



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
ASHLAND RESOURCE AREA



DECISION RECORD

For the

WAGNER ANDERSON FOREST MANAGEMENT PROJECT

(DOI-BLM-OR-M060-2010-0014-EA)

This document describes my decision, and reasons for my decision, regarding the selection of a course of action to be implemented for the Wagner Anderson Forest Management Project. The Environmental Assessment (EA) for the Wagner Anderson 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 Wagner Anderson proposal. Two alternatives were considered and analyzed in detail: a No-Action Alternative and the Proposed Action (Alternative 2). BLM's description of the No-Action Alternative and a detailed description of BLM's Proposed Action are contained in the Wagner Anderson Forest Management Project EA. The Wagner Anderson EA was issued for public review on June 16, 2010; the public review period ended on July 16, 2010.

BACKGROUND

The Wagner Anderson Project is a forest management action, designed to implement the Bureau of Land Management's 1995 Medford District Record of Decision and Resource Management Plan (RMP) in the Wagner Anderson Project Area. The overall effects of implementing resource program management, under the Medford District Resource Management Plan, were analyzed and disclosed in the Medford District Proposed Resource Management Plan/Environmental Impact Statement (RMP/EIS)¹. The Wagner Anderson EA discloses the site-specific effects of implementing a project designed to meet resource program direction provided by BLM's Resource Management Plan.

The 198-acre Wagner Anderson Project is located on Bureau of Land Management (BLM)-administered lands in the Anderson Creek and Wagner Creek drainages. The legal description for the Wagner Anderson Project area is: T. 39 S., R. 1 W., in Sections 7, 11, 14, 17, 18, 21, 22, 23, 26, 27, 28; W.M., Jackson County, Oregon.

¹ U.S. Department of the Interior (USDI), Bureau of Land Management, Medford District. 1994. Medford District Proposed Resource Management Plan/Environmental Impact Statement. Medford, OR.

DECISION

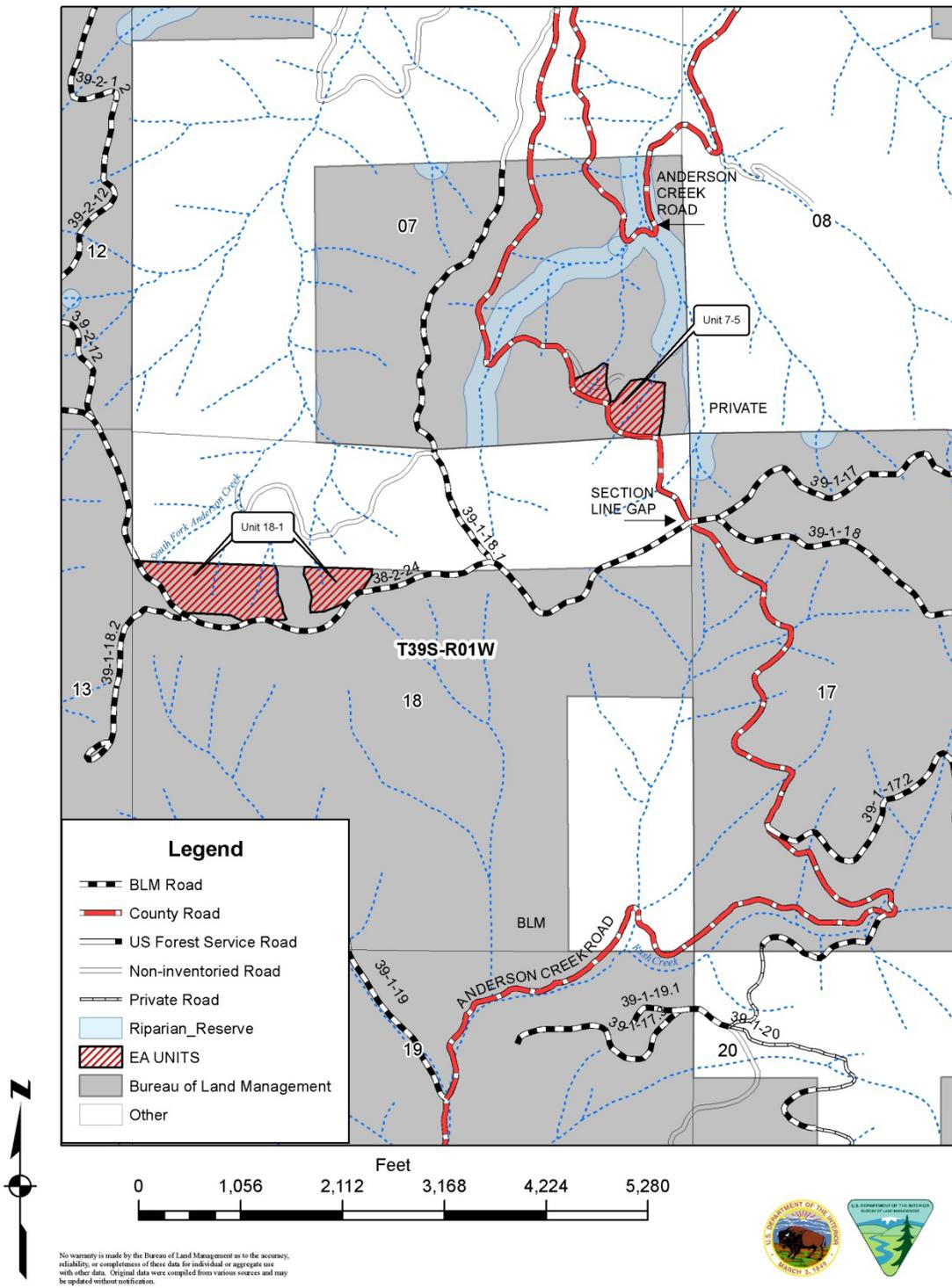
As the Responsible Official, it is my decision to implement Alternative 2 as described in the Wagner Anderson EA with modification. I have decided to implement Mitigation Measure No. 1, which will reduce the acreage of thinning by 49 acres. The application of Mitigation Measure No. 1 will remove older and more structurally complex forest stands from the treatment proposal; these stands are also referred to as Recovery Action 32 stands².

My decision authorizes the following actions:

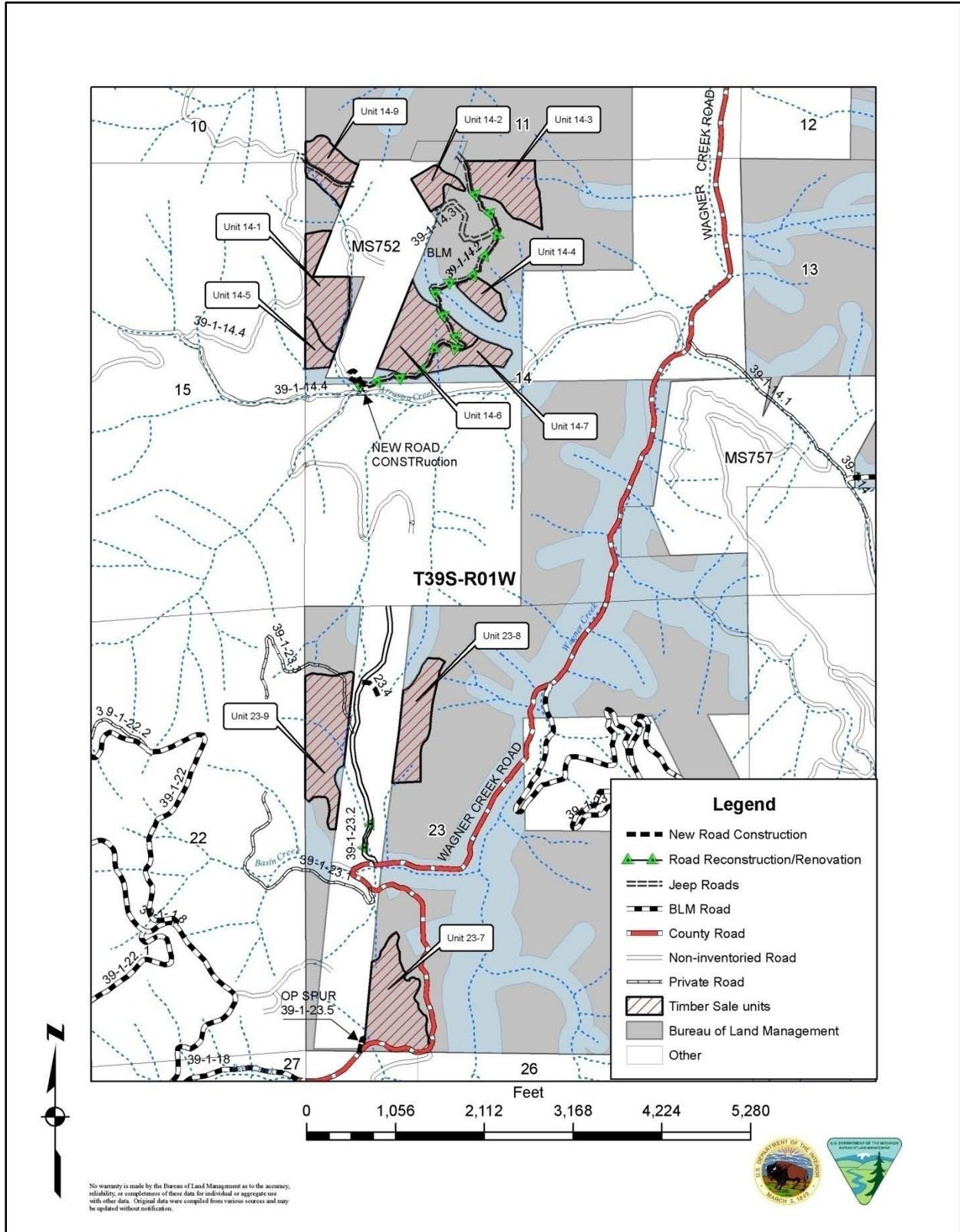
- Thinning of about 198 acres of forest stands using the various silvicultural prescriptions and treatment methods as described in Chapter 2 of the EA (Section A, 2, b, Summary of Silvicultural Prescriptions and Section A, 2, c, Description of Commercial Harvest Methods). Maps DR-1 through DR-3, display the modified Wagner Anderson Project.
- The group selection planned in Unit 22-1 will be modified to reduce the opening size at the top (western edge) of the unit to respond to public concerns regarding the size of opening created in northern spotted owl habitat and its adjacency to an existing plantation.
- Post harvest fuels reduction treatments to reduce hazardous fuels created by timber harvest (activity fuels). In addition to the treatment of activity fuels, non-commercial surface and ladder fuels would be treated to reduce hazardous fuels in Units 22-3, 23-8, 23-9, 14-1; 14-2, 14-4, 14-5, 14-6, 14-7, and 14-9.
- An estimated 13.4 miles of existing BLM and private roads will be utilized and maintained for access to timber sale units and for hauling.
- The following segments of permanent or temporary road will be constructed to provide access to treatment units:
 - The first 580-foot permanent road segment will provide a new approach at the entrance of the 39-1-14.2 road to accommodate access for log trucks and yarding equipment.
 - The second 500 foot spur road (39-1-23.4) will be constructed to access Unit 23-8 and blocked following operations.
 - One temporary operator spur of about 200 feet (spur 31-9-23.5) will be constructed to minimum standards for access to unit 23-7. This spur would be blocked and water-barred following completion of operations.
- Approximately 0.8 miles of road 39-1-14.2 will be reconstructed and about 350 feet of road 39-1-23.2 will be renovated (graded and rocked).
- The existing entrance to the 39-1-14.2 road (about 100 feet) will be decommissioned.
- 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. 2-14 to 2-18).

² In 2008, the U.S. Fish and Wildlife Service issued a Recovery Plan for the Northern Spotted Owl (NSO). The Recovery Plan includes Recovery Actions, which are recommendations to guide activities that would help to further the recovery objectives for the northern spotted owl. Recovery Action 32 (RA 32) recommends maintaining “substantially all of the older and more structurally complex multi-layered conifer forests on Federal lands outside of MOCAs” (Managed Owl Conservation Areas). The purpose of Recovery Action 32 is to provide refugia for northern spotted owls as they adapt to competitive pressures from an increasing population of barred owls.

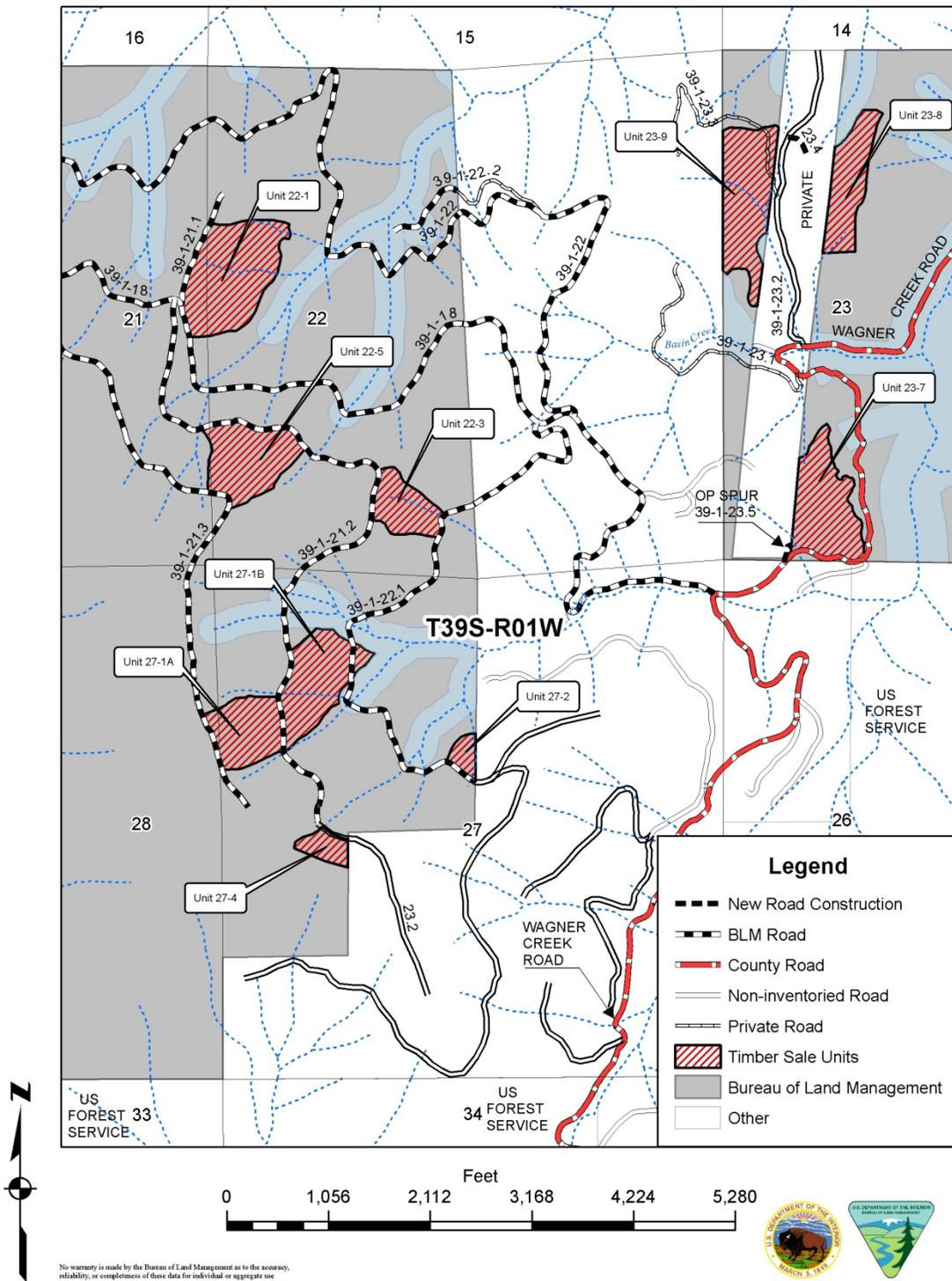
Map DR-1. Wagner Anderson Forest Management Project (as modified by mitigation)



Map DR-2. Wagner Anderson Forest Management Project (as modified by mitigation)



Map DR-3. Wagner Anderson Forest Management Project (as modified by mitigation)



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 Wagner Anderson Forest Management Project, as well as consideration of all public comments and concerns received.

I have chosen to implement Alternative 2, as modified, for the following reasons:

The Wagner Anderson Project is located on BLM-administered lands allocated to produce a sustainable supply of timber. Timber products removed as a result of thinning prescriptions designed to improve tree growth and vigor, improve resistance to insects and disease, and improve fire resiliency will contribute towards the District's Allowable Sale Quantity, thus, meeting Timber Resource Objectives of the Medford District RMP (RMP, p. 17, 72-73)³.

The Wagner Anderson Forest Management Project will maintain the current acreage and distribution of northern spotted owl nesting, roosting, foraging (NRF), and dispersal habitat while responding to the need to reduce forest stand densities. It should be noted that my decision to manage forest stands to maintain existing northern spotted owl habitat will also maintain higher stocking levels and reduce the benefits of thinning on tree vigor and growth. However, 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.

I have also elected to remove 49 acres identified as older and more structurally complex multi-layered conifer forests, or Recovery Action 32 stands, from the Wagner Anderson Project. The purpose of Recovery Action 32 is to provide refugia for northern spotted owls as they adapt to competitive pressures from an increasing population of barred owls. BLM biologists used the guidance provided by the Draft RA 32 Habitat Evaluation Methodology (version 1.3), developed jointly by the Medford Bureau of Land Management, Rogue River-Siskiyou National Forest, and the Roseburg Office of the US Fish and Wildlife Service, to identify and exclude RA 32 stands from the Wagner Anderson Project.

Economic and market conditions have challenged the agency's ability to produce economically feasible project. While the Wagner Anderson project was reduced by 150 to 200 acres as a result of removing units that would require high cost helicopter yarding (EA, p. 2-19), as designed, the implementation of the Wagner Anderson Project will meet BLM's objectives for producing an economically practical project. Additionally, the implementation of this project will provide job opportunities in southwest Oregon, during a time when jobs are needed to support economic stability.

In conclusion, the Wagner Anderson 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. 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 and Finding of No Significant Impact discussed below).

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

³ U.S. Department of the Interior (USDI), Bureau of Land Management, Medford District. 1995. Medford District Record of Decision and Resource Management Plan. Medford, OR.

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

Scoping notices were sent in October 2009 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.

Pursuant to the Endangered Species Act (ESA), informal consultation was completed with the US Fish and Wildlife Service. The Service concurred with the BLM's determination that the proposed action *may affect, is not likely to adversely affect* (NLAA) the spotted owl or designated spotted owl critical habitat (Letter of Concurrence dated December 23, 2009).

The BLM has also completed informal consultation following the guidelines in Federal Register Section 402.16 (50 CFR Part 402). A Biological Assessment (BA) was prepared for the National Marine Fisheries Service (NMFS) and they concurred that the proposed action "*may affect, is not likely to adversely affect* (NLAA)" SONC coho salmon, CCH, and EFH (Letter of Concurrence dated June 17, 2010).

PUBLIC INVOLVEMENT

The Environmental Assessment (EA) was completed and made available for public comment in June 2010. The EA was mailed to individuals and groups who were involved in the scoping of this project and requested to be kept informed on the project. Two (2) comment letters were received in response to the public review period for the Wagner Anderson Project EA.

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 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).

Most of the surveys needed to comply with 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* were completed and results reported in the Wagner Anderson EA. Some additional surveys were required to fully comply with the 2001 Survey and Manage Record of Decision; specifically surveys for red tree voles and botanical species. Protocol surveys for red tree voles did not detect any red tree voles in the Wagner Anderson Project Area. Surveys for botanical species did detect additional sites that will be protected by a combination of no treatment buffers and seasonal restrictions. See attached EA addendum for additional details.

AUTHORIZATION

It is my decision to implement the Wagner Anderson Forest Management project as I have 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.