

**Decision Documentation
for the
Boomerang Timber Sale
As analyzed under the Revised Fire Resiliency Project Environmental Assessment
(DOI-BLM-OR-M080-2010-003-EA)**

**United States Department of the Interior
Bureau of Land Management
Grants Pass Resource Area, Medford District**

I. INTRODUCTION

The Boomerang Timber Sale Decision Documentation documents the decision regarding commercially thinning one of the five harvest units analyzed under the Revised Fire Resiliency Project Environmental Assessment (DOI-BLM-OR-M080-2010-003-EA, p.98). The Boomerang Timber Sale will commercially harvest the 85 acre 1-3L unit through a density management silvicultural treatment. The 85 acre unit is classified as 68 years of age. Density management thinning will reduce the probability of fire spreading from the crown of one tree to the next. To achieve this objective, density management thinning would focus on trees greater than eight inches diameter breast height (DBH). Larger trees would generally be selected for retention, as they tend to be more fire resilient due to their thicker bark and higher crowns. Density management thinning will maintain and promote vigor of the remaining trees. Growth rates will be maintained or would increase on retained trees. To reduce stump sprouting, selected dominant hardwood stems would be retained. Understory thinning treatments that reduced ladder fuels and fuel loading would be done in conjunction with density management thinning in most of the treatment units. Activity slash created from thinning will be lopped and scattered, chipped on site and/or removed, or handpiled and burned to reduce the fire hazard. To facilitate the removal of commercial timber, approximately 230 feet of a temporary route would be constructed and decommissioned after use; and 740 feet of an existing route would be reconstructed and decommissioned after use.

Low intensity underburns may occur within 7 years of initial project implementation to reduce fuel loading, ladder fuels and reduce sprouting hardwoods and/or other brush vegetation. There will be no logging within riparian reserves.

This Decision Documentation makes reference to the Glendale Resource Area, which has now been combined into the Grants Pass Resource Area after the Fire Resiliency Project Decision Record was signed. The mention of the Glendale Resource Area refers to that time period before May 13, 2011.

Background

On May 13, 2011, The Glendale Resource Area issued a Decision Record that selected Alternative 2 of the Revised Fire Resiliency Project EA. Alternative 2 included treating

approximately 468 acres through understory thinning and approximately 432 acres across five units through density management. The actual acres treated will be less than analyzed due to red tree vole buffers, Recovery Action 32 stands, on the ground riparian reserve layout, and Deferred Timber Management Areas as identified under the 2008 Record of Decision and Resource Management Plan (ROD and RMP). These untreated areas will provide variability across the landscape and within individual treatment stands. The Boomerang Timber Sale includes all project Design Features and Best Management Practices described in the EA in Section 2.3. The 85 acres for the Boomerang Timber Sale was not included in the Fire Resiliency Stewardship because it was determined to better fit under a timber sale contract. However, the silvicultural prescription, intent and objectives of the Fire Resiliency Project were retained and did not change.

There was no protest of the Fire Resiliency Project Decision Record, including Unit 1-3L. The BLM is providing another opportunity for the public to review this 85 acre timber sale according to Code of Federal Regulations (43 CFR § 5003.2, Notice of Forest Management Decisions) which contains unique provisions for timber sales. Under Administrative Remedies, the protest period will not begin until the Boomerang Timber Sale is advertised in the newspaper. The protest period for the Fire Resiliency Project began after the signing and circulation of the Decision Record.

II. PUBLIC INVOLVEMENT

The Glendale Resource Area informed the public in its first public letter that “public collaboration would take place with members of the local communities and any other interested stakeholders to identify and address any site-specific concerns.” The first public meeting for the proposed Fire Resiliency Project was held on June 12, 2010 at the Community Center in Wolf Creek. Residents of Wolf Creek, Glendale, Sunny Valley and Azalea were invited by individual letters and through a four page project notification inserted in the local Big News newsletter. Two subsequent public meetings were held at community buildings in Wolf Creek and Glendale. Other interested parties notified, outside of these communities, were federal, state and county agencies; Native American tribes; and private organizations. Two field trips were provided by the BLM in conjunction with these meetings to review past forest management practices in the surrounding area. The BLM also made presentations of the Fire Resiliency Project to the Josephine County Stewardship Committee and the Josephine County Fuels Committee.

A Project Scoping Report for the proposed Fire Resiliency Project was mailed to individuals desiring to participate or comment on the project. The original BLM Proposal was to treat up to 10,000 acres Resource Area wide. The BLM was invited to a local meeting on December 3, 2010 conducted by the King Mountain Advocates (KMA) group in Wolf Creek to discuss KMA’s Neighbor’s Alternative.

After further discussions with the public, the BLM decided that the Fire Resiliency Project would be accomplished in two steps. The first step would be to analyze approximately 900 acres within the Cow Creek watershed under the first EA. Collaboration for the remaining 9,100 acres, that include acres within KMA’s boundary of interest, would begin after public review of the initial 900 acres of treatment. The remaining 9,100 acres would be analyzed in a separate

environmental document.

The Fire Resiliency Project Environmental Assessment (EA) was made available for public comment from April 8, to May 9, 2011. The BLM received 3 comment letters or emails to the Fire Resiliency Project EA. BLM responses to public comments are found in Appendix 11 of the Revised Fire Resiliency Project Environmental Assessment and were considered in reaching final decisions for treatments in the Fire Resiliency Project Planning Area.

III. CONSULTATION AND COORDINATION

Medford BLM received a Letter of Concurrence (July 2010 NLAA LOC TAILS# 13420-2010-I-0178) stating proposed treatments “may affect, and is not likely to adversely affect the spotted owl and spotted owl critical habitat.” The Boomerang Timber Sale does not occur in any 2008 Revised Critical Habitat Unit (CHU) or 1992 CHU.

The U.S. Fish and Wildlife Service issued a revised critical habitat proposal for the northern spotted owl on February 28, 2012 and is under a court-ordered deadline to finalize a revised critical habitat designation by November 15, 2012. This project contains 85 acres of proposed critical habitat for the northern spotted owl. As the project “is not likely to adversely affect” the same effects would also apply to spotted owls and the primary constituent elements of critical habitat Unit 9 /subunit KLV-1 in the draft 2012 CHU. Re- initiating consultation or conferencing is not needed.

The Fire Resiliency Project Planning Area does not occur in marbled murrelet critical habitat.

Consultation for the Endangered Species Act with the National Marine Fisheries Service (NMFS) is not needed as the Boomerang Timber Sale will not affect listed fish species or their habitat. No consultation is needed under the Magnuson-Stevens Fishery Conservation and Management Act as there is no adverse effect to Essential Fish Habitat for coho and chinook within the Umpqua Basin.

Archaeological survey of the project area was completed in 2010 following guidelines established in Section 106 of the National Historic Preservation Act (NHPA). The State Historic Preservation Office (SHPO) concurred that the project would have no effect to significant cultural resources referred to as Historic Properties in NHPA.

Fire Resiliency Project Scoping Reports were sent to local federally recognized Native American Tribes interested in Medford District Bureau of Land Management proposed projects. The Tribes take an active role in the management of their native lands and the BLM works with individual tribal governments to further identify and address Native American concerns and traditional uses of lands administered by the BLM. Follow-up phone calls to Tribes did not identify cultural resource concerns for the proposed project.

IV. DECISION

Based on site-specific analysis, the supporting project record, management recommendations

contained in the Middle Cow Creek Watershed Analysis (1999) 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), and public comments, I am reaffirming the decision to implement one unit of Alternative 2 (with modifications) referred to hereafter as the Boomerang Timber Sale. The Boomerang Timber Sale includes treating 85 acres through density management. The Boomerang Timber Sale includes all project Design Features and Best Management Practices described in the EA in Section 2.3. The specific forest management activities include the following.

Density Management Thinning will reduce the probability of fire spreading from the crown of one tree to the next. To achieve this objective, density management thinning would focus on trees greater than eight inches DBH. Larger trees would generally be selected for retention, as they tend to be more fire resilient due to their thicker bark and higher crowns. Density management thinning will maintain and promote vigor of the remaining trees. Growth rates will be maintained or would increase on retained trees. To reduce stump sprouting, selected dominant hardwood stems would be retained. Understory thinning treatments that reduced ladder fuels and fuel loading would be done in conjunction with density management thinning in most of the treatment units.

Density management thinning would be designed to meet the objectives of reducing the fire hazard while maintaining fish and wildlife habitat by retaining a minimum 60% canopy cover or greater in nesting, roosting, and foraging habitat (NRF) of Northern Spotted Owl habitat.

Activity Slash created from thinning will be lopped and scattered, chipped on site and/or removed, or handpiled and burned to reduce the fire hazard. Treatment selection would, depend on the amount slash and its distribution within a unit.

Low intensity underburns may occur within 7 years of initial project implementation to reduce fuel loading, ladder fuels and reduce sprouting hardwoods and/or other brush vegetation.

Biomass Removal will be accomplished through whole-tree yarding or yarding with attached tops to reduce ground disturbance and fuel loading. The whole tree harvest method would facilitate biomass removal to existing roads and landings.

Road Work includes 740 feet of route reconstruction and 230 feet of temporary route construction for the Boomerang Timber Sale. Route decommissioning will occur after project completion. There will be no new road construction, skid routes, landings or staging areas on fragile gradient restricted (FGR) soils. No construction of permanent roads would occur under the Boomerang Timber Sale

Harvesting on Fragile Gradient Restricted Soils. Three small areas totaling 2.8 acres are identified as containing fragile gradient restricted soils in the Boomerang Timber Sale. Harvesting in these areas will be done by cable systems on slope gradients less than 70% and minimize the number and widths of logging corridors. The following project design features are identified in the Revised EA.

- Units would be yarded using full or partial suspension.

- Hand waterbars would be constructed within cable corridors on these units immediately following use on slopes in excess of 65%, and in areas where bare soil occurs on slopes under 65%.
- Activity slash would be placed on bare soils within yarding corridors and below landing sites.
- Landing locations would not be placed on slopes over 70% or directly above draws
- All logging operations would be limited to the dry season (May 15-Oct 15).

ALTERNATIVES CONSIDERED

The alternatives considered in detail included the No Action Alternative (Alternative 1), which serves as the baseline to compare effects and Alternative 2, the Selected Alternative. See Appendix 1 “Alternative Development Summary” in the Revised EA for alternatives considered but not eliminated from further study.

DECISION RATIONALE

The Decision Factors used to make my decision were identified in the Revised EA to

- Provide for reduced fire behavior, restore, maintain, and enhance fire adapted ecosystems, and promote fire resiliency.
- Provide for strategic placement of treatments (ridgeline, ingress and egress) for fire suppression activities to protect public and firefighter safety and roadways and major travel routes, because they provide access for fire suppression equipment as well as evacuation routes for the general public.
- Provide for social and economic benefits to local communities.

My rationale for the decision is as follows:

1. The Boomerang Timber Sale (Alternative 2 as modified) addresses the purpose and need of the Revised EA to a) improve forest health by creating fire resilient forests; b) provide economic benefits and; c) reduce the fire hazard within the Planning Area protecting values at risk of loss from wildfire.

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. As mentioned in “Public Involvement” above, public collaboration and public comments were used in making my decision.

- After further discussions with the public, the BLM decided that the Fire Resiliency Project would be accomplished in two steps.
- BLM responses to public comments are found in Appendix 11 of the Revised Fire Resiliency Project Environmental Assessment and were considered in reaching a final

decision for treatments in the Fire Resiliency Project Planning Area.

V. FINDING OF NO SIGNIFICANT IMPACT

A Finding of No Significant Impact (FONSI) was issued as a separate document. I have determined that the Boomerang Timber Sale does not constitute a major Federal action having a significant effect on the human environment; an environmental impact statement is not necessary and will not be prepared.

VI. PLAN CONFORMANCE

The proposed action is in conformance with the following plans and decisions:

- *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS 1994 and ROD 1994);
- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS 1994 and RMP/ROD 1995);
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS 2004 and ROD 2004);
- *Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2000), and the *Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001); and
- *Medford District Integrated Weed Management Plan Environmental Assessment (1998)* and tiered to the *Northwest Area Noxious Weed Control Program* (EIS 1985).

Court Rulings

Survey and Manage

The 2012 Boomerang Timber Sale Project applies a 2006 Exemption from a stipulation entered by the court in litigation regarding Survey and Manage species and the 2004 Record of Decision related to Survey and Manage Mitigation Measure in *Northwest Ecosystem Alliance v. Rey*, No. 04-844-MJP (W.D. Wash., Oct. 10, 2006). Previously, in 2006, the District Court (Judge Pechman) 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 exempting certain categories of activities from the Survey and Manage standards and guidelines, including both pre-disturbance surveys and known site management. Also known as the Pechman Exemptions, the Court's Order from October 11, 2006 directs:

Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

- a. *Thinning projects in stands younger than 80 years old;*
- b. *Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;*
- c. *Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and*
- d. *The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph.*

Per the 2011 Settlement Agreement, the 2006 Pechman Exemptions remain in force:

The provisions stipulated to by the parties and ordered by the court in Northwest Ecosystem Alliance v. Rey, No. 04-844-MJP (W.D. Wash. Oct. 10, 2006), shall remain in force. None of the following terms or conditions in this Settlement Agreement modifies in any way the October 2006 provisions stipulated to by the parties and ordered by the court in Northwest Ecosystem Alliance v. Rey, No. 04844-MJP (W.D. Wash. Oct. 10, 2006).

The Boomerang Timber Sale Project meets Exemption “a” because it entails no regeneration harvest and entails thinning in stands less than 80 years old.

Western Oregon Plan Revision (WOPR)

On March 31, 2011, the United States District Court for the District of Columbia vacated and remanded the Secretary of the Interior’s decision to withdraw the 2008 RODs/RMPs (Douglas Timber Operators et al. v. Salazar) effectively returning the districts to the 2008 RMPS.

Plaintiffs in the Pacific Rivers Council V. Shepard litigation filed a partial motion for summary judgment in the U.S. District Court for the District of Oregon on Endangered Species Act (ESA) claims and requested the court to vacate and remand the 2008 RODs/RMPs. A magistrate judge issued findings and recommendations on September 29, 2011 and recommended granting the Plaintiffs motion for partial summary judgment on their ESA claim. The Court recommends setting aside the agency action, vacating the 2008 RODs and reinstating the Northwest Forest Plan as the appropriate remedy. The Court will review and rule on any objections prior to issuing a final order.

Given the current uncertainty surrounding planning in western Oregon, The Medford District has designed projects to conform to both, the 2008 ROD/RMP and the 1995 ROD/RMP. Consequently, projects have been consistent with the goals and objectives in both the 1995 RMP and 2008 RMP.

VII. ADMINISTRATIVE REMEDIES

The decision described in this document is a forest management decision and is subject to protest

by the public. In accordance with Forest Management Regulations at 43 CFR § 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer Acting Field Manager Karen Schank within 15 days of the publication of the notice of decision/timber sale advertisement in the Grants Pass Courier.

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."

Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to her. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 5003.3 (f).

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.

VIII. CONTACT PERSON

For additional information contact either Karen Schank, Grants Pass Field Manager, 2164 NE Spalding Avenue, Grants Pass, OR 97526; telephone 541-471-6653 or Martin Lew, Ecosystem Planner, 541-471-6504.



Karen Schank
Field Manager
Grants Pass Resource Area
Medford District, Bureau of Land Management

5/10/12

Date

Boomerang Timber Sale Decision Map

Legend

-  Boomerang TS Unit
-  Ground Based Yarding
- Temporary Routes**
- Road Work**
-  Construction
-  Reconstruction
- Roads**
- Surface Type**
-  Paved
-  Rocked
-  Natural Surface
-  Perennial Stream
-  Intermittent Stream
-  Intermediate 40-ft contour
-  Index 200-ft contour
-  Section
-  Township Range
-  BLM Ownership
-  Non-Federal Ownership



0 250 500 1,000
 Feet

1 inch = 1,000 feet

40' CONTOUR INTERVAL

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 3040 Biddle Road
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