

DECISION RECORD & CATEGORICAL EXCLUSION REVIEW

Project Name: Silviculture Treatments (DOI-BLM-OR-M060-2010-0005-CX)

BLM Office: Ashland R.A., Medford District. **Contact Person:** Bob Pasley (541) 618-2335

DESCRIPTION & LOCATION OF THE PROPOSED ACTION:

The proposed action will involve silviculture land treatments covering approximately 1,545 acres in the Ashland Resource Area. **Pre-commercial Thinning (PCT)/Manual Brushing** – This treatment will be completed on approximately 1,296 acres. This treatment requires mechanical chainsaws to thin conifer plantations up to (8) inch diameters and wildfire areas, using a 16' to 25' (foot spacing). All brush species shall be cut during this treatment. **Vegetation Cutting** – Maintenance brushing on 106 acres requires cutting all woody vegetation around conifers. **Radius Scalping** - This vegetation management treatment will require a 2-3 foot radius scalp on approximately 42 acres. Radius scalping will require clearing (hoeing) all woody and non-wood vegetation (grass/herbaceous plants) down to mineral soil around each seedling. **Manual Grubbing** - This treatment shall require a (4) foot radius manual grub, except in Riparian Reserves which shall require no more than a (2) foot radius, that will be completed on approximately 74 acres. Manual grubbing requires digging all woody vegetation with (roots) to at least 2" depth around each seedling. For the grubbing treatments-chainsaws may be used to cut slash around the seedlings, before performing the manual grubbing of vegetation. **Manual Pruning** - will be completed on approximately 42 acres. Manual pruning consist of cutting all the lower branches on the conifers up to (10) feet height, using hand pruning saws. All of these silviculture treatments will be scheduled for completion between spring 2010 and December 31, 2013.

Planned Treatment Periods:

- Precommercial Thinning/Manual Brushing - Year around, except during high fire danger.
- Radius Scalping – April through November.
- Manual Grubbing - April through June
- Vegetation Maintenance – Year around, except during high fire danger.
- Hand Pruning – Year around

The following Project Design Features are required conditions of all silviculture treatments:

General:

- Authorization for access behind locked gates in the CSNM will be required for all Bureau of Land Management Project Inspectors and all Contractors.

For the Protection of Cultural Resources:

- If during project implementation the contractor encounters or becomes aware of any objects or sites of cultural value on federal lands, such as historical or pre-historical ruins, graves, grave markers, or artifacts, the contractor shall immediately suspend all operations in the vicinity of the cultural value and notify the Contract Officer Representative (COR) so the site can be evaluated by a BLM archaeologist.

To Eliminate Adverse Affects on Terrestrial Wildlife Species:

- A seasonal restriction, from March 1 – June 30 to limit noise disturbance to Northern Spotted Owls, will be required for treatment units listed in Table 1. This reduces the

level of impact to potentially nesting owls to a negligible level for maintenance brushing and pre-commercial thinning units that are adjacent to unsurveyed suitable spotted owl habitat.

Table 1. Silviculture Units Requiring a Seasonal Restriction for NSO.

Silviculture Unit	Key #	Silviculture Unit	Key #	Silviculture Unit	Key #
Belle Forest #31-2	156690	Demstrong #11-4	154276	Indian Prairie #4E	124116
Miller Forest #1	124656	Cinnabar West #5	150435	Soda Meadows #1	124117
Miller Forest #1	124655	Jamison Cove #17-1A	154916	Soda Meadows #2	124118
Birdseye West #5-15	150442	Thompson Creek #1W	157639	Conde Flat #4	120401
Birdseye West #5-5	124225	Thompson Creek #2	157638	Conde Flat #4	124338
Bluefoot #11	157973	Tex Beaver #3	154428	Conde Flat #1	124630
Poor Sailor #1	125712	Ante-Climax #8	124717	Cove Creek #10	123187
Poor Sailor #1	125713	Deer Meadows #8	124600	Soda Jenny #4	124489
Miller Forest #11	156133	Dear Soda #2	120208	Soda Jenny #1	121360
Belle Forest #1-3	157833	East Soda # 3N	122846	Soda Jenny #2	121361
Section Line Gap #465	153863	East Soda #3S	122848	Soda Jenny #3	121368
Section Line Gap #437	157164	Divide Lakes #40	120299	Soda Jenny #5	124348
Demstrong #11-4	153956	Rummel Rock #2	124067		

- A seasonal restriction, from January 1 - August 31, requires that work activities shall not take place within 0.25 miles of active bald eagle nests or roosts or within 0.5 miles of bald eagle nests or roosts (Table 2). These active eagle areas will be identified on individual unit maps and issued to the Contractor at the pre-work meeting.

Table 2. Silviculture Units Requiring a Seasonal Restriction for Bald Eagles.

Silviculture Units	Key #
Crane Prairie #9	124491
Crane Prairie #10	124492
Crane Prairie #14	124498

For the Protection of Special Status Plants:

- Areas designated as “Special Plant Area” on project maps contain protected Special Status Plants where ground disturbing silviculture treatments will not be allowed (Table 3). Boundaries of “Special Plant Areas” are flagged using orange tied with yellow and black-striped plastic flagging. The unit maps will be issued to the Contractor at the pre-work meeting.

Table 3. Special Status Plants in Treatment Units and Management Direction

Unit Name/ #	Acres	Prescription	Special Status Plant sites - Management
Section Line Gap #437	16	PCT/HB	CIEL: no cutting shrubs, remove slash from pop. area, or, no Rx
Bald Point #11W	24	PCT/HB	CIEL: 25' buffer. LEPR9: 25' buffer
Jamison Cove #17-1A	12	PCT/HB	5OPA: 25' buffer
Thompson Creek #2	21	PCT/HB	CYFA: 25' buffer
Tex Beaver #1	5	PCT/HB	EUVI8: remove slash from pop. area, or, no Rx
Divide Lakes #40	42	PCT/HB	CHSU14: 25' buffer
Rummel Rock #1	12	PCT/HB	CYMO2: 25' buffer

Unit Name/ #	Acres	Prescription	Special Status Plant sites - Management
Grizzly Shale #1	12	PCT/HB	CIEL: no cutting shrubs, remove slash from pop. area, or, no Rx
Crane Prairie #9	6	Radius Scalp	HABE: 25' buffer
Crane Prairie #10	2	Radius Scalp	HABE: 25' buffer; CHSU14: 25' buffer
Crane Prairie #14	5	Radius Scalp	HABE: 25' buffer
Soda Jenny #3	14	PCT/HB	CHSU14: 25' buffer
Soda Jenny #5	11	PCT/HB	CHSU14: 25' buffer

To minimize the spread of noxious weeds:

- State listed noxious weed species – Yellow Starthistle, Spotted Knapweed - occur adjacent to and/or in some units (Table 4). Some infestations have been treated for one or more years. Other units will be treated given adequate resources as per the Medford District Integrated Weed Management Plan and Environmental Assessment OR-110-98-14.

Table 4. Noxious Weed Treatments in Silviculture Units

Unit Name & No.	Acres	Treatments	Weeds
Anderson #44	25	PCT/HB	CESO3: treat as resources allow
Star Fire #21-2	18	Grubbing	CESO3: treated 2007-09, continue Rx
Grizzly Shale #1	12	PCT/HB	CEST8: in 2010 task order to control
Cove Creek #10	13	PCT/HB	CESO3: treat as resources allow
			CESO3 = Yellow Starthistle, CEST8 = Spotted Knapweed

To Protect Listed Coho Critical and Essential Fish Habitats (CCH/EFH):

- Reduce the scalp/grub radius from (4) feet to (2) feet within those portions of units that are located within a Riparian Reserve width of a stream channel, to ensure that large and continuous areas of ground are not disturbed and to ensure sufficient riparian vegetation remains on site to filter transported sediments long before they have potential to reach the aquatic system (Table 5).

Table 5. Silviculture Units with 2 foot Radius Scalp or Grub

Silviculture Unit	Key #	Silviculture Unit	Key #
Conde Creek #17-102	122405	Star Gulch #435	154960
Buck Springs #6	124319	Star Gulch #435	154944
Crane Prairie #10	124492	Star Fire #21-2	159067

For Watershed Protection (Soils, Water Quality, Hydrological Functions Riparian Reserves):

- No silvicultural treatments shall be performed within the distances specified under *No Treatment Zones* in Contract Clause C.2.0 along streams, draws, seeps, springs, swamps and marshes as indicated on project unit maps. This distance is to be measured from the edge of the stream channel, draw, seep, spring, swamp or marsh. The size of the no treatment buffers for each stream type or feature is outlined in the CE as follows:

Table 6. No Treatment Buffers for Silviculture Units

Stream Type or Feature	No Treatment Buffers (on each side of streams and around water bodies)
Fish-bearing	50 feet
Perennial	50 feet
Intermittent (long-duration)	25 feet
Intermittent (short-duration)	25 feet
Dry draws	25 feet
Unstable and potentially unstable dry draws	25 feet
Unstable areas other than above	Use buffer for associated water feature
Springs, seeps, wetlands, ponds	25 feet

Justification for “No Effect” determination for Water Resources

With the implementation of the specifications contained in the 9/16/08 routing of this IDIQ contract (and modified by incorporating the “required adjustments” listed above), this project will have no effect on hydrology-related processes because stream channels and riparian areas are being protected from ground disturbance, untreated buffers along streams and draws will ensure that sediment cannot be transported to streams from the treatment areas, and canopy cover will remain well above thresholds that could affect peak flows. Stream shading will not be affected by the project, so there will be no effect to stream temperatures. The project has some benefit to functioning of Riparian Reserves by promoting conditions that will allow late seral conditions to develop more quickly in the Riparian Reserves.

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.

The proposed action is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated in the 1995 Medford District RMP.

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.

Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies’ 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court’s 2006 ruling, parties to the litigation entered into a stipulation agreement exempting certain

categories of activities from the Survey and Manage standard (hereinafter “Pechman exemptions”). Following the December 17, 2009 District Court ruling, the Pechman exemptions are still in place. 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.

This project meets Exemption A of the Pechman Exemptions (October 11, 2006 Order), which allows for “Thinning projects in stands younger than 80 years old,” and therefore may still proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage ROD since the Pechman exemptions would remain valid in such case.

CATEGORICAL EXCLUSION REVIEW

Department of the Interior Regulations (43 CFR § 46.205(c)) require that any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances listed in 43 CFR § 46.215. An action would meet one of the extraordinary circumstances if the action may:

<u>Yes</u>	<u>No</u>	<u>Categorical Exclusion Exception</u>
()	(X)	1. Have significant adverse effects on public health or safety.
()	(X)	2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
()	(X)	3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)] not already decided in an approved land use plan.
()	(X)	4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.
()	(X)	5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
()	(X)	6. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. (40 CFR 1508.7 and 1508.25(a)).
()	(X)	7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.
()	(X)	8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
()	(X)	9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
()	(X)	10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898).
()	(X)	11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
()	(X)	12. Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

COMPLIANCE WITH NEPA

In accordance with 43 CFR §§ 46.205 (c) and 46.215, the proposed action has been reviewed against the above twelve criteria, and I have determined that none of the extraordinary circumstances described in 43 CFR § 46.205 (c) apply to this project. This project is categorically excluded from further documentation under the NEPA in accordance with the Department of the Interior Manual Section 516 DM 11.9 C (4) which states: "*Pre-commercial thinning and brush control using small mechanical devices.*"

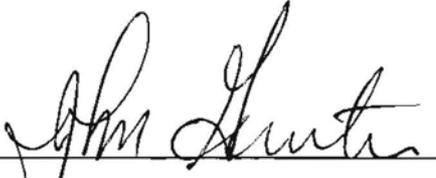
DOCUMENT PREPARATION AND REVIEW

<u>Bob Pasley</u>	<u>Lead Operations Forester/Silviculture</u>	<u>September 22, 2009</u>
Prepared by	Title	Date

<u>Stephanie Larson</u>	<u>Assistant Environmental Coordinator</u>	<u>March 12, 2010</u>
Reviewed by	Title	Date

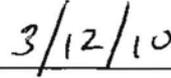
DECISION

Based on this NEPA CATEGORICAL EXCLUSION REVIEW, I have determined that the proposed action involves no significant impact to the human environment and that no further environmental analysis is required. It is my decision to authorize the requested silviculture land treatments.



John Gerritsma

Field Manager; Ashland Resource Area



Date

ADMINISTRATIVE REVIEW

Notice of the forest management decision to be made on the action described in this categorical exclusion will be posted on the Medford District internet website. The action is subject to protest under 43 CFR 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.

**2010 CE Silviculture Treatments:
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Silviculture Units	Key #	Legal	Acres	Proposed Treatments
Belle Forest #31-2	156690	37S-03W-31	37	PCT/Hardwood & Brushing
Miller Forest #1	124656	37S-03W-33	4	PCT/Hardwood & Brushing
Miller Forest #1	124655	37S-03W-34	9	PCT/Hardwood & Brushing
Birdseye Fire #5-4	124226	37S-04W-05	24	PCT/Hardwood & Brushing
Birdseye West #5-15	150442	37S-04W-05	27	PCT/Hardwood & Brushing
Birdseye West #5-5	124225	37S-04W-05	18	PCT/Hardwood & Brushing
Bluefoot #11	157973	37S-04W-21	27	PCT/Hardwood & Brushing
Anderson #44	153503	38S-02W-25	25	PCT/Hardwood & Brushing
Anderson Shack #1	153517	38S-02W-26	12	PCT/Hardwood & Brushing
Poor Sailor #1	125712	38S-02W-29	15	Vegetation Cutting (Maintenance)
Poor Sailor #1	125713	38S-02W-29	40	Vegetation Cutting (Maintenance)
Belle Forest #6-1	155956	38S-03W-06	24	PCT/Hardwood & Brushing
Miller Forest #10	156132	38S-03W-09	15	PCT/Hardwood & Brushing
Miller Forest #11	156133	38S-03W-09	14	PCT/Hardwood & Brushing
Squires Peak #6	157396	38S-03W-25	25	PCT/Hardwood & Brushing
Belle Forest #1-3	157833	38S-04W-01	24	PCT/Hardwood & Brushing
Section Line Gap #465	153863	39S-01W-07	15	PCT/Hardwood & Brushing
Section Line Gap #437	157164	39S-01W-17	16	PCT/Hardwood & Brushing
Bald Point #11W	156755	39S-01W-20	24	PCT/Hardwood & Brushing
Demstrong #11-4	153956	39S-02W-10	6	PCT/Hardwood & Brushing
Demstrong #11-4	154276	39S-02W-11	13	PCT/Hardwood & Brushing
Star Fire #2	157043	39S-03W-18	17	PCT/Hardwood & Brushing
Star Fire #2	150303	39S-03W-17	8	PCT/Hardwood & Brushing
Star Fire #999	124242	39S-03W-18	16	PCT/Hardwood & Brushing
Star Fire #999	124245	39S-03W-19	11	PCT/Hardwood & Brushing
Star Fire #21-2	124695	39S-03W-20	15	Manual Grubbing
Star Fire #21-2	159067	39S-03W-21	18	Manual Grubbing
Cinnabar West #5	150435	39S-03W-26	21	PCT/Hardwood & Brushing
Star Gulch #435	154944	39S-04W-13	11	Manual Grubbing
Star Gulch #435	154960	39S-04W-14	15	Manual Grubbing
Jamison Cove #17-1A	154916	39S-04W-17	12	PCT/Hardwood & Brushing
Thompson Creek #1W	157639	39S-04W-19	21	PCT/Hardwood & Brushing
Thompson Creek #2	157638	39S-04W-19	21	PCT/Hardwood & Brushing
Beaver Creek #372	154419	40S-03W-12	30	PCT/Hardwood & Brushing
Tex Beaver #1	154427	40S-03W-12	5	PCT/Hardwood & Brushing
Tex Beaver #3	154428	40S-03W-12	9	PCT/Hardwood & Brushing
Tex Beaver #4	154430	40S-03W-12	6	PCT/Hardwood & Brushing
Ante-Climax #8	124717	37S-02E-19	15	PCT/Hardwood & Brushing
Deer Meadows #8	124600	37S-02E-25	12	PCT/Hardwood & Brushing
Chimney Rock #21	122746	37S-02E-29	14	PCT/Hardwood & Brushing
Chimney Rock #22	122755	37S-02E-29	6	PCT/Hardwood & Brushing
Chimney Rock #15	122750	37S-02E-29	21	PCT/Hardwood & Brushing
Dear Soda #2	120208	37S-03E-18	20	PCT/Hardwood & Brushing
East Soda #1	122840	37S-03E-19	41	PCT/Hardwood & Brushing
East Soda #1	120227	37S-03E-20	25	PCT/Hardwood & Brushing

**2010 CE Silviculture Treatments:
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Silviculture Units	Key #	Legal	Acres	Proposed Treatments
East Soda # 3N	122846	37S-03E-20	15	PCT/Hardwood & Brushing
East Soda #3S	122848	37S-03E-29	16	PCT/Hardwood & Brushing
Divide Lakes #40	120299	38S-02E-03	42	PCT/Hardwood & Brushing
Rummel Rock #1	124066	38S-02E-07	12	PCT/Hardwood & Brushing
Rummel Rock #2	124067	38S-02E-07	18	PCT/Hardwood & Brushing
Grizzly Shale #1	122806	38S-02E-08	12	PCT/Hardwood & Brushing
Indian Prairie #4W	120378	38S-03E-04	42	Prune
Indian Prairie #4E	124116	38S-03E-04	49	PCT/Hardwood & Brushing
Soda Meadows #1	124117	38S-03E-05	35	PCT/Hardwood & Brushing
Soda Meadows #3	124119	38S-03E-05	42	PCT/Hardwood & Brushing
Soda Meadows #2	124118	38S-03E-05	24	PCT/Hardwood & Brushing
Conde Flat #4	120401	38S-03E-07	98	PCT/Hardwood & Brushing
Conde Flat #4	124338	38S-03E-08	12	PCT/Hardwood & Brushing
Conde Flat #1	124630	38S-03E-09	49	PCT/Hardwood & Brushing
Conde Creek #17-102	122405	38S-03E-17	20	Radius Scalp
Buck Springs #6	124319	38S-03E-29	9	Radius Scalp
Cove Creek #10	123187	39S-02E-09	13	PCT/Hardwood & Brushing
Soda Jenny #4	124489	39S-03E-01	18	PCT/Hardwood & Brushing
Crane Prairie #9	124491	39S-03E-14	6	Radius Scalp
Crane Prairie #10	124492	39S-03E-14	2	Radius Scalp
Crane Prairie #14	124498	39S-03E-15	5	Radius Scalp
Soda Jenny #1	121360	39S-04E-05	29	PCT/Hardwood & Brushing
Soda Jenny #2	121361	39S-04E-05	20	PCT/Hardwood & Brushing
Soda Jenny #3	121368	39S-04E-05	14	PCT/Hardwood & Brushing
Soda Jenny #5	124348	39S-04E-06	11	PCT/Hardwood & Brushing