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BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE  
ASHLAND RESOURCE AREA  
3040 Biddle Road  
Medford, Oregon 97504



**BALD LICK LANDSCAPE PROJECT**

**DECISION RECORD**

**and**

**FINDING OF NO ADDITIONAL SIGNIFICANT IMPACT (FONASI)**

**INTRODUCTION**

This Decision Record documents my decision and rationale for the selection of a course of action to be implemented for the Bald Lick Landscape Project. The Environmental Assessment (EA) for the Bald Lick Landscape proposal documents the environmental analysis conducted to estimate the site-specific effects on the human environment that may result from the implementation of the Bald Lick Landscape Project. The Bald Lick EA was issued for public review on July 8, 2005; the public review period ended on August 15, 2005.

**BACKGROUND**

The Bald Lick Landscape Project is a forest management action designed to implement the Bureau of Land Management's Medford District Record of Decision and Resource Management Plan (RMP) (USDI 1995). The overall effects of implementing the Medford District Resource Management Plan were analyzed and disclosed in the Medford District Proposed Resource Management Plan/Environmental Impact Statement (RMP/EIS) (USDI 1994).

The 2,625-acre Bald Lick Landscape Project is located on Bureau of Land Management (BLM)-administered lands in the Little Applegate and Applegate River-McKee Bridge Watersheds. The legal description for all the actions considered in the EA is: T. 39 S., R. 1 W., in sections 17-21, 28-31; T. 39 S., R. 2 W., in sections 7, 11, 13-15, 17-36; T. 39 S., R. 3 W., in sections 1,2, 10-15, 22-28, 33-36; T. 40 S., R. 2 W., in sections 2, 5, 6, 7; and T. 40 S., R. 3 W., in section 1, W.M., Jackson County, Oregon.

Four alternatives were considered and analyzed in detail: a No-Action Alternative, the Proposed Action (Alternative 2) and alternatives to the Proposed Action (Alternatives 3 and 4). A detailed description of BLM's Proposed Action and the alternatives is contained in the Bald Lick EA, Chapter 2, Alternatives.

The Bald Lick Landscape Project is located within a 27,112 acre planning area. Of these acres, an estimated 21,000 acres are BLM-administered Oregon and California Railroad (O&C) lands; 163 acres are BLM-administered public domain lands; 160 acres are National Forest System lands, and an estimated 5,782 acres are privately owned. The planning area represents the landscape in which proposed management actions will take place to meet desired forest, vegetation, and transportation system goals and objectives outlined in BLM's Medford District RMP. Lands in the Bald Lick Project are allocated by

the Medford District Resource Management Plan as Adaptive Management Area (RMP, Map 3); Adaptive Management Areas are also to be managed for timber products.

## THE DECISION

It is my decision to authorize the implementation of Alternative 4 as described in the Bald Lick EA, with minor modification (described below), because I believe it best meets the purpose and need as identified in the Bald Lick Environmental Assessment (No. OR116-05-01) (and summarized above) with acceptable physical, biological, and human environmental consequences from balancing the needs for products with the needs for the environment.

My decision authorizes an estimated:

- 2,227 acres of commercial conifer forest thinning and associated fuels reduction treatments outside of Critical Habitat Unit OR-75 using silvicultural prescriptions described in the Bald Lick EA (Chapter 2, Section B(3), Components of the Action Alternatives and the EA Appendix B). The number of acres differs slightly from the amount of acres described for commercial treatment under Alternative 4 (EA p. 2-10) because I am excluding commercial forest thinning within EA units 37 and 38/53 at this time;
- 786 acres of pre-commercial thinning (538 acres occurring within proposed commercial units);
- 150 acres of non-commercial fuels reduction outside of commercial forest thinning units (79 acres of slashbuster treatments and 71 acres of handpiling and burning treatments);
- 4.0 miles of new road construction outside of CHU OR-75 to provide access to proposed treatment areas;
- 20.8 miles of road renovation in order to maintain and improve watershed conditions and infrastructure investments; and
- 6.9 miles of road decommissioning (2.8 miles will be decommissioned naturally and 4.1 miles will be decommissioned mechanically).

Under this decision I anticipate the utilization of approximately 18 existing and 9 new helicopter landing sites of the 29 sites analyzed for Alternative 4 in the EA.

All project design features included in the EA p. 2-20 to 2-37 are required as part of this decision.

## DECISION RATIONALE

My decision to implement Alternative 4 is based on consideration of balancing the needs of the community with the needs of the agency to promote long-term forest health while providing a sustainable timber supply.

This project is both supported and opposed. Those opposed have pleaded with me to protect the aesthetic and spiritual values they have come to expect from the Bald Lick area and believe Alternative 4 will alter. I respect that desire greatly, but I must also be able to carry out land management responsibilities entrusted to me, including the harvest of timber. Those supporting this project feel threatened by the condition of the forest, from both a concern that current forest conditions are not sustainable, and from the threat of catastrophic wildfire. Moreover, the majority of the residents in this project area are silent. My decision is not swayed by the number of “votes” for or against the project, but on the project’s merits to meet a delicate balance between implementing assigned management objectives on selected lands in the Bald Lick area and maintaining/enhancing (*not maximizing*) forest health on those lands.

There is little disagreement over the treatment of hazardous fuels, especially the need to cut small diameter trees (if canopies are left basically intact), if no new roads are built, and if the unroaded areas are not entered. The disagreements arise over the harvest of trees larger than 12-21 inches diameter (at breast height or dbh), and especially when the rationale and objectives for harvesting trees moves from fuels reduction to forest health and sustained timber production. Likewise, there is little disagreement over the decommissioning of existing roads, but conflict arises over the construction of new ones, even if more miles of roads are being decommissioned than being built.

Thus, I am left to sort out the comments I have received, and make absolutely sure that the decision I have made is ecologically, socially, and economically appropriate. My decision is based on guidance from the Northwest Forest Plan and the Medford District Resource Management Plan and the attainment of project objectives (as identified in the project’s Purpose and Need); existing laws and agency policy; the ability to mitigate social concerns, especially within ¼ mile of the Rural Interface Areas (an important purpose identified for this project); collaborative efforts because these lands are in the Applegate Adaptive Management Area (AMA) and collaboration is encouraged; consideration of new information not previously analyzed in the RMP; and finally, the acceptability of the effects produced by the project itself based on the analysis of effects documented in the Bald Lick Landscape Project EA. Additionally, I have personally read each and every comment letter and e-mail sent in response to the EA public review period, and I have considered them fully. As a result of your comments, I have made additional changes to this project, as I have noted in the discussion, below.

### Response To Purpose And Need

The overall need for the Bald Lick Project is to implement the Management Actions/Direction of the Medford District Record of Decision and Resource Management Plan (RMP) within the Bald Lick planning area located in the Little Applegate and Applegate McKee-Bridge Watersheds. The following site-specific Purposes and Needs (EA p. 1-4 to 1-7) will be met through the implementation of the Bald Lick Project:

- 1. There is a need to thin forest stands using a combination of silvicultural systems described in the RMP (Appendix E p. 180-186, 192-194) to maintain and promote vigorously growing conifer forests composed of fire resilient tree species, to reduce tree mortality, to maintain individual or groups of trees with old-growth characteristics, and to maintain and promote large tree structure. (RMP p. 62, 72-73).**

**Background:** Fire is recognized as a key natural disturbance process throughout southwest Oregon (EA p. 1-3 to 1-4). Historically, frequent, low intensity fires<sup>1</sup> maintained Douglas-fir and pine forest types in more open conditions than exist today (EA p. 1-4). While portions of the Bald Lick Project Area have been affected by wildfire in the last two to three decades (1987 Cantrall Fire, 1987 Lick Gulch Fire, the 2001 Quartz Fire, other miscellaneous small fires) large wildfires have not been recorded for much of the planning area since the early 1900s (Bald Lick EA, Chapter 3, Fire & Fuels). The 2002 Squires Peak Fire occurred just north of the Bald Lick planning area.

Because of the lack of frequent, low-intensity fire in recent history, the landscape in the Little Applegate and Applegate McKee Bridge Watersheds has changed (EA p. 1-4), forest stand densities are increasing. Along with increases in stand densities there has been the shift in species composition. Douglas-fir, the climax species for some of the forested area, is replacing ponderosa pine, sugar pine, and incense cedar because of its more shade-tolerant nature. In some areas white fir is migrating to lower elevations and encroaching upon the Douglas-fir tree series.

Many trees with old-growth characteristics are dying as a result of increased competition for limited resources from younger trees more recently established on the site. Douglas-fir trees, occurring on harsh dry sites historically occupied by pine, are experiencing moisture stress and are also being killed by Douglas-fir bark beetles. Pine series stands have experienced high levels of tree mortality due to stress caused by the competition from Douglas-fir trees and subsequent attacks by the western pine beetle. Mortality is also occurring in mid to mature vegetation classes due to Douglas-fir dwarf mistletoe infections (Appendix B, Silvicultural Prescriptions for Bald Lick)(EA p. 1-4).

Relative density index is one measurement used to quantify the densities of forest stands. Imminent mortality and stem exclusion (forest stands begin to self-thin) is reached when the relative density index is 0.55 or greater. Relative Stand densities have been measured for the project area and range from 0.6 to 1.4. The Applegate-Star/Boaz and Little Applegate Watershed Analyses also identified concerns for declining forest health within the project area (EA p. 1-4).

Forest thinning treatments are designed to maintain forest stands which are more fire resilient and resistant to insect and disease attacks by reducing tree densities and decreasing competition for food and water. When exposed to drought, wildfire, insect attack, and human-induced changes, forest stands at reduced densities will remain productive and resilient over time. The same conditions that have led to high stand densities in upland areas also place Riparian Reserve habitats at risk to loss from insects and drought. Forest thinning treatments are designed for specific Riparian Reserves to maintain species composition and structural characteristics important to Riparian Reserve function.

The relative density index of stands within the project area should range between 0.30 and 0.50 to maintain vigor and growth (EA p. 1-5).

Dry Douglas fir and ponderosa pine sites within the project area should be maintained at 60 to 120 ft<sup>2</sup> BA/AC<sup>2</sup> (EA p. 1-5).

On harsh sites the species composition of stands should contain at least 25 percent ponderosa pine, which is a drought resistant species.

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<sup>1</sup> Some stand replacement fires may have occurred periodically prior to Euro-American settlement, but were likely infrequent and of smaller size in comparison to fires experienced today (EA p. 1-4).

<sup>2</sup> Basal area is another measurement that is used to quantify the densities of forest stands

**Decision Rationale:** I am very concerned about the density of trees in most stands in the Bald Lick project area, especially stands for which the primary objective is sustained timber production (O&C Act lands), as tree densities directly affect tree growth and vigor and the ability to maintain a healthy stand that can be managed for sustained timber production. It is important to note that malfunctioning cambium cells are being produced when tree densities approach the levels found in this project area. When the living, outer layer of trees (called cambium) do not have the cellular function to exert the pressures necessary to move nutrients and water up and down the tree, the tree will die (EA page 3-14 and 3-15 and Appendix B).

Silvicultural prescriptions (EA Appendix B) shows projected 20-year diameter growth for treated and untreated stands (projections from the southwest Oregon ORGANON growth analysis model). In the mid-sized stands (if left untreated) hundreds of trees per acre are lost through natural mortality resulting in a lost opportunity to otherwise utilize those trees through timber harvesting (EA p. 4-74, 4-75). Trees in dense conditions remain prone to mortality at rates far greater than trees in more open, healthier conditions. Projected data also shows that the 10-year diameter growth of retained trees in treated stands will increase substantially compared to the growth of stands receiving no treatment. Retained trees in thinned units are then allowed to grow larger and become vigorous enough to withstand bark beetle attacks (EA p. 4-74, 4-75). More vigorous trees result in ones that will persist through the years and be available for future harvest and utilization. Allowing trees to persist vigorously will make more options available for future management. Large tree structure is also promoted through thinning by giving trees more room and nutrients to grow more optimally than under current dense conditions. Thinning prescriptions implemented under Alternative 4 also call for retaining all trees with old growth characteristics (EA, page 2-13 to 2-17, and Appendix B). I have selected the thinning proposed for stands in Alternative 4 because treatments will provide for more vigorously growing conifer forests and emphasize growing and retaining trees with old growth characteristics.

Ponderosa pine and sugar pine are more fire resistant species when the sites on which they are growing are consistent with the historical conditions of the frequent, but low severity fire regime in which the species evolved. On drier forest sites, Alternative 4 focuses on removing species other than pine, reducing tree densities, and providing conditions for natural regeneration of pine species which all help to recover the site to be more conducive to low severity fire.

Alternative 1 does not thin any of the stands in Bald Lick; therefore, Alternative 1 would maintain the unwanted dense stand conditions and associated concerns regarding sustainable timber management and forest health (EA p. 4-72 to 4-73). Alternatives 2 and 3 propose to thin more than Alternative 4, and will better meet the goals of the stated need. However, due to the uncertainties surrounding litigation regarding the effects of management actions within Critical Habitat Units of the Northern Spotted Owl, at this time I am deferring selecting management actions that include timber harvest as proposed in Alternatives 2 and 3 involving northern spotted owl Critical Habitat.

**2. There is a need to treat hazardous fuels to reduce the risk of high intensity, stand replacing wildfires to protect and support land use allocations (RMP p. 91) and to reduce fuel hazards in rural interface areas (RMP p. 89).**

**Background:** As a result of the absence of fire, there is a build-up of fuels and a change to more fire-prone vegetative conditions. Throughout the planning area, surface fuels and ladder fuels have increased, which has increased the threat of fire spreading to the canopies of trees. While some disagree with the cause of fuels build-up or whether the level of fuels build up is greater than pre-fire exclusion levels (see Appendix E, Public Involvement), the fact remains that 40 percent of the Bald Lick planning area is characterized with a moderate fire hazard and 59 percent as high fire hazard. These hazard ratings developed for the project area characterize an existing fuel profile which represents a moderate to high resistance to control of fire under average climatic conditions, (see Chapter 3, Affected Environment, Fire

& Fuels). Both BLM-managed resources and rural residential areas are threatened from a potential for high-intensity stand replacing wildfires. This threat means that potential wildfires in these high hazard areas have a moderate to high resistance to control from fire suppression efforts (EA p. 3-21), and as a result could cause substantial property damage and loss, and possibly the loss of human life.

The same conditions that have led to high stand densities and hazardous fuels in upland areas also place Riparian Reserve habitats at risk of loss from wildfire. Forest thinning and hazardous fuels reduction are designed for specific Riparian Reserves to maintain species composition and structural characteristics important to Riparian Reserve function while reducing fire hazard.

The following discussion describes the desired conditions with a reduced threat of high intensity, stand replacing wildfires. Alternative 4 uses those principles to reduce the threat of catastrophic wildfire.

A low fire hazard rating usually results in lower fire line intensity in the event of a wildfire, allowing for a more direct approach to fire suppression. A low fire hazard rating occurs when surface, ladder, and aerial fuels are at levels that limit or eliminate the chance for a crown fire and result in lower flame lengths (generally less than 4 to 5 feet).

Agee (1996) also describes vegetation conditions that lead to manageable fire behavior:

- Surface fuel conditions that will limit the surface fireline intensity (flame lengths);
- Forested conditions comprised of fire tolerant trees and vegetation, described in terms of species, sizes and structures (arrangement and condition); and
- A low probability for crown fires (fire burning through the canopies of trees) to be initiated or spread through the forest (EA, p. 1-5).

The Bald Lick Project is designed to retain and promote more fire tolerant trees such as pine and incense cedar (on drier sites) and to reduce surface, ladder, and aerial fuels (on all sites) such that potential fire behavior has been lessened, and the potential for the initiation and spread of crown fire is reduced to fewer acres and the potential number of days for crown fire initiation is reduced.

**Decision Rationale:** Alternative 4 meets this hazardous fuels reduction objective in several ways. First, in Alternative 4, BLM will reduce potential wildfire behavior by thinning conifer stands predominantly from below, meaning that thinning treatments target the smaller, more flammable understory trees (ladder fuels) rather than larger, more fire resistant trees. Nearly 96% of the trees to be harvested are 21 inches diameter or less, an approximate diameter offered by many commentors on the Bald Lick project at which trees are more fire resilient. It is this small tree component that is the primary factor in carrying a ground fire up to the tree crowns resulting in stand replacement fire behavior. The average removal of approximately 2 trees per acre larger than 21 inches diameter will have negligible effects on the fire resiliency of a forest stand, because these trees are not contributing to the resiliency or the hazard given the scattered nature of large trees in Bald Lick and the enormous amount of more flammable, younger trees in which the large trees reside (EA page 3-13). Again, thinning treatments focus on retaining and growing large trees that are more fire resilient (see Decision Rationale for Need #1 above). Second, Alternative 4 proposes thinning small trees and brush in oak woodlands and chaparral communities to reduce the ladder and ground fuels, key components to reducing wildland fire behavior. Third, thinning treatments are followed with prescribed fire. Fourth, the BLM has worked with neighbors to coordinate fuels treatments across ownerships, thus maximizing fuels reduction efforts in “borderless” fashion.

In addition, the collaboratively-developed community *Applegate Fire Plan* identified fuels reduction in Alternative 4 as strategic in reducing hazardous fuels. Alternative 4 implements the many

recommendations of the *Applegate Fire Plan* (EA p. 1-8) by thinning conifer, oak woodland and chaparral stands within the urban wildland interface and following treatments with prescribed fire.

Alternative 4 also proposes 109 acres of regeneration harvest (called “old growth reinitiation”). While this treatment can lead to increased fire hazard, as very young trees that will result are very flammable (low to ground), there is only about 70 acres of regeneration harvest remaining as a result of this decision within a number of small, scattered units. Therefore, increased fire behavior due to the presence of small trees is very minor given the amount of acres of this treatment type in the project area. The net increase in fire resiliency (as explained above) far outweighs the negative effect of 70 acres of regeneration harvest.

Commentors have stated that BLM has overstated the risk of catastrophic fire, that our treatments may actually increase that risk; or that the premise of fuel buildup due to fire exclusion is not applicable to the Bald Lick project area. The term “risk” is defined in those concerns differently than defined by the BLM. BLM defines “risk” as to whether a fire will start. Fire hazard is the amount of fuel that feeds a fire. Therefore, hazardous fuels are those which are in a condition to affect the intensity of a potential wildfire. So, I interpret those who comment on increasing fire risk to mean “hazard” and not the increase in start potential. The BLM defines potential fire intensity/behavior by “hazard” ratings and descriptions. I have reviewed the analysis of the fire situation and concluded that we have appropriately characterized and analyzed both the hazard and the fire regimes of the area. I have found the preponderance of science does support the positive effects of reducing ground, ladder and aerial fuels (*see EA, pages 3-15 to 3-23, 4-80 to 4-86, and Appendix E*). Slash is treated, usually within one year of the harvest (EA page 4-83). Harvest prescriptions emphasize removing ladder fuels and target small trees, and only a minor amount of “large” trees are being harvested (1.7 trees per acre at greater than 21 inches dbh).

I have also evaluated the increased risk that a fire will occur as a result of new road construction and potential increased access for recreation including the use of OHVs. Alternative 4 reduces overall access by having nearly three miles of fewer roads than currently exists, thereby reducing access and potential points for human fire starts (*also see OHV discussion, below*).

Many seem to agree that harvesting trees up to 12-14 inch diameter (at breast height, i.e. dbh) can have positive effects on the reduction of fire behavior. Seventy-five percent of the trees harvested in the Bald Lick project are 14 inches dbh or less, which shows me that the focus in Alternative 4 is on reducing hazardous fuels. While studies do not give us a diameter at which a tree is “fire resilient”, some of you have asked me to retain the fire resistant trees and have asked for a diameter limit of 21 inches (and some have asked for a 17 inch diameter limit). Forest stand conditions in Bald Lick are such that “fire resistant” trees are often scattered within stands of young, flammable trees, *and* surrounded by a sea of stands composed of younger, more flammable trees (EA page 3-13). This situation reduces the fire resiliency of those scattered, large trees. As noted above, an average of less than 2 trees per acre larger than 21 inches dbh are being harvested under Alternative 4 and have a minimal effect on the overall fire resiliency of a stand. While individual trees may indeed exhibit the characteristics of fire resilience (thick bark, high crown, etc.) the context in which those trees are currently residing dictates the resistance to wildfire rather than the individual tree resilience.

I have noted that many of you have misapplied fuels reduction criticisms to management actions designed to maintain and enhance the production of timber stands, whereby you measure fire resilience objectives against the planned harvest of some large trees as a result of sustained timber management objectives. We have also marked trees on the project for objectives other than the reduction of fuels and fire hazard. Other objectives include forest health and timber management. While there is some offset of fuels reduction gains (vegetation response-ingrowth and microclimate change) by opening stands up to meet forest stand health needs, net effect are stands that are more resilient and more closely aligned with the historical range of conditions because the surface, ladder and aerial fuels have been reduced (EA, page 4-81 to 4-85). Years of study have shown that when there is less to burn, fires will burn with less intensity.

I did not select Alternative 1, because it would not have thinned any of the stands in Bald Lick; therefore, Alternative 1 would have maintained the unwanted dense stand conditions and associated concerns regarding hazardous fuels. Alternatives 2 and 3 propose to thin more than Alternative 4, and will better meet the goals of the stated need. However, due to the uncertainties surrounding litigation regarding the effects of management actions within Critical Habitat Units of the Northern Spotted Owl, at this time I am deferring selecting management actions that reduce hazardous fuels as proposed in Alternatives 2 and 3, which involves northern spotted owl Critical Habitat. While not implementing fuels reduction on all possible areas, Alternative 4 is a good start toward creating a landscape in which there are strategically placed areas of reduced forest fuels. While there have been concerns expressed about opening forest canopies and the resulting microclimate changes in the forest understory, research has shown that the net benefit of less available fuel offsets the negative effects of increased wind speeds and dryness of the remaining vegetation (EA, page 4-82).

**3. There is a need to manage the transportation system within the project area to better serve the management of resource program areas including timber resources, forest health, rural interface areas, water and soils, wildlife, and the Aquatic Conservation Strategy Objectives.**

**Background:** Currently the existing transportation system is insufficient to provide access to BLM-administered lands in need of forest management making the management of those lands difficult and more expensive. Some roads are located in areas no longer serving resource program needs, some of these roads are located within Riparian Reserves, paralleling streams and contributing to sedimentation and riparian habitat fragmentation.

Roads throughout the project area have also been identified in need of maintenance to restore, repair, or improve road surfaces, culverts, and roadside drainage ditches in order to reduce road related erosion and sedimentation to stream courses.

**Decision Rationale:** Road construction, decommissioning and renovation will be carried out in the Bald Lick Project that will improve road access to areas in need of forest management, reduce road densities in areas where the road system no longer serves resource program needs, and will reduce road related erosion and sedimentation to stream courses.

I have reviewed the analysis of effects related to proposed road work and I find that Alternative 4 will decommission more miles of roads than the construction of new roads, poorly located roads will be taken out of the transportation system, and other, more appropriately designed and constructed roads will enhance the overall transportation needs for the management of the Bald Lick landscape. The net result of Alternative 4 is about three fewer miles of road.

Alternative 1 does not decommission any of the roads in Bald Lick; therefore, Alternative 1 would maintain the unwanted road densities and road locations. Alternatives 2 and 3 propose to decommission more roads than Alternative 4, and would better meet the goals of the stated need. However, due to the uncertainties surrounding litigation regarding the effects of management actions within Critical Habitat Units of the Northern Spotted Owl, at this time I am deferring selecting management actions as proposed in Alternatives 2 and 3, which involves northern spotted owl Critical Habitat.

**4. Maintain and promote Northern Spotted Owl Habitat within Critical Habitat within CHU OR-75.**

**Background:** Critical Habitat Unit OR-75 overlaps the Bald Lick planning area. Prior to the ROD/RMP and the Northwest Forest Plan (NWFP), the US Fish and Wildlife Service (USFWS) designated critical

habitat to protect the northern spotted owl as critical habitat units (CHUs) across Washington, Oregon, and northern California. The RMP and the NWFP designated a network of reserves (Late-Successional, Riparian and other land use allocations) to provide habitat for northern spotted owl recovery. These reserves were not identical to the CHUs designated by the USFWS. This resulted in the RMP designating areas within the CHUs as Matrix lands which are allocated to the production of a sustainable supply of timber and other forest commodities.

Declining conifer forest conditions are being experienced in CHU OR-75 as well. Silvicultural prescriptions will contribute to long-term maintenance of large tree structure and trees with old-growth characteristics.

**Decision Rationale:** My decision to implement Alternative 4 will exclude any vegetation management treatments within Northern Spotted Owl Critical Habitat Unit (OR-75) at this time. Previous litigation addressing the apparent conflict between CHU and the NWFP has resulted in issues or questions concerning the management of northern spotted owl critical habitat. While this Critical Habitat Unit is also allocated for the purpose of timber production, at this time I am asserting managerial discretion to exclude forest management in this Critical Habitat Unit, thus retaining all options for future management, options which may or may not include timber management objectives. While my decision will also defer important forest health treatments designed to improve stand vigor and growth and the maintenance of large more fire resilient trees, all options, from no management to various thinning options, in CHU OR-75 will be retained (and subject to a potentially new environmental analysis and/or a new Decision Record).

Until the uncertainties surrounding litigation over management activities in CHU is resolved, I cannot determine whether management activity within CHU will meet the stated purpose, and therefore cannot weigh Alternatives 2 and 3 against Alternative 4. Alternative 1 and 4 equally meet this stated purpose at this time because neither alternative proposes treatments in CHU. However, Alternative 4 will better meet the needs identified for this project in comparison to the No-Action Alternative.

## **5. Design a project that is economically practical (RMP Appendix E, p. 180).**

**Background:** The RMP directs that all silvicultural systems (forest thinning strategies) applied to achieve forest stand objectives will be economically practical (ROD/RMP p. 180; PRMP/EIS p. 2-62). The economic feasibility of forest management actions is affected by the ease of access from the forest road system. Portions of the project area are inaccessible from existing forest roads increasing the cost associated with forest treatments. The Bald Lick project is designed to improve the economic efficiency of implementing silvicultural systems to achieve forest health and timber management objectives.

**Decision Rationale:** Economical practicality is the ability of the product (timber) realized from this project to offset the costs associated with implementation. It is also important to provide potential purchasers with a minimal risk that costs to them will not exceed their receipts. My decision to implement Alternative 4 will result in the construction of about 4 miles of road needed to improve the economic feasibility of timber harvest from BLM-administered lands. Project design features will be implemented resulting in the construction of roads in an environmentally acceptable manner (Bald Lick EA Chapter 2, Project Design Features, and Chapter 4 Environmental Consequences). Through the ID team process, road segments that will have resulted in unnecessary risk for impacts to the environment were eliminated (Bald Lick EA, Chapter 2, p. 2-28 to 2-39). The implementation of road construction under Alternative 4 reduces logging costs on 132 acres by about \$111,425 (EA p. 4-117).

The number of unsold timber sales on the Medford District in the past few years is an indication that sales heavily laden with helicopter yarding and proportionately high with small diameter trees are no longer able to cover the costs of performing the management treatments, and therefore no longer economically

practical (feasible). Cutting more acres of smaller trees, as some of you have suggested, does not serve the purpose of economic feasibility, but only adds to the decreased value of the timber and decreases economic feasibility further. Indications from field inventories on the amount and value of the trees to be harvested and costs associated with road work, associated project mitigation, and logging costs are that economics have certainly not been maximized, but enough value remains that the cost of the project will likely be offset by the value of the timber product. Thus, Alternative 4 meets the economic purpose stated above.

Alternative 1 has no management actions to implement, therefore would incur no project related costs. Alternative 2 will be equally practical as Alternative 4 because the values and costs will simply be increased because the amount of treated area is proportionately increased over Alternative 4. Alternative 3 has poorer economic feasibility because reduced road construction would lead to additional helicopter yarding, thus increasing timber harvest costs. Again, due to the uncertainties surrounding litigation over management actions in Critical Habitat Units, I am not selecting Alternatives 2 or 3.

## 6. Contribution towards the Districts Allowable Sale Quantity

**Background:** The Bald Lick Project Area is located on BLM-administered lands allocated to produce a sustainable supply of timber. There is a need to sell timber products produced from forest thinning treatments, in support of the District's Allowable Sale Quantity in order to meet Timber Resource Objectives (RMP p.17, 72-73) (Bald Lick EA p. 1-7).

**Decision Rationale:** While my decision to implement Alternative 4 will reduce the area harvested by about 50 percent from Alternative 2 (Proposed Action) and Alternative 3, it is estimated about 12-13 million board feet will be produced by Alternative 4, thereby contributing to the Medford District's allowable sale quantity. Alternative 1 does not meet the stated purpose because no timber is harvested.

The extent that the AMA contributes to the sustainable harvest has been subject to numerous viewpoints. I believe, however, the Northwest Forest Plan is quite clear--that the role of the AMA is to support the goals and objectives of land management identified by the Northwest Forest Plan and land use plans, but with community innovation when such can be had. *"It is hoped [(not required) that localized, idiosyncratic approaches that may achieve the conservation objectives of these [Northwest Forest Plan] standards and guidelines can be pursued."*

According to the Record of Decision governing the Northwest Forest Plan, *"the overall objective for Adaptive Management Areas is to learn how to manage on an ecosystem basis in terms of both technical and social challenges, and in a manner consistent with applicable laws.* One of those applicable laws is the Oregon and California Act (O&C Act), which governs the majority of the lands in the Bald Lick area, and for which sustainable timber production is a primary purpose. The principle of sustained timber production leaves flexibility as to the timing, rate, and manner of harvest. The RMP has reduced that flexibility by determining much of the timing, rate, and manner of harvest for the lands in Bald Lick. What is clearly inconsistent is to prohibit timber management on lands allocated for timber management unless there are other laws prohibiting such.

Timber sustainability has been determined considering other resources and reflected in the standards and guidelines of the RMP so that the dual objectives of forest health and timber production, while providing forest habitat can be achieved. Timber production is managed by projects. Approaches, collaborative or otherwise, that are inconsistent with the principles of sustained yield on O&C lands are not appropriate. The *Applegate Adaptive Management Area Guide* (1998) describes timber sale issues and projects and estimates that the AMA will produce about 26 million board feet annually on about 10,000 acres (*AMA Guide*, pages 110-111 and Appendices A and B). This collaboratively developed plan for the Applegate AMA clearly recognized the role of timber harvesting in the AMA.

The RMP, through a public involvement and review process, has estimated the sustainable annual harvest for the Medford District to be about 57 million board feet. The Ashland Resource area's share of that harvest is about 18.5 million board feet. The Bald Lick project, even though located entirely within the AMA, is to contribute toward that share.

Alternative 1 does not harvest timber; therefore, Alternative 1 would not meet this stated purpose. Alternatives 2 and 3 propose to harvest nearly twice the volume as Alternative 4, and would better meet the goals of the stated purpose. However, due to the uncertainties surrounding litigation regarding the effects of management actions within Critical Habitat Units of the Northern Spotted Owl, at this time I am deferring selecting management actions as proposed in Alternatives 2 and 3, which involve northern spotted owl Critical Habitat.

## **7. Consider the interests of rural residential land owners (RMP p. 88).**

**Background:** From most of the comments received, I have heard that this project will adversely affect personal well-being. Primary concerns are aesthetic values, land and property values, log truck traffic including noise, safety, and dust, and operations noise particularly from helicopters. There are also concerns that OHV use will increase.

A primary concern many commentors shared is reducing the threat of catastrophic wildfire that will directly affect their properties and personal welfare. Due to hazardous fuels conditions on BLM administered lands (as determined by fire hazard ratings described above) forest resources and residents living in the Rural Interface Areas are threatened by the potential for high intensity stand replacing wildfire. The RMP guides the agency to reduce natural fuel hazards on BLM lands in rural interface areas.

BLM-administered lands within ¼ of private rural residential lands are described as Rural Interface Areas in the Medford District RMP. The RMP provides guidance to the agency to determine how land owners might be affected by management activities, including the reduction of hazardous fuels, on BLM-administered lands and to use project design features or mitigation to avoid or minimize impacts to health, life, property, and the quality of life (RMP p. 88).

**Decision Rationale:** According to the comments received, residential interests have focused on quality of life issues—views, noise, dust and the threat of catastrophic wildfire. Considering the interest of the area residents must also include reducing the hazardous fuels situation that threatens both the physical and spiritual values they cherish. This has been addressed, above.

I have also heard that many residents and visitors in the Bald Lick area greatly value the forest for its spiritual, ecological and aesthetic values, and less so for its renewable resources like timber. A number of people have expressed opinions that most, if not all, of the Bald Lick area is inappropriate for timber harvesting, and that the truck traffic, dust and helicopter noise is not agreeable with the ambience people have come to expect in the Bald Lick area. Because this is an Adaptive Management Area, many are of the opinion that it will be innovative to no longer harvest timber on these lands, and instead greatly reduce overall harvest levels and emphasize the noncommodity values of this part of the forest. To meet their expectations of maintaining quality of life while providing for some commercial tree harvest, a number of residents participated in developing the Citizen's Alternative.

Project Design Features included in the EA call for limiting helicopter operations (within ½ mile of residences, where the noise is most obtrusive) to between 8 am to 5 pm Monday through Friday, and ***not*** at all on Saturday and Sunday (EA, pages 2-26 and 4-115). Thus Alternative 4 reduces the impact of helicopter noise. I have heard concerns that there will be helicopter noise for three years. Helicopter

yarding in Alternative 4 will last for about 90 to 130 days (EA page 4-116, Table 4-11). Inclement weather, the use of helicopters on wildfires, holiday periods, limitations due to threatened and endangered species, and closures due to fire restrictions combine to create lengthy periods of time when helicopter operations are not feasible or allowed. This results in much shorter continuous periods of helicopter use than most people have envisioned. Alternative 4's use of helicopters does not exceed the effects disclosed in the RMP EIS (page 4-115).

I am adding additional mitigation measures to Alternative 4 to arrange for meetings between residents and truck drivers to discuss brake use and safety issues (also suggested in the Citizen's Alternative), and to meet with Jackson County to actively pursue dust abatement on unpaved county roads in residential areas. As indicated in the EA, dust abatement will occur on BLM roads, and the County is responsible for implementing dust abatement on County roads (EA, pages 2-24 and 4-115).

I have heard concerns expressing that the views and scenic beauty should be maintained. I have heard references to the Bald Lick area as "unspoiled wilderness", "pristine", "a rare and precious gem". Yet, this condition exists in a landscape that has been managed for the better part of 60 years. Approximately 6% of the analysis area is in an early successional stage (young trees averaging less than 40 years old), the results mostly of past clearcutting practices. The prescriptions proposed in Bald Lick do not result in clearcuts, and will not have the same stark contrast on the landscape as the past clearcuts. As explained in the EA (page 4-113), the visual quality standards set for the Bald Lick area by the RMP are met. There is disagreement that these visual standards are not appropriate for Bald Lick, but these are land management issues previously decided by the RMP, and not ripe for decision at this time.

I have heard concerns that property values will go down with the implementation of the Bald Lick project. Documentation of direct impacts to property values from treatments proposed in Bald Lick is unavailable. The BLM in recent years has completed extensive timber harvests along Sterling Creek to Woodrat Mountain and along the Highway 238 corridor, as well as Thompson Creek using prescription similar to those prescribed for Bald Lick. I am unaware that large scale property devaluation has occurred as a result of BLM management actions.

Commentors believe that logging activity will be nonstop for the better part of the life of the contract (likely to be about 3 years), and have expressed concerns about noise and traffic based on those expectations. As disclosed in the EA (calculated from Table 4-11 on page 4-116), it will take about 1,990 to 3,260 truck loads to haul off the expected volume produced by Alternative 4, and about 226 to 388 working days, far less than the time envisioned.

I will like to point out that the Bald Lick planning area is just over 12 miles wide from east to west and about 5 miles long from north to south, or about 60 square miles with major ridges separating the project area. Thus, logging operations and associated noise will generally be localized to specific areas at any one time (EA page 4-116, Table 4-11). Of the 21,163 acres of BLM-administered lands in the planning area approximately 2,200 acres will receive management resulting in timber harvest as authorized by Alternative 4, and these acres represent less than 15 percent of BLM-administered forested lands within the planning area. Thus, this is not a "massive" logging project I have heard as a concern.

Log truck traffic on BLM roads is also localized with no one area bearing all the impacts of the truck traffic (EA page 4-116). I have no jurisdiction over county roads, but such roads were engineered with log truck use and safety in mind. Keep in mind that these roads have served to transport timber from these forests over the past decades, are continually maintained, and subject to patrol by the Jackson County Sheriff's Office.

While Alternative 1 would result in no helicopter noise, truck traffic, or dust from this project it would not meet the needs identified in the EA and stated above. Alternatives 2 and 3 propose nearly twice the management actions than Alternative 4; therefore, would not address this stated purpose as well as

Alternative 4 since they would involve more actions and more operating time within a 3 year period (EA p. 4-116, Table 4-11).

## 8. Other Information Considered

As discussed earlier, my staff and I have read all comment letters received in response to the EA review period. Comments were tracked and referenced to the EA and Appendices to ensure all concerns have been addressed prior to my decision. The following discussion documents some of the key concerns along with my response.

### *Citizens Alternative*

As the AMA Coordinator, at the time, I provided general guidance about meeting the Purpose and Need the BLM defined for the Bald Lick project in order to craft an alternative that would be analyzed in detail. Now, as Field Manager, I have found, however, the Citizen's Alternative to emphasize 'restoration', which is not the stated Purpose and Need of the Bald Lick project. (*See also Response to Comments in Appendix E, Bald Lick EA for discussion on restoration as a project objective.*). The Citizen's Alternative addresses (though I find rather conservatively) most of the silvicultural objectives on which the BLM based their alternatives, but ignored a fair share of the lands to which these objectives *should* be applied (i.e. O&C lands), and thereby fails to achieve one of the primary project Purpose and Needs—the sustained production of timber. The Citizen's Alternative maximizes the ecological objectives, but only applies the goal of managing timber resources on some O&C lands. This is an important distinction that keeps me from including the Citizen's Alternative for study in detail.

The Citizen's Alternative considered harvesting timber on only a portion of the total lands available for timber harvest, going so far as to increase the amount of unroaded acreage by abolishing existing roads and eliminating timber production on thousands of acres. "*Many of the roads to be decommissioned [in the Citizen's proposal] are within the seven roadless areas...*" As I stated previously, such an action is not ripe for decision. These issues have been decided when the RMP was approved. Therefore my staff could not consider the alternative as a reasonable option for the project. While attractive socially and while also maximizing some benefits for wildlife and unroaded habitat, the alternative was not developed with the same Purpose and Need as those my staff developed for Bald Lick.

Specifically, the alternative does not meet the project objective to manage the sustainable timber resource on O&C lands. *he Act does not require the Secretary (of Interior, via BLM) to harvest all [emphasis added] old growth timber or all commercial timber as rapidly as possible or according to any particular schedule*". However, "*the Secretary must [emphasis added] necessarily make judgments, informed by as much information as possible, about what kind of management will lead to permanent forest production that satisfies the principle of sustained yield*" [emphasis added] (RMP, p. 17).

NEPA does not require the consideration of Alternatives that do not meet the stated objectives (purpose and need for the project). The Ninth Circuit Court of Appeals has reaffirmed the development of alternatives must address the agency's stated purpose for the project. "*We also conclude that the Environmental Assessment considers a reasonable range of alternatives **given the objectives** of the project*" (Akiak Native Community v. USPS , 213 F.3d 11140 (9<sup>th</sup> Cir. 2000)). While there is some flexibility in the amount of volume the AMA is supposed to produce, collaborative approaches that do not meet the sustained yield principles of the O&C Act are not appropriate.

I should also point out, however, that the Citizen's Alternative and Alternative 4 share some commonalities. The Citizen's Alternative has a diameter limit of 17 inches. Almost 87% of the trees to be harvested in Bald Lick be 17 inches diameter or less. Nearly 99% of the trees to be harvested in Alternative 4 are 24 inches diameter and less. The Citizen's Alternative strives to create no additional younger seral patterns across the landscape. The majority of Alternative 4 is thinning in the understory (97% of the acres treated), thus very minimal acreage (70 acres) results in younger seral patterns, and

does so in small, scattered units. The vast majority of stands slated for treatment are between 32 and 156 years old (EA p. 3-13). Thinning trees in this age group does not change the age of the stands to younger seral groups. Thinning only changes stand densities. BLM's road renovations do not include widening and straightening, just as prescribed in the Citizen's Alternative.

Community quality of life mitigation measures called for by the Citizen's Alternative include restricting helicopter logging to Monday through Friday from 7 am to 5 pm and 8 am to 5 pm on Saturdays. Alternative 4 restricts helicopter logging even further than the Citizen's Alternative (see my response to #4 above).

### ***Global Warming***

The National Environmental Policy Act (NEPA) does not require me to be speculative. While there are world-wide concerns about global warming and potential climate change as a result, I have to evaluate the project's contribution to global warming. The kinds of activities I am proposing *do not* significantly contribute to global warming (RMP EIS, pages 4-7 and 4-8). The regulations of (NEPA) compel me to identify any incremental effects of the project and consider them in the context of past, current, and future actions (*DOT v. Pub. Citizen*, 541 U.S. 752, 769 (U.S. 2004)). Hence, by the definition of NEPA, if the project has no incremental contribution to global warming, there are no effects to add, and by definition, there is no cumulative impact to global warming/climate change. Thus, I have considered global warming/climate change. Should there be definitive conclusions about global warming/climate change, then adjustments will be made through the RMP, and consequently to projects because they are tiered to the RMP.

### ***Wildfires***

Other events not specifically recognized in the Medford District RMP specific to the Bald Lick area are the Quartz and Squires Peak fires. These events, occurring since the implementation of the RMP, were considered along with logging and road building actions specific to the project analysis area in the site specific direct, indirect and cumulative effects analysis.

### ***Survey & Manage***

In regards to the recent ruling in the case involving survey and manage (*Northwest Ecosystem Alliance v. Rey*), please note that the Bald Lick project was well underway when the EIS to eliminate Survey and Manage was completed, and that the project was completed using Survey and Manage guidelines (EA p. 2-38).

### ***Water Quality & Hydrology***

I have heard concerns that water quality or water quantity will be adversely affected and that some have disagreed with the analysis completed and documented in the Bald Lick EA. I have reviewed BLM's analysis of effects in the EA in light of comments submitted, and have not found any new concerns or studies that were presented by commentors to result in any additional analysis. I believe the analysis of effects presented in the Bald Lick EA to be very thorough and detailed. Both the analytical process to evaluate hydrological effects and the base data has been meticulously analyzed.

With an overall reduction in road density, reduction of Riparian Reserve road density in some drainages, removal of some stream crossings and more disconnection of roads from the stream network, there will be less rapid delivery of storm runoff directly to streams from roads. Overall, peak flows from roads will be reduced (EA page 4-48). There will be no increase in compacted area in either of the drainages where compaction was identified as a concern; thus, there is no increase in surface runoff (EA page 4-47). There will be very little new disturbance on highly erodible soils, and this disturbance will not impact streams (EA page 4-48). Because the amount of nonrecovered openings in the Transient Snow Zone will remain unchanged, there will be no changes in water quantity or quality due to Transient Snow Zone issues (EA page 4-48). The cumulative effects of management regarding roads, actions in riparian zones,

actions on highly erodible soils, and thinning/logging actions do not significantly change the water quality and quantity (EA pages 4-62 to 4-66).

The “new” studies presented are not applicable to this project, and therefore do not change the analysis already completed. Several public comments expressed concern that summer low flows would be reduced as a result of vegetation removal from the project, and submitted studies and references as “new” information. This information was reviewed by BLM’s hydrology expert. The cause-and-effects referred to in these studies are generally not applicable to this project, because the studies were either conducted in a significantly different hydrologic region or setting, involved clearcut harvesting on a large scale, studied effects in snowmelt-dominated precipitation regimes where “premature melting” of the snowpack is a concern, or otherwise analyzed treatments that are not similar to those in the current project. Applicable studies and literature reviews (e.g. Church and Eaton 2001; Keppeler 1998) indicate either increases in or no effect to summer low flows from vegetation removal and harvest activities, consistent with the analysis (EA pages 3-8 through 3-11; 4-31). In the Pacific Northwest, the few studies showing low flow reduction as the result of vegetation removal were the result of either harvest of stream riparian areas or of harvest in areas subject to summer fog. In one study, vigorous regrowth of phreatophytic hardwoods along the stream following harvest of riparian areas significantly increased evapotranspiration rates during the growing season, causing a reduction in streamflow (Hicks et. al. 1991). This will not occur in Bald Lick, because treatments are not proposed in riparian areas that would produce such a vegetation response. In another study, harvest in an area subject to summer fog that reduced “fog drip” precipitation during the otherwise dry summer months (Harr 1982) was hypothesized as the cause of slightly reduced summer low flows following harvest, although 5 years after harvest this same area showed increased summer flows (Ingwersen 1985). In another study with both clearcutting and partial cutting in an area where fog drip was a component of the dry season weather, summer low flows increased after harvest (Keppeler 1998). In Bald Lick, summer low flows will not be affected by changes in fog drip because, unlike portions of the Pacific Northwest that have substantial summer fog, the project is located in an area well inland from the coast where relative humidity is generally low and fog is very rare during the dry season.

Some public comments expressed concern that the Bald Lick EA does not provide quantitative data regarding erosion and sediment and suggested using a model to compute sediment generated from ground disturbing activities. Rather than using a model, the Bald Lick EA quantifies road densities and road/stream crossings in addition to compacted area and ground disturbance on highly erodible soils to determine the potential for sediment impacts from the alternatives (p. 4-33). The analysis of road densities and road/stream crossings as indicators of sediment potential is based on the surrogate measures used for the Applegate Subbasin Sedimentation Total Maximum Daily Load (TMDL). The *Applegate Subbasin TMDL* (ODEQ 2003) recognizes the connection between roads and sedimentation in determining the sedimentation TMDL for the one stream in the Applegate Subbasin that is water quality limited due to sedimentation (Beaver Creek, which is not in the planning area). To achieve the loading capacity and meet the sedimentation TMDL, DEQ identified three surrogate measures: 1) system potential riparian vegetation (also used for the temperature TMDL); decrease road densities and mitigate impacts from retained roads; and 3) improve drainage-ways through reductions in road-stream crossings. Therefore, the comparison of road densities and road/stream crossings are very appropriate tools for analyzing alternatives for sediment potential in the Bald Lick EA.

Another public concern was that the Bald Lick EA did not address impacts of each proposed road segment. Although the Bald Lick EA did not discuss each proposed road segment in detail, the interaction between proposed roads and potential for sedimentation was discussed for each drainage area analyzed within the planning area. The analysis included a detailed discussion for each proposed road with the potential to affect water quality, water quantity, or aquatic habitat.

### ***Maintenance of Unroaded Values***

A number of commentors ask that I withdraw the areas in the unroaded portions of the project area identified specifically as Dakubetede and Trillium Mountain. As I explained above, these lands are O&C

lands dedicated to sustained timber production. I do not have the authority to withdraw these lands from timber production, and to do so would violate the O&C Act. The RMP (1994) evaluated the Dakubetede area for designation as an Area of Critical Environmental Concern (ACEC) and determined that lands did not warrant such designation (see EA, p. 3-40 to 3-42). While some commentors hold these lands with special reverence, the RMP evaluated and decided against giving these lands special status. My staff disclosed the tradeoffs associated with the harvest of approximately 212 acres (out of 5,778 acres) in Dakubetede (EA p. 4-112 to 113) as part of the site specific effects on recreation, wildlife, fire hazard, and hydrology. Under this decision no acres of treatment and no road construction will occur in the Trillium area (EA p. 4-112 to 4-113). Proposed units of Alternative 4 within the Dakubetede areas are located within ½ mile of existing roads, and no new roads are being built.

### ***NSO Critical Habitat and New information***

Some people have expressed concerns regarding timber harvest in habitat for the northern spotted owl. Others have relayed to us the more recent studies on the owls which indicate declining trends in Washington, but stable population trends here in Southwest Oregon (*see discussion above on “New Information” regarding these studies*). This new information was considered in the EA (p. 4-96 to 4-97).

Pursuant to the Endangered Species Act (ESA), consultation was completed with the US Fish and Wildlife Service (Biological Assessment dated July 11, 2003; Biological Opinion #1-15-03-F-51 dated October 20, 2003). The Service has determined that the proposed action will not jeopardize the continued existence of the northern spotted owl. The Bald Lick project as described under Alternative 4 in the EA does not treat or modify northern spotted owl habitat within any US Fish and Wildlife Service designated Critical Habitat Unit.

### ***OHV Use***

With some exceptions, the Bald Lick area is designated as an area open to OHV use, but the area is not heavily used, as validated by commentors that describe the Bald Lick as “quiet and pristine”. Alternative 4 has minimal opportunity to expand current, legal OHV use. The project could enhance that use primarily by the effect of building new roads. However, a net loss of nearly three miles of road reduces the amount of access under Alternative 4. One of the new roads (about 50% of the new road miles) will be accessed through private lands and will be gated, further dissuading OHV use. The remaining pieces of new roads are located in areas already roaded thus providing little, if any, access to new ground. In areas of existing OHV use, substantial removal of dense understories could result in pioneering of new trails. The extensive use of helicopters to harvest trees (60% of the project) results in isolated very steep locations away from roads and other OHV access and is not conducive to providing significant additional new OHV opportunities. Finally, the Bald Lick area is not connected to already popular OHV areas like Johns Peak, so there is no adjacent source of heavy OHV use to influence use in the Bald Lick project.

The scoping notice for Bald Lick disclosed that BLM was considering an OHV plan as part of the management actions for the Bald Lick Area. Due to the increased complexity such a planning effort would bring to this project analysis, and the fact that the Medford District RMP is beginning a revision process with opportunities to address OHV on a broader scale, I made the decision to withdraw considering an OHV plan specifically for Bald Lick.

### ***Cumulative Effects***

Some of you have concerns that the cumulative effects have been inadequately stated. As a result of a number of court interpretations on cumulative effects (some of which came directly from projects in the Medford area), the Medford District BLM has spent a lot of effort to understand and implement cumulative effects standards. The Environmental Assessment has been reviewed at several levels for compliance with the more recent interpretations of cumulative effects, and I believe my staff has appropriately analyzed and disclosed cumulative effects of the project on the hydrological, terrestrial, and wildlife resources in the area. The Council on Environmental Quality (CEQ) recently provided clarifying direction on the treatment of past actions in a cumulative effects analysis. We have conformed to that

clarifying direction (EA p. 4-1). According to the CEQ guidance, “*agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions... CEQ regulations do not require the consideration of the individual effects of all past actions to determine the present effects of past actions.*”

### **Collaboration**

The Ashland Resource Area and the Applegate community have had a long standing working relationship exemplified no better than the BLM’s relationship with the Applegate Partnership. Other strong partnerships include working with Applegate Valley Rural Fire District #9 on numerous hazardous fuels reduction projects, and the collaborative production of the *Applegate Fire Plan*. Unfortunately, a community partnership to collaboratively produce the Bald Lick project never materialized (save the *Neighbors Project* near Buncom), though several efforts were attempted (one of which resulted in the submission of the Citizens Alternative). Efforts that have succeeded in the past are those in which the BLM and the partners have had a common goal, and positions become secondary to resolving the problem. **I believe we have failed to reach a collaborative solution in this case because the BLM and those opposed to the Bald Lick project have very different goals and objectives for the future condition of the forest.** Critically, we do not agree on the problem—the forest health status of the Bald Lick stands and/or the methodologies to correct those problems. In repeated conversations with people opposed to this project, I have heard that many of you have preferences other than the BLM’s project objectives of fuels reduction, forest health, and sustained timber management. Further, we do not agree on the future desired condition for the Bald Lick project area.

Collaboration works when all parties agree on the problem (or the objectives to address a problem). Where mutual agreement on problem solving occurred, collaboration has succeeded. Some neighbors and the BLM have mutually agreed as to which fuels reduction efforts would be most beneficial across one another’s property lines. In another example in Bald Lick, a group of eleven neighbors who have worked diligently with the BLM on an isolated 60-acre federal parcel have collaboratively produced a plan to reduce fire hazards and thin for forest health reasons. This parcel (the *Neighbors Project*) is designated as a Stewardship Project separate from a large timber sale offering.

Those opposed to this project point out that the AMA was set aside for innovative approaches involving the community. Those who have been very vocal regarding this project expect that Annual Sale Quantity (ASQ) would have no meaning in implementing this project, and that instead it is more important to collaborate and come to agreement about what, where, how, and why to harvest trees. Some interpret that the goal to be innovative equates to community forestry, where area residents are free to create strategies outside of the management plans already in place (Northwest Forest Plan, RMP, etc.). I do not share this interpretation of the Northwest Forest Plan or the RMP. Had the intent of the Northwest Forest Plan and the RMP been to delegate to the community decision-making authority, to decide the use of lands in the AMA, the Northwest Forest Plan would have clearly said so. It does not. The question as to *which lands* are available for timber harvest has already been decided in the RMP (and includes O&C lands outside of designated reserves). The question as to *which trees* should be harvested has largely been decided (and includes some proportion of mature and old growth trees on AMA lands (RMP EIS p. 4-24 to 4-35)). The question as to *when* trees should be harvested has largely been decided (to meet both forest health and timber management objectives). The question as to *why* trees should be harvested has also largely been decided (to provide raw material).

I interpret the quest for “innovations” as finding unique, homegrown approaches to meeting the management objectives of the Medford District Resource Management Plan, especially goals related to the dual goals of sustainable timber production and maintaining forest health. The *Applegate AMA Guide* was collaboratively created with those dual goals in mind. The questions the plan is hoping to collaborate on deal with ways to accomplish those dual goals. Since these lands are primarily O&C lands, and since these lands are dedicated to sustainable timber production, the BLM expects innovations to aid in achieving sustainable timber management.

An example used in the Northwest Forest Plan of innovation is the use of helicopters to harvest timber so ground disturbance and road construction are minimized. In this project, no new innovations were developed to solve the apparent disagreements over the proposed timber harvest, but the BLM continues to use the cumulative innovations of the past decade (thin from below instead of clearcutting; building less roads by using helicopters; industry development of small, efficient helicopters to reduce noise and increase economics of helicopter yarding; stewardship contracting for local, small operators; and “borderless” fuels reduction).

### ***Clarification of Facts***

Lastly, as I have read your comments, I have noted a number of notions about Bald Lick that are totally inaccurate. There are no clearcuts in Alternative 4. Some of you have characterized the stand reinitiation prescriptions as “clearcuts”. These prescriptions retain 16-25 large trees (generally 21 inches dbh plus) per acre, maintaining 40 to 90 percent canopy closure (EA p. 2-16 and 2-17, 4-76). The Bald Lick area is not a pristine, virgin, or old growth forest. The majority of the trees are between 32 and 146 years old (EA p. 3-13). The RMP defines old growth stands having ages beginning about 180 years old (RMP, p. 109).

## **MONITORING**

A variety of monitoring activities will be performed in conjunction with this action. Federal employees will inspect and administer all contracts for compliance with operational contract specifications. Implementation and post-treatment surveys will be conducted to evaluate the success and effectiveness of these treatments. While not specific to this action, BLM regularly performs a variety of surveys in the Applegate Watershed to help understand ecosystem trends across the landscape. Some of you requested all-party monitoring and I support that for Alternative 4 should the community be interested.

## **CONSULTATION AND COORDINATION**

Pursuant to the Endangered Species Act (ESA), consultation was completed with the US Fish and Wildlife Service (Biological Assessment dated July 11, 2003; Biological Opinion #1-15-03-F-511 dated October 20, 2003). The Service has determined that the proposed action will not jeopardize the continued existence of the northern spotted owl. Furthermore, the Bald Lick project as described under Alternative 4 in the EA does not treat or modify northern spotted owl habitat within any US Fish and Wildlife Service designated Critical Habitat Unit.

Pursuant to the ESA, consultation was completed with the NOAA Fisheries Service. In their July 12, 2005 letter of concurrence, the Service concurred with the BLM’s determination that the actions proposed in the Bald Lick Landscape Project EA “May affect, not likely to adversely affect” (NLAA) “SONC coho; “NLAA” SONC coho Critical Habitat.

A no effect determination was made by BLM regarding the federally listed plant species *Fritillaria gentneri* (EA p. 3-23). The entire project area was surveyed all sites found were buffered and excluded from treatment.

The area was surveyed and the State Historic Preservation Office (SHPO) was notified of this project in accordance with 36 CFR §800.5(b). They have raised no objection to the BLM’s finding that it would not adversely impact sites of cultural or historic significance.

The Confederated Tribes of the Siletz and of the Grand Ronde were notified of this project during the scoping process and the public comment period for the EA. Jackson County Commissioners were also notified.

## **PUBLIC INVOLVEMENT**

Scoping began for the Bald Lick Landscape Project in Spring 2002 when the project was published in a the schedule of proposed actions included in the Bureau of Land Management's *Medford Messenger*, a quarterly newsletter. The Bald Lick Project as proposed in May 2003 was expanded in January 2004 when the Ashland Resource Area Field Manager decided to include treatment units that were previously analyzed under the Bobar Landscape Project Environmental Assessment (EA Appendix F, Project Development). Public outreach occurred for the original Bald Lick Landscape project, the previously planned Bobar project, and for the expanded Bald Lick project. Outreach included mailings to interested organizations, community groups, other agencies, tribes, adjacent land owners, and other individuals; newsletters; public meetings; public field trips; and meetings with neighbors and organized neighborhood groups. Many letters and comments were received by the BLM in response to public outreach.

All public input received regarding the Bald Lick Landscape project was carefully reviewed and evaluated. Comments were received regarding both the content of the Bald Lick Landscape Project EA and the commentor's preferences and opinions about the Bald Lick Landscape proposals and the management of the BLM administered land in the project area. Comments received in response to the public distribution of the EA, did not provide any new information, data or data gaps that would indicate additional analysis is needed. These comments also did not provide any evidence that BLM's analysis of the effects described in the environmental assessment was flawed or inaccurate.

## **PLAN CONSISTENCY**

Based on the information in the Bald Lick Landscape EA and in the record, I conclude that the implementation of the Bald Lick Landscape Project as documented in this Decision Record is consistent with the *Medford District RMP (1995)*; *Evaluation of the Medford RMP Relative to the Four Northern Spotted Owl Reports (August 24, 2005)*; *ROD for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and its Attachment A Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (1994)*; *ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001)*; *ROD Amending Resource Management Plans for Seven Bureau of Land Management Districts and Land and Resource Management Plans for Nineteen National Forests Within the Range of the Northern Spotted Owl: Decision to Clarify Provisions Relating to the Aquatic Conservation Strategy (2004)*.

The BLM is aware of the recent U.S. District Court ruling which found portions of the *Final SEIS to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines (2004)* inadequate. At this time the *ROD to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines (2004)* has not been vacated or withdrawn. Therefore there is no current requirement to complete surveys according to previous Survey and Manage protocols. The court has not yet entered an order specifying what, if any, injunction will be ordered in regard to its findings on the adequacy of the 2004 SEIS. Injunctions for NEPA violations are common, but not automatic.

The BLM expects that the court's findings regarding the 2004 SEIS will result in a court ordered remedy, but the extent of that remedy and whether it would be imposed pending possible appeal of the court's findings are unknown at this time. We will reexamine project level NEPA documents in light of a potential court ordered remedy and will make revisions to EAs as necessary following issuance of the court's judgment. We have provided advance notice to potential purchasers informing them that the court's ruling may result in delays in award of the sale to the high bidder or suspensions of operations. The appropriate processes are currently in place to provide us the ability to delay award of timber sales or issue suspensions should they become necessary to comply with future court orders.

In any case, we do not expect that litigation over the amendment that eliminated the Survey & Manage mitigation measure from the NWFP will affect this project. This is because this project complies with the NWFP prior to that amendment in terms of Survey and Manage surveys and management prescriptions (EA p. 2-33 to 2-38, 3-32, 4-99).

## **FINDING OF NO ADDITIONAL SIGNIFICANT IMPACT (FONASI)**

I have considered both context and intensity of the impacts anticipated from the Bald Lick Landscape Project relative to each of the ten significance criteria suggested by the CEQ. I have determined that my decision to implement Alternative 4 as described in this Decision and under Alternative 4 of the Bald Lick EA **will not have any significant adverse effects beyond those described in broader analyses described in Environmental Impact Statements for the Medford District Resource Management Plan, the Northwest Forest Plan, and subsequent Supplemental EISs to the Northwest Forest Plan**, or the effects have been determined to be insignificant. With regard to each of the significance criteria:

*1) Have significant beneficial or adverse effects on soil, vegetation, water quality, hydrologic function (water flow), and fish and wildlife habitats.*

The Bald Lick Environmental Assessment documented the site-specific analysis of effects to the environment and tiered to and incorporated by reference broader scale analyses documenting the environmental and human effects of a forest management program included in the Medford District Proposed Resource Management Plan/Environmental Impact Statement (USDI 1994); the Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old Growth Forest Related Species within the Range of the Northern Spotted Owl (USDA/USDI 1994); the Final Supplemental Environmental Impact Statement for Amendment to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (USDA/USDI 2000), the Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines (USDA/USDI 2004), and the Final Supplemental Environmental Impact Statement for Clarification of Language in the 1994 Record of Decision for the Northwest Forest Plan National Forests and Bureau of Land Management Districts Within the Range of the Northern Spotted Owl (USDA/USDI 2003).

**Soils.** The Bald Lick Project, as described under the Decision and Alternative 4 of the Bald Lick EA, will result in increased compaction and soil disturbance from timber harvest, road development, and prescribed fire potentially reducing soil productivity and increasing erosion. Soil compaction and disturbance from timber harvest and slashbuster activity will involve less than 5 percent of the area planned for treatment in the Bald Lick proposal. Based on research and past monitoring of operational activities the Medford District RMP assumes there will be a 5 percent loss of productivity (RMP p. 4-13); the effects of the Bald Lick Landscape Project are within this threshold. Less than 1.0 percent of the project area will result in long-term compaction and removal from forest production as a result of new road and helicopter landing construction. Though potential for erosion has been increased, the cumulative effects of management in Alternative 4 regarding roads, actions in riparian zones, actions on highly erodible soils, and thinning/logging actions do not significantly change the water quality and quantity (EA pages 4-62 to 4-66).

The burning of slash piles could result in small areas of detrimentally burned soils involving only about 3 to 5 percent of the treated area and some small areas could result in loss of duff cover as a result of prescribed maintenance underburning (EA p. 4-13). The adjacent unaffected areas act as refugia sites for soil organisms that will re-colonize affected soils restoring conditions over time.

**Vegetation.** The Bald Lick Project, as described under the Decision and Alternative 4 in the Bald Lick EA, will commit about 25 acres of forest land to the permanent road system (4 acres per mile of road and less than one acre per new helicopter landing) (EA p. 4-11 to 4-12). This represents only 0.12 percent of BLM-administered lands within the Bald Lick planning area and less than 1 percent of the Bald Lick Project Area. Because 6.9 miles of road will also be decommissioned there will be a beneficial effect of restoring an estimated 27.6 acres of existing roads over the long-term to productive forest land, a net increase of 2.6 acres (EA p. 4-11 and 4-15).

The 2,227 acres of commercial forest thinning will result in a beneficial effect of increased tree growth and vigor, and an increased resistance to bark beetle attacks (EA p. 4-74 to 4-76; EA Appendix B, Silvicultural Prescriptions) as anticipated in the RMP/EIS (p. 4-36, Silvicultural Practices that Reduce Stand Density or Competition).

There is potential for the spread of noxious weeds from project activities; however, project design features will be enforced to minimize the potential for introducing and spreading noxious weeds (EA p. 2-31 to 2-32). With the implementation of project design features, existing populations of noxious weeds are expected to decrease and the establishment of new populations is anticipated to be minimal (< 2 acres) (EA p. 4-88).

**Water Quality and Hydrology.** The greatest potential for effects to water quality and hydrologic function are from existing roads and new road and landing construction. Roads can alter the hydrologic network potentially magnifying peak flows, and sedimentation produced from roads can enter the stream network (EA p. 4-24, 4-47, 4-64 and EA Appendix A). The Bald Lick proposal will disconnect many existing roads (decommissioned or renovated) from the stream network thus reducing current levels of sedimentation from entering streams and reducing rapid delivery of storm water runoff directly to streams, thus reducing peak flows (EA p. 4-46, 4-47, 4-64 and EA Appendix A).

Although the process of renovation and hauling across the existing stream ford located on the Little Applegate River could deliver about 3 cubic yards of fine sediment and maintaining the degraded channel condition, it is not expected to be sufficiently different from background fine sediment levels to trigger any changes in overall stability or condition of the Little Applegate River (EA p. 4-65).

The Bald Lick Project, as described in this decision and under Alternative 4 in the Bald Lick EA, will disconnect many roads from the stream network by reducing road densities in Riparian Reserves (through road decommissioning and relocation), restoring and constructing water drainage structures to better disperse water (restoring the local downslope movement of water closer to the pre-road condition), and stabilizing roads through road grading and rock surfacing. Renovation of existing roads and the construction of new roads follow project design features (PDFs) as described in the Bald Lick EA (p. 2-20 to 2-25, and 2-27) to minimize the short term risk for increased erosion from activities. PDFs include application of Riparian Reserves, operating restrictions during wet weather conditions, mulching and seeding disturbed soils for erosion control, and installation of adequate water drainage. While some sediment could still enter the stream system, any effects will be very small and will not be discernable at the mouth of the individual 7<sup>th</sup> field drainages in which they occur (EA p. 4-72).

New roads construction located mainly along upper slopes and ridgelines will have increased erosion locally (the affected site). However, due to their location away from streams, combined with project design features (as described in the EA p. 2-20 to 2-25, and 2-27), the potential for sediment to enter streams is very low. Project design features include but are not limited to application of Riparian Reserves, operating restrictions during wet weather conditions, installation of adequate water drainage features, stabilizing road cut banks and fill slopes with woody material and seeding and mulching, and end hauling of excess dirt to be stockpiled in stable locations away from streams.

There is some potential, but to a much lesser extent, for soil disturbance and compaction from vegetation thinning (mainly timber harvest operations) and prescribed fire to increase erosion and sediment potential to streams. However, project design features are required to greatly minimize if not entirely prevent sediment from entering stream systems as a result of commercial harvest, prescribed fire, or fuels reduction treatments including application of Riparian Reserves.

There is no potential for the Bald Lick project to adversely affect low flow, because little, if any, potential for commercial or non-commercial forest thinning to increase peak flow since the percent of area compacted within affected drainages will remain below the 12 percent level of concern; the amount of area in non-recovered openings in transient snow zone openings will either remain unaffected or below any threshold of concern (EA p. 4-47 to 4-48); and canopy closures within treatment units will be maintained at or above the 30 percent level identified as the historical level for this ecoregion (EA p. 4-27 and Appendix A).

**Wildlife Habitats.** A variety of vegetation conditions exist in the Bald Lick Project Area providing habitat for a variety of wildlife species. The effects of the implementing the entire Medford District Resource Management Plan on various wildlife habitats was analyzed and documented in the RMP/EIS (USDI 1994) and incorporated by reference to the Bald Lick EA (EA p. 4-94). The effects of implementing Alternative 4 will not result in any significant impacts on wildlife habitats beyond those impacts identified in the RMP/EIS primarily because the structural and age class distribution resulting from Alternative 4 are consistent with the expected short term and long term changes predicted in the RMP/EIS (p. 4-51). Overall, only about 23 percent of the conifer forest habitats (11 inch diameter and greater) within the Bald Lick Planning area will be treated with commercial timber harvest, leaving about 77 percent of these conifer forest habitats on public lands untreated.

**Late-Successional Forest Habitat.** The Bald Lick project will retain six 100-acre Late-successional Reserve areas (unmanaged owl core areas) and over 3,700 acres of unmanaged Riparian Reserves (EA p. 4-95). These 100-acre Late-Successional Reserves combined with Riparian Reserves, other green tree retention areas, and retention of coarse woody material, provide for dispersal of organisms across the landscape between mapped Late-Successional Reserves as well as source areas for maintenance and recovery of some late-successional organisms in the matrix and AMA (EA p. 4-95 and EA Appendix E). Additional project design features included in the Bald Lick Project designed to retain important habitat features including snag retention—no snags will be marked for removal except those needed to provide for worker safety (EA p. 4-95); retaining a level of snags to support 100 percent of the current snag-dependent species in the project area; no trees with old-growth characteristics will be marked for removal, except within less than 100 acres of regeneration harvest units (EA p. 2-14); and forest thinning prescriptions will retain 40 to 90 percent canopy closure within forested habitats treated.

**Woodland Shrubland.** The Bald Lick proposal (Alternative 4) will treat less than 2 percent of the non-conifer plant communities (primarily shrublands and woodlands) on public lands within the planning area to reduce hazardous fuels. An estimated 98 percent of the non-conifer plant communities will remain untreated. The Muddy Gulch, Wolf Gulch and Bear Gulch portions of the planning have been designated as an Oregon Important Bird Area. This designation was conferred on this area because several bird species associated with the shrubland/oak-woodland habitat complex reach their northern breeding limits in southwest Oregon. Species specifically mentioned in the designation include blue-gray gnatcatcher, California towhee and oak titmouse. These species have extensive ranges e.g., from southern Oregon to Baja; therefore, they are not currently considered special status species. Given the wide range that the species occupies, and the amount of habitat that will be retained, displacement of individuals and loss of production for one year is not considered a significant impact (EA p. 4-101).

**Deer Winter Range.** Post-harvest thermal cover in the Little Applegate Deer Winter Range area will minimally meet current RMP guidance (RMP, p. 48). Several factors will mitigate this reduction in thermal cover effectiveness. (1) Regeneration harvest will not occur in any of the stands currently providing thermal cover. Post-harvest these stands will have canopy closures of 40-60 percent. Although not optimal, the thermal cover effectiveness of the stands will still be about 50 percent based on data in Thomas et al. (1979). (2) The loss in thermal cover effectiveness will not be compounded by vehicular traffic. Most of the deer winter range is in an unroaded portion of the proposed project area, i.e., the south-facing slopes of the Little Applegate below Anderson Butte, and no new roads are proposed in this unroaded portion. Therefore, deer on the winter range do not have to waste an inordinate amount of energy in avoidance behavior. (3) The harvest will improve forage conditions in the stands by stimulating the growth and abundance of shrub and herbaceous species. The improved forage conditions could offset and even exceed the theoretical energetic cost of reduced thermal cover effectiveness.

Additionally, the concept that thermal cover moderated weather conditions, and thus, was important to survival and reproduction in ungulates has recently been challenged (Cook et al. 2004). The researchers conclude that “the primary benefit attributed to cover is probably not operative across a considerable range of climate, including those in boreal ecosystems of the northeastern U.S., maritime ecosystems of the inland Pacific Northwest, and cold, dry ecosystems of the central Rocky Mountains”. This finding indicates that the reduction in thermal cover effectiveness will be of little consequence to wintering deer.

**Fish (Aquatic) Habitats.** Sediment from existing roads and planned road work is the main concern for adverse effects to fish habitat from the implementation of the Bald Lick Project (Alternative 4). The potential for increased sediment has been addressed under water quality. While there is potential for short-term increases in sediment, project design features including the application of Riparian Reserves will reduce the potential for sediment to enter streams. Because over the long-term the Bald Lick Project will reduce sediment impacts, there is a long-term beneficial effect to fish habitat. Any short-term increases in sediment production will be low and not discernable at the mouth of the 7<sup>th</sup> field drainages in which they occur (EA p. 4-72). There will be no-effects to water temperature (see water quality discussion above). Aquatic habitat will be maintained and improved over the long-term.

(2) *Have significant impacts on public health or safety.*

No aspects of the project have been identified as having the potential to significantly and adversely impact public health or safety.

Concerns for the effects of increased traffic on public safety were raised; however, to BLM’s knowledge there are no studies or evidence indicating any increase in vehicle accidents related to increased traffic associated with logging operations (EA p. 4-116). While people may feel uncomfortable sharing the road with logging trucks, the duration logging operations will be periodic over a three year period. Operations will not impact the entire project area at one time as contract operations will likely move from one location to another. The number of days a timber sale operation may be in any one area ranges from about 12 to 194 days, periodically, over the life of a 3 year contract. The lower portion of the Little Applegate road and the Eastside road are also paved, which mitigates the effects of dust and its potential effects to driver safety along those sections of roadway. Dust abatement will be applied to unpaved BLM controlled roads to effectively mitigate the effects of dust (EA p. 2-24, 4-5, 4-115).

The fuel and fire hazard reduction elements of the project are likely to have a beneficial impact on public health and safety by reducing the threat of high intensity wildfires, particularly within the rural interface areas (EA p. 4-80 through 4-85). Forest thinning will decrease and increase hazardous fuels

simultaneously by reducing ladder and canopy fuels but increasing ground fuels. However, despite the temporary increase in ground fuels, research indicates that a reduction in crown fuels can be equally effective regardless of whether surface fuels have been treated (Omi and Martinson 2002; vanWagtendonk 1996; EA p. 4-83; EA Appendix E p. E-19 to E-21). Additionally, this temporary increase in surface fuels will last only for about one year for most of the areas treated, but can last up to two years, which is the time period needed to complete all post harvest fuel treatments designed to dispose of the surface and some remaining ladder fuels (EA p. 4-83). Moreover, the effect of untreated slash (in piles) may be overstated, as there is likely little difference between dense, standing forest fuel (if the stand was not thinned and did not generate slash), and that which is on the ground in piles.

Prescribed burning operations will follow all requirements of the Oregon Smoke Management Plan and the Department of Environmental Quality Air Quality and Visibility Protection Program (EA p. 4-6). Prescribed burning will occur during periods when fuel moistures reduce the material consumed, thus reducing smoke emissions and during periods when atmospheric conditions allow for smoke dispersal (EA p. 4-8). These avoidance strategies will minimize the duration and effects of smoke emissions in localized drainages and will prevent any adverse effects to the annual PM-10 attainment in the nearby non-attainment areas of Grants Pass, Klamath Falls, and Medford/Ashland non-attainment areas (EA p. 4-8).

All operations on BLM-administered lands are required to meet Occupational Safety and Health Association regulations for worker and public safety.

*3) Have significant, adverse effects on unique geographic characteristics or features, or on special designation areas such as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; sole or principle drinking water aquifers; or prime farmlands.*

As described in the EA (p. 4-113), all known cultural sites were identified through surveys and excluded from ground disturbing activities. Through this avoidance strategy no effects to historic or cultural resources will occur with the implementation of Alternative 4.

No wilderness areas or wilderness study areas occur within the project area. No areas were identified as having potential for wilderness study. Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA) directed the Secretary of the Interior and the BLM to review all public land roadless areas 5,000 acres or more in size, or roadless islands with wilderness characteristics, to determine their suitability or unsuitability for wilderness designation. However, Section 603 has limited application to the revested Oregon and California lands (O&C lands). The O&C Act takes precedence where mandatory wilderness review of Section 603 would prevent commercial timber management of O&C lands (Memorandums from Office of the Solicitor, Washington DC, August 27, 1979 and September 5, 1978). The majority of BLM lands (21,000 acres) within the Bald Lick Planning Area are O&C lands; therefore, these lands are not eligible for Wilderness Study (EA p. 4-112).

The Sterling Mine Ditch Area of Critical Environmental Concern occurs within the Bald Lick Project Area. Under all alternatives the ACEC will be protected through avoidance activities including a no commercial treatment buffer for 30 feet either side of the ditch. However, under Alternative 4, no actions of any kind will occur within or adjacent to the Sterling Mine Ditch ACEC (Bald Lick EA Map 2-4); therefore, there is no potential for any direct effects to the ACEC and the values for which it was established. While people recreating on the trail may be disturbed by noise from helicopters and other harvest activities (truck traffic, chainsaws, etc.), recreational activities will be allowed to continue and effects from noise will be periodic and short-term (about 3 years).

While other dispersed recreation activities throughout the Bald Lick planning area may be temporarily and periodically displaced due to timber sale operations, the effects from harvest operations will be short-term and periodic lasting only the duration of the project (about 3 years). This is not significant because there are endless opportunities for dispersed recreation in a forested setting on public lands throughout southwest Oregon; the Medford District BLM alone provides over 800,000 acres of lands for dispersed recreation use (RMP p. 3-71, 3-75, 3-84). These areas will provide alternative locations for recreating.

A thorough hydrologic analysis was completed for the Bald Lick proposal (EA, Appendix A). The analysis indicates that vegetation thinning treatments could have the effect of increasing available water to riparian areas during summer low flow, but any increases will be small and will return to background levels in a few years (EA p. 3-11, 4-31). Therefore the Bald Lick Project will have no adverse effects on available ground water or summer low flow and will have only slight, if at all measurable, beneficial effects on ground water and summer low flow.

The Bald Lick project occurs on BLM-administered forest lands, hardwood woodlands, or shrublands; no prime farmlands exist within areas proposed for treatment (EA p. 3-15).

No rivers designated as wild or scenic occur within or near the project area. No parks or refuge lands occur within or near the Bald Lick Project Area.

*4) Have highly controversial environmental effects.*

As evidenced by the public comments received regarding the Bald Lick project, there is a range of opinions about the objectives of land management activities. Differences in public opinion reflecting a range of values that humans place on the management direction of public lands does not demonstrate highly controversial environmental effects. The effects of the Bald Lick project are similar in nature to those of many other projects that have been implemented within the scope of the Northwest Forest Plan and the Medford Resource Management Plan. The controversies about the rate, timing, and intensity of timber harvest and the associated effects have already been considered and decided in the Northwest Forest Plan EIS (p. 1-3, 3&4-261 to 3&4-319, and Appendix H (FEMAT Report) and the RMP/EIS (p. 3-105, 3-115-3-119, 4-115, 5-6 to 5-11).

The anticipated effects of commercial forest thinning and non commercial fuels reduction documented in the EA are well supported with referenced literature throughout the EA and Appendices. Neither the EA analysis nor the public comments identified any evidence of a significant or unique level of controversy not already considered in the RMP/EIS about the effects that will result from the Bald Lick project.

*5) Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.*

The analysis does not show that this action will involve any unique or unknown risks outside of those addressed and anticipated in the Medford District Resource Management Plan EIS and the Northwest Forest Plan EIS.

*6) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

The decision to implement the Bald Lick Landscape Project will not set any precedents for future actions with significant effects. The Bald Lick Project will implement actions approved for forest management under the 1995 Medford District Resource Management Plan (which incorporated the Northwest Forest Plan) and analyzed under the Medford District Resource Management Plan

Environmental Impact Statement, including commercial forest thinning, fire hazard reduction, and road construction, renovation and decommissioning (EA p. 1-3 through 1-6). It is therefore consistent with the type of project envisioned in the BLM Resource Management Plan and Northwest Forest Plan and similar to many other projects previously designed and implemented under these plans across the Medford District BLM.

7) *Be directly related to other actions with individually insignificant, but significant cumulative environmental effects.*

Cumulative effects analyses were conducted for this project and no significant cumulative impacts have been identified outside of those addressed and anticipated in the Medford District Resource Management Plan EIS and the Northwest Forest Plan EIS. Extensive biological survey and inventory work was completed for the project. Analysis was performed at multiple scales and included past and current conditions and foreseeable future actions including timber harvest (and related road construction) on both private and federal lands (EA p. 3-13, 3-39, 4-2, 4-3, 4-19, 4-20, 4-24, 4-51, 4-62, 4-102, and 4-108); fire exclusion and past management practices (EA p. 3-16, and 4-108); wildfires (EA p. 3-28, and 4-23); fuels reduction and smoke from prescribed fire (EA p. 4-8, 4-73, 4-76, and 4-81, ); floods (EA p. 3-36 and 3-37) and mining and private land development (EA p. 3-33, 3-35, 4-26, and 4-86).

8) *Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places. This includes Native American religious or cultural sites, archaeological sites, or historic properties.*

The project area has been surveyed for cultural and historic resources. Any such sites have been excluded from ground disturbing activities. There are no archeological or historic sites within the Bald Lick Project Area that have been determined eligible for the National Register of Historic Places. The Bald Lick Project will not affect objects listed or eligible for listing on the National Register of Historic Places, nor will it cause destruction of significant scientific, cultural or historical resources (EA p. 4-113).

9) *Have adverse effects on species listed or proposed to be listed as Federally Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species.*

The Bald Lick project does not treat forest lands within any US Fish and Wildlife Service designated Critical Habitat. The Bald Lick project will adversely affect the northern spotted owl (*Strix occidentalis caurina*), a threatened species, as suitable habitat for the northern spotted owl outside of areas designated as Critical Habitat will be degraded. However, pursuant to the Endangered Species Act of 1973, as amended, formal consultation with U.S. Fish and Wildlife Service (Service) was completed through a programmatic consultation for projects in the Rogue River/South Coast basin that are to be sold or implemented in fiscal years 2004 through 2008. The Service concluded in its Biological Opinion (BO) that the projects will not jeopardize the continued existence of the northern spotted owl. The mandatory terms and conditions of the BO require the implementation of specific project design criteria. These criteria are incorporated in the design of the Bald Lick project (EA p. 2-30).

The Biological Assessment for Rogue River/South Coast FY 04/08 Timber Sale and Other Projects, and the Biological Opinion (Log # 1-15-03-F-511) issued by the Service are available for review at the Medford District Office.

Pursuant to the Endangered Species Act, consultation was completed with the NOAA Fisheries Service. In their July 12 Letter of Concurrence, the Service concurred with the BLM's determination that the actions proposed in the Bald Lick Landscape Project EA "May affect, not likely to adversely

affect” (NLAA) and “May affect, beneficially affect” SONC coho; “NLAA” SONC coho Critical Habitat.

A no effect determination was made by BLM regarding the federally listed plant species *Fritillaria gentneri* (EA p. 3-23).

**Bureau Special Status Species.** Five Special Status wildlife species are known to be present in the proposed project area: northern spotted owl (addressed above), northwestern pond turtle, black salamander, Siskiyou Mountains salamander, and purple martin. Analyses determined there will be no potential for effects to the northwestern pond turtle or the black salamander due to the protection of riparian areas (EA p. 4-98). There will be no effects to the Siskiyou Mountain salamander since known occupied habitat for this species was excluded from the project, and a small amount of unsurveyed habitat will be treated only with non-commercial treatments. The known location for the purple martin is outside of the area being treated under Alternative 4 and will therefore not be affected.

Four Special Status Species (wildlife) have not been detected in the proposed project area, but they are likely to be present based on known range and habitat associations. These species are northern goshawk, Lewis’ woodpecker, foothill yellow-legged frog, and fringed myotis.

***Goshawk:*** Although the proposed project could adversely affect the goshawk at the project level if the bird is present, the Standards and Guidelines of the Northwest Forest Plan accommodate the habitat requirements of the northern goshawk within the Northwest Forest Plan area providing for persistence of this species at that scale (EA p. 4-99). The project conforms to the Standards and Guidelines of the NWFP; therefore, the project will not lead to listing the species as threatened or endangered, which complies with the BLM Special Status Species policy.

***Lewis’ Woodpecker:*** Lewis’ woodpeckers will not be adversely affected by commercial forest harvest since they are associated with open oak-pine woodland habitat. Some of the pine restoration treatments could potentially benefit this species in the long-term by promoting development of the historic open pine forests. Non-commercial treatments could benefit this species by improving acorn production (EA p. 4-99, 4-101).

***Foothill Yellow-legged Frog:*** There will be no effect to this species due to required stream buffers (EA p. 4-99).

***Fringed Myotis:*** Within the proposed project area there are no known mines, caves or abandoned buildings that will be suitable for bat roosting. Some trees to be harvested could be used as roost sites. Riparian and other reserves and the snag retention guidelines will mitigate this potential impact (USDI 1994).

All known locations of special status botanical species will be protected through the application of no treatment buffers, exclusion of the sites from treatment areas, season operating restrictions, the application of Riparian Reserve restrictions, and prescribed burning restrictions (i.e. no burning in buffered areas). (EA p. 2-32 to 2-37, 4-86 to 4-87).

Surveys were determined to be impractical for a group of special status fungi species and one lichen species. None of these species are known to occur in the project area but could potentially be present (EA p. 4-9). The potential for effects to these species from forest management activities was addressed in the Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines (USDA/USDI 2004). If these species were to be present, the effects will be within those effects anticipated in

the 2004 FSEIS. If any of these species are found within the project prior to or during any project operations the sites will be protected.

**Other species considerations.** Although no longer required, protocol surveys for great gray owls, Survey and Manage molluscs, and red tree voles were conducted in the project area prior to the Survey and Manage Standard and Guideline being eliminated. No great gray owl nest sites, S&M mollusks, or red tree voles were found in the project area. Therefore, these species are not likely to be affected by the proposed project.

As previously discussed, surveys for Siskiyou Mountains salamanders were conducted in most of the suitable habitat in the project area. Known occupied habitat is protected. See the Siskiyou Mountains salamander discussion, above.

*10) Violate a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment.*

Analysis has determined Alternative 4 will not result in actions that will threaten a violation of any federal, state, or local environmental protection laws. The project is designed to comply with the Medford District's Resource Management Plan and the Northwest Forest Plan.

Recovery goals for listed streams on federal lands in the Applegate Subbasin are identified in the *Water Quality Restoration Plan for the Applegate Subbasin* (BLM, USFS 2005:45-47). The proposed action and alternatives draw upon the passive and active restoration management actions recommended for achieving federal recovery goals (EA p. 1-7). All actions will comply with the Clean Water Act (EA p. 4-41 and 4-49). Project Design Features are included to ensure compliance with Oregon Department of Environmental Quality water quality objectives.

This decision will not have any adverse impacts to energy development, production, supply and/or distribution (per Executive Order 13212).

This decision will not result in significant wetland or floodplain-related impacts (per Executive Orders 11990 or 11998). Wetlands within the project area have been identified, mapped, and protected by excluding wetlands from the project area through establishment and designation of Riparian Reserves. All Northwest Forest Plan and Medford District Resource Plan protection measures for Riparian Reserve and wetlands are incorporated in the Bald Lick Project Design. Project Design Features (PDFs) have been developed to further ensure that wetlands-related impacts are minimized. See EA - Project Design Features.

The Bald Lick Landscape Project does not constitute a major federal action having a significant effect (beyond those already disclosed in the RMP EIS) on the human environment and an environmental impact statement (EIS) (or supplement to the existing EISs) is not necessary and will not be prepared. This conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR §1508.27), both with regard to the context and to the intensity of the impacts described in the EA and based on my understanding of the project, review of the project analysis and review of public comments. **As noted above, the analysis of effects has been completed within the context of the Medford District's Resource Management Plan and the Northwest Forest Plan.** This conclusion is consistent with those plans and the scope of effects anticipated from those plans. The analysis of effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts (EA p. 4-1).

## ADMINISTRATIVE REMEDIES

This decision is a Forest Management Decision. Administrative remedies are available to persons who believe that they will be adversely affected by this decision. A protest may be filed within 15 days of the publication of a Notice of Decision or Notice of Sale in Medford's *Mail Tribune* newspaper.

When timber is offered for sale, a Notice of Sale will be published in the Medford Mail Tribune. Publication of the first notice of sale establishes the effective date of the decision for those portions of this Decision Record to be implemented through a timber sale. The protest of the timber sale must be made within 15 days of the publication of the Notice of Sale. The portions of this decision which are components of the timber sale include all road related work including new road construction, road renovation, road decommissioning and all commercial timber harvest units and subsequent activity slash disposal.

In accordance with the BLM Forest Management Regulations 43 CFR §5003.2 (a&c), the effective date of this decision, as it pertains to actions which are not part of an advertised timber sale, is the date of publication of a Notice of Decision in The Medford Mail Tribune. Any protest must be made within 15 days of the publication of Notice of Decision in the Mail Tribune. Any contest of this decision should state specifically which portion or element of the decision is being protested and cite the applicable regulations. The portions of this decision which are not components of a timber sale are all treatments listed as non-commercial treatments or listed as pre-commercial thinning or non-commercial young conifer stand thinning.



John Gerritsma  
Field Manager, Ashland Resource Area  
Medford District, Bureau of Land Management

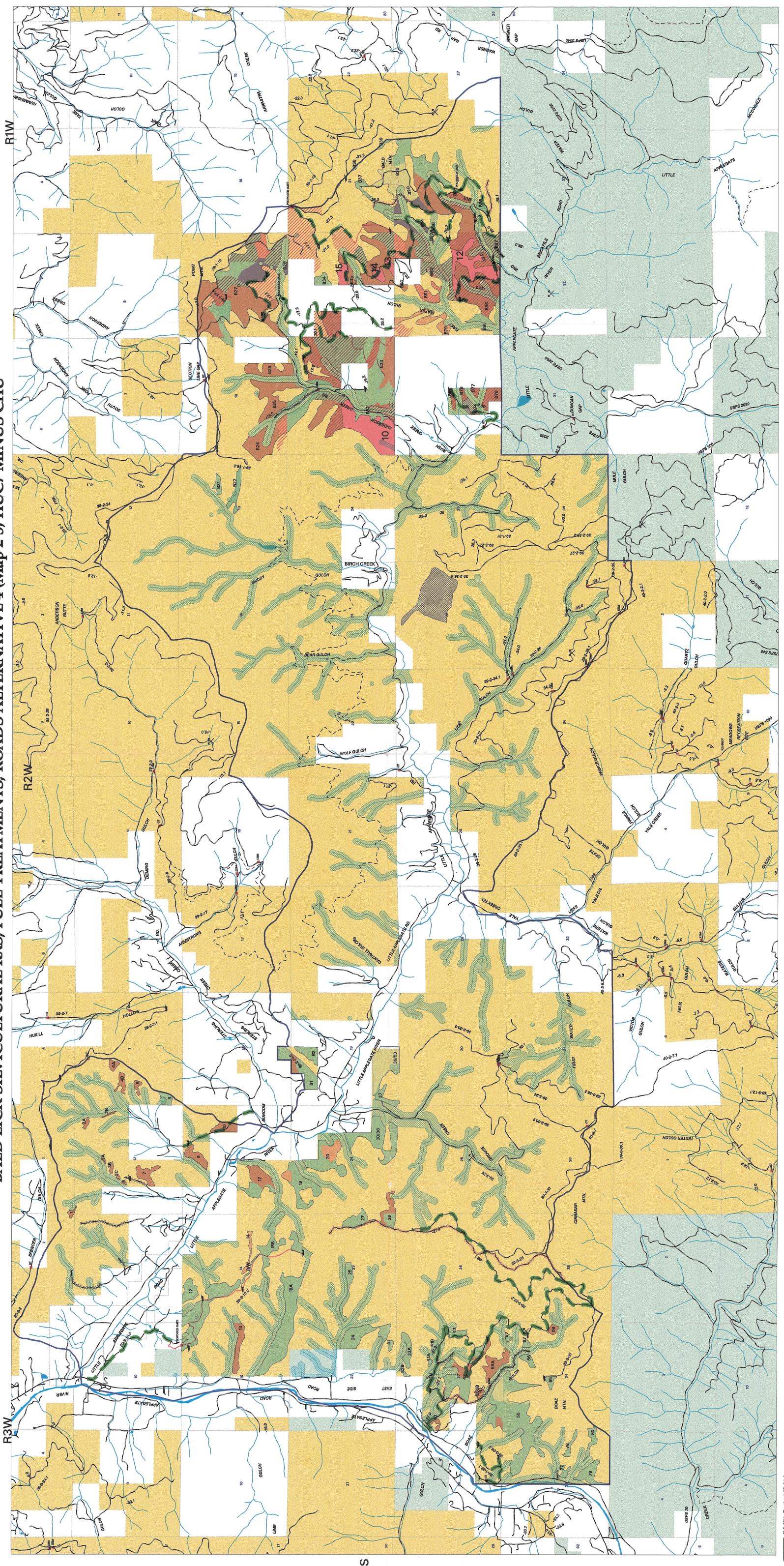
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Date

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# BALD LICK SILVICULTURAL RXS, FUEL TREATMENTS, ROADS ALTERNATIVE 4 (Map 2-3) HUC7 MINUS CHU



**Legend:**

- BLM LANDS
- USFS LANDS
- PRIVATE LANDS
- 1 MOIST DOUGLAS-FIR
- 2 DRY DOUGLAS-FIR
- 3 PINE SITE
- 4 OLD GROWTH/REHABILITATION
- 5 POLES PONDOSA PINE AND DOUGLAS-FIR
- 6 MISLETOE PRESCRIPTION
- PCT
- FUEL TREATMENT UNIT
- RRPPAN RESERVE
- UNSTABLE SOILS (RRPPAN RESERVE)
- ROAD RENOVATION
- ROAD
- STERLING MINE DITCH TRAIL
- NEW ROAD
- DECOMMISSION ROAD MECHANICAL
- DECOMMISSION ROAD NATURAL
- WATERBODY, WETLAND
- GATE OR EARTH BEHM (existing & proposed)
- HELICOPTER LANDING
- QUARRY
- STREAM
- BALD LICK PLANNING AREA
- SECTION LINE
- COMMERCIAL HARVEST UNIT

**Scale:** 1:50,000  
 0 1000 2000 3000 4000 5000 Feet  
 0 1000 2000 3000 4000 5000 Meters

**Map Information:**  
 Bald Lick Planning Area  
 Prepared by: [Name]  
 Date: [Date]