



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

MEDFORD DISTRICT OFFICE

DECISION RECORD

For the

SAMPSON COVE FOREST MANAGEMENT PROJECT

(DOI-BLM-OR-M060-2010-0024-EA)

This document describes my decision, and reasons for my decision, regarding the selection of a course of action to be implemented for the Sampson Cove Forest Management Project. The Environmental Assessment (EA), for the Sampson Cove Forest Management Project, documents the environmental analysis conducted to estimate the site-specific effects on the human environment that may result from the implementation of the Sampson Cove proposal. The Sampson Cove EA was issued for public review on July 9, 2010; the public review period ended on August 9, 2010.

BACKGROUND

The Sampson Cove Forest Management Project is designed to implement specific Management Actions/Direction for Resource Programs described in the Bureau of Land Management's Medford District Resource Management Plan (RMP) (USDI 1995).

The proposed 504-acre Sampson Cove Project would harvest trees in conifer forest stands on BLM-administered land in the Walker Creek, and Upper and Lower Emigrant Creek drainages of the Upper Bear Creek Watershed. The Public Land Survey System description for the Sampson Cove Project Area is: T. 38 S., R. 2 E., Sections 3, 9 and 16; T. 38 S., R. 3 E., Sections 19, 29, 30, and 31; T. 39 S., R. 2 E., Sections 1, 3, 10, 11, and 15; and T. 39 S., R 3 E., Sections 6, 18, 19, 20, 30, 31, and 32; Willamette Meridian, Jackson County, Oregon.

THE DECISION

As the Responsible Official, it is my decision to implement Alternative 2 as described in the Sampson Cove EA.

My decision authorizes the following actions:

- The implementation of Alternative 2 will result in the treatment of approximately 504 acres of vegetation using a variety of silvicultural prescription and harvest methods as described in the EA (EA, p. 2-9 to 2-15).
- Commercial thinning will be accomplished using utilizing tractor (about 399 acres) and cable (about 105 acres) yarding systems.



United States Department of the Interior

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IN REPLY REFER TO:

1792(060)

AUG 13 2010

Dear Interested Public:

This letter transmits to you a copy of my decision, including my rationale for the decision, and a Finding of No Significant Impact for the Sampson Cove Forest Management project. I appreciate your involvement and efforts in submitting comments on the Sampson Cove Forest Management Project. If you have any questions regarding my decision for this project, please contact me at (541) 618-2438.

Sincerely,

John Gerritsma
Field Manager, Ashland Resource Area

Enclosures

- Follow-up fuels reduction treatments will occur as described in the EA (EA p. 2-1 and 2-15) to mitigate hazardous fuels generated from thinning (activity fuels).
- The implementation of Alternative 2 will include pre-commercial thinning on approximately 85 acres of the commercial harvest units.
- About 500 feet of new road will be constructed, to provide access to Unit 3-4; the road, located behind a locked gate, would be roughed up and seeded following completion of operations.
- An estimated 45 miles of existing roads, as described in the EA (EA p. 2-3 to 2-4) will be used as haul routes and improved as needed to meet BLM standards.
- All applicable Project Design Features (PDFs) will be incorporated as required conditions of this project. A complete listing of the PDFs can be found in Chapter 2 of the EA (p. 2-15 to 2-27).
- In addition to the Project Design Features listed in the EA, fences belonging to adjacent landowners, properly located on property boundary lines will be protected during project operations by directional felling away from fence lines.

DECISION RATIONALE

My decision to implement Alternative 2 is based on consideration of the relative merits and consequences of either implementing or not implementing the Sampson Cove Forest Management Project, as documented in the EA and Finding of No Significant Impact, as well as consideration of all public comments and concerns received. I have determined that Alternative 2 best meets the purpose and need for this project, as identified in Chapter 1 of the Sampson Cove Forest Management EA, in summary:

Response to Purpose and Need

Alternative 2 will implement silvicultural prescriptions that are designed to improve tree vigor and growth for long term forest production and reduce the effects of forest disease on forest stands (EA, 2-9 to 2-14). The long term (>10 years) effects of forest thinning are anticipated to increase the health and vigor of the residual stands (EA, Chapter 3, Section J, Silviculture). As designed silvicultural treatments (forest thinning) will help to develop stands into more complex, structurally diverse forests in the long-term (EA, 3-66).

The Sampson Cove Forest Management Project will maintain existing northern spotted owl nesting, roosting, foraging (NRF), and dispersal only habitat within the home range radius of spotted owl sites with home ranges overlapping the project area. Outside of the home range radii of northern spotted owls, less than two percent of existing suitable NRF habitat in the Sampson Cove analysis area would be downgraded. Across the larger landscape 98 percent of existing suitable owl habitat would remain untreated. Existing dispersal-only habitat in the analysis area would be reduced by less than 4.5 % (EA, 3-65).

While managing forest stands to maintain existing northern spotted owl habitat will sustain higher stocking levels and reduce the benefits of thinning on tree vigor and growth, this decision balances the need to maintain owl habitat while addressing the need to reduce forest densities and provide job opportunities for people in southwest Oregon.

While the Sampson Cove Forest Management Project was reduced by 800 to 900 acres as a result of removing units that would require high cost helicopter yarding (EA, p. 2-28), as designed, the implementation of the Sampson Cove Forest Management Project will meet BLM's objectives for producing an economically practical project. Additionally, the implementation of this project will contribute to the District's Allowable Sale Quantity, consistent with existing laws, policy, and Timber Resource Management Direction of the 1995 Medford District Resource Management Plan (RMP p. 72-73).

In conclusion, the Sampson Cove Project will complete much needed forest thinning to provide for the long-term maintenance and fire resiliency of forest stands while maintaining existing habitat for the northern spotted owl within their home ranges. The required implementation of Project Design Features will provide for the protection of resources consistent with existing laws, policy, and the direction of the 1995 Medford District Resource Management Plan (see Plan Consistency below and the Finding of No Significant Impact document for the Sampson Cove Project).

Response to Public Input and Concerns:

I often hear from the public who submits comments that I did not "hear" them; that I did not "listen". In fact, some commentors preface their submissions with a fatalistic preface that the comments are being submitted without any expectation that the BLM will "change their minds". I have personally reviewed all of the comments and have compared them to what was displayed in the EA. The following is a summary of that evaluation.

A road was identified as a system road on the project map and road table that is now part of the Pacific Crest Trail. The road will not be utilized for the Sampson Cove timber sale. We will work with the Northern California/Southern Oregon Pacific Crest Trail Association to resolve this issue before future conflicts arise.

Upon withdrawing the Western Oregon Plan Revision in May 2009, the Secretary of Interior listed the Sampson Cove timber sale as one of the projects to help meet the Secretary's promise to provide raw material for the area's timber infrastructure. However, there is a recognition that the timber sale only utilized 16% of the available matrix land base due to the conservative approach to managing for the northern spotted owl and due to exclusion of the more expensive yarding methods (such as helicopters) due to cost versus value of small diameter timber. In addition, there is a substantial amount of restoration work suggested by a number of respondents. I will be offering to evaluate both the subsequent potential restoration needs and timber volume in a collaborative approach that will be open to all interested persons and organizations.

Responses to the EA were primarily generated over the concern about a timber sale within an area that some constituents believe is suitable for expansion into the Cascade-Siskiyou National Monument. The Secretary of the Interior has made the following statement regarding monument expansion in the Northwest.

Secretary Salazar believes it is important that the Department of the Interior serve as wise stewards of the places that matter most to Americans. For that reason, he has asked DOI's bureaus to think about what areas might be worth considering for further review for possible special management or Congressional designation. The preliminary internal discussion draft reflects some brainstorming discussions within BLM, but no decisions have been made about which areas, if any, might merit more serious review and consideration.

Secretary Salazar believes new designations and conservation initiatives work best when they build on local efforts to better manage places that are important to nearby communities. In the past months, Secretary Salazar and administration officials have held listening sessions across the country as part of President Obama's America's Great Outdoors Initiative. To date, there have been over 20 forums, including youth listening sessions, where members of the public have participated in the national dialogue about conservation and reconnecting Americans to the outdoors. Secretary Salazar will continue to listen, learn, and seek common-sense ways to support the good work that is happening in communities across the country.

Our response to the issue of potential monument expansion and South Cascades Wilderness Proposal was expressed in the EA (p. 1-9). In summary, Sampson Cove Project units 19-2, 19-3, 32-1, 32-2, and 32-3 are within the Greensprings Mountain portion of the South Cascades Wilderness Proposal. In 2006, a BLM Ashland Resource Area interdisciplinary team led by the Medford District Outdoor Recreation Planner analyzed the Greensprings Mountain portion of the South Cascades Wilderness proposal for its wilderness characteristics and the analysis showed that the area did not possess sufficient size (5,000 contiguous acres). The Greensprings Mountain portion was also determined to not be in a natural condition due to the presence of old harvest units throughout. Outstanding opportunities for solitude were found to be lacking because the unit is within the rural interface area. It was also determined that the Greensprings Mountain portion of the proposed South Cascades Wilderness does not possess outstanding opportunities for primitive and unconfined recreation due to its lack of outstanding features. It was determined that there are no wilderness characteristics present in the Greensprings Mountain portion of the South Cascades Wilderness proposal.

Many comments reflected a desire to expand the Purpose and Need (and the range of alternatives) to reflect desires other than the harvest of timber. As stated (EA p. 1-2), our project was designed to provide for forest products while meeting the needs for the northern spotted owl and maintaining the existing transportation system. Respondents did not offer viable alternatives that were focused on meeting the stated objectives for the project.

Respondents did not have the benefit of the Biological Opinion for this project, and many comments reflected opinions and statements about how best to conserve and protect the northern spotted owl. The Fish and Wildlife Service concurred with the assessment of effects in the EA, and provided us with the Biological Opinion that completes the consultation process. The Service concurred with our analysis on the effects to the northern spotted owl, and concluded that the Sampson Cove project will not jeopardize the existence of the northern spotted owl, and the project does not result in a "take". Thus, the Biological Opinion is a concurrence of what we stated in our analysis, and does not provide new information.

A number of comments reflected concerns about BLM's use of science, or lack of scientific rationale. In many cases I found an agreement with the science presented by respondents, but a difference of opinion between the respondent and the BLM on the applicability to the Sampson Cove project. I also found some of the suggested scientific sources to be inappropriate in the context of the Sampson Cove project. In many cases, I concurred with the applicability of the science, and felt that the EA appropriately stated the effects of the Sampson Cove Project considering the scientific references that were provided in the comments.

Other comments reflected philosophies and personal opinions about how matrix lands in the Sampson Cove Project Area should be managed, or how laws (like the O&C Act) and regulations (like the National Environmental Policy Act (NEPA)) apply. I believe the Sampson Cove Environmental Assessment clearly stated the project objectives, clearly stated how we meet our Resource Management Plan, and clearly stated how the laws and regulations were followed.

MONITORING

Implementation monitoring is accomplished through BLM's contract administration process. Project design features included in the project description are carried forward into contracts as required contract specifications. BLM contract administrators and inspectors monitor the daily operations of contractors to ensure that contract specifications are implemented as designed. If work is not being implemented according to contract specifications, contractors are ordered to correct any deficiencies. Timber sale contract work could be shut down if infractions of the contract are severe. The contract violations would need to be corrected before the contractor would be able to continue work. If contract violations are blatant, restitution could be required.

CONSULTATION AND COORDINATION

Pursuant to the Endangered Species Act (ESA), formal consultation was completed with the US Fish and Wildlife Service. The Service concurred with the BLM's determination that the proposed action *would likely adversely affect (LAA)* the northern spotted owl or designated spotted owl critical. The consultation was initiated through a programmatic consultation with the Service for timber sales and other projects in the MEDFORD Summer 2010 LAA Biological Assessment (EA, 3-66). The Service issued their Biological Opinion that the Medford District's proposed action, including the Swinning Timber Sale, is not likely to jeopardize the continued existence of the northern spotted owl. Both documents are available for review at the Medford District BLM office.

Scoping notices were sent on March 25, 2010 to Federally Recognized Tribes, the Klamath Tribe, the Confederated Tribes of the Siletz, the Confederated Tribes of the Grand Ronde, the Cow Creek Band of the Umpqua Indians, Shasta Indian Nation, and the Quartz Valley Indian Reservation.

Jackson County Commissioners, Oregon Department of Fish and Wildlife, and Oregon Department of Forestry and many other agencies were also notified of this project during the scoping period and were sent notification of the EA availability during the public review period.

PUBLIC INVOLVEMENT

A letter describing the Proposed Action and inviting comments was mailed to adjacent landowners, interested individuals, organizations, and other agencies on March 25, 2010. Two field trips were led by the BLM to view and discuss the project proposal in the field with interested individuals and organizations. The first field trip was conducted on April 13, 2010 and the second on June 3, 2010. While snow limited access during the first field trip, the majority of the field trip participants attended the June 3 field trip which was not hampered by snow. Comments were originally requested to be received by April 16, 2010; the scoping period was later extended to June 4, 2010. The BLM continued to accept and consider comment letters received after June 4, 2010.

The Environmental Assessment (EA) was completed on July 9, 2010 and mailed to individuals and groups who were involved in the scoping of this project and requested to be kept informed on the project. In addition, letters were sent to other interested individuals notifying them of the availability of

the EA for comment. The comment period closed on August 9th, 2010; many comment letters were received, although most were form letters.

PLAN CONFORMANCE

The proposed action is in compliance with the *1995 Medford District Record of Decision and Resource Management Plan* (RMP). The 1995 Medford District Resource Management Plan incorporated the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (Northwest Forest Plan) (USDA and USDI 1994). The 1995 Medford District Resource Management Plan was later amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*.

On July 25, 2007, the *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* amended the 1995 Medford District Resource Management Plan by removing the Survey and Manage Mitigation Measure Standards and Guidelines.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects (including timber sales).

This project may proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. This is because this project meets the provisions of the last valid Record of Decision, specifically the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (not including subsequent Annual Species Reviews).

AUTHORIZATION

It is my decision to implement the Sampson Cove Forest Management Project, as mitigated and described in the section titled Decision, above.



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

8/12/10

Date

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. When timber is offered for sale, a Notice of Sale will be published in Medford's *Mail Tribune* newspaper. Publication of the first Notice of Sale establishes the effective date of the decision and the date initiating the protest period provided for in accordance with 43 CFR 5003.3. Any protests of the timber sale must be filed with the Authorized Officer (the Responsible Official signing this Decision) within 15 days of the publication of the Notice of Sale in Medford's *Mail Tribune* newspaper. The regulations do not authorize the acceptance of protests in any form other than a signed, written hard copy that is delivered to the physical address of the advertising BLM office. No e-mail or fax protests will be accepted. A statement of reasons for protesting the decision must also accompany the protest. It is anticipated that the Notice of Sale will be published in Medford's *Mail Tribune* newspaper in mid August of 2010. The BLM does not warrant publication on an exact date. All parties considering protest of this decision are encouraged to review the aforementioned newspaper to ensure accurate knowledge of the exact publication date of the Notice of Sale.