said representative negotiated an agreement that modified the original Replacement Gal Timber Sale and any future timber sales under the Spencer Creek Treatments EA. The Spike Timber Sale is one of those future sales.

To be compliant with the Agreement this decision includes changes to sale units and acres, and modification of silvicultural prescriptions. The Spencer Creek EA No. OR-014-08-09 Agreement is available for review at the Klamath Falls Resource Area office.

DECISION RATIONALE

The decision to implement approximately 565 acres of treatment activities described in the Proposed Action, Alternative 1 and the negotiated agreement with KS Wild, 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.

Alternatives Considered

The No Action Alternative, is rejected because it does not meet the resource management objectives for the Matrix identified in the 1995 Klamath Falls Resource Area RMP and the Northwest Forest Plan. It

would not address or alter many of the existing conditions and trends relative to desired healthy vegetative conditions, resource protection, and watershed restoration that were identified in the EA. With No Action, these conditions would not be improved or mitigated; certain undesirable ecological trends would continue unchanged, and, in some cases, would be exacerbated with the passage of time. In addition, economic opportunities from timber harvesting would be foregone and no thinning or fuels reduction benefits would be realized.

Other alternatives were also considered but were not analyzed in detail (see EA Appendix E) including Regeneration Treatments, Fuels Treatment Only, Citizens Action Alternative, and Restoration Treatments Only. These alternatives were rejected either because they would not meet one or more parts of the Purpose and Need for the project or because the actions proposed in these alternatives were included and analyzed in other alternatives.

Surveys

- Surveys for wildlife (great gray owl, northern spotted owl, northern goshawk, white-headed woodpecker, terrestrial mollusk) and botanical resources have been completed.
 - Great gray owl surveys were conducted (1996-1997; 2006-2007) within suitable habitat. No great gray owls were detected during these surveys.
 - Purposive (strategic) surveys for terrestrial mollusks were conducted in the spring of 2002 within the Miner's Creek, East Miner's Creek and Upper Spencer Creek LSRs. No survey and manage mollusks were located during these surveys.
 - Priority terrestrial survey and manage mollusk habitat was delineated within the project area. In units 19-1, 19-2, 19-4, 19-5 and 19-6 that contain priority mollusk habitat the Legacy Tree Culturing and Dry Forest exemption described in the S&M settlement agreement (Case No 08-CV-1067-JCC) were implemented to meet the S&M requirements for the planned actions. In units 29-1 and 29-3 all priority habitat was removed from the treatment and buffered. Units 19-3, 30-4, 30-3, 30-1, 20-1, 20-2, and 29-2 were determined to have no priority mollusk habitat.
 - Surveys for white-headed woodpeckers (WHWO) were conducted in units 20-1, 20-2, 19-2 and 19-3. No WHWO were located during those surveys.
 - Surveys for goshawks were conducted in 2008 and 2009. No goshawks were documented during those survey efforts.

- Required cultural surveys are completed, no cultural resources were located.

Plan Conformance

The scoping of this project was initiated in April 2008 under the 1995 Klamath Falls Resource Area Resource Management Plan. In December 2008 this plan was revised with the Klamath Falls Record of Decision and Resource Management Plan (2008 ROD/RMP).

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 these projects began prior to the effective date of the 2008 ROD, these projects have been designed to comply with the land use allocations, management direction, and objectives of the 1995 Resource Management Plan.

A March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, vacated and remanded the administrative withdrawal of the Klamath Falls 2008 ROD and RMP. Following the March 31, 2011 decision, the KFRA evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, I have determined that the selected alternative is consistent with both the 1995 ROD/RMP and the 2008

ROD/RMP. Although the selected alternative contains some design features not mentioned specifically in the 2008 ROD/RMP, these design features are consistent with the ROD and RMP.

On July 21, 2011 the KFRA received direction (Instruction Memorandum No. OR-2011-063) in consideration of the Survey and Manage Settlement Agreement reached on July 6, 2011 pertaining to *Conservation Northwest et al. v. Sherman et al.*, Case No. 08-1067-JCC (W.D.Wash). The Courts set aside the 2007 RODs, putting into effect the *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures, Standards and Guidelines* (USFS et al. 2001) (2001 ROD) (hereinafter referred to the 2001 S&M ROD). Projects within the range of the northern spotted owl are subject to the Survey and Manage Standards and Guidelines in the 2001 S&M ROD as modified by the 2011 Survey and Manage Settlement Agreement. The 2011 Survey and Manage Settlement Agreement makes four modifications to the 2001 S&M ROD: (A) acknowledges existing exemption categories (2006 Pechman Exemptions); (B) updates the 2001 Survey and Manage species list; (C) establishes a transition period for application of the species list; and (D) establishes new exemption categories (2011 Exemptions). The Spike Timber Sale, as analyzed in the Spencer Creek Treatments EA, is compliant with the 2001 S&M ROD as modified by the 2011 Survey and Manage Settlement Agreement. All priority terrestrial mollusk Survey and Manage habitat within the Spike Timber Sale has been removed from proposed treatment areas.

Consideration of Public Comments

I have reviewed the public comments and have discussed them with the interdisciplinary team of specialists on my staff. The Spencer Creek Treatments 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 Spencer Creek Treatments 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 Spike Timber Sale.

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 #2.

CONCLUSION

Based on the information in the Spencer Creek Treatments 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 1995 and 2008 RMPs.

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).

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 Spike Timber Sale and understory thinning treatments including timber harvest from approximately 565 acres of BLM lands.

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

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

4-19-12
Date

APPENDIX A

SPENCER CREEK TREATMENTS EA AND PUBLIC TOUR COMMENTS AND RESPONSES

Following, are responses to paraphrased comments from the initial scoping, EA comment period and Public Tours.

Roads and ORV/ATV Use

Issue: Reduce impacts of the road system. Roads in the project area cause or contribute to adverse impacts to streams, soil, wildlife and vegetation. Existing roads should be removed to reduce road densities down to 1.5 miles per square mile as recommended in the watershed analysis.

Response: The BLM recognizes the impacts associated with existing roads and road construction and has addressed them in the Soils, Hydrology and Water Quality sections of the EA (EA pages 10 and 43-48). No new road construction is planned under the Spencer Creek Treatments EA (see discussion below). During the last ten years, many segments of road have been closed or obliterated in the analysis area. Analysis of the road system for the current EA concluded that there is little opportunity for further reductions in existing roads. However, analysis and public comments indicated that there were segments of currently closed roads that had ineffective barriers. The barriers had been illegally removed or were being driven around. These road segments will be reblocked and the barriers will be improved to prevent vehicle access.

The BLM has conducted extensive restoration efforts in the Spencer Creek Watershed. In the recent past the BLM, in cooperation with adjacent landowners, has undertaken efforts to improve and restore portions of the Spencer Creek Watershed in the analysis area. A summary of cooperative restoration actions taken or planned is available at the KFRA Office. The summary is titled "Watershed Restoration Treatments Implemented and Planned in the Spencer Creek Watershed". It includes actions implemented and planned by the BLM, US Forest Service and private landowners.

Within BLM's scope of authority under our long standing O&C Reciprocal Right-of-Way agreement that guides road management issues on western Oregon O&C lands, the KFRA BLM has worked to reduce road densities on BLM lands in the Klamath Falls Resource Area including roads within the Spencer Creek Watershed (see page 43 of the 2009 Annual Program Summary and Monitoring Report (APS)). Under the Upper Spencer Creek EA (OR-014-03-03) Decision Record # 2 signed 11/19/03, the KFRA BLM decommissioned 0.5 miles of road, obliterated 2.4 miles of road, installed two gates to close 0.5 miles of road, removed three stream crossings, and placed large woody debris in 0.25 miles of ephemeral/intermittent stream channels. This included collaboration and cooperation with adjacent landowners in the Spencer Creek watershed. Those landowners also blocked and obliterated several miles of roads on their lands. Two existing segments of roads totaling approximately 0.5 miles were also relocated outside of riparian reserves in the analysis area. Several additional miles of private roads adjacent to and connecting with BLM roads were closed and/or obliterated in the Spencer Creek Watershed through BLM cooperation with US Timberlands and the Rocky Mountain Elk Foundation.

In 2008 and 2009 additional large wood was placed in Spencer Creek for habitat restoration on BLM and private lands within the analysis area (see Spencer Creek Restoration Treatments EA, #OR-014-04-08). The logs were placed in approximately seven miles of Spencer Creek including BLM and Private lands. Approximately 270 large cull logs were collected from past timber sale areas and slash accumulations on BLM and private lands for this purpose.

Issue: Construction of landings and reopening currently closed roads will result in increased "Equivalent Roaded Area".

Response: All of the units scheduled to be harvested will include the use of existing skid trails and landings. Two currently blocked roads will be temporarily re-opened for use during harvest activities.

These roads will be closed again when harvest activities are completed. Efforts will be made to ensure closures are effective.

Because we are using existing roads that are considered part of the permanent road system, overall roaded area should not increase as a result of the Spike Timber Sale or other actions proposed in the Spencer Creek Treatments EA.

Issue: BLM road closure mechanisms may not actually prohibit motorized traffic.

Response: The BLM has also recognized this situation and has identified two closed roads in the analysis area that had closure mechanisms which are no longer functional. The existing barriers have been moved or driven around. All of these roads are going to be used during the Replacement Gal and Spike Timber Sales. Upon completion of the timber Sale activities, roads will be re-blocked with more substantial barriers and the BLM will place the barriers in strategic places to prevent motorized access.

Issue: We are extremely concerned about construction of new roads as part of this project. No new roads should be constructed. Currently closed roads should not be reopened for use.

Response: No alternative in the Spencer Creek Treatments EA proposes new road construction. No new road construction will be accomplished during the Spike Timber Sale or other vegetation management projects.

Approximately 0.75 miles of currently closed roads will be reopened for use during sale activities. These reopened roads are needed in order to reduce the length and overall amount of skid trails used to yard trees to landings. Temporarily reopening the closed roads will result in less overall impacts to soil and water than requiring excessive yarding distances. These roads will be closed following completion of sale activities. See previous issue and responses to road closure questions.

Issue: ORV use and abuse in the project area is having a continuing significant impact on the human environment and must be analyzed.

Response: The majority of the BLM lands within this treatment area are heavily forested with little opportunity for off road ATV access. While ATV and ORV access off of existing open roads is possible and likely has occurred in a few areas, the BLM is not aware of BLM lands receiving significant off road use within the analysis area. As described above, physical barriers on two previously blocked roads in the Spike Timber Sale area are currently not effective and some motorized use is occurring on these two roads. Upon completion of harvest activities, these two roads will be re-blocked with more significant barriers and the BLM will place the barriers in strategic places to discourage motorized access.

Issue: OHV/ATV roads/trails and access should be reduced particularly at the mouth of Spencer Creek.

Response: The BLM manages no lands within approximately five miles of the mouth of Spencer Creek. All land in this area is private and the BLM exercises no management authority on lands near the mouth of Spencer Creek. Although "Spencer Creek" is part of the title of the Spencer Creek Treatments EA, the analysis does not propose any projects or activities in the vicinity of the mouth of Spencer Creek or immediately adjacent to the creek.

Past Timber Sales and restoration projects have significantly reduced road densities in the Spencer Creek Watershed on both BLM and adjacent private lands (see Spencer Creek EA, Kakapoo EA, and discussion in response to the first issue under "Roads and ORV/ATV Use" above).

Issue: Convert an abandoned rock quarry for use as a "rock crawling" OHV play area.

Response: This was identified as an additional treatment currently proposed on BLM lands in the planning area and considered as a reasonably foreseeable future action; however, the rock quarry development was not analyzed directly in this EA.

A potential “rock crawling” area near Clover Creek is being analyzed in the Lost EA #OR-LO14-2011-001 scheduled for completion in 2012.

NEPA

Issue: The Spencer Creek Treatments EA analyzed an inadequate range of alternatives.

Response: The KFRA ID Team did consider a wide range of alternatives in the Spencer Treatments EA including the two analyzed action alternatives and several that were not analyzed in detail (see Appendix E of the EA). Alternatives not analyzed in detail included the Citizens Action Alternative, a Regeneration Harvest Alternative and a Spotted Owl Habitat Retention Alternative. Rational for not considering those alternatives in detail is included in Appendix E of the EA.

Issue: Why was the “Citizens Action Alternative” as proposed in initial scoping comments not analyzed? The Citizens Action Alternative as proposed in initial scoping comments included:

- commercially thin plantations to increase vigor and provide wood fiber to meet intent of LRMP
- reduce fuels in project area
- thin small trees in overly dense stands
- retain remaining late-successional forests and large diameter trees (over 20 inches dbh)
- avoid regeneration harvest
- upgrade existing roads
- reduce road density

Response: The Citizen’s Action Alternative was considered by KFRA’s ID Team (see EA Appendix E). It was not analyzed in detail as a stand-alone alternative because most of the action items proposed in it were considered as parts of the Proposed Action. The Proposed Action did include:

- thinning of several commercial and non-commercial sized plantations
- fuels reduction through thinning, harvest and fuel treatments including whole tree yarding, lop and scatter, prescribed burning and burning of excess slash/fuels
- retention of the vast majority of large diameter trees (approximately 99% of trees designated to be harvested are 24 inches DBH and smaller)
- regeneration harvest was not part of the Proposed Action but was considered under one of the alternatives. Regeneration harvests will not be implemented as part of the Spike Timber Sale.
- upgrading roads, including road maintenance, renovation and culvert replacement are part of the Proposed Action

Two parts of the Citizens Action Alternative were partially covered in the Proposed Action and other alternatives. They include no harvest of “large trees” (trees over 20 inches DBH) and decommissioning/obliteration of additional roads.

Although not specifically covered in the EA, through the negotiated agreement with KS Wild, the no harvest of “large” trees was partially addressed. The BLM agreed not to harvest preferred tree species 22 inches DBH and larger in the NRF habitat and limit harvest of those trees in the dispersal habitat areas. “Preferred tree species” include ponderosa pine, sugar pine, white pine, Douglas-fir and incense cedar.

Regarding “decommissioning/obliteration of additional roads”, analysis of the existing road system indicated that the currently existing roads in the Spike Timber Sale area are needed to allow for feasible harvest operations. Several miles of roads in the analysis area have been closed or decommissioned in the previous ten to 15 years. Information about these roads and additional restoration activities in the Spencer Creek Watershed is available at the KFRA office. As discussed above, the BLM will close any roads re-opened for the timber sale and any currently closed roads that have been opened by the public.

Cumulative Impacts

Issue: The EA did not provide a thorough cumulative impact analysis of the proposed logging and road construction in combination with other federal logging and private logging activities and ORV use.

Response: The Spencer Creek Treatments 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 EA includes a Cumulative Impacts section under the Environmental Consequences sections of all resources potentially impacted by the Spike Timber Sale. The Cumulative Impacts sections analyze past, present and reasonably foreseeable future actions on BLM and adjacent private lands.

Again, no road construction is proposed in the Spencer Creek Treatments EA or the Spike Timber Sale.

Vegetation

Issue: Large diameter trees in the riparian reserves should not be logged in order to facilitate yarding.

Response: Assuming that this issue refers primarily to cable corridors, the Spike Timber Sale and Spencer Creek EA include no cable logging and no need to locate such corridors in riparian reserves or log large diameter trees in riparian reserves. Ground based yarding also will not require logging of large diameter trees in riparian reserves.

In the plantation thinning/density management units of the timber sale, Units 19-1, 19-2, and 19-3, thinning of commercial sized plantation trees will occur in the outer half of the riparian reserves. No large trees will be removed from these riparian reserves.

Issue: We urge the BLM to avoid regeneration logging in this watershed. Regeneration harvest and group selection harvest is inappropriate in this watershed.

Response: No “regeneration” harvests are planned in the Spike Timber Sale or the Spencer Treatments EA. Regeneration harvests were considered in the Spencer Creek Treatments EA but dropped from analysis because other silvicultural treatments accomplish the purpose and need and in part, because collaboration with the public has suggested that variable density thinning would be a preferred management strategy (see Appendix E of the EA).

Issue: Logging stands down to as low as 40 square feet of basal area per acre as proposed in the EA will dramatically impact canopy closure, peak flows, wildlife, nutrient cycling, and fire hazard.

Response: The Spike Timber Sale is primarily a legacy tree culturing prescription where mostly competing true firs are removed from the drip lines of large preferred species trees. Douglas-fir, ponderosa pine, sugar pine, white pine and incense cedar trees 30 inches dbh and larger will have competing true firs removed from a distance of up to two driplines. There is no basal area target on this sale.

Issue: We do not support logging in late-successional forests, particularly heavy thinning, shelterwoods or regen harvests.

Response: No regeneration harvests, shelterwoods or “heavy” thinnings are planned for the Spike Timber Sale. The Spike Timber Sale is a legacy tree culturing treatment that will remove primarily true firs from within two drip lines of larger legacy trees.

Issue: Consider diameter limits when developing thinning prescriptions. All large (20 inches dbh and larger) diameter trees should be retained.

Response: The BLM’s intent is not to cut all or most of the large trees. The KFRA manages most forested stands under an uneven-aged system as directed by our RMP (RMP ROD page 22). This is generally accomplished with variable density management prescriptions and some small group selections or patch cuts. In order to maintain uneven-aged forests, the variable density management prescriptions implemented on the KFRA are designed to harvest mostly smaller and mid diameter trees while protecting and maintaining most of the larger trees. However, trees from all diameter classes can be

harvested to maintain uneven-aged stand conditions. The KFRA ROD/RMP (page E-3) specifies that "...trees in all size classes are eligible for thinning in order to reduce stocking to site capacity."

The Final Negotiated Agreement reserves all preferred species 22 inches dbh and larger. Preferred species include Douglas-fir, ponderosa pine, sugar pine, white pine and incense cedar. In addition, the legacy tree culturing prescription limits removal of competing true fir species to 30 inches and smaller.

Issue: We oppose upper diameter limits on designated (to harvest) timber and support harvesting of larger diameter trees where necessary to meet stand objectives (removal of mistletoe affected trees, etc.).

Response: No diameter limits were originally proposed for the Spencer Creek Treatments EA and are not typically included in KFRA uneven aged prescriptions. The KSW Negotiated Agreement of December 1, 2010 did include language that limits harvest of larger diameter (22.0 inches dbh and larger) preferred species (Douglas-fir, ponderosa pine, sugar pine, white pine and Incense cedar) in NSO NRF habitat. Very few large trees in the preferred species mix were originally designated for harvest. In NRF habitat those trees have been dropped from proposed harvest.

Issue: The BLM should use patch cuts to eradicate root rot and encourage pine regeneration.

Response: The Spike Timber Sale was designed as a legacy tree culturing treatment and therefore will not implement patch cuts.

Issue: Avoid spread of noxious weeds

Response: Implementation of the BMPs and PDFs addressing noxious weeds included in Appendix B of the EA will be reduce or avoid spread of noxious weeds (EA page 73).

Fire and Fuels Treatment

Issue: Harvest activities increase rather than decrease fire hazard. Thinning may increase fire hazard by increasing surface fuels, changing the forest microclimate, and increasing growth of surface and ladder fuels.

Response: The EA includes several measures including whole tree yarding, lop and scatter, pile burning, slash utilization and potentially underburning to reduce slash levels and fire hazard (see EA pages 3, 8-10 and Appendix B). According to timber marking and pre-cruise data, the majority of the trees harvested will not be large, fire resistant trees. Instead, the harvest is concentrated on smaller trees.

Harvesting of trees can increase wildfire risks through accumulation of slash and changes in canopy cover. However, the Spike Timber Sale includes several fuels reduction treatments that when used together will minimize the generation of activity fuels and reduce fire severity and risks. The treatments include: all trees harvested will be "whole tree" yarded (the tops and attached limbs will be removed from the woods and yarded to landings), residual slash accumulations will be lopped and scattered to break up fuel concentrations and arrangements, and some slash concentrations will be piled for later chipping or burning.

As a result of all actions proposed including harvesting and thinning, wildfire severity and risk is not expected to increase.

Issue: Establishing young plantations can increase fire hazard and reduce ability to control fires.

Response: The EA and the Spike Timber Sale do not propose establishment of plantations through regeneration harvests or large patch cuts. No large or continuous plantations will be created by the Spike Timber Sale or other actions proposed in the Spencer Creek Treatments EA.

Issue: 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 (PM2.5) 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 & PM2.5 when they are allowed to cure to a dryness that readily supports combustion. The benefit obtained from the increased combustion efficiency commensurate with dry biomass fuel favors the use of some sort of moisture barrier to aid in the drying of logging slash piles. The articles reviewed provide no evidence that burning the PE plastic sheeting along with the slash pile would cause a significant impact to air quality, however, the limited amount of information regarding the pyrolysis/combustion of PE in conjunction with woody biomass precludes an ironclad statement (from REVIEW OF POTENTIAL AIR EMISSIONS FROM BURNING POLYETHYLENE PLASTIC SHEETING WITH PILED FOREST DEBRIS FINAL REPORT, October 28, 2003; Christopher Wrobel, Tim Reinhardt, URS Corporation; Prepared for USDA Forest Service). The burning of plastic is also in conformance with the MEMORANDUM OF UNDERSTANDING Between the OREGON DEPARTMENT OF FORESTRY and the OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (March 28, 2005).

Issue: Concerns that prescribed underburning and pile burning will impact the Klamath Basin air-shed.

Response: Underburning and pile burning will only be conducted when airshed conditions allow for dispersal of smoke away from the Klamath Basin.

Issue: Regarding post-treatment underburning in true fir stands; true fir does not hold up well to fire. Underburning true fir causes mortality, reduced vigor and degrades the economic value of the residual stand.

Response: The BLM generally agrees with this comment. Underburning will only be conducted in areas where impacts to younger true fir stands will be mitigated (minimized or avoided). Some of the impacts that will be avoided include excessive mortality and excessive reduction of economic values of the residual stand. However, some mortality and damage to remaining live trees is expected and will contribute to wildlife habitat for species requiring snags and defective trees.

Yarding/Logging

Issue: Tractor yarding should be minimized as it will result in soil disturbance and impacts that will contribute to soil erosion, compaction and rutting.

Response: Impacts expected from ground based yarding operations are described in the EA on pages 40 to 50. Implementation of the BMPs and PDFs in Appendix B of the EA pertaining to soils and logging will limit or avoid impacts associated with tractor yarding.

Other forms of yarding, such as cable or helicopter were not analyzed for the following reasons: The ground is general flat and suitable for ground based equipment, most of the area has been previously logged with ground based equipment and has existing skid trails and landings, the costs of helicopter logging were not feasible and the flat terrain did not support normal cable logging systems. In addition, the current permanent road system in the analysis area is designed to implement ground based yarding.

Issue: The BLM is encouraged to drop the unit within the owl core in SW Sec. 20, T38S R.6E (Unit 20-2) as the unit would be an economic drag on the timber sale with little benefit to stand health, fuel loading or wildlife habitat.

Response: In response to public comment and further analysis, Unit 20-2 has been dropped from consideration as part of planned timber sales.

Soils

Issue: All of the soils in the project area have characteristics that favor the formation of a compacted layer and exhibit a severe rutting hazard (EA pages 43-44).

Response: The BMPs and PDFs included in Appendix B of the EA will be incorporated into project implementation. These measures will limit or avoid compaction and rutting. Common measures taken to reduce impacts to soils include not allowing hauling when roads are wet, not allowing equipment operations when soil conditions exceed 20% moisture content, and/or implementing logging during winter months when the ground is frozen to a depth of six inches or sufficient snow is present to protect soils.

Wildlife

Issue: The BLM should not downgrade 570 acres of spotted owl nesting roosting and foraging habitat as proposed under this decision.

Response: Based on the KSW agreement and subsequent modifications to the sale, no suitable habitat (NRF) will be downgraded under the planned actions.

Issue: Critical Habitat Unit OR-37 plays a pivotal role in east-west connectivity of owl nesting habitat in the southern Cascades Mountains. OR-37 provides the single most important “stepping stone” of critical habitat linking the western/eastern Cascades and the Klamath Mountains provinces.

Response: The BLM agrees that the project area does play a role in connectivity between both east and west Cascades and the Klamath Province. The treatment within the Spike Timber Sale area will continue to maintain both NRF and dispersal habitat and continue to provide the connectivity between the western/eastern provinces and large LSRs as designed under the northwest forest plan.

Issue: Spotted owls will continue to be negatively affected and displaced by barred owls in the project areas. All potential NSO habitat should be reserved to provide more areas for the spotted owls to seek refuge.

Response: The BLM agrees that the barred owl continues to negatively affect and displace the spotted owl. The planned action as described above will maintain NRF habitat within the project area.

Issue: The EA indicates that four NSO territories will be harmed by the proposed logging.

Response: Originally the Replacement Gal and Spike Timber Sales would have adversely affected two pair of spotted owls. The KSW Negotiated Agreement and modified prescription will maintain spotted owl NRF habitat where it occurs. Therefore, the habitat within the territories described in the EA will be maintained.

Issue: The “no effect” call for NSO critical habitat contained in the EA is misleading. This habitat is no less critical than it was three years ago.

Response: The “No Effect” determination is appropriate based on the current (2008) boundaries of northern spotted owl designated critical habitat. The Spike Timber Sale is outside of the 2008 designated critical habitat boundary, therefore, there would be no impact to designated critical habitat. The proposed rule for the revised designated critical habitat for the northern spotted owl was posted in the Federal Register on March 08, 2012 (50 CFR Part 17). The planned treatments are within proposed critical habitat for the northern spotted owl. The final rule to designate critical habitat is scheduled to occur in November 2012. When finalized a “May Effect” determination on designated critical habitat would trigger re-initiation of consultation under the ESA with the FWS on planned actions. The BLM has met with the FWS on this issue and will conference on the effects to the proposed critical habitat in the summer/fall of 2012. If no substantial changes occur between the proposed and final rule This conference will meet the consultation requirements once designated critical habitat is finalized.

Issue: The contention on page 27 of the EA that there will be no impacts to NSO designated critical habitat for the proposed project is simply false. Much of the proposed logging is within the 1992 designated CHU OR-37.

Response: See above response.

Issue: Releasing the EA prior to conducting surveys for white-headed woodpeckers means that the impacts to this sensitive species have not been disclosed to the public.

Response: The impacts to white-headed woodpeckers were considered within the EA on page 29 and 35. White-headed woodpecker (WHWO) surveys were completed in the Spencer Creek watershed in June 2010. Most of the Spike Timber Sale is not considered WHWO high quality habitat due to the lack of large ponderosa pine within the sale area. The surveys within the timber sale area detected no white-headed woodpeckers.

Issue: We strongly recommend consideration of an alternative that does not degrade or remove suitable or critical NSO habitat.

Response: Although the biological opinion for the Replacement Gal and Spike Timber Sales included downgrading suitable NSO habitat, the BLM agreed in the KSW Negotiated Agreement to maintain all NRF habitat. The BLM has met that agreement with the design of the Spike Timber Sale. The USFWS and BLM biologists have reviewed the modified sale units and other management actions and agree that no NRF will be downgraded.

Issue: The EA claims that sufficient snags and coarse woody debris will be retained in harvest units. However current RMP standards for snags are outdated. The EA does not disclose what optimal levels of snags are.

Response: No snags are designated for harvest in the Spike Timber Sale or any of the vegetation management projects. Any snags removed from the analysis area would be those designated as hazard trees or trees that were marked for harvest when they were alive and have subsequently died.

The EA is tiered to the 1995 RMP and the proposed project uses the RMP standards for snag retention. On page 69 of the EA, it states that 2.4 snags per acre will be retained and 120 linear feet of coarse woody debris (CWD). On page 17 of the EA, under “Vegetation - Affected Environment” it describes the current levels which exceed the RMP standards for both snags and CWD.

Issue: Thinning and density management captures mortality and increases vigor thereby delaying recruitment of snags.

Response: The Spike Timber Sale is not a thinning or density management treatment. It is a legacy culturing treatment that leaves large portions of the stands untreated and available for recruitment of snags. Over the nine units in the Spike Timber Sale approximately 500 legacy trees have been identified and will be thinned around. It is estimated that the culturing circles around the legacy trees will actually treat approximately 50 acres out of the 700 acres in the units. The remaining acres will be available for snag recruitment.

Hydrology and Aquatic Conservation Strategy

Issue: Allowing use of heavy equipment in the outer half of designated riparian reserves will inhibit attainment of the objectives of the Aquatic Conservation Strategy.

Response: The effects of riparian reserve treatments including the use of heavy equipment in the outer half of Riparian Reserves were analyzed on pages 50-52 of the EA. The analysis concluded that the application of appropriate Best Management Practices (BMPs) and Project Design Features (PDFs) listed on page 70-71 of the EA would minimize adverse impacts and therefore will not inhibit attainment of ACS strategy objectives.

Issue: The EA indicates that the high number of road/stream crossings of Spencer Creek are contributing to a downward trend of aquatic habitat. Yet both action alternatives call for significant increase in log truck traffic on natural surface roads and no reduction of road/stream crossings in the planning area.

Response: See Roads and OR/ATV use section above.

The reference to a downward trend in Spencer Creek on page 39 of the EA came from the 1995 Spencer Creek Pilot Watershed Analysis. Considering the amount of stream crossing reductions, riparian

thinnings, road closures, road surfacings, culvert removals and replacements, and instream improvements in the Spencer Creek Watershed over the last 15 years (see restoration summary “Watershed Restoration Treatments Implemented and Planned in the Spencer Creek Watershed” available at the KFRA Office), we believe that watershed conditions as related to stream crossings and roads as a source of fine sediment are improving and are on an upward trend in the watershed. Many of these actions have served to disconnect the road system from the stream network thus reducing sediment delivery to the streams. Additionally, there are several measures included in this decision (e.g., ditch turnout cleaning and road surfacing) for additional improvements that will contribute further to this upward trend.

Cultural Resources

Issue: Need adequate surveys for archaeological sites and culturally significant plants in areas of treatment or proposed for designation as a recreational site. Ensure avoidance of cultural sites.

Response: The EA stated that surveys will be completed and any known sites avoided (EA-08-09 Spencer Creek Treatments Page 73). All proposed harvest/treatment areas have been surveyed and no cultural sites were identified.

No recreational site development is proposed in the Spencer Creek Treatments EA.

Issue: Interpretive sign placement may promote or cause damage to cultural sites.

Response: In the Spencer Creek Treatments EA no interpretive sign placement was proposed in any alternative. No interpretive sign placement is included in the Spike Timber Sale.

Issue: Any recreational areas proposed may need to be surveyed for culturally sensitive plants.

Response: No new recreational areas are proposed under the Spencer Creek Treatments EA or the Spike Timber Sale.

Climate Change/Carbon Storage

Issue: The EA does not analyze climate and carbon storage impacts of the proposed action.

Response: The EA discusses climate change, carbon storage and air quality and the effects of the proposed action and other alternatives on pages 56 – 60.

Issue: The NEPA analysis must consider both the carbon and climate consequences of this proposal both cumulative and at the project level.

Response: The EA discusses climate change, carbon storage and air quality and the effects of the alternatives on pages 56 – 60.