United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Glendale Resource Area
2164 N.E. Spalding
Grants Pass, Oregon 97526

IN REPLY REFER TO:

1790 (ORM080)
DOI-BLM-M080-2010-010-EA

AUG 23 2011

Dear Interested Party:

The Decision Documentation for the Farout Timber Sale is available for review. The Farout Timber Sale is 389 acres of commercial thinning and riparian thinning, and 25 acres of daylighting road maintenance (9.9 miles) on BLM managed lands. To facilitate the transport of logs, there would be 22 miles of road maintenance work on existing roads, and 1.5 miles of temporary route construction and 0.22 miles of re-construction to be decommissioned after use.

The Decision Documentation is available on the Medford District's internet site at *http://www.blm.gov/or/districts/medford/plans/index.php.* If you do not have internet access, or would prefer a paper copy of this document, please contact Michelle Calvert, Planning and Environmental Coordinator, at (541) 471-6505. Hardcopies of the Decision Documentation are also available at the Grants Pass Interagency Office at 2164 Spalding Ave, Grants Pass, OR 97526. Office hours are Monday through Friday, 7:45 A.M. to 4:30 P.M., closed on holidays.

The activities of the Farout Timber Sale are analyzed under the Farout Project Environmental Assessment (DOI-BLM-M080-2010-010-EA). The EA was made available for public review at the end of March 2011 for a 30 day comment period. The Bureau of Land Management's (BLM) responses to public comments are included as an Attachment to the decision. The comments were considered in reaching a final decision for the Farout Timber Sale.

In accordance with the BLM Forest Management Regulations (43 CFR 5003.2), the decision for the Farout Timber Sale will not become effective or open to formal protest until the first Notice of Sale appears in the Grants Pass Daily Courier. The first notice of sale is anticipated to be published August 25, 2011.

43 CFR § 5003.3 subsection (b) states, "Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision." This precludes the acceptance of electronic mail (email) or facsimile (fax) protests. Only written and signed hard copies of protests that are delivered to the Grants Pass Interagency Office will be accepted. The protest must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

43 CFR § 5003.3 subsection (c) states: "Protest received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered." If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of the first Notice of Sale, the decision will become final.

For additional information contact either Katrina Symons, Grants Pass Field Manager, 2164 NE Spalding Avenue, Grants Pass, OR 97526; telephone 541-471-6653 or Michelle Calvert, Planning and Environmental Coordinator, 541-471-6505.

Sincerely,

For Katrina Symons
Field Manager
Grants Pass and Glendale Resource Areas

Decision Documentation for the Farout Timber Sale

(DOI-BLM-M080-2010-010-EA)

United States Department of the Interior
Bureau of Land Management
Medford District, Glendale Resource Area

I. INTRODUCTION

The Decision Documentation for the Farout Timber Sale is the first decision to implement forest management activities analyzed under the Farout Project Environmental Assessment (DOI-BLM-M080-2010-010-EA). The Farout Timber Sale is 389 acres of commercial thinning and riparian thinning, and 25 acres of daylighting road maintenance (9.9 miles). To facilitate the transport of logs, there would be 22 miles of road maintenance work on existing roads, and 1.5 miles of temporary route construction and 0.22 miles of re-construction to be decommissioned after use.

The land use allocations in this timber sale are Matrix and Riparian Reserve under the Medford District's 1995 Resource Management Plan (RMP), and are Timber Management Area and Riparian Management Area under the 2008 RMP. The timber sale also has one unit (35-1) in an eligible Wild and Scenic River segment of Elk Valley Creek. The Outstandingly Remarkable Values for the Elk Valley Creek river segment is fisheries. This segment also has a potential classification as a recreational river under the Wild and Scenic River system.

The primary project objective is to "Produce a sustainable supply of timber and other forest commodities on matrix lands to provide jobs and contribute to community stability" (EA, p. 12).

The Planning Area (PA) is located approximately 10 miles northwest of the town of Glendale. The legal description of the PA is T.31S., R.10W., Sections 12 & 13; T.31S., R.9W. Sections 1-3, 7-29, & 33-36; T.31S., R.8W., Sections 6-8, 16-20, & 29-32; T.32S., R.9W., Sections 1; and T.32S., R.8W., Sections 5 & 6 in Douglas and Coos Counties, Willamette Meridian.

Table 1. Farout Timber Sale Units

EA Unit # (noted if label changed for timber sale)	**Timber Sale Unit #**	**Acres**	**Forest Management Treatment**	**Upland Canopy Cover retention**	**Riparian Reserve Canopy Cover retention (outside EPZ)**	**Harvest System**
	7-1	11	Commercial Thin/ Riparian Thinning	60%	60%	tractor
	7-2	4		40%	50%	cable
11-6	11-2	35		60%	60%	cable

EA Unit # (noted if label changed for timber sale)	**Timber Sale Unit #**	**Acres**	**Forest Management Treatment**	**Upland Canopy Cover retention**	**Riparian Reserve Canopy Cover retention (outside EPZ)**	**Harvest System**
	11-3	16	Commercial Thin/ Riparian Thinning	40%	50%	tractor (8 acres) cable (8 acres)
	11-4	33		40%	50%	tractor (17 acres) cable (16 acres)
	11-5	2		60%	60%	cable
	11-6	6		60%	60%	tractor
	13-1	14		40%	50%	tractor
	13-3	3		40%	50%	tractor
	15-1	28		60%/ 40%	60%/ 50%	tractor (17 acres) cable(11 acres)
	15-2	21		60%/ 40%	60%/ 50%	tractor (3 acres) cable (18 acres)
	20-1	15		60%	60%	cable
21-3	21-1	9		60%	60%	cable
21-1	21-2	35		40%	No Riparian in unit	tractor (1 acre) cable (34 acres)
21-3	21-3	8		40%	50%	tractor
	23-1	11		40%	50%	tractor (7 acres) cable (4 acres)
	23-2	7		40%	50%	cable
	23-3	3		60%	60%	cable
	23-4	12		40%	50%	cable
	23-5	13		60%/ 40%	60%/ 50%	cable
	27-1	3		60%	60%	tractor
	27-2	16		40%	50%	cable
	27-3	17		60%	60%	tractor
	27-4	8		40%	50%	tractor
	29-1	11		40%	50%	tractor (0.5 acre) cable (10.5 acres)
	29-2	8		40%	50%	cable

EA Unit # (noted if label changed for timber sale)	**Timber Sale Unit #**	**Acres**	**Forest Management Treatment**	**Upland Canopy Cover retention**	**Riparian Reserve Canopy Cover retention (outside EPZ)**	**Harvest System**
31-4 & 31-5	31-2	17	Commercial Thin/ Riparian Thinning	40%	50%	tractor (14 acres) cable (3 acres)
31-1	31-3	14		60%	60%	tractor (11 acres) cable (3 acres)
30-1	31-4	2		60%	60%	tractor (1 acre) cable (1 acre)
	35-1	7		40%	50%	tractor

Table 2. Farout Timber Sale Temporary Route Construction, Route Re-construction, and associated Decommissioning and Road Re-construction

Road Work Activities	**Location**	**Miles**	**Control**	**Surfacing**
temporary route construction (Decommission after use: Block, rip, waterbar, and mulch after use)	into Unit 15-1	0.3	BLM	NAT
	into Unit 11-2	0.4	BLM	NAT
	into Unit 21-1	0.5	BLM	NAT
	into Unit 29-1	0.1	BLM	NAT
	into Unit 29-2	0.2	BLM	NAT
	into Unit 35-1	0.1	BLM	NAT
temporary route reconstruction (existing road prism) (Decommission after use: Block, rip, waterbar, and mulch after use)	into Unit 15-1	0.1	BLM	NAT
	into Unit 29-1	0.1	BLM	NAT

Legend

NAT = Natural or Native

Table 3. Farout Timber Sale Daylighting Road Maintenance*

BLM Road Number	Mileage	Distance
31-9-13.1	0.10	**Outside Riparian Reserves** Vegetation removal ≤ 5-20 ft from center line of ditch, up cutbank; and ≤ 5-20 ft from road shoulder, down fill slope **Within Riparian Reserves** *Overstory* vegetation removal < 5 ft from center line of ditch, up cutbank; and 5 ft from road shoulder, down fill slope. *Understory* removal in Riparian Reserves limited to standard road maintenance (4 ft of brushing off both sides of road) For specific mile post treatments for each road, see Farout Timber Sale Prospectus (Exhibit C-14).
31-9-12	2.13	
31-9-11	1.37	
31-9-11.4	0.47	
31-9-11.5	0.09	
31-9-15	0.29	
31-9-27	1.00	
31-9-27.6	0.24	
31-9-10	0.56	
31-9-21	0.34	
31-8-29	0.52	
31-8-30.3	0.27	
31-8-31	1.35	
31-8-31.5	0.16	
31-8-31.6	0.36	
31-8-31.7	0.63	
Total	**9.9**	

II. PUBLIC INVOLVEMENT

Initial contact was made with individuals, groups or agencies that have expressed interest in forest management and other types of projects through quarterly mailings of the *Medford Messenger* publication. A brief description of proposed projects, such as the Farout Project, a legal location and general vicinity map are provided along with a comment sheet for public responses. The Farout Project was included in these quarterly publications beginning in the spring of 2010.

Public scoping included a scoping letter mailed to interested individuals and organizations expressing interest in Glendale Resource Area projects and landowners within ¼ mile of proposed Farout Project activities. Public comment was requested from September 13, 2010 to October 15, 2010. The BLM received two public response letters during this portion of scoping. All substantive comments were responded to in Appendix 3 of the Farout Project EA. Comments were considered in the development of the project.

An environmental assessment (DOI-BLM-OR-M080-2010-010-EA) and Finding of No Significant Impact (FONSI) for this project was made available for public review in March 2011. Three comment letters were received. Concerns identified in these comment letters were the impacts to the northern spotted owl would be too great from a 40% canopy closure retention in

its Critical Habitat designation; the proposed daylighting road maintenance would be too aggressive and would increase the terrestrial wildlife connectivity barrier presented by roads; and a request to maintain the hydrologic function of the Project Area's watershed regarding the condition of BLM roads. One commenter requested the following: retain all trees greater than 14 inches diameter at breast height (dbh); retain diverse species (outside of Douglas-fir) and valuable forage species; only prune vegetation in roadside areas with slopes over 70% outside of timber sale units; and requested specifics for performing road maintenance activities. Other comments included requesting dust abatement, culvert cleaning, drainage assessment, ditch and culvert maintenance, and protection of waterbar outlets and culverts with geotextile fabric. Substantive public comments were reviewed by the Farout Project interdisciplinary team and the BLM has responded to those comments in Attachment 1 of this Decision Documentation.

III. CONSULTATION AND COORDINATION

Medford BLM submitted a Biological Assessment (Medford BLM FY 10-11 BA) to the Fish and Wildlife Service and received a Letter of Concurrence (Medford BLM_FY10-11 InformalCons_TAILS#: 13420-2010-I-0025) stating proposed treatments are "not likely to adversely affect the spotted owl". The Planning Area also includes 1992 Northern Spotted Owl Critical Habitat (CHU) OR#62 and OR#67; however, there are no proposed activities in OR#67. The Proposed Action does not occur within revised Critical Habitat (2008; Federal Register (73): 47326-47522), as designated by the U.S. Fish and Wildlife Service. The Service concurred that the proposed treatments within the biological assessment "may affect, are not likely to adversely affect spotted owl NRF habitat within designated critical habitat."

The new temporary route construction, thinning, activity fuels treatments, road maintenance and hauling activities that are proposed within the Umpqua and Rogue Basin and the range of the federally threatened Oregon Coast coho salmon, would have no effect on coho or critical habitat.

Consultation for the Endangered Species Act with NMFS is not needed as the Proposed Action would not affect listed species or their habitat. No consultation is needed under the Magnuson-Stevens Fishery Conservation and Management Act as there is no adverse affect to Essential Fish Habitat for coho and chinook within the Umpqua and Rogue Basin.

Required cultural surveys were completed for the Farout Project. The State Historic Preservation Office (SHPO) concurred that the project would have no effect to significant cultural resources referred to as Historic Properties in the National Historic Preservation Act (NHPA).

IV. DECISION

Based on site-specific analysis, the supporting project record, management recommendations contained in the *West Fork Cow Creek Watershed Analysis* and *Upper Middle Fork Coquille Watershed Analysis*, as well as the management direction contained in the Record of Decision and Standards and Guidelines of the Northwest Forest Plan (1994), *Medford District Resource Management Plan and Record of Decision* (1995), Medford District Resource Management Plan and Record of Decision (2008), I have decided to implement a portion of Alternative 2 of the Farout Project Environmental Assessment (with modifications) referred to hereafter as the Selected Alternative. The Selected Alternative includes 389 acres of silvicultural thinning and density management on

Matrix and riparian thinning in a portion of Riparian Reserves, and 25 acres of daylighting road maintenance (9.9 miles). To facilitate the transport of logs, there would be 22 miles of road maintenance work on existing roads, and 1.5 miles of temporary route construction and 0.22 miles of re-construction to be decommissioned after use. Trees to be removed for harvest would be whole-tree yarded or yarded with tops attached to minimize activity slash remaining within the harvest units. It is anticipated that the majority of the activity slash would be extracted from each thinning unit by this process and piled at the landing sites. Merchantable sawlogs would be removed from yarded material, and any remaining debris at the landing sites would be piled and burned at approved locations, chipped, or removed for biomass utilization.

Red Tree Vole (RTV) protocol surveys (BLM 2000a, BLM 2003) were conducted in stands greater than 80 years old in compliance with the Settlement Agreement. As a result, 9 suitable RTV habitat areas were excluded from Farout Project units, per Management Recommendations (BLM 2000b) to manage for active red tree vole populations and to provide for persistence of the species (USDA/USDI 2001, p.3, 4, & 23). There are no other 2001 Survey and Manage ROD wildlife species affected by the Farout Project.

Vascular and nonvascular plant surveys were conducted for 2001 Survey and Manage Record of Decision species. Surveys revealed the following new sites; (1) *Illiamna latibractiata* (Sensitive), (1) *Leptogium teretiusculum* (S&M E), and (2) incidental fungi sightings of *Phaeocollybia attenuata* (S&M D). However, these species would not be affected by the Proposed Action as these sites would receive a protection buffer (Section 2.3.2.1).

In June 2011, the USFWS (U.S. Fish and Wildlife Service) finalized the *Revised Recovery Plan for the Northern Spotted Owl*, which contains 33 Recovery Actions. Recovery Actions are recommendations to guide activities needed to accomplish the recovery objectives and ultimately lead to delisting of the species. Specifically, Recovery Action 32 (RA 32) in the Recovery Plan recommends maintaining and restoring the older and more structurally complex multilayered conifer forests" (USFWS 2011, III-67). The intent of RA 32 is to provide spotted owls high-quality refugia habitat from the negative competitive interactions likely occurring where the two species' home ranges overlap. The Farout Timber Sale defers treatment in RA 32 stands identified by interagency survey guidance.

ALTERNATIVES CONSIDERED

The alternatives considered in detail included the No Action Alternative (Alternative 1), which serves as the baseline to compare effects and the Proposed Action (Alternative 2), which initiated the environmental analysis process. Best Management Practices (BMPs), Project Design Features (PDFs), and Standard Operating Practices (SOP) are included in the project's design to ensure compliance with the federal Clean Water Act and higher-level National Environmental Policy Act (NEPA) documents, laws and BLM guidelines. The alternative descriptions and BMPs and PDFs incorporated into the Proposed Action are found on pages 21-34 of the EA. The Standard Operating Practices (SOP) are found on pages 151-154.

REASONS FOR THE DECISION
My rationale for the decision is as follows:

1. The Selected Alternative addresses the purpose and need to "produce wood volume at the present time, increase conifer growth rates for wood volume production in the future, and maintain/
improve tree vigor of retained conifers and other vegetation while maintaining northern spotted owl habitat" (EA, p.12).

2. Alternative 1 was not selected because this alternative would not meet the purpose and need of the project as described in Chapter 1 of the EA.

3. Three comment letters were received on the EA and FONSI. The BLM has responded in full to the comments in Attachment 1 of this Decision Documentation. The commenters on the EA (DOI-BLM-OR-M080-2010-0010-EA) did not identify a flaw in assumptions, analysis, or data that would alter the environmental analysis disclosed in the EA or conclusions documented in the FONSI.

VI. FINDING OF NO SIGNIFICANT IMPACT (FONSI)

The proposed treatments for the Farout Timber Sale were analyzed under the Farout Project Environmental Assessment (DOI-BLM-OR-M080-2010-010-EA). The EA included a Finding of No Significant Impact (FONSI). As mentioned above, three letters of comment were received during the 30 day public comment period for the EA and FONSI.

The Farout Timber Sale would provide interim protection for the Outstandingly Remarkable Value of fisheries on the eligible Elk Valley Creek river segment of Wild and Scenic Rivers through the implementation of Project Design Features. Stream buffers will be placed on intermittent, perennial, and fish-bearing streams. There will be no increase to stream temperatures since the canopy in the primary shade zone will not be removed. Sediment resulting from the timber sale would not be of a magnitude that would result in a visible increase in stream turbidity, or a measurable increase in the overall stream sediment deposition for more than 25 ft downstream within any of the stream channels. Changes in embeddedness, interstitial spaces, and pool depth would not be measurable. Following the first winter and thereafter sediment entering streams would decrease to the point of being negligible.

The Farout Timber Sale will not affect the potential recreational classification of the eligible Elk Valley Creek river segment because the visual characteristics of the landscape will not be changed in the dominant and co-dominant components of the stand.

It is my determination the Selected Alternative will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition for significance, outside what has been analyzed in the higher level environmental documents, in context or intensity as defined in 40 CFR § 1508.27. Therefore an environmental impact statement will not be prepared.

VII. PLAN CONSISTENCY

The Farout Timber Sale is consistent with the Medford District's 1995 Record of Decision (ROD) and Resource Management Plan (RMP) and 2008 ROD/RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Medford District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the Proposed Action contains some design features not mentioned specifically in the 2008 ROD and RMP. The 2008 ROD and RMP did not preclude use of these design features, and the use of these design features is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Medford District's 1995 RMP and the 2008 ROD/RMP.

The Proposed Action is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Medford District Resource Management Plan.

The implementation of this project will not have significant environmental effects beyond those already identified in the Record of Decision and Standards and Guidelines of the Northwest Forest Plan (1994) and *Medford District Resource Management Plan and Record of Decision* (1995). The Selected Alternative does not constitute a major federal action having significant effects on the human environment; therefore, an environmental impact statement will not be prepared.

VIII. ADMINISTRATIVE REMEDIES

This decision is a forest management decision. Administrative remedies are available to persons who believe they will be adversely affected by this decision. In accordance with the BLM Forest Management Regulations (43 CFR § 5003.2(1)), the decision for this project will not become effective, or be open to formal protest, until the first Notice of Sale appears in the Grants Pass Daily Courier.

To protest a forest management decision, a person must submit a written and signed protest to the Glendale Field Manager, 2164 NE Spalding Avenue, Grants Pass, OR 97526 by the close of business (4:30 p.m.) not more than 15 days after publication of the Notice of Sale. The protest must clearly and concisely state which portion or element of the decision is being protested and why it is believed to be in error, as well as cite applicable regulations. Faxed or emailed protests will not be considered.

IX. IMPLEMENTATION DATE

If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of the Notice of Sale, the decision will become final. The first Notice of Sale is expected to be published August 25, 2011. If a timely protest is received, the decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and a final decision will be issued in accordance with 43 CFR § 5003.3.

X. CONTACT PERSON

For additional information contact either Katrina Symons, Glendale Field Manager, 2164 NE Spalding Avenue, Grants Pass, OR 97526; telephone 541-471-6653 or Michelle Calvert, Environmental Planner, 541-471-6505.

Katrina Symons
Field Manager, Glendale Resource Area
Medford District, Bureau of Land Management

8/12/11
Date

ATTACHMENT 1

PUBLIC COMMENT ON THE FAROUT PROJECT AND ENVIRONMENTAL ASSESSMENT (DOI-BLM-OR-M080-2010-010-EA) AND BLM RESPONSE

The Farout Project Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) were released for public comment from March 31, 2011 to May 2, 2011. A public notice appeared in the Grants Pass Daily Courier newspaper on March 31. Notification of the comment period included: the publication of a legal notice in the Daily Courier, newspaper of Grants Pass, Oregon and on the Medford District Bureau of Land Management website at http://www.blm.gov/or/districts/medford/index.php; and a letter to be mailed to those individuals, organizations, and agencies that have requested to be involved in the environmental planning and decision making processes for forest management activities.
Three comment letters were received from Klamath Siskiyou Wildlands Center (KS Wild), Oregon Wild, and American Forest Resource Council (AFRC).

BLM responses to substantive comments are presented in this Appendix to the EA.

Substantive comments do one or more of the following (BLM Manual, National Environmental Policy Handbook, 1/30/2008):

- question, with reasonable basis, the accuracy of information
- question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis
- present new information relevant to the analysis
- present reasonable alternatives
- cause changes or revisions in one or more alternative

Comments that are not considered substantive include the following:

- comments in favor of or against the proposed action or alternatives without reasoning that meet the criteria listed above (such as "we disagree with Alternative Two and believe the BLM should select Alternative Three).
- comments that only agree or disagree with BLM policy or resource decisions without justification or supporting data that meet the criteria listed above (such as "more grazing should be permitted").
- comments that don't pertain to the Project Area or the project (such as "the government should eliminate all dams," when the project is about a grazing permit).
- comments that take the form of vague, open-ended questions.

If a number of comments are identical or very similar, agencies may group comments and prepare a single answer for each group. Depending on the volume of comments received, responses may be made individually to each substantive comment or similar comments may be combined and a single response made. The Code of Federal Regulations (40 CFR §1503.4) identifies five possible types of responses for use with environmental impact statements.

- Modify action alternatives.
- Develop and evaluate alternatives not previously given serious consideration by the agency.
- Supplement, improve or modify the analysis.
- Make factual corrections.
- Explain why the comments do not warrant further agency response, citing the sources, authorities or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

Restoration

Comment 1 (KS Wild): Requests watershed restoration and fire resiliency to be incorporated into the project's purpose and need statement, due to cumulative effects of private land industrial and BLM logging and road construction activities in the West Fork Cow Creek, a Tier 1 Key Watershed, and as northern spotted owl critical habitat (CHU OR-62).

Requests the watershed analysis for West Fork Cow Creek to contribute to the decision making of the Farout Project. For example, if watershed analysis shows that restoring certain resources within a watershed could contribute to achieving landscape or ecosystem management objectives, then subsequent decisions will need to address that information. The commenter notes direction from the 1995 Medford Resource Management Plan (p.97), "The results of the watershed analysis will influence final decisions both on timing of land-disturbing activities such as timber sales and on application of design features and mitigation measures, including best management practices (BMPs) for water quality protection."

The commenter quotes the management recommendations of the Northwest Forest Plan's Standards and Guidelines (p. C-7) regarding Key Watersheds to "Reduce existing system and nonsystem road mileage."

BLM Response: The purpose and need identified for Farout Project is to "produce wood volume at the present time, increase conifer growth rates for wood volume production in the future, and maintain/improve tree vigor of retained conifers and other vegetation while maintaining northern spotted owl habitat," (EA, p.12). Decommissioning of roads beyond the 1.5 miles of temporary route construction and 0.22 mile of temporary route re-construction would be augmentation of timber receipts under a timber sale. Without specific statutory authority, the bartering of Government property (the value of timber) for services is prohibited because it would result in an unlawful augmentation of an Agency's appropriations. Timber sale contract requirements must enable the harvest of timber and the associated mitigation must be directly related to the harvest of timber related to the individual project.

It is important to keep in mind, many of the roads in the Grave Creek Watershed are not public roads and are under reciprocal right-of-way agreements with private landowners due to the checkerboard ownership pattern. The BLM does not have the option to close these roads due to the reciprocal right-of-way agreements.

KS Wild does not offer new information, from the West Fork Cow Creek Watershed Analysis, previously considered or evaluated for the proposed Farout Project activities that would require the BLM to: 1) modify alternatives including the Proposed Action, 2) develop and evaluate alternatives not previously given serious consideration by the agency, 3) make factual corrections.

Commenter does not include the rest of the quotation from the NWFP (p. C-7) regarding roads in Key Watersheds which states, "If funding is insufficient to implement reductions, there will be no net increase in the amount of roads in Key Watersheds."

The Proposed Action includes Project Design Features, Best Management Practices, and Standard Operating Practices to ensure water quality would be maintained and to ensure project compliance with the federal Clean Water Act and higher-level National Environmental Policy Act (NEPA) documents, laws and BLM guidelines, as stated in Appendix 9 of the EA.

Roads

Comment 2 (KS Wild): Concerned with proposal to build more roads as a part of the Farout Project and requests this construction be deferred from the project including daylighting road maintenance as not to increase equivalent road densities**.**

BLM Response: The Farout Project EA addressed this comment when it was received during the project scoping process (see Appendix 3 of the EA - BLM response to comment 2):

> The 1.5 miles of temporary route construction and 0.2 miles of existing route reconstruction to access proposed units, would not result in an increase in road density in this watershed because they would all be decommissioned following use. These roads would not lead to stream sedimentation due to their ridgetop location which are hydrologically disconnected.
>
> The proposed daylighting road maintenance activities would limit treatment within the original road right-of-way clearing width and would not alter drainage patterns since this treatment would not contribute to soil compaction since extraction would occur from existing roads. See Chapter 3, Section 3.4.2 and Appendix 2 (Water Resources, p.104) for further details on the effects of this activity on water resources and erosion.
>
> The Glendale Resource Area does not use Equivalent Roaded Area to determine changes in flow or sediment yields. There are "two major limitations with this approach" identified by the U.S. Forest Service stating,"(1) it does not clearly indicate whether changes in flow or changes in sediment yields are being assessed; and (2) it is not spatially explicit (e.g., the effect of an activity does not vary with its location in the watershed).

Comment 3 (KS Wild): The commenter is concerned the daylighting road maintenance prescription would be too aggressive and would threaten to increase the terrestrial wildlife connectivity barrier presented by the road. The commenter describes the proposal as consisting of 60-100 ft cleared swaths. KS Wild believes the BLM has not shown that proposed daylighting road maintenance in Riparian Reserves is needed to attain Aquatic Conservation Strategy objectives as required on page C-32 of the NW Forest Plan ROD. KS Wild states, "A number of federal land management districts include a Project Design Feature or Best Management Practice in their vegetation management projects that require the *retention* of vegetative cover on cut banks and fill slopes in order to reduce the erosion and sediment produced by logging roads. Daylighting would have the exact opposite effect."

BLM Response: The Farout Project EA addressed these concerns when they were received during the project scoping process (see Appendix 3 of the EA - BLM response to comment 5):

> See Chapter 3, Section 3.5.2.2 "…daylighting road maintenance, would not cause any measurable change in spotted owl nesting, roosting, foraging, or dispersal use of the landscape due to the narrow linear nature of the tree removal for these proposed activities. Daylighting road maintenance would typically remove a row of 1-2 trees up to 24 inches dbh adjacent to the road where disturbance to late-successional habitat previously occurred during the original construction of these roads."
>
> No late-successional habitat would be removed, and therefore the Farout Project avoids fragmentation of late successional habitat. The area adjacent to the proposed daylighting road maintenance was previously disturbed during initial road construction, therefore this activity does not cause further fragmentation.
>
> See Appendix 2 (Water Resources, p.104), regarding proposed daylighting on peak flows, and other hydrologic effects. **Daylighting would retain vegetation 1 ft in height on the cut banks and fill slopes within this type of treatment to reduce erosion and sediment**.

BLM would maintain the characteristics of nesting, roosting (NRF), and foraging or dispersal habitat throughout treatments. Treatments would retain the canopy percentages, structural components and species diversity important to owls and their habitat.

The Farout Timber Sale reduces the horizontal distance for daylighting within Riparian Reserves from the EA proposed 10 ft on each side of the road, to 5 ft on each side of the road. Understory removal in Riparian Reserves for this treatment is limited to standard road maintenance (4 ft of brushing off both sides of road).

The EA states, "the original road right-of-way clearing widths were a minimum of 60-100 ft to allow for roadway construction" to inform the reader that current vegetation along the road was established after the 1950s and 1970s. The proposed Farout daylighting maintains up to 10 ft widths on selected roads for safety and reduce future road maintenance costs.

The Farout Project EA provided an Aquatic Conservation Strategy (ACS) consistency analysis (p. 127-132) which evaluated the Proposed Action and "found the Proposed Action would not

retard or prevent the attainment of the nine objectives and the four components of the ACS. Therefore, this project is consistent with the ACS of the NWFP Record of Decision (1994)," (EA, p.14).

> road maintenance (including daylighting) on BLM land…would have no effect on Oregon coast (OC) coho salmon (ESA-Threatened) or coho critical habitat (CCH)…Because of PDFs the amount of sediment entering streams from road related activities would be minimal….Sediment resulting from the haul and road maintenance would not be of a magnitude that would result in a visible increase in stream turbidity, or a measurable increase in the overall stream sediment deposition for more than 25 ft downstream within any of the stream channels…Changes in embeddedness, interstitial spaces, and pool depth would not be measurable…Increased sediment levels from road maintenance would not be detectable above background levels following the first few substantial rain events, therefore sediment input would be short term.

Comment 4 (KS Wild): Requests completion of an Environmental Impact Statement (EIS) rather than an Environmental Assessment (EA). Commenter believes the existing road system, proposed temporary route and landing construction, and daylighting road maintenance will contribute to significant cumulative hydrological and terrestrial environmental impacts. The commenter claims, "Page 50 of the EA indicates that based on BLM analysis of aerial photos and satellite imagery, the project area suffers from significant increased compaction and accelerated erosion as a result of timber management and roads". The commenter also states, "'Long term' increases in watershed compaction that 'alter watershed hydrology' clearly *may* constitute a significant impact to the environment such that an EIS must be prepared. Please note, the BLM cannot rely upon the EIS for the NW Forest Plan, the EIS for the WOPR, or the EIS for the Medford ROD in this regard. None of those documents analyzed or disclosed the cumulative significant impacts of logging and road construction on the West Fork Cow Creek Tier-1 Key Watershed."

BLM Response: The commenter has not specifically identified how the BLM did not adequately analyze negative effects on the project or had a flaw in the finding of no significant impacts on hydrology and terrestrial resources. The Farout Project EA's Finding of No Significant Impacts (FONSI, p.4-9) concludes, "None of the effects identified, including direct, indirect and cumulative effects, are considered to be significant and do not exceed those effects described in the *Medford District Proposed Resource Management Plan/Environmental Impact Statement (1994 PRMP/EIS)."*

The EA does not indicate the Farout Project Planning Area has "significant increased compaction and accelerated erosion" from BLM aerial photo and satellite imagery analysis. The impacts assessed from aerial photography and satellite imagery are within the assumptions of the 2008 Medford District RMP EIS and 1995 RMP EIS that private lands would be harvested on a 40-60 year rotation basis and road construction and hauling associated with non-federal timber harvest would continue in the future.

Information merely favorable to a commenter's position in the NEPA documents does not necessarily raise a substantial question about the significance of the project's environmental

effects. The commenter has not presented evidence of a credible nor substantial scientific disagreement with the EA's conclusion that this project's impacts are within those anticipated in the environmental impact statement accompanying the resource management plan (2008 or 1995 RMP ROD). NEPA does not require repeated discussions of controversies concerning the management issues already addressed in agencies' programmatic documents every time an implementing project is proposed. "It is well-settled that an EA tiered to a final EIS is not required to restate impacts analysis that was already considered in the document to which the EA is tiered. Southern Utah Wilderness Alliance, 159 IBLA 220, 242-43 (2003); Blue Mountains Biodiversity Project, 139 IBLA 258, 267, (1997); Oregon Natural Resources Council, 115 IBLA 179, 186 (1990)," (IBLA 2001-127). The commenter does not identify any substantial dispute that would trigger the need for an EIS.

Soils

Comment 5 (KS Wild): The commenter is concerned about logging on fragile soils due to gradient or presence of a high groundwater levels. The commenter does not believe the Project Design Features for Timber Production Capability Classification (TPCC) lands (EA, p. 63) to be particularly effective.

KS Wild quotes an excerpt from the EA (page 62), "where soils are compacted, subsurface flow patterns and water infiltration rates are impacted, often resulting in increased surface flows." KS Wild provides the following statement and citation as p. 53 of the EA "soils in the planning area are prone to erosion". KS Wild believes since the EA proposes logging on TPCC lands due to high groundwater, "it is possible that the road construction, tractor logging and landing construction proposed will have significant impacts necessitating the completion of an EIS".

The commenter notes the dry season restriction for fragile soils (May 15-Oct 15) and assumes no other PDFs regarding logging operation timing are to be applied by stating "this assumes that there will not be significant rainfall events outside of the 'dry season'" and requests logging on TPCC fragile lands be avoided all together.

The commenter quotes a summary statement regarding PDFs for fragile soils from the environmental consequences section of the EA (Chapter 3, p. 63), "using full or partial suspension" and requests to know which TPCC units will be yarded via full suspension vs. partial suspension.

The commenter believes the BLM is only proposing to "immediately" construct waterbars on yarding corridors located on slopes greater than 65% and believes yarding on slopes of this steepness always results in significant impacts to soils and hydrology regardless of the immediacy of mitigation measures. Requests how many cable corridors will be located on slopes greater than 65%, where they will be located, the site-specific impacts of such corridors, the justification for the 65% slope figure, and where tractor yarding activities may occur on TPCC fragile lands with groundwater concerns. Asks if cable corridors on 55% slopes need immediate waterbars. Requests yarding activities be avoided on "extremely steep slopes".

BLM Response: Site specific Project Design Features (PDFs) were developed for portions of twelve proposed units with "Commercial Forest Land-Suitable" soils under the TPCC classification layer (EA, p.23). A total of 14.8 acres in portions of units are classified as Fragile-Slope Gradient-Suitable, and 14.6 acres in portions of units are classified as Fragile-Groundwater-Suitable (EA, p.63). The PDFs incorporate the BLM's "A Synopsis and Updated Guide of Standard Operational Practices for Upland Soil Productivity in Western Oregon, March 2010" which includes management guidance for these soil classifications.

These PDFs were incorporated into the EA after careful field review to determine the specific areas where timber management would be suitable. Soils under "Commercial Forest Land-Suitable" require harvest or reforestation, techniques or timing to be altered, or protection measures to be implemented to be capable of meeting minimum stocking and to minimize productivity loss from erosion, mass wasting, nutrient loss, a reduction in moisture supplying capability, or a rise in water table (Draft Timber Production Capability Classification Handbook. BLM Manual Supplement, Oregon State Office. Handbook 5251-1). Sections 2.3.2.2, Section 2.3.2.4, and Table 3-3 of the EA provides further specifics. Proposed Farout Project units do not overlap TPCC withdrawn areas.

KS Wild quotes the following statement from the EA (p.62), "where soils are compacted, subsurface flow patterns and water infiltration rates are impacted, often resulting in increased surface flows" *but does not supply the immediate follow-up statement that provides context*, "Management techniques for this project would be implemented to greatly reduce the amount of compaction and erosion that would occur as a result of timber management. Soils protected by litter are also less prone to erosion (Rothacher and Lopushinsky 1974). Therefore, by limiting the amount of surface disturbance and the amount of exposed soil, surface erosion can be reduced."

It appears KS Wild misquoted a statement on erosion (claimed on p. 53 of the EA), is actually "Soils in the Planning Area vary from clay loam to extremely gravelly loam in the surface horizon, with a moderate erosion hazard on slopes under 30%, and a moderate to high hazard of erosion on steeper slopes. Project soils are generally well-drained and moderately deep (20-60^{+} inches to bedrock), with some local areas of shallow soils on ridgetops and rock outcrops. Project soils are suited primarily for growing Douglas fir. Western hemlock, ponderosa pine, Pacific madrone, Red and Port Orford cedar, and grand fir are common secondary species within the overstory of these stands," (EA, p. 46-47).

There is no road construction, temporary route construction, temporary route re-construction, or landing expansion proposed on TPCC lands for the Farout Project. As addressed in response to comment 4 above the actions proposed for the Farout Project do not necessitate completion of an EIS.

The dry season restriction (May 15-Oct 15) would be applied, to fragile suitable restricted due to gradient and fragile suitable due to high ground water, to operate during the lowest possible soil moisture content. During the summer, soils are generally drying out. During a non-raining period in the winter (dry condition), soils in the lower profiles can still be saturated and the likelihood of rain events occurring during harvest, prior to rehabilitation, is higher if operating during the "rainy" season, increasing the risk of excessive erosion on fragile soils. However, the

PDF immediately following those specifically addressing fragile soils would also apply, "Ground based logging would not occur when soil moisture at a depth of 4-6 inches is wet enough to maintain form when compressed, or when soil moisture at the surface would readily displace, causing ribbons and ruts along equipment tracks. These conditions are generally found when soil moisture at a depth of 4-10 inches is between 15-25% depending on soil type (Best Management Practice, RMP p.166)." (EA, p. 23).

Regarding full vs. partial suspension and as stated above the commenter quotes a summary statement about PDFs in the environmental consequences section (Chapter 3 of the EA, p.63) "units would be yarded using full or partial suspension", *rather than* the actual PDF (EA, p.23) which specifies "**yard with full suspension (year-round) or one-end suspension during the dry season (generally May through October)**" to "Units 11-4, 23-1, 23-5, 25-3, 25-5 and daylighting road maintenance in T31S-R9W-Section 11 and 15" to "maintain soil productivity due to areas with fragile suitable restricted gradient classification". The Proposed Action meets the management recommendations of the 1995 and 2008 Medford District RMP regarding appropriate yarding systems for various gradients.

In conclusion, "…the specific PDFs/BMPs…for implementation on TPCC restricted soils, the amount of onsite erosion within all proposed thinning units would be measurably reduced, and kept within the guidelines of the NWFP and Medford RMP through the use of project wide PDFs and SOPs. These protection measures are designed to reduce the magnitude and total amount of ground disturbance during timber management activities. One of the management practices to be employed on this project is limiting the amount of compaction within a unit to less than 12%, and the amount of combined soil productivity loss from compaction and disturbance to less than 5%. This would reduce the total amount of ground that would experience topsoil loss or detrimental disturbance to less than 15% of the unit, thus minimizing the initial source of erosion from timber harvest activities," (EA, p.65).

Comment 6 (KS Wild): Concerned about the use of heavy mechanized equipment off of designated skid routes and relying on slash mats to mitigate impacts to soils. Requests ground-based equipment to be limited to skid trails.

BLM Response: The use of mechanized logging off designated skid trails would be restricted to minimize compaction and ground disturbance. Page 23 of the EA states, "If equipment exceeds 6 pounds/square-inch (PSI) ground pressure, the harvest equipment must walk on existing or created slash. This slash mat would be a minimum of 8 inches in depth prior to the equipment moving onto the slash mat. Additional slash would be required on the slash mat, if more than an out-and-back trip is done by the equipment." The environmental impact analysis concludes (EA, p.42), "Total compaction/displacement associated with new and existing temporary routes, tractor skid trails, landings and cable yarding corridors would account for an average of approximately 8.1% per unit. Each proposed Farout Project harvest unit would be below 12% compaction and 5% productivity loss as analyzed in the 1994 Medford District FEIS RMP."

Riparian Reserves

Comment 7 (KS Wild): The commenter believes that the Aquatic Conservation Strategy of the Northwest Forest Plan does not allow for up to a 10% increase in stream turbidity. The commenter notes the EA states that up to 38 log landings may be expanded into Riparian Reserves. The commenter believes such activities and "impacts may be a violation of both the Forest Plan and Clean Water Act" and "the West Fork Cow Creek Water Quality Restoration Plan does not permit this".

BLM Response: As stated in the Northwest Forest Plan's Standards and Guidelines (p.B-9), "The Aquatic Conservation Strategy was developed to restore and maintain the ecological health of watersheds and aquatic ecosystems contained within them on public lands. BLM lands will continue to be managed to maintain and improve shade along streams in this sub-watershed and to attain compliance with state water quality standards ACS objectives".

The Farout Project ACS Consistency Analysis (EA, p.127-132), "determined that the actions are consistent with the nine objectives and the four components of the ACS" at both the site-specific and watershed scale, and in the short- and long-term. KS Wild does not present any basis for the assertion that these conclusions were made in error, other than the position that *any* increase in stream turbidity constitutes a violation of the ACS. KS Wild's interpretation of the ACS has already been rejected by the District Court of Oregon in *BARK v. United States BLM*, 643 F. Supp. 2d 1214, 1234-1235 (D. Or. 2009). KS Wild's EA comment is identical to the argument the Plaintiffs made in *BARK*: that any short-term, localized effect of increased possibility of sediment or turbidity from project activities constitutes an ACS violation. Rejecting this interpretation, the Court held:

> Even if the BLM had found that the adopted proposal would increase effects in the short-term to detectable levels, it would still not be in violation of the ACS objectives. The NWFP states that "management actions that do not maintain the existing condition or lead to improved conditions in the long term would not 'meet' the intent of the Aquatic Conservation Strategy and . . . should not be implemented." (Id. 336a at B-10 (emphasis added).) Thus, "evidence . . . that a project will result in some degradation does not, standing alone, constitute ACS noncompliance."

Further, the West Fork Cow Creek Water Quality Restoration Plan (WQRP) does not address turbidity or list streams due to sedimentation, therefore; KS Wild's statement that the WQRP "does not permit this" is in error. Streams in the Farout Project Planning Area are not currently listed on the Department of Environmental Quality's 303(d) list (water quality limited), for sediment. While there is currently no water quality standard for sediment under the Clean Water Act, DEQ encourages the long-term monitoring of sediment related parameters on the 303(d) listed streams in the Umpqua River Basin. The Oregon DEQ website states, "DEQ is in the process of developing a sedimentation assessment methodology that could be used for implementing the narrative sedimentation standard. When the methodology and associated guidance is completed, the agency will establish sedimentation TMDLs for those waterways on the 303(d) list."

The recovery of water quality conditions on BLM-administered land in the West Fork Creek watershed is dependent on implementation of the Medford District RMP that incorporates the Northwest Forest Plan. The RMP contains Best Management Practices (BMPs) that are intended to prevent or reduce water pollution to meet the goals of the Clean Water Act.

The EA disclosed the fact that any sediment entering stream channels at crossing locations on haul roads both within and outside the Planning Area would "not result in visible increases in turbidity or a measurable increase in the overall stream sediment deposition for more than 25 ft downstream within any stream channel," (EA p. 62). Further, the EA explained that any sediment entering streams (i.e. within 25 ft of the crossing) would be "immeasurable within all reaches of the channel following the first bankfull event of the winter season. Id. Accordingly, the EA concluded that due to the small, localized and short-duration of the sediment inputs within 25 ft of haul roads, coupled with the lack of proximity of these inputs to each other, that such inputs would not be detectable at the Planning or larger scale. Id. This action is also consistent with the standards and guidelines set forth under the 1994 Medford RMP EIS. Nothing in the EA comment demonstrates these findings and conclusions to be in error.

Expansions of landings in Riparian Reserves would occur on existing roads. The EA states (p. 71), "expansion of these landings would not remove ground level vegetation, or result in detrimental soil compaction. To protect streams and wet areas in and adjacent to units proposed for riparian thinning, there would be no landings, skid trails, or yarding corridors constructed in the Ecological Protection Zone (EPZ) portion of the Riparian Reserve, except as noted above in unit 13-1. This would provide protection for all components of water quality, as the EPZ is designed to filter out any accelerated erosion from upslope practices that are implemented using PDFs, BMPs, and SOPs (see discussion of Riparian Thinning and EPZs in Section 2.2.1)." Landings are generally a ¼ acre in size. A landing that can utilize an existing road prism, would generally have no more than an expansion of a $^{1}/_{8}$ acre.

The BLM will comply with the Clean Water Act to the extent required. Through the use of Best Management Practices (BMPs) and Project Design Features (PDFs), the Farout Project would minimize sediment delivery to streams to the maximum extent practicable.

Comment 8 (Oregon Wild): Requests Riparian Thinning with mature stands >80 years old be withdrawn because the commenter believes the stands already meet or soon will meet ACS objectives, and states "the adverse effects of logging far outweight any speculative benefits". Requests "a better rationale that weighs the beneficial and adverse effects of logging to find the right mix of treated and untreated areas" (in younger riparian stands). The commenter states, "It appears that every commercial logging unit in this project (including mature forest units) will conduct logging in riparian reserves but the EA does not appear to disclose the acres of riparian reserves in each unit or in total."

Commenter believes the proposed riparian thinning does not meet the standards of the NWFP Aquatic Conservation Strategy and believes it prohibits logging in riparian reserves unless needed to meet ACS objectives. "Logging removes material that would be recruited as LWD. Commercial removal of trees, especially in the mature forest units, will not solve the problem of

LWD but instead make the problem worse. There appears to be a significant gap between the proposed action, the intended outcome, and the actual consequences of the action."

Farout EA (pp 123-125, Appendix 4) identifies the desired future condition of the older riparian stands. However, the DFC does not identify coarse wood as a desired outcome of the proposed logging. How can BLM meet the ACS Objective #8 relative to dead wood when the logging prescriptions do not even identify recruitment of abundant dead wood as a goal? It's no wonder that the "recommended treatment" (logging) fails to meet the ACS objectives for dead wood, because the desired future condition does not encompass all the ACS objectives.

BLM Response: As stated in the EA (p.18), "…an Ecological Protection Zone (EPZ) ranging from 75 to 205 ft from the stream bankfull width (by slope distance) would be applied along streams to protect stream channel structure and water quality (Best Management Practice, RMP p.154)". One site potential tree for the West Fork Cow Creek Watershed is 205 ft. "Riparian Reserves proposed for treatment would be selected based on field stream survey information and silvicultural review. Stands with conditions such as high conifer density and few canopy layers, stands with low species diversity and stands of low conifer and hardwood vigor would be high priorities for treatment," (EA, p.18). Timber clearance stream surveys were conducted along all streams within and adjacent to harvest units. Information collected during these surveys includes components of the properly functioning condition (PFC) survey form (which collects primarily channel form, water quality, and biological information) along with additional information about stand and soil conditions within the riparian zone, Riparian Reserve, and upland areas of the unit. This site specific record of the current conditions is available as part of the Project Record. Areas proposed for riparian treatment are selected when stands have one or more of the following conditions; plantation stands with less than three canopy layers (not including ground cover), high stand density and young stand age (20-80 years), existing disease pockets, or unnaturally low species diversity.

The ACS Consistency Analysis (EA, p.129), supports riparian thinning. "Riparian thinning would result in a reduction in stand densities in young dense stands and would allow for the development of late successional riparian characteristics. Some of these characteristics include multi-level canopy cover which helps to maintain cool water temperatures. Late successional characteristics in riparian areas also include downed coarse woody debris and LWD which increases channel complexity. Late successional characteristics in riparian areas also include diverse species composition which provides a variety of chemical and biological inputs to streams. Riparian thinning would also reduce the spread of disease and the risk of a high intensity or severity fire in Riparian Reserves. Such a fire could result in tree mortality and a reduction in shade, which could negatively affect fish habitat by causing an increase in water temperature, a reduction in future recruitment of LWD, an increase in soil erosion and sediment entering streams."

The EA proposes retention of down wood, ""All non-hazardous snags would be retained in all harvest units. If it is necessary to fall snags for safety reasons, they would remain on site as down wood. All existing naturally occurring dead and down woody debris would remain on site," (p. 24).

Wildlife

Comment 9 (KS Wild): Requests further impact analysis of logging goshawk foraging habitat and states, "Given the complete lack of analysis provided in the EA, the public is precluded from provid[ing] informed comments, and the decision maker is precluded from making an informed decision".

BLM Response: The EA analysis discloses the presence of goshawks and whether the proposed activities would have an impact on them. See Appendix 2 (p.107) of the EA:

> Goshawks are not listed as Sensitive or Strategic species in Final State Director's Special Status Species List (BLM 2008a) or USFWS Birds of Conservation Concern for BCR 5 (USFWS 2002). There are no known sites within the Proposed Action. Goshawks have been observed in the Project Area and are likely to forage in proposed units. **Light to moderate thinning would not reduce habitat suitability or would slightly improve openness for foraging. There is sufficient mix of seral stages including large trees in the Planning Area, and reserved, deferred or withdrawn habitat within Matrix to provide nesting, fledging, and foraging habitat. Viability rating would remain high and unchanged**. (USDA/USDI 1994a 3&4 p.179).

As shown above, the decision maker is informed on the presence of goshawks and for this project the Proposed Action would have a positive effect on the species and its habitat.

Comment 10 (KS Wild): Commenter believes the effects analysis for Del Norte salamanders is inadequate. Requests that degradation of suitable habitat be quantified and its location be disclosed, or avoided.

BLM Response: As stated in Appendix 2 of the EA, (p.108), "Surveys are not required and there are no known sites in the Farout Project units; therefore, no management is required for species persistence (USDA/USDI 2001 and S&G p.40)". Appendix 2 further states, "Although some degradation may occur to suitable habitat within proposed units, **PDFs for soil distrubance would generally reduce disturbance to talus areas and salamanders from logging and restrict logging activites during most of the wet season when the salamanders are most active.** The Proposed Action would maintain 60% canopy closure over potentially suitable units. **The Proposed Action maintains habitat conditions that provide for distribution and persistence.** There are no known sites affected; therefore, there are no cumulative effects."

Comment 11 (KS Wild): Commenter believes the effects analysis for the Elk Management Area in the Planning Area is inadequate. Requests the BLM to review the case law established from the Willy Slide timber sale in this watershed in KS Wild v. Boody. The commenter believes analysis of the Elk Management Area would result in recommending decommissioning of un-needed roads to achieve elk management objectives.

BLM Response: Appendix 2 of the EA, (p.108) notes the presence of an Elk Management Area (EMA) (as designated under the 1995 Medford District RMP) in the Farout Planning Area and

provides an impact analysis to the EMA from the project, concludes "Forage habitat condition would function within marginal conditions in proposed thinning units, similarly as in the No Action Alternative. Elk population levels are expected to continue to be moderate within the PA due to meadows/ grassland on private, and the recent (5 years) intensive harvesting on private land, providing a temporary increase of forage for the next 5 -15 years. The elk population within the Elk Management Area are expected to be stable or declining slightly (USDI BLM 1994 PRMP 4-61)."

The EA notes there would be no change to the open road density as no permanent construction is proposed. As stated in response to comment 1, the Farout Timber Sale cannot decommission roads beyond the 1.5 miles of temporary route construction and 0.22 mile of temporary route re-construction, as it would be augmentation of timber receipts under a timber sale. Without specific statutory authority, the bartering of Government property (the value of timber) for services is prohibited because it would result in an unlawful augmentation of an Agency's appropriations. Timber sale contract requirements must enable the harvest of timber and the associated mitigation must be directly related to the harvest of timber related to the individual project.

Comment 12 (Oregon Wild): The commenter states "there is no 'excess biomass' that needs to be removed in mature moist forests, and any commercial removal of biomass will just reduce the future recruitment of much needed dead wood habitat elements that are important to the owl". Requests BLM to explain how commercial logging will maintain owl habitat, "when dead wood is in short supply" and believes logging will make this supply worse instead of better.

BLM Response: The Farout Project is consistent with the Medford District Resource Management Plans (1995 and 2008) and the Northwest Forest Plan (1994) for snag and coarse woody debris retention. Chapter 2 of the EA states, "All non-hazardous snags would be retained in all harvest units. If it is necessary to fall snags for safety reasons, they would remain on site as down wood. All existing naturally occurring dead and down woody debris would remain on site," (p. 24).

The project is located in the Matrix and Riparian land use allocations of the 1995 Medford RMP/ROD, and Timber Management Area and Riparian Management Area land use allocations of the 2008 Medford RMP/ROD in Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act (O&C Act) lands. The Act requires the Secretary of the Interior to manage O&C lands for permanent forest production in accord with sustained yield principles.

The EA does not use the term "excess biomass". The EA states, "The function of owl habitat in each unit would be maintained. Nesting, roosting, and foraging habitat would retain at least 60% canopy cover, and when present, a multi-storied, multi-species canopy with large overstory trees, larger trees with various deformities, large snags, accumulations of fallen trees and wood on the ground, and remnant trees or leave trees from previous harvesting would be retained, " (EA, p.79).

As stated in the Farout EA (p.86), "The Medford District received a Letter of Concurrence (MedfordBLM_FY10-11 Informal Cons_TAILS#: 13420-2010-I-0025) from the U.S. Fish and

Wildlife Service stating proposed treatments are 'not likely to adversely affect the spotted owl'. Although the Proposed Action does not occur in any Revised (2008) Critical Habitat Units, the Service concurred that the proposed treatments within the Biological Assessment 'may affect, is not likely to adversely affect spotted owl critical habitat'. The same effects would also apply to spotted owls and the primary constituent elements of critical habitat in the (1992) CHU OR-62."

Comment 13 (Oregon Wild): The commenter quotes the 1997 Marbled Murrelet Recovery Plan, page 143:

> Consistent with the Forest Plan Record of Decision, thinning within Late-Successional Reserves should be restricted to stands younger than 80 years. ... 3.2.1.2 Protect 'recruitment' nesting habitat to buffer and enlarge existing stands, reduce fragmentation, and provide replacement habitat for current suitable nesting habitat lost to disturbance events. Stands (currently 80 years old or older) that will produce suitable habitat within the next few decades are the most immediate source of new habitat and may be the only replacement for existing habitat lost to disturbance (e.g., timber harvest, fires, etc.) over the next century. Such stands are particularly important because of the vulnerability of many existing habitat fragments to fire and wind and the possibility that climate change will increase the effects of the frequency and severity of natural disturbances. Such stands should not be subjected to any silvicultural treatment that diminishes their capacity to provide quality nesting habitat in the future. Within secured areas, these "recruitment" stands should not be harvested or thinned.

BLM Response: The commenter quotes material that applies to management of Late Successional Reserves (LSR). The Farout Project is located in the Matrix and Riparian land use allocations of the 1995 Medford RMP/ROD, and Timber Management Area and Riparian Management Area land use allocations of the 2008 Medford RMP/ROD. Appendix 2 of the EA identified "Marbled murrelets are not known to occur in the Planning Area. Protocol surveys [were] completed in FY10 and applied PDFs [that] minimizes potential disturbance to murrelets in adjacent suitable habitat". No murrelets were found through these protocol surveys. The commenters has not identified how the Farout Project would affect marbled murrelets.

Comment 14 (Oregon Wild): Given the importance of flying squirrels to the diet of the spotted owl, managers must ensure that thinning does not significantly reduce the flying squirrel population. There is updated information provided by T. Wilson including "skips."

BLM Response: The Farout Project provide habitat skips for prey, and avoids treating structurally complex forests, which may have high densities of flying squirrels. Commercial thinning would occur from below and would generally retain dominant and selected co-dominate trees. Red Tree Vole (RTV) protocol surveys (BLM 2000a, BLM 2003) were conducted in stands greater than 80 years old in compliance with the Settlement Agreement. As a result, 9 suitable RTV habitat areas were excluded from Farout Project units, per Management Recommendations (BLM 2000b) to manage for active red vole populations and to provide for persistence of the species (USDA/USDI 2001, p.3, 4, & 23). The Ecological Protection Zone of Riparian Reserves would remain untreated. "All non-hazardous snags would be retained in all harvest units. If it is necessary to fall snags for safety reasons, they would remain on site as down wood. All existing naturally occurring dead and down woody debris would remain on

site," (EA, p.24). "Treatments would sustain the ecological health of the stand and maintain vegetation important to spotted owl prey. Thinning would remove some trees that could be utilized for roosting, perching for hunting, or nest structure support for prey such as red tree voles or flying squirrels. Dominant trees with large crowns and branches which provide the best structure for arboreal mammalian nests, are typically selected for retention…Arboreal prey species may respond to thinning differently than small ground mammals. Flying squirrels are largely arboreal, moving from tree-to-tree in the canopy. Gomez et. al.(2005) found that thinning in young Douglas-fir stands in the northern coast range did not have measurable short term effects on density, survival or body mass of flying squirrels…Large diameter trees which provide structure for prey such as red tree voles and flying squirrels would be retained," (EA, p. 79-81).

Hydrology

Comment 15 (KS Wild): "Please note, attached to our scoping comments was a recent 9th Circuit opinion indicating that culverts and ditches associated with logging roads qualify as point sources under the clean water act. We indicated that a clean water act permit may be required for the proposed road construction in this project. Given that this issue was raised in a timely manner by the public during the scoping process, why did the EA neglect to respond to this concern?"

BLM Response: The BLM will comply with the Clean Water Act to the extent required. Through the use of Best Management Practices (BMPs) and Project Design Features (PDFs), the Farout Project will minimize sediment delivery to streams to the maximum extent practicable.

The proposed road construction described in the Farout Project EA is limited to "temporary route construction" and "temporary route re-construction". Both of these types of route construction are proposed to be "decommissioned after harvesting and activity fuels are treated for this project".

The EA (p.58-59) states the effects of these activities as follows, "Temporary route [road] construction and reconstruction (including associated decommissioning), skid trail construction and decommissioning, landing construction and rehabilitation, yarding operations, and activity fuels treatments proposed under this project, would result in accelerated onsite erosion but **would be hydrologically disconnected using PDFs [Project Design Features], BMPs [Best Management Practices], or Standard Operating Practices (SOPs), ensuring the protection of all water resources."**

"All temporary route construction and reconstruction proposed…. are all located on ridges…None of the proposed construction or reconstruction would cross any dry draws or streams…..Since all temporary routes proposed for construction and reconstruction would be subsoiled, stabilized, and blocked, and **none of these routes would be hydrologically connected to streams. Construction, use, and decommissioning of these proposed routes would result in a short term increase in onsite erosion, but would not result in any change to watershed hydrology or water quality.**"

The EA (p.24) defines "hydrologically connected" as the following "where drainage features are connected to stream channels via surface water flow routes, including headwater springs. This

determination is made with project specific field verified stream surveys to identify where sediment has the potential to be carried to streams; where precipitation and subsurface flows on impermeable road surfaces may be intercepted, concentrated, and carried to stream channels; and where ditchlines are increasing the stream network (for more information see the Farout Project Record stream surveys and Hydrologically-Connected Roads: An Indicator of the Influence of Roads on Chronic Sedimentation, Surface Water Hydrology, and Exposure to Toxic Chemicals by M. Furniss et al. (USDI, Forest Service Stream Systems Technology Center website at http://stream.fs.fed.us/news/streamnt/jul00/jul00_2.htm)."

Without a hydrological connection to transport sediment, the localized erosion would remain onsite within the hillslope vegetation, and would not impact water quality.

Port-Orford-cedar root disease (*Phytophthora lateralis*)

Comment 16 (KS Wild): Commenter believes the effects analysis for the Port-Orford-cedar (POC) root disease (*Phytophthora lateralis*) in the Planning Area is inadequate. Requests the location or status of POC be disclosed in the West Fork Cow Creek Watershed. Commenter suggests that road closures be a priority management goal in the range of POC. KS Wild quotes the Port Orford Cedar Risk Key Analysis for the Farout Project (EA, p.155-156), "…the project may proceed if the analysis supports a finding that the value or need for the proposed activity outweighs the additional risk to POC created by the project." KS Wild suggests, "If this Risk Key is going to be effective, it must provide for a scenario where a project is denied because the risk for disease spread is too high."

BLM Response: The EA discloses the predicted environmental impacts at the relevant scale for each potentially affected resource. The scale of analysis for POC for the Farout Project is the Planning Area boundary, as this is the zone of hydrologic influence for this project. The Planning Area boundary follows sixth-field watershed boundaries where Farout Project activities are proposed. Providing the status of POC at the larger fifth-field watershed scale does not aid the decision maker in making an informed decision on this project.

The EA considered the spread of Phytophthora lateralis from logging to Port-Orford-Cedar (POC) and appropriately documented a POC risk key analysis as directed under the Record of Decision and Resource Management Plan Amendment for Management of Port-Orford Cedar in Southwest Oregon (2004, p. 33). The EA states on page 109 that "Project is within natural range of Port-Orford-cedar (POC)". However, the POC risk key analysis (EA, p.155-166) determined no management specific to POC and POC root disease (*Phytophthora lateralis*) is required and the Proposed Action is consistent with management direction in the Port-Orford-cedar EIS.

There are scenarios on the Medford District where no treatment buffers or no entry has been applied in areas where the risk for POC root disease spread is high. For example, there is an emphasis placed on keeping POC out of currently uninfested 7th field watersheds under the Record of Decision for the *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004). The Glendale Resource Area does not have an uninfested 7th-field watershed nor does it have watersheds with

high risk areas for POC root disease. Road closures are recommended by the POC FEIS (p.2-21) "especially to high-risk areas". "The objective is to provide cost-effective mitigation for controllable activities creating appreciable additional risk to important uninfested POC, not to reduce all risk to all trees at all cost," (ROD 2004, p.15).

POC tends to be present along streams and the root disease's primarily source of spread is via water bodies and systems. Disease-related POC mortality will have the most effect on riparian or water-dependent resources, and the least effect on resources spread more equally across the landscape (ROD 2004, p.12). Ecological Protection Zones (EPZs) are applied along perennial and intermittent streams which generally buffer unit activities from these locations.

Forest Management

Comment 17 (KS Wild): The commenter is concerned about thinning across all diameter classes since the EA acknowledges that trees greater than 21 inches dbh serve as a primary constituent element that supports the life requisites for spotted owl habitat. The commenter states large trees provide disproportionate hydrological benefits to this Key Watershed – crowns moderate peak flow, are future sources of large down wood, which helps filter and moderate water flow throughout the year. Large trees are more resistant to the effects of wildland fires.

BLM Response: The Farout Project EA addressed this comment when it was received during the project scoping process (see Appendix 3 of the EA - BLM response to comment 1):

> The Silvicultural Prescription (Appendix 4) describes the treatment objectives of the Project as, "A thinning treatment [that] would promote increased tree size and vigor as well as the **development of larger crowns on retained trees**." In all stand categories proposed for thinning (younger and older stands, previously entered and unentered stands), thinning would occur from below and would generally retain dominant and selected co-dominate trees.
>
> Regarding large woody debris, one of the objectives of the Farout Project is to "[a]pply thinning and other silvicultural treatments to promote the development of large trees for an eventual source of large woody debris to stream channels." Riparian thinning would be proposed where Riparian Reserves contain dense stands and would benefit from thinning to reduce competition for light, nutrients, water, and growing space for retained trees with a result to produce larger canopy develop, improved vigor, and accelerated diameter growth. These treatments would be specifically designed to promote the development of future large woody debris and multi-story canopies.
>
> Concerning peak flow, the Proposed Action would not measurably change watershed hydrology. See Appendix 2 (p. 104) for further details regarding peak flows. The watersheds in the Farout Project Planning Area are well below 12% watershed compaction threshold, which is the percentage known to begin to result in substantial changes in runoff timing and peak flows.

To clarify the goals of the Farout Project, it is not a fire resiliency project. The Glendale Resource Area is considering high priority forest management treatments to create fire resilient landscapes through a separate developing project called the "Fire Resiliency Project". The purpose and need for the Farout Project is stated at the beginning of this response. Fuels treatments for the Farout Project is limited to activity fuels (See Chapter 2, Section 2.2 and Chapter 3, Section 3.2).

Comment 18 (AFRC): Requests the BLM should provide an alternative that best meets the primary objectives of the RMP, even if it means consulting with the U.S. Fish and Wildlife and NOAA Fisheries. "…the F&W may have to authorize some 'take', but they don't have the chance to weigh the short term effects to the long term benefits if you don't present it to them." The commenter states, "consultation is just advice, and the decision maker can make a decision that the long term benefits outweigh the short term effects, as long as the rational is explained well."

BLM Response: The Farout Project was developed to "produce wood volume at the present time, increase conifer growth rates for wood volume production in the future, and maintain/improve tree vigor of retained conifers and other vegetation while maintaining northern spotted owl habitat," (EA, p.12). The Selected Alternative best meets the purpose and need of the providing timber while considering impacts to other resources.

Comment 19 (AFRC): We are disappointed to see that the contractors used to treat this area will only have five months per year to work, and many of those days include timing restrictions. The road systems in this area are heavily used by private industry and have been maintained to a very high standard. A good plan should be presented to NOAA fisheries to try and get some wet season haul waivers for this project.

BLM Response: Portions of winter harvesting would be authorized such as dry condition haul and cable yarding in some areas. However, Standard Operating Practices (SOPs), Best Management Practices (BMPs), and Project Design Features (PDFs) are incorporated into the project design to "ensure project compliance with the federal Clean Water Act and higher-level National Environmental Policy Act (NEPA) documents, laws and BLM guidelines. BMPs are specifically required by the Federal Clean Water Act to reduce nonpoint source pollution. The BMPs are methods, measures, or practices selected from Appendix D of the 1995 ROD/ RMP to ensure that water quality would be maintained. Project design features (PDFs) are specific measures included in the site specific design of the Proposal to eliminate or minimize adverse impacts on the human environment," (EA, p. 151). Therefore, "hauling…would not occur during wet road conditions, which are considered to result in continuous mud splash or tire slide, fines being pumped through road surfacing from the subgrade, road drainage causing a visible increase in stream turbidities, surface rutting, or any condition that would result in being chronically routed into tire tracks or away from designed road drainage during precipitation events" (EA, p.31). Cable yarding (outside areas with high water tables) is permitted year round since it would be hydrologically disconnected from streams for this project" (EA, p. 58).

Comment 20 (AFRC): Requests future EAs include a calendar showing the seasonal haul and timing restrictions and an economic analysis.

BLM Response: The conditional restrictions for haul and timing restrictions for wildlife, fish, fragile soils, and fuels treatments are present in Chapter 2 of the EA (p. 21-24, 27-28, 34, and 151-154).

An economic analysis for environmental analysis would not provide any further information for alternative development beyond the Proposed Action and No Action Alternative. The interdisciplinary team developed the project to be cost effective while meeting the purpose and need.

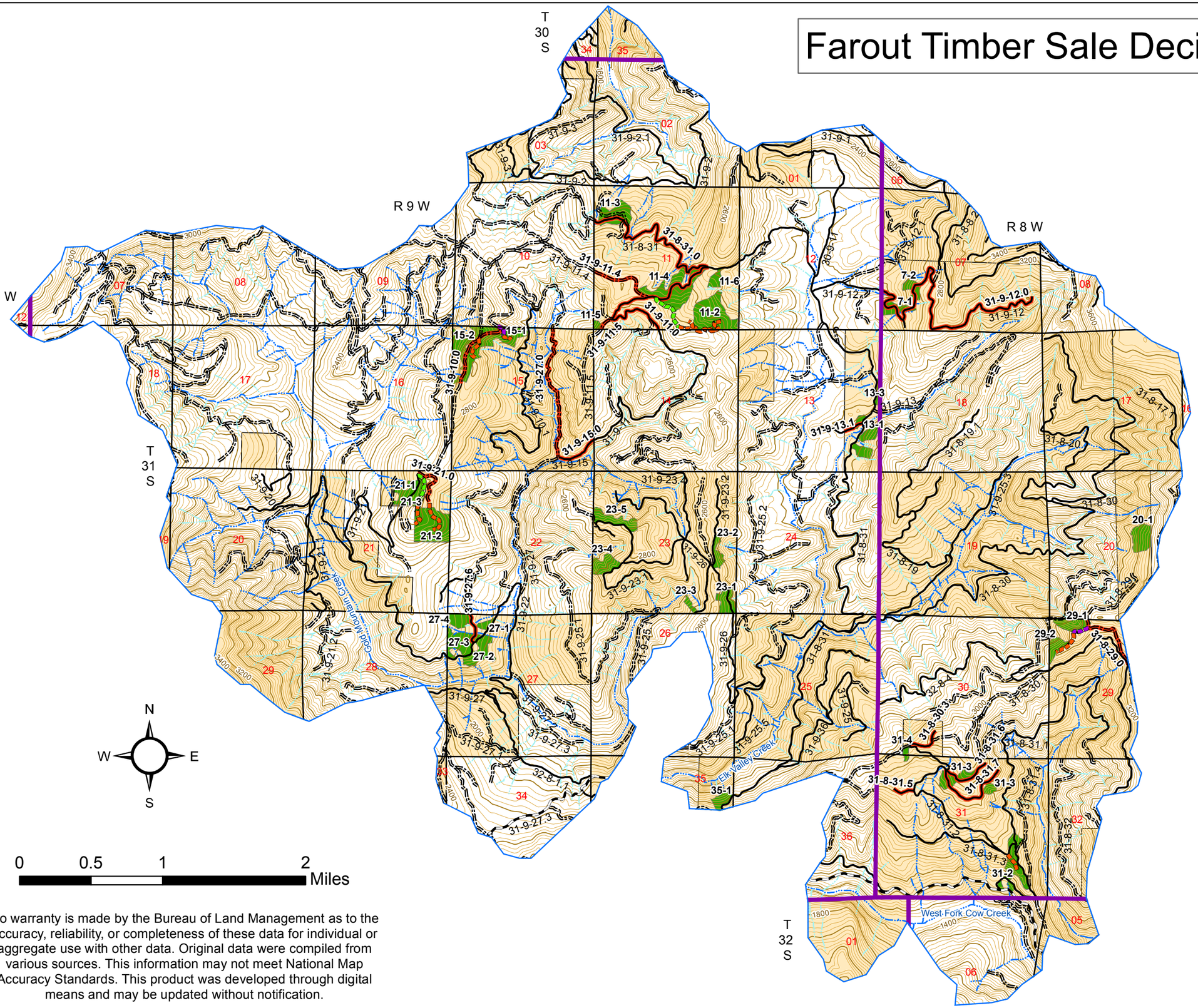
Snags

Comment 21 (Oregon Wild): The commenter states, "Logging (especially in mature forests and riparian reserves) has an adverse effect on future recruitment of dead wood and therefore has a negative effect on development of late successional forest characteristics, and adverse effects on 'maintenance' of suitable habitat for the Northern Spotted Owl."

BLM Response: The Farout Project is consistent with the Medford District Resource Management Plans (1995 and 2008) and the Northwest Forest Plan (1994) for snag and coarse woody debris retention. Regarding the removal of mature trees, the Proposed Action would not enter stands greater than 160 years of age or RA 32 stands, which would maintain "substantially all of the older and more structurally complex multilayered conifer forests" (U.S. Fish and Wildlife Service 2011, III-67). Snags and deadwood would be retained in the uplands and in Riparian Reserves. Chapter 2 of the EA states, "All non-hazardous snags would be retained in all harvest units. If it is necessary to fall snags for safety reasons, they would remain on site as down wood. All existing naturally occurring dead and down woody debris would remain on site," (p. 24).

The Farout Project Silvicultural Prescription (Appendix 4 of the EA) projects the vegetation effects of the alternatives (No Action and Proposed Action). The long term effect (noted as 11 years after treatment) anticipates that the Proposed Action would result in few snags but with increased diameters, while the No Action Alternative anticipated more snags with smaller diameters due to expected increased mortality. The direct and indirect effects on spotted owls and its habitat of the no action alternative states (EA, p. 78), "The development of large tree structure comparable to that of remnant trees used by late-successional dependent species would not be likely to occur. This is because current stand conditions are too dense and trees are not developing the diameter to height ratio required to develop this structure."

Farout Timber Sale Decision Map



Legend

- Farout Project Boundary
- Farout Commercial Thin Unit
- Farout Road Daylighting

Farout Temporary Routes

Road_Work

- Construction
- Maintenance
- Reconstruction
- Township Range
- Section

Roads

- Paved
- Rocked
- Natural Surface

Streams

- Perennial
- Intermittent
- Intermediate 40-ft contour
- Index 200-ft contour
- BLM Ownership
- Private Ownership

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