

**Decision Documentation
for the
Deer North Timber Sale
Deer North Vegetation Management Project Environmental Assessment
(DOI-BLM-OR-M070-2009-0010-EA)**

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

I. INTRODUCTION

The Decision Documentation for the Deer North Timber Sale is the first decision to implement forest management activities analyzed under the Deer North Vegetation Management Project Environmental Assessment (DOI-BLM-OR-M070-2009-070-EA). The Deer North Timber Sale involves the commercial harvest of 98 acres (see attached map). There could be one or more subsequent forest management decisions in which the public will be notified. The EA was made available for public comment from April 1, 2011 to May 11, 2011. The EA analyzed the effects of two action alternatives in addition to the No Action Alternative (Alternative 1).

Approximately 750 to 800 acres (varying by alternative) were proposed for timber harvest through a combination of commercial thinning, regeneration harvest and group selection harvest prescriptions. Road work included up to 0.5 miles of new permanent road construction, 0.8 miles of new temporary route construction, and the maintenance of up to 32 miles of existing roads (i.e., road grading, rock surfacing, and water drainage improvements). The central differences between the action alternatives were that Alternative 2 included 242 acres of regeneration harvest and 0.5 miles of new permanent road construction while Alternative 3 did not propose regeneration harvesting or new permanent road construction.

The Deer North Vegetation Management Project Planning Area (PA) is located north and east of the city of Selma in Josephine County in the Deer Creek watershed. The legal description is T37S, R7W, Sections 20, 21, 28, 29, 30, 31, 32, 33, 34 and T38S, R7W Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, and 15.

II. PUBLIC INVOLVEMENT

The BLM extended an invitation to the local and regional communities, Native American tribes and other state and federal agencies, private organizations and individuals. Public involvement began on December 5, 2008, with a scoping letter being sent to agencies, organizations, and members of the public on the Grants Pass Resource Area Umbrella list as well as residents and landowners near or adjacent to BLM parcels within the Planning Area, to federal, state, and county agencies, and to tribal and private organizations and individuals that requested information concerning projects of this type.

The BLM held a public meeting at the Selma Community Center on February 12, 2009 which

provided public input to BLM for consideration in the EA.

The BLM was asked to attend a field trip on April 28, 2011 to the Deer North Planning Area and respond to questions from a number of Deer Creek residents and interested parties. The comment period for the EA began on April 1, 2011 and the closing date was extended from May 3 to May 11, 2011. The BLM received over 33 public comment letters. Responses to these comments are found as an attachment to this Decision.

Erratta

- The Deer North Vegetation Management EA incorrectly described the Planning Area as west of the city of Selma. The correct location of the Planning Area is being north and east of the city of Selma.
- *Phaeocollybus olivacea* should have been identified on Table 28 as being present in a treatment unit. On page 96 of EA, under section 3.6.2.2, the heading “Special Status Vascular Species,” should have been labeled “Sensitive Vascular, Nonvascular and Survey and Manage Botanical Species.” Also under section 3.6.2.2, the heading “Special Status Fungi Species” should have been labeled “Sensitive Fungi Species.”
- The EA states that Alternative 3 would include 0.8 miles of new temporary route construction. The correction is that Alternative 3 will utilize existing spur routes and there will be no new temporary route construction.

III. CONSULTATION AND COORDINATION

In April 2010, the BLM prepared a Biological Assessment to evaluate impacts to northern spotted owls including potential timber sale treatments in the Deer North Project Area outside of the 1992 CHU boundary. In June 2010, the USFWS issued BLM a Biological Opinion (Tails # 13420-2010-F-0082). Additionally, in August 2010, the BLM prepared a Biological Assessment to evaluate impacts to northern spotted owls including potential hazardous fuels and stewardship treatments in the Deer North Project Area outside of the 1992 CHU boundary. In October 2010, the USFWS issued BLM a Letter of Concurrence (Tails # 13420-2010-I-0178).

The timber sale action, fuels treatments, road maintenance and hauling activities which would occur within the Rogue Basin and the range of the federally threatened Southern Oregon Northern California coho salmon were determined to have no effect on coho or critical habitat.

Consultation for the Endangered Species Act with National Marine Fisheries Service (NMFS) is not needed as the action alternatives would not affect listed species or their habitat. No consultation is required under the Magnuson-Stevens Fishery Conservation and Management Act for adverse affects on Essential Fish Habitat as there is No Effect to EFH coho and chinook within the Rogue Basin

IV. DECISION

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

contained in the Deer Creek Watershed Analysis (1997) 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 Record of Decision and Resource Management Plan (2008) and public comments, I have decided to implement Alternative 3 (with modifications) referred to hereafter as the Selected Alternative. The Selected Alternative modifications include a reduction of approximately 107 acres of harvest for the four harvest units of the Deer North Timber Sale (see attached map). The reduction of acres from what was projected under the EA is due to the exclusion of portions of the stands too small for commercial harvest, red tree voles (RTV) and Recovery Action 32 (RA 32) buffers. Also, the silvicultural prescription of density management/understory removal for unit 7-11 has been modified to density management/modified group selection. This prescription modification would not change the analysis and conclusion of effects as analyzed under the EA. The Selected Alternative includes treating approximately 98 acres through density management with modified group selections. Approximately 18 acres will be cable yarded and 80 acres will be tractor yarded. Treatment of created activity slash includes 54 acres of hand pile and burn and 44 acres of lop and scatter. Road maintenance will occur on approximately 7 miles of existing roads and approximately 1,100 feet of existing temporary routes. This decision does not include understory treatments. There will be one or more subsequent decisions for remaining projects analyzed under the Deer North Vegetation Management Project.

Alternative Considered

Two action alternatives were considered in addition to the No Action Alternative. See Appendix F of the EA titled "Alternatives and Issues Considered, but not Analyzed in Detail" for alternatives considered but eliminated from further study. The No Action Alternative (Alternative 1) serves as the baseline to compare effects and what it means if any of the action alternatives were not selected. Alternative 2 was designed to meet the management direction provided in the 1995 Medford District Resource Management Plan. Alternative 3 that would meet the objectives for Matrix lands (1995 RMP pp. 38-39) and retain as much suitable spotted owl habitat as possible while still providing forest products.

Decision Rationale

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

- Produce revenue from the sale of timber.
- Improve forest health and vigor.
- Maintain tree species diversity and structure across the landscape.
- Maintain existing northern spotted owl habitat within the provincial radius (1.3 miles) of known active northern spotted owl sites and all or substantially all of the older and more structurally complex, multilayered conifer forests.
- Enhance socioeconomic conditions through timber products and stewardship contracting.

My rationale for the decision is as follows:

- 1 The Selected Alternative (modified Alternative 3) addresses the purpose and need of the EA to a) produce revenue from the sale of timber; b) improve forest health and vigor; c) maintain tree species diversity and structure across the landscape; d) maintain existing northern spotted owl habitat within the provincial radius (1.3 miles) of known active northern spotted owl sites and all or substantially all of the older and more structurally complex, multilayered conifer forests; and e) enhance socioeconomic conditions through timber products.

My decision emphasized the need to maintain existing northern spotted owl habitat. My decision also does not preclude entry for future thinning or regeneration harvest in a separate environmental document.

2. Alternative 2 was not selected because it had the most impact to northern spotted owl habitat by proposing 242 acres of regeneration harvest.
3. Alternative 1 was not selected because it does not meet the purpose and need of the project.
4. I considered public comments. Responses to these comments are found as an attachment to this Decision.

Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) was issued as a separate document. After review of minor changes to the Deer North Vegetation Management EA, I have determined that the Deer North 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.

V. PLAN CONFORMANCE

This decision conforms with the *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); the *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995); the *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004); the *Final Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (FSEIS, 2000 and ROD, 2001).

The Grants Pass Resource Area initiated planning and design for this project to conform and be consistent with the Medford District's 1995 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 Selected Alternative 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.

VI. 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 Katrina Symons 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.

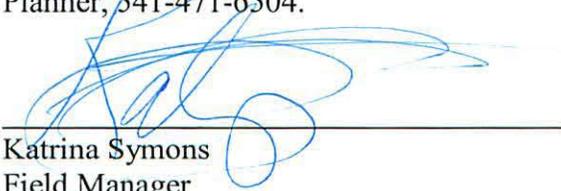
43 CFR § 5003.3 subsection (c) states: "Protest received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered."

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).

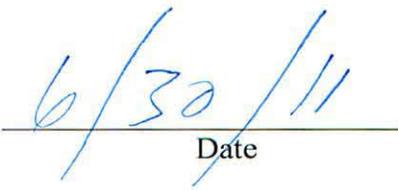
If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of the Notice of Sale, the decision will become final.

VII. CONTACT PERSON

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



Katrina Symons
Field Manager
Glendale/Grants Pass Resource Areas
Medford District, Bureau of Land Management

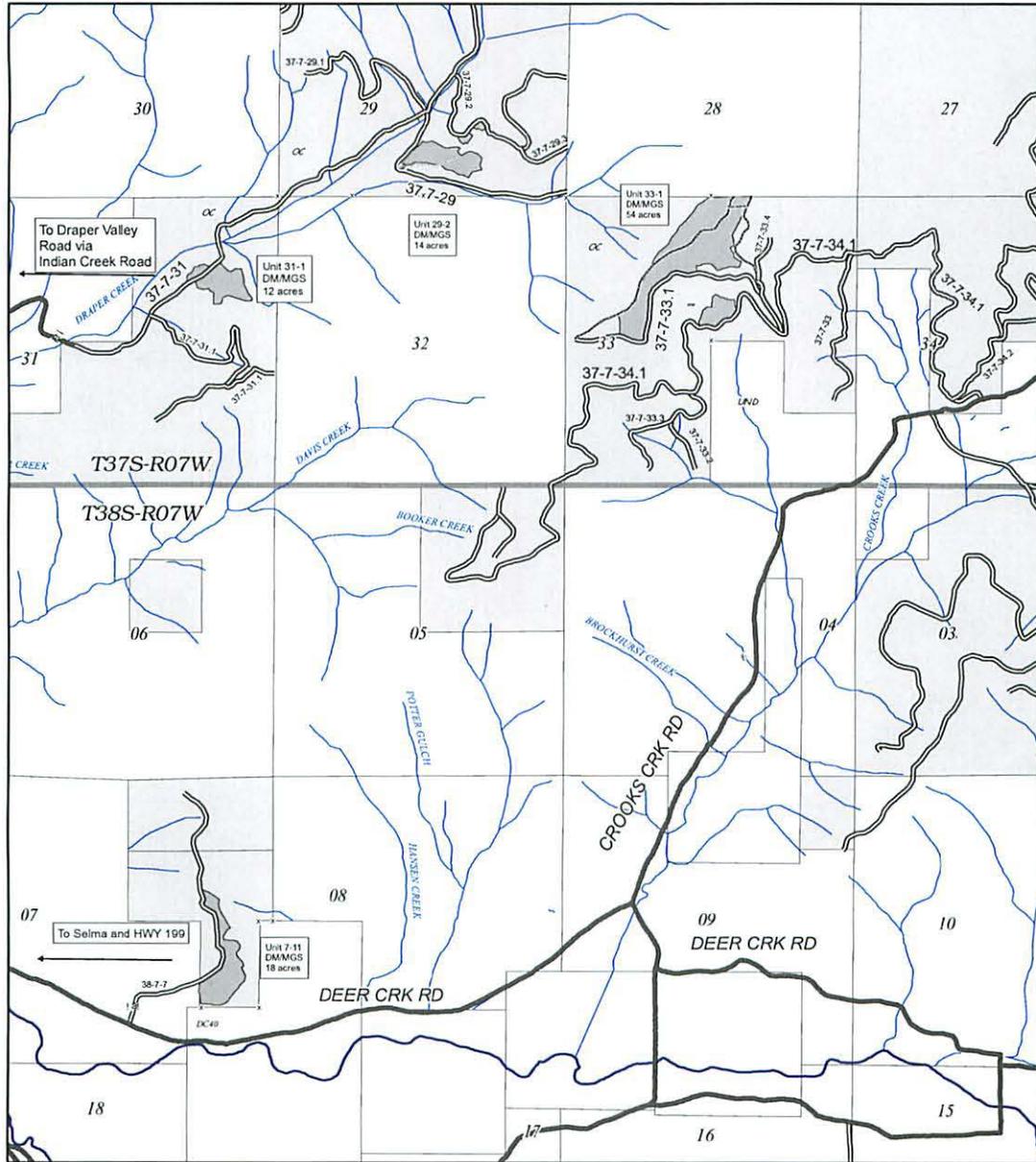


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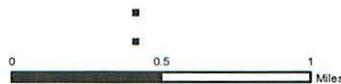
DEER NORTH VEGETATIVE
MANAGEMENT PROJECT EA

GRANTS PASS RESOURCE AREA

SELECTED ALTERNATIVE



United States
Department of the Interior
Bureau of Land Management
Medford District
Grants Pass Resource Area
Grants Pass Interagency Office
2164 NE Spalding Avenue
Grants Pass, Oregon 97526



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data

MAY 19, 2011
J. SCHNEIDER

PUBLIC COMMENT

DEER NORTH VEGETATION MANAGEMENT PROJECT BLM RESPONSE

The Deer North Project Environmental Assessment (EA) was released for public comment from April 1, 2011 to May 11, 2011. Notification of the comment period was included in publication of a legal notice in the Daily Courier, newspaper of Grants Pass, Oregon on April 1, 2011; the Medford District Bureau of Land Management website at <http://www.blm.gov/or/districts/medford/index.php>; and a letter was mailed to those individuals, organizations, and agencies that requested to be involved in the environmental planning and decision making processes for forest management activities. Thirty three comment letters were received by the Glendale Resource Area.

Substantive comments do one or more of the following (H -1790-1, National Environmental Policy Handbook):

- 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

For comments that were identical or very similar, they were combined and a single response was made. The Code of Federal Regulations (40 CFR §1503.4) identifies five possible types of responses for use with environmental impact statements.

- modifying one or more of the alternatives as suggested
 - developing and evaluating suggested alternatives
 - supplementing, improving, or modifying the analysis
 - making factual corrections
 - explaining why the comments do not warrant further agency response, citing cases, authorities or reasons to support the BLM's position
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Socioeconomics

Comment 1: BLM is not meeting the timber need of our industry, forests are in a health crisis and counties are not doing well.

Response: The Medford RMP assumed an annual harvest of 1,140 acres of regeneration harvest (RH) and overstory removal (OR) the first decade (RMP, p, 9). However, the actual amount offered for sale on the Medford District from 1995 to 2004 fell far below this amount, as it was less than 500 acres of regeneration harvest and overstory removal per year. The RMP identified that the general prescription would be one of modified even-aged management within Northern General Forest Management Area (NGFMA) (RMP, p 187). For the Southern General Forest Management Area (SGFMA) the prescription would be one of structural retention (ibid, 192). The amount of timber the BLM has to offer for sale has been affected by litigation and court decisions affecting the BLM and regulatory agencies such as the United States Fish and Wildlife Service (USFWS).

The Deer North Timber Sale would commercially harvest 98 acres and produce approximately 1.2 million board feet of timber.

Comment 2: Opening forest will increase the likelihood of increased OHV/ORV use. The BLM cannot police its holdings at this time how will they control willy nilly OHV/ORV trails. This has been and will continue to be a cumulative impact.

Response: The BLM recognizes the existing effects of OHV/ORV use. The EA states on page 26 that "In addition to roads, within the Planning Area, there are OHV trails that are actively used. Half of the OHV trails (2.3 miles of 4.6 total miles in the Planning Area or approximately 2.8 acres) are located in the Draper Creek drainage area. Within the Planning Area OHV trails constitute less than 0.1% of any of the drainage areas, including Draper Creek. The OHV trails are part of an informal, well established system that starts in the Elliot Creek drainage area."

The EA provides PDFs to reduce and minimize unauthorized OHV/ORV use. Page 18 of the EA states that:

- To reduce the unauthorized OHV trails, fireline construction would not be done within 100 feet of roadways until project is implemented. Vegetation removal would be minimal for the first 100 feet, routing the fireline around existing vegetation where possible. Upon completion, vegetation would be pulled back over the first 100 feet of fireline.
- Vegetation would be pulled back over the first 50 feet of spur/skidroad in Unit 29-2 where it intersects on either side with BLM haul roads.

The Deer North Vegetation Management Project EA recognized the impacts of OHV/ORV use in the No Action Alternative. PDFs were designed in the EA to reduce and maintain unauthorized OHV/ORV use within treated areas. However, the Deer North's purpose and need was not to develop an OHV/ORV plan for existing unauthorized use.

Riparian Reserves

Comment 3: The BLM is not following WOPR guidance to treat Riparian Reserves

Response: The Grants Pass Resource Area is aware of 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. The Deer North Vegetation Management EA was initiated in 2008. The current BLM State Office direction is to evaluate consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the selected alternative contains some design features not mentioned specifically in the 2008 ROD and RMP, such as 360' Riparian Reserve width for fish bearing streams.. 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.

Comment 4: Why hasn't the Deer Creek Watershed Analysis been used for past measurements of the streams, creeks and conditions of the watershed?

Response: The Deer Creek Watershed Analysis, now over 14 years old, was a "coarse scale" survey of the watershed. Stream surveys were completed in 1997 and again in 2008.

Comment 5: How will BLM buffer their riparian zones?

Response: Table 4 (EA, p 19) identifies the Riparian Reserve width as 380' for fish bearing streams and 190' for perennial and intermittent streams, springs, and unstable areas.

Comment 6: Please note that page 19 of the EA indicates that the BLM is not proposing logging activities within riparian reserves. However, it appears that proposed logging unit 017 is within the riparian reserve for Draper Creek

Response: Unit 017 alongside Draper Creek is outside of the Riparian Reserve and will not be logged under the Deer North timber Sale.

Comment 7: It appears that the BLM is not proposing to treat within any of the riparian reserves. The BLM should pull this EA and finish the work that needs to be done.

Response: The Deer North Project began in 2008. At that time the Deer North interdisciplinary team did not identify a need to treat within Riparian Reserves.

Forest Management

Comment 8: The BLM is cutting too many large, healthy, fire resistant trees. Plot had 18 large trees over 20" and removing 5 trees would not meet minimum of 16-20 trees/ac.

Response: Harvest units within the Deer North Planning Area are within the Matrix land allocation. The RMP identified that the general prescription would be one of modified even-aged management within Northern General Forest Management Area. Even-aged systems would retain on the average 6 – 8 large green trees per acre (NGFMA) (RMP, p 187, 188). Stand regeneration methods harvest the majority of the stand in a single entry and permit the establishment of an even-aged stand with the fewest number of entries while retaining wildlife trees and snags (RMP, p. 181) For the Southern General Forest Management Area (SGFMA) the prescription would be one of structural retention (ibid, 192). The RMP direction is to “retain on the average 16 – 25 large green trees per acre. Large conifers reserved would proportionately represent the total range of tree size age classes greater than 20 inches in diameter (RMP, 193).”

Commenter's plot in question was a single 1 acre plot in a 14 acre proposed treatment area. Because of the variability of stand structure, representative sampling across the entire unit area would have produced a more accurate result. Using 1 plot to represent 14 acres is an inadequate representation and can introduce bias in sampling. In contrast, a 100% sample across the entire 14 acres from the BLM timber cruise tally showed that 16 live green conifer TPA >20 inches DBH would be retained.

While it is generally true that large, healthy trees are relatively more fire resistant than younger, more thin barked associates, other ecological values exist that would favor a more proportionate retention of trees. These values include intermediate through dominant trees that exhibit nests with unknown presence of red tree voles and cavities, trees that contribute to structural heterogeneity, that provide unique crown structure (including flat tops), that provide genetic variability, and that help to maintain the multi-layered component in current existence. Some of these features are key attributes to northern spotted owl (NSO) Habitat. Removing only intermediate and suppressed trees would reduce the diverse stand structure present and the layering of stands important to biological diversity. Removing only intermediate and suppressed trees would also reduce the genetic variability within the population. Providing genetic

variability in a stand is important to allow the stand to adapt to impacts that could result from a changing climate.

Density management/modified group selection harvest units selected under the Deer North Project would retain minimum number of retention trees as directed under the Medford ROD/RMP.

Comment 9: The EA has failed to disclose the number of small and large trees (by 2 inch increments) that would be logged in each unit. The EA has failed to disclose the number of small and large trees that would be retained in each unit

Response: The Deer North Project EA discloses the minimum number of trees to retain under the guidance of the NWFP and Medford ROD/RMP. The EA then analyzed for effects to other potentially affected resources.

Numbers of trees to be cut or retained by 2" diameter classes are not determined until actual units are selected for harvest and layout and cruising occurs. All appropriate buffers have to be identified on the ground before cruising occurs. Also, each individual stand has unique ranges of diameters, species composition, etc.

The commenter has not identified how collecting additional information would allow for a more informed decision by the decision maker.

Comment 10: Group selection and "openings" must be directed at groves of pine, oak and madrone to accomplish multi-species objectives.

Response: The Medford District has allocated approximately 20% of its land to the Matrix land allocation (RMP, p. 72). This means the other 80% of the lands are allocated to Late-Successional Reserves, District and Congressional Reserves (RMP, p 9). The RMP direction in Matrix lands is to "Retain some large hardwood trees, where present in harvest units, to provide habitat diversity" (p, 40).

The silvicultural prescriptions for the Deer North Project are designed to enhance what is diverse in treatment units by releasing oak, pine, and incense cedar. The release is done in two ways: by creating 1/4 to 1/2 acre openings and creating individual crown space for expansion. The gaps primarily are aimed to release large strong dominant ponderosa pine while maintaining some structure within the gaps (e.g. other pine trees, oak, madrone, etc. that would also benefit from the gap release). Gaps will be interplanted with ponderosa pine to maintain the species for future stand structural and species diversity. However, gaps are limited in frequency to provide crown closure for NSO habitat. Therefore, the prescription of providing individual crown space to sugar pine, black oak, incense cedar, other ponderosa pine would assist these diverse ecologically important species in maintaining longevity on the landscape.

Comment 11: No tree greater than 10" be cut as long as the canopy is 60% or greater

Response: The RMP does not provide a diameter limit in the Matrix land allocation. BLM has consulted with the USFWS and there are no terms and conditions that set a diameter limit on proposed harvest units under Alternative 3.

Comment 12: We believe that this watershed does not meet the NFP ROD's definition of retaining old growth. The BLM has not provided evidence as to how they calculated the 15% retention.

Response: The Medford RMP directs that late-successional forest stands would be protected in fifth field watersheds where federal forestlands are currently comprised of 15% or less late-successional forest (RMP, p. 139). Deer Creek Watershed contains more than 15% late successional forestlands. The Deer Creek Watershed Analysis determined that 46% of the BLM lands in the watershed were mature/old-growth, 21" + dbh. The Selected Alternative would not reduce late successional conditions.

Comment 13: The BLM would not quantify sustainable in the field trip

Response: The O&C act states:

- Annual productivity capacity will be determined and declared.
- Timberlands... shall be managed for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principle of sustained yield...

The Forest Ecosystem Management Assessment Team (FEMAT) definition of Sustained Yield is: the yield that a forest can produce continuously at a given intensity of management.

How do we manage in conformance with Sustained Yield under the RMP?

The determination of the annual productive capacity is based upon the calculation of the Allowable Sale Quantity. In this calculation the current forest inventory is used to project over many hundreds of years the management practices outlined in the plan to demonstrate the harvest levels are sustainable. With plan revisions and new inventories the annual productive capacity is reassessed and is declared in the Record of Decision for the next implementation period.

Under the NWFP, over 80% of the lands have been managed for late-successional forest objectives. As harvest rates in the Matrix have not met anticipated levels over the last decade it could be expected that we are gaining in standing inventory over previous estimates.

Comment 14: How many acres of RA 32 are in the Planning Area? The public cannot know the actual project proposal or project effects if RA 32 stands are only designated after the EA is completed.

Response: Due to budget constraints, RA 32 has only been surveyed for units proposed for the potential timber sale under the first Decision Documentation. Two hundred fifty acres were surveyed and only one RA 32 in 38S-7W-7- unit 010 was identified. However, this unit has since been dropped due to additional red tree vole (RTV) buffer. All RA 32 would be buffered, so the effects to RA 32 wouldn't change. Additionally, these buffers wouldn't change the effects analysis for spotted owls because we analyzed the effects to all units without RTV or RA32 buffers. The final and specific impacts are identified at the time of the decision record which discloses the final unit acres and layout based on RTV, RA 32, and other buffers.

Comment 15: The RMP (p. 194) states that "commercial thinning entries would be programmed for stands under 150 years of age, often in conjunction with limited selection harvest in stands over 80 years."

Response: The Medford RMP guidance (RMP, p. 194) states that after reaching 120 years of age (in SGFMA) stands would be programmed for regeneration harvest, however, the guidance does not restrict or impose a limit on the age thresholds that could be commercially thinned. Therefore, commercial thinning beyond 150 years in SGFMA is an acceptable silvicultural prescription in order to meet the RMP management objectives and goals that provide both timber and ecological needs (includes NSO habitat requirements) as long as prescriptions do not preclude entry for future thinning or regeneration harvest.

Northern Spotted Owl

Comment 16: The RMP says to manage for owl nesting habitat which requires at least 60% canopy. The overstory canopy of larger trees must be maintained when less than 60%.

Response: The Medford RMP states on page 192: "Manage to retain a minimum of 40 percent canopy cover at the stand level in most regeneration harvest units, except for units of the pine series or where stand condition or site characteristics require lower levels." The BLM is meeting this objective in the proposed timber sale units identified as dispersal habitat, and actually leaving 60% in stands identified as nesting, roosting and foraging (NRF) habitat. None of the units will drop below 40%. Additionally, when calculating canopy cover, all layers above 15' are included in the calculation. This is to account for the lower and mid-story trees that are also important components of the owl habitat structure. The prescription called to thin across all DBH ranges to achieve this canopy cover retention and maintain layering within the stand.

By District definition, canopy closure or age alone does not qualify a stand as spotted owl NRF habitat (2010 Biological Opinion: Tails # 13420-2010-F-0107). Spotted owl NRF habitat in southwest Oregon also includes patchy habitat components and multistoried structure. The forest management treatment type of treat and maintain spotted owl NRF habitat includes retaining 60% multistoried canopy cover and a diverse understory adequate to support prey. The prescription aims to maintain the natural variability and existing structure by thinning across the natural range of variability without eliminating currently existing stand components (Medford

District RMP p.193). Although some large trees would be removed, the largest trees are retained, particularly those exhibiting signs of advanced age. Intermediate and codominant sized trees often contain nests, cavities, and/or flat tops which likewise receive special emphasis in retaining. Slower growing trees also contribute to the genetic variability of the tree population which represents a diverse stand component in current existence.

Comment 17: The EA failed to disclose adverse impacts to existing spotted owl habitat from excessive logging and canopy reduction in Unit 7-011 and others

Response: The EA addressed effects to northern spotted owls and their habitat (pp. 103, 114). A range of effects were discussed from no treatment to habitat removal. The effects from each of the treatment types were disclosed in a summary and then under each alternative by total acres. Units were not specifically mentioned, but habitat effects were analyzed at scales more meaningful to the owls such as the 0.5 mile core scale, project level scale, and the fifth field watershed scale. The effects to owls and their habitat were adequately analyzed and disclosed to a level necessary to discern both project and cumulative effects, and to provide the decision maker with adequate information necessary to make an informed decision. Additionally, for this decision, all units, or portions of units classified as NRF habitat, were marked to retain 60%. A portion of unit 7-011 was marked as 40% because additional field review re-classified this portion of the unit as dispersal.

Comment 18: Page 113 of the EA mistakenly contends that NSO populations in the South Cascades Study Area are "stable". In fact recent analysis is available at this time that directly contradicts the contentions, assumptions analysis regarding NSO population dynamics in the Southern Cascade range contained in the EA.

Response: The EA correctly discloses the status of the owls in the South Cascades study area in the years listed in the EA (1985-2003). The comment applied to this EA is outside of the scope of this project because it includes information from a Klamath Falls BO that doesn't analyze Deer North Planning Area. Even though the new information wasn't listed in the EA, it was considered in the biological opinion (BO) that covered the Deer North Timber Sale. Additionally, the new study and demography information still indicates the population trends for the South Cascade Study Area are still stationary. The BO summarizes the new studies and states "on other four areas (Tyee, Klamath, Southern Cascades, and Hoopa), populations were either stable, or the precision of the estimates was not sufficient to detect declines" (BO pgs. 38 and 41). Therefore, the updated information for the South Cascades Study area wouldn't change the spotted owl effects analysis for the Deer North Planning Area. Additionally, the information listed in the EA was also still correct for the Klamath study area which represents the sites within the Deer North Planning Area.

Comment 19: The Deer North EA does not acknowledge the direct and cumulative impacts to owl recovery from the impacts of the nearby logging and planned future timber sales.

Response: The EA discloses the number of spotted owl NRF and dispersal habitat that would be removed, downgraded, or treated and maintained from other projects in the watershed in table 34 (EA, p. 106). The EA also includes future private actions in the analysis on page 106, and states that the future development of late-successional forest is greatest on federal lands. Cumulative effects to spotted owls are addressed on pages 112- 114. Effects to northern spotted owls (EA pp. 103 - 114) were adequately analyzed and disclosed to a level necessary to discern both project and cumulative effects, and to provide the decision maker with adequate information necessary to make an informed decision.

Comment 20: The BLM should maximize the treatment of the stands to the greatest extent allowable under the spotted owl habitat modifications described in the July 19, 2010 BO. The BO allows 60 acres of NRF habitat to be downgraded to dispersal habitat, and 38 acres of dispersal habitat to become no habitat.

Response: The commenter is correct on acres consulted on with the USFWS for the potential Timber Sale outside of the 1992 CHU. These were estimated maximum acres consulted on. However, since then, acres have been dropped due to required wildlife buffers.

Comment 21: Logging without current information (as surveys were done over 13 years ago) presents an unknown risk to the threatened species. The BLM's failure to update survey information confirms our doubt it is going to maintain a viable spotted owl population

Response: As stated in the EA on page 105, all of the sites associated with the project were considered to be occupied for purposes of this analysis. Therefore, even though there have been limited surveys since 2007, by conservatively considering these sites as occupied it allowed us to adequately analyze and disclose the effects to a level necessary to discern both project and cumulative effects, and to provide the decision maker with adequate information necessary to make an informed decision.

Comment 22: The EA failed to disclose adverse impacts to possible raptor nest identified. A possible raptor nest was identified in unit 31-1 in 8/19/08 wildlife form map.

Response: As mentioned in the EA on page 106, only federally listed, Bureau Sensitive species, and Survey and Manage species known or suspected to be present within the Planning Area and impacted by the proposed actions were addressed in this EA. This was done according to BLM Manual 6840 - Special Status Species Management policy.

The BLM is not required to address raptors, especially if they are unknown. Additionally, prior to completing the EA, all nests, including the nest identified in 2008, were climbed in unit 31-1 (Jan. 2011). No possible raptor nests were identified by the climber. This would have been the best time for identification of a raptor nest. Therefore, it was concluded that no special status raptors were present in this stand. Additionally, according to our marking guidelines, trees with nests are marked as leave trees. Raptors would also be protected according to our timber sale

contract E-4 stip, “The Purchaser shall immediately discontinue specified construction or timber harvesting operations upon written notice from the Contracting Officer that: active raptor nests have been discovered, and a determination is made that continued operations under this contract would adversely affect the present use of the discovered nesting area by the raptor.” Therefore, since this nest wasn’t determined to be a raptor nest, as well as mitigations provided for nests, no effects are anticipated.

Comment 23: The Deer North EA is defective because it fails to analyze new information about impacts/interactions of barred owls and spotted owls.

Response: The EA addressed the current known condition of barred owls within the Planning Area on page 105. The effects from the barred owl and new information regarding the barred owl are found on page 108 of the EA. The EA describes how the effects from barred owls are being addressed at a regional level and at the local level. The Deer North Project is in compliance with the current measures in place to offer spotted owls protection from barred owls by identifying and buffering high quality northern spotted owl habitat (RA 32 stands).

NEPA

Comment 24: The proposed project is a major federal action. Stressed aquatic resources (Deer Creek 303 (d) and spotted owls)

Response: The Deer North is not a major federal action. 40 CFR § 1508.8 states that “Major reinforces but does not have a meaning independent of significantly (§ 15008.27).” The Finding of No Significant Impact determined that all activities proposed under the Selected Alternative are not significant or that the effects were analyzed and within those anticipated under the Medford ROD/RMP.

Effects to northern spotted owls (EA pp. 103 - 114) were adequately analyzed and disclosed to a level necessary to discern both project and cumulative effects, and to provide the decision maker with adequate information necessary to make an informed decision. While some treatments would remove or modify spotted owl habitat, they would not rise to the level of significance which would require an EIS. As stated in the EA on page 112, “7,802 (95%) to 8,058 acres (98%) of the existing NRF habitat would be maintained throughout the Deer Creek 5th field watershed in both action alternatives. These areas would continue to provide suitable spotted owl NRF habitat, provide habitat for late-successional forest habitat dependent species, and would help maintain future connectivity throughout the watersheds and between LSMAs.” Effects to spotted owls from the Deer North project are within the scope the analysis done in the Medford RMP EIS. Analysis of recovering the spotted owl is typically done at the range-level. At the project level, we are tasked to ensure we are meeting these recovery goals. The BO stated that the proposed action (including the Deer North project) is consistent with maintaining the role of habitat and the spotted owl population in the action area for the survival and recovery of the spotted owl.”

Comment 25: The statement of purpose and need must be broad enough so that it does not foreclose the consideration of reasonable alternatives (*City of Carmel by the Sea v. United States Dept of Trans.*). The BLM did not consider the NSA/community alternative.

Response: The purpose and need statement is consistent with the goals and objectives identified in the Medford RMP. Two action alternatives in addition to the No Action Alternative were analyzed. The NSA Alternative was considered under the No Action Alternative. Literature provided by the Deer Creek Association (Ecostry) indicates the NSA supports extracting naturally selected dead/dying trees as opposed to extracting green trees. The EA states that alternatives should be “designed to address each of the needs and achieve each of the associated objectives which would assist in moving the current conditions found on the Deer North Planning Area toward desired forest conditions for lands within the Matrix land allocation” (p. 156).

The EA considered a separate “Citizen’s Alternative” that provided more detail. Appendix F “Alternatives and Issues Considered, but not Analyzed in Detail” (pp 155, 156) determined that “The Citizen’s alternative was adequately addressed in the analysis for the No Action and action alternatives.” The purpose and need was broad enough to analyze a range of alternatives.

Comment 26: BLM must consider all actions in its determination of significance of cumulative impacts.

Response: Environmental Consequences for all alternatives were documented in the EA. The Affected Environment provides baseline information about resource conditions. The BLM used extensive description of existing resource conditions in analyzing the effects of the No Action alternative. The analysis in the EA is sufficient to determine that this project complies with the *Medford District Record of Decision and Resource Management Plan* (RMP; June 1995), and that the impacts for this project are within those described in the *Medford Proposed Resource Management Plan/Final Environmental Impact Statement* (PRMP/FEIS). The Finding of No Significant Impact determined that all activities proposed under the Selected Alternative are not significant or that the effects were analyzed and within those anticipated under the Medford ROD/RMP.

Comment 27: I didn't notice in the EA the discussion of the Deer Mom timber sale.

Response: The Deer North Project EA referenced the Deer Mom Timber Sale on pages 21, 53 and 122.

Comment 28: BLM must state any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Response: The Finding of No Significant Impact determined that all activities proposed under the Selected Alternative are not significant or that the effects were analyzed and within those

anticipated under the Medford ROD/RMP. The EA provides specific project design features and best management practices to be consistent with laws, regulations and policy.

Survey and Manage and Other Species of Interest

Comment 29: BLM has failed to identify and protect all known red tree vole sites. Known sites from previous surveys must be protected. Please provide me with a map of all red tree vole detections in the Deer North timber sale area, not merely the ones found on recent surveys.

Response: The EA explains on page 123, that prior to implementation, all active and associated inactive RTV nests discovered during surveys would be buffered and essentially eliminate the direct effects to RTVs from the proposed action. Due to budget constraints, RTV surveys have only been completed so far for units proposed for the potential timber sale. Active RTVs were found and subsequently buffered in 37-7-29-002; 37-7-31-010; 37-7-33-001, and 37-7-7-010. All active and associated inactive trees were buffered according to the management recommendations (See Previous Comment Response for more information on surveys in the stewardship units). Deer Mom units with RTV habitat were surveyed for RTVs in 1997 and 1998, using the draft protocol, but none of the trees were climbed which would have allowed them to get an accurate determination of the RTV nest status. Some Deer Mom Fuels units were surveyed and climbed in 2002. Deer North units that contained old Deer Mom units were completely resurveyed in order to update the status information on all old and new nests. Old nests were either blown out or determined to be inactive through current climbing surveys. Therefore the nests located in 1997 do not need to be protected and the old locations did not provide additional information that would change our effects analysis. The old survey information was used to help determine RTV habitat and areas to survey in 2010.

Comment 30: The EA doesn't disclose where RTVs were conducted and where RTVs were located.

Response The EA explains on page 123, that prior to implementation, all active and associated inactive RTV nests discovered during surveys would be buffered and essentially eliminate the direct effects to RTVs from the proposed action. Due to budget constraints, RTV surveys have only been completed for units proposed for the potential timber sale. Active RTVs were found and subsequently buffered in 37-7-29-002; 37-7-31-010; 37-7-33-001, and 37-7-7-010. All active and associated inactive trees were buffered according to the management recommendations.

Units proposed within in the 1992 CHU have not been surveyed. The court has not made a final CHU ruling. All active and associated inactive trees would be buffered according to the management recommendations so the effects to RTVs wouldn't change. Currently stewardship units that are habitat and located outside of the 1992 CHU are being surveyed. Once trees are climbed, all active and associated inactive trees will be buffered according to the management recommendations. Therefore the effects analysis wouldn't change. Effects to RTVs were

adequately analyzed and disclosed to a level necessary to discern both project and cumulative effects, and to provide the decision maker with adequate information necessary to make an informed decision.

Comment 31: The BLM says it will log on talus slopes, habitat for the Del Norte salamander. Stay out of talus.

Response: As stated in the EA on page 125, “Currently the Del Norte salamander is not a Bureau Sensitive species and is not considered a management species under the Special Status Species Program. The 2001 S&M ROD changed Del Norte salamanders to Category D species, which required management of known sites, but not pre-disturbance surveys.” Therefore the BLM was not required to survey for Del Norte salamanders. However, as a S&M Category D species, we are required to protect known sites. Del Norte salamanders were found during the Deer Mom surveys in 1997. Additionally, Del Norte salamanders have protection measures identified in the 1995 Medford RMP. Therefore, see PDF on page 18 of the EA, where it outlines the RMP Del Norte salamander protection. The units where Del Norte Salamanders were located are actually deferred at this time due to the CHU issue. The talus areas were also located in this 1992 CHU area and also deferred at this time. Since the original surveys, Deer North units have been surveyed for habitat identification, which confirmed the talus locations occurring only in the old CHU areas. No talus was located in the units selected for this Decision for the Deer North Timber Sale. The effects to Del Norte salamanders and talus habitat were adequately analyzed and disclosed to a level necessary to discern both project and cumulative effects, and to provide the decision maker with adequate information necessary to make an informed decision.

Comment 32: The 2000 FSEIS acknowledged uncertainty regarding the taxonomic status of these species [P.coeruleum and P. dubium] BLM must survey for mollusks.

Response: The EA addressed Survey and Manage Mollusks on page 122. The EA concluded that the Deer North project is not anticipated to affect any Survey and Manage mollusk species because the Planning Area does not contain suitable habitat for Helminthoglypta hertleini and the project is outside the range of Monadenia chaceana. Additionally, the 2001 S&M ROD removed the P.coeruleum and P. dubium from the Survey and Manage list. Therefore, further analysis of project level effects is unnecessary.

Comment 33: The Agency relies on the illegal non-NEPA species review to shirk its duty to conduct surveys for at-risk mollusk species.

Response: The EA addressed Survey and Manage Mollusks on page 122. The EA concluded that the Deer North project is not anticipated to affect any Survey and Manage mollusk species because the Planning Area does not contain suitable habitat for Helminthoglypta hertleini and the project is outside the range of Monadenia chaceana. Therefore, further analysis of project level effects is unnecessary. Additionally the EA referenced the current Mollusk protocol, The Survey

Protocol for the Survey and Manage Terrestrial Mollusk Species from the Northwest Forest Plan, Version 3.0 (2003), where the pre-disturbance survey requirement for the Grants Pass Resource Area was removed due the *Monadenia chaceana* range change. As stated in the appendix of the protocol "terrestrial mollusks species covered by this protocol, arranged alphabetically, with the known and suspected range of each species as of January 2002, defined in terms of federal administrative units. " For *Monadenia chaceana*, only the Butte Falls and Ashland RAs are required to have pre-disturbance surveys.

Comment 34: The pacific fisher occurs in the project area. BLM must disclose the impacts that the removal of fisher habitat has at the watershed and cumulatively at the landscape level.

Response: The EA explains on page 114 that fishers have been located in the Watershed (not in the planning area). The EA states "the nearest fisher detection through camera surveys is approximately 5 miles southeast of the Planning Area in the Deer Creek 5th field watershed." The EA discloses the effects from habitat removal on page 115, then more specially the effects from habitat removal that would occur in Alternative 2 on pages 116 and 117, and finally the cumulative effects to fishers are addressed at the Deer Creek 5th field watershed scale on pages 117 and 118. Therefore, effects to fishers were adequately analyzed and disclosed to a level necessary to discern both project and cumulative effects, and to provide the decision maker with adequate information necessary to make an informed decision.

Comment 35: The EA for this project did not fully analyze and disclose the potential impacts of logging activities on land bird populations

Response: The EA disclosed the current habitat conditions for land birds on page 124. While the exact acres are not given, the EA describes the current condition of the diversity of habitats in the planning area are used by a variety of landbirds and the specific habitats for birds of concern are identified. All effects to landbirds are addressed by vegetation management and not the specific method for vegetation extraction since the issue is the change to density of the vegetation. The EA discloses the effects that thinning and regeneration treatments would have on landbirds in pages 126-128. Cumulative effects are addressed on page 128 of the EA. Effects on landbirds were adequately analyzed and disclosed to a level necessary to discern both project and cumulative effects, and to provide the decision maker with adequate information necessary to make an informed decision.

Comment 36: Has the BLM conducted surveys to determine if the talus habitat proposed for logging consists of "nonsuitable woodlands" defined as "all fragile nonsuitable forest land" as required by both the Medford RMP and Timbered Rock

Response: There are no "nonsuitable woodlands within harvest unit boundaries or within the Deer North Planning Area. Commenter has not identified nonsuitable woodlands within the Planning Area.

Comment 37: 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.”

Response: The EA discloses information about spotted owl prey and their habitat in the affected environment, including flying squirrels (EA pg. 105). The effects to spotted owl prey species that are common to all action alternatives are disclosed on pages 108 and 109. In this section, general effects are listed from proposed treatments (thinning and regeneration harvests) to all spotted owl prey species, including flying squirrels. The EA addresses specific effects to spotted owl prey species by alternative on page 110 (Alternative 2) and page 111 (Alternative 3). The EA also mentions that treatment implementation would be spread out temporally and spatially within the Planning Area, which would provide areas for spotted owl foraging during project implementation and reduce the impact of these short-term effects at the project level. Various wildlife and botany buffers, riparian areas, marking guideline restrictions, and no treatment areas adjacent to the units will continue to provide habitat for prey species and provide “skips” within the units. Additionally, the 2010 Biological Opinion (Tails # 13420-2010-F-0107) that covered the Deer North Timber Sale states “While some reports suggest negative impacts of thinning on flying squirrels (Wilson 2010), there is also some counter information as to these effects (e.g., Gomez et al. 2005, Ransome et al. 2004, Waters and Zabel 1995).” Even with these contradicting studies, as mentioned above, the Deer North EA disclosed effects to spotted owl prey species, including the flying squirrel.

Natural Selection Alternative

Comment 38: Tractor logging will degrade forest floor communities that will likely take hundreds of years to restore. The impacts to these communities by tractor logging is unacceptable and avoidable under the NSA.

Response: The Medford RMP direction is “in previously unentered stands, use designated skid roads to limit soil compaction to less than 12 percent of the harvest area” (p. 166). The Deer North Project EA provides the following PDFs (p. 16) regarding tractor logging:

- To reduce ground disturbance and soil compaction, yarding tractors would be limited to the smallest size necessary. Tractors would be equipped to obtain one end log suspension during skidding and would be restricted to approved skid trails spaced 150’ apart where topography allows. Existing skid trails would be used when possible. Tractors would be restricted to slopes <35%.
- Tractor 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, and is between 15-25% depending on soil type.

- Skid roads would be water barred as appropriate for slope and soil type. Main tractor skid trails would be blocked where they intersect haul roads. All compacted skid roads would be decompacted and would be water barred
- Harvest equipment used off of designated skidtrails would operate on ground less than 35% slope, have an arm capable of reaching at least 20 feet and minimize turning. When practical, the harvest equipment must walk on a mat of existing or created slash. To prevent operations from exceeding the maximum 5% soil productivity loss or 12% compaction levels across the harvest unit, equipment use may be restricted depending on soil type, soil moisture, ground pressure of the equipment, and presence of slash to operate on.

The soil scientist determined that “Areas of compaction would remain well within the moderate range that would have an upper threshold of 12% after implementation of any of the action alternatives. Net estimated cumulative effects would be a very slight decrease in soil productivity for Alternative 2 over Alternative 3 for both subwatersheds. This is due to loss of litter/duff and beneficial soil microbes in Regeneration Harvest units. However, this would be for less than 10 years; after 10 years, no difference is expected because of anticipated soil recovery.” (EA, p. 40)

At the invitation of the commenter, the BLM visited Camp Forest, the model for the NSA alternative. The areas BLM were shown were regenerated clearcut lands tractor yarded in the mid 1900s.

Comment 39: The Natural Selection Alternative (NSA) is a legal alternative and has met the BLM's Purpose and Need. The NSA should have been considered as an addition alternative or actually been included in the Deer North EA as Alternative 4. In the South Deer EA, BLM accepted the Natural Selection Alternative as part of the decision. To now reject the Natural Selection Alternative for consideration in the Deer North EA is arbitrary and capricious.

Response: The NSA Alternative does not meet the purpose and need of the Deer North Vegetation Management Project. The NSA Alternative was considered under the No Action Alternative. Literature provided by the Deer Creek Association (Ecostry) indicates the NSA supports extracting naturally selected dead/dying trees as opposed to extracting green trees. The EA states that Alternatives should be “designed to address each of the needs and achieve each of the associated objectives which would assist in moving the current conditions found on the Deer North Planning Area toward desired forest conditions for lands within the Matrix land allocation” (p. 156).

The Medford ROD/RMP assumed an annual harvest of 1,140 acres of regeneration harvest (RH) and overstory removal (OR) the first decade (ROD/RMP. p, 9). However, the actual amount offered for sale on the Medford District from 1995 to 2004 fell far below this amount, as it was less than 500 acres of regeneration harvest and overstory removal per year. The RMP identified

that the general prescription would be one of modified even-aged management within Northern General Forest Management Area ([NGFMA], RMP, p 187). For the Southern General Forest Management Area (SGFMA) the prescription would be one of structural retention (ibid, 192).

The EA considered a separate “Citizen’s Alternative” that provided more detail. Appendix F “Alternatives and Issues Considered, but not Analyzed in Detail” (pp 155, 156) determined that “The Citizen’s alternative was adequately addressed in the analysis for the No Action and action alternatives.”

The South Deer Decision Record acknowledged that Alternative 4 was prepared by the Deer Creek Valley Natural Resource Conservation Association (DCVNRCA). At that time the BLM and DCVNRA signed a memorandum of understanding (MOU) that included providing a purpose and need. However, The South Deer Decision Record noted on page 23 for Alternative 4 (Natural Selection Alternative) that “Other than trail and road locations, the project relied heavily on philosophy, making a side by side evaluation problematic.” The purpose and need of the Deer North EA is not the same as that for the South Deer Project. The South Deer EA addressed the need to promote a wide variety of non-commodity outputs.

The South Deer EA analyzed the Natural Selection Alternative (alternative 4) and determined that "The level of removal for this alternative is inconsequential which allows current stand trajectories to progress. The cumulative impacts to vegetation would be the same as those described for the no-action alternative" (South Deer EA, p. 60). The Decision Record for the South Deer Landscape Management Project identified Alternative 2 as the selected alternative for the management themes. Alternative 2 was selected for the young stand management theme except for "stands in 39-7-3 [T39S, R07W, Section 3] that were identified for young stand management... Young stands are a priority for treatment under Alternative 4 [NSA] and implementing this alternative in section 3 will allow an opportunity to demonstrate the effectiveness of the approach of the NSA in young stand development" (DR, p. 12).

South Deer considered the NSA (Alternative 4) and disclosed “the general support for Alternative 4 as evidenced by the public comments received, and given the desire by the BLM to demonstrate the NSA alternative, the BLM has decided to blend Alternative 2 and 4 into a proposed action by choosing to implement NSA on 501 acres of land in 39-7-3. And, although BLM planners requested anticipated or potential timber volume produced by the NSA, no information was made available.”

Because the South Deer Project was enjoined indirectly by a court ruling affecting another regulatory agency, the effectiveness of the NSA on young stand development was never evaluated. The Deer North Timber Sale does not propose to demonstrate young stand development.

Herbicides

Comment 40: Potential subsequent application of toxic herbicides to control noxious weeds or competing species in the clearcut or group selection area

Response: There are no proposed treatments of herbicide under the Deer North Vegetation Management EA.

Fire

Comment 41: Timber harvesting proposed by BLM creates - not reduces- fire danger

Response: Timber harvesting does create fire hazard when activity fuels are not treated. Fuel hazard reduction will follow Density Management treatments (EA p.13, 63, 83, 85).

The EA summarized the effects of fire hazard on page 80: treatments proposed in the two action alternatives would reduce crown fire potential after post harvest slash treatments on approximately 800 acres of public land in the WUI. Overall, the Deer North project would decrease fire hazard on 746 acres under Alternative 3.

Comment 42: There is near scientific consensus that these large trees are needed to provide shade and prevent uncharacteristically severe fire.

Response: Severe fires are more a result of an aggregation of factors, namely fuels, weather, and topography, that align to create potential for large fire growth. There is no single element of fuel complex or fire environment responsible for large conflagrations. Weather and topography cannot be controlled, but fuels can. The BLM recognizes the need to reduce fuel loading after management. For this reason, the Deer North project plans on treating all activity fuels (Deer North EA p.13, 63, 83, 85).

Comment 43: Thinning may reduce total fuel loads (ie biomass) but it also opens forest canopies and allows increased solar radiation and wind to reach the forest floor (Agee 1996)

Response: The BLM recognizes that crown fires are tied to surface fire intensity. Crown fire ignition is related to crown base height and foliar moisture content. Active crown fires result when crown bulk density contributes to spread rate. Reducing both the crown bulk density in the stand while also treating activity fuels on the forest floor greatly diminishes the fire hazard.

Comment 44: What is the basis for the agency's belief that fires would cause a 'loss' of snags in the planning area.

Response: Under the No Action Alternative, the BLM does state that stand replacement fires could cause the loss of large trees and snags (EA, p. 107). The EA does not say that all snags would be lost. While some snags might be created from a fire, the quality of the current snags or large trees could be lost within a stand replacing fire. Page 120 of the biological assessment

(BA) says that additional snag habitat would be provided in Alternative 2 and 3 due to green tree and snag retention as required by the 1995 Medford RMP.

Generally, there is a low large snag per acre average in stands on the Grants Pass Resource Area. There is a low likelihood that they would all be lost from logging because of the project design features (PDFs) in place for this EA. The PDFs on pages 17 and 18 of the EA indicate that snags would be protected from treatment activities. The EA states "Maintain all snags > 16" DBH, except those that need to be felled for safety reasons. Those snags felled for safety reasons would be left on-site. Where feasible, snag patches (6 or more snags) would be buffered by one half to one site tree height to protect the snag patch from damage during logging operations."

Roads

Comment 45: In violation of NEPA and the ACS, BLM hasn't included quantitative information on the unknown number and location of tractor crossings of stream channels in the EA

Response: Tractor crossings of streams are not proposed under the Selected Alternative identified in the Decision Documentation for the Deer North Timber Sale.

Comment 46: The analysis contained in the EA repeatedly acknowledges that timber sale and related activities will produce sediment that will be detectable at the site level. Yet the BLM contends that adding yet more sediment impaired waterbodies that are trending away from ACS compliance somehow complies with the ACS

Response: Alternative 3 is anticipated to have short term addition of few fines from roads, and the channel morphology would remain unaffected; the long term trend of the sediment regime would be unchanged in streams on BLM (EA, Table 9, p. 37). This is consistent with the ACS objectives.

Comment 47: The EA does not adequately disclose or analyze the impacts of new "temporary" road construction on soils and hydrology. KS Wild included noxious weeds.

Response: Effects from temporary roads are adequately addressed in the EA (pp. 34-36). The Deer North Timber Sale entails the use of existing spur roads. There will be no new temporary route construction.

Comment 48: I didn't notice any mention of actually removing and obliterating existing BLM roads

Response: Removing or obliterating roads were not part of the purpose and need of this project. There is no proposal to remove or obliterate existing roads. However, other projects such as these could be accomplished under existing programmatic restoration environmental documents.

Comment 49: Page 34 of the EA indicates that the BLM is proposing "a few tractor crossings" of stream channels...impacts and effects of such crossings are simply not revealed in the NEPA document.

Response: Tractor crossings of streams are not proposed under the Selected Alternative identified in the Decision Documentation for the Deer North timber Sale.

Comment 50: The cumulative impacts of "temporary" and permanent road construction, completely unregulated ORV use, landing construction and widespread tractor yarding on this highly impacted watershed must be full disclosed in an EIS due to ongoing significant impacts to hydrology (and soils) acknowledged on page 81 of the EA.

Response: Page 81 in the Deer North EA is within the fisheries analysis section. Neither section identifies significant impacts from any proposed activity (the exception existing ORV use which is a widespread problem addressed in the hydro analysis).

Comment 51: Both the Forest Plan and LRMP call for limiting soil compaction and degradation to less than 15% of harvest units. The EA acknowledges that much of the planning area already exceeds that figure and that additional ground-based yarding

Response: The Medford RMP direction is "in previously unentered stands, use designated skid roads to limit soil compaction to less than 12 percent of the harvest area" (p. 166). The soil scientist determined that "Areas of compaction would remain well within the moderate range that would have an upper threshold of 12% after implementation of any of the action alternatives. Net estimated cumulative effects would be a very slight decrease in soil productivity for Alternative 2 over Alternative 3 for both subwatersheds. This is due to loss of litter/duff and beneficial soil microbes in Regeneration Harvest units. However, this would be for less than 10 years; after 10 years, no difference is expected because of anticipated soil recovery." (EA, p. 40)

Botany

Comment 52: BLM must complete required surveys for important fungi.

Response: For Bureau listed Sensitive and Strategic species of fungi, surveys are not required as stated in the BLM Oregon State Office Information Bulletin # OR-2004-145, Attachment 5. Survey and Manage Fungi Species that are in the Range of the Medford District are Category B, D, E, or F, which do not require pre-disturbance surveys.

Comment 53: Table 28 located on page 92 of the EA clearly indicates that according to the 2009 GeoBob database, there are three survey and manage fungus species occupying a total of 14 known sites in harvest units. Yet the analysis provided on page 96 of the EA only discusses buffers for "Phaeocollybus Olivacea" (a survey and manage fungus) that is not listed on Table 28 but which is described on page 97 as being located in the corner of the unit"

Response: *Phaeocollybus olivacea* should have been identified on Table 28 as being present in a treatment unit. On page 96 of EA, under section 3.6.2.2, the heading “Special Status Vascular Species,” should have been labeled “Sensitive Vascular, Nonvascular and Survey and Manage Botanical Species.” Also under section 3.6.2.2, the heading “Special Status Fungi Species” should have been labeled “Sensitive Fungi Species.” .

Hydrology

Comment 54: Are there springs on BLM/public land from which homeowners get their domestic water? How do you protect the integrity of springs and wetlands?

Response: There are no withdrawals on BLM in the Planning Area. Springs and wetlands receive a buffer based on the size. For wetlands (this would include springs, generally), it is the area extending from the edges to the outer edges of riparian vegetation; for unstable and potentially unstable areas (which can also include springs) the buffer is similar. (RMP, pg 27)

Comment 55: The BLM never analyzed the existing condition of reserves and private land hydrologic conditions.

Response: Stream surveys were performed in the project area in 1997 and again in 2008. Surveys include hydrologic and riparian analysis. The BLM does not survey private lands. The EA states that "Based on stream survey data on BLM lands, 59% of sites were trending upwards or were functioning properly in relation to Proper Functioning Condition and 29% were functioning at risk but with unknown trend. Approximately 31% of the streams were large wood deficient. This data indicates that stream channels are generally becoming more stable." (p.25)

Comment 56: The EA lacks analysis of how the project would maintain the existing watershed conditions or move them toward their natural range of variability

Response: The Deer North EA thoroughly analyzed the effects of all of the alternatives on the existing watershed on pages 21 – 40. The EA summarized the analysis and determined the following:

For Alternatives 2 and 3, within the Deer Creek 5th field watershed (as well as affected 6th field subwatersheds), actions proposed in this document would not contribute to the cumulative watershed effects of:

- A. Increased stream peak flows, as any increases at the more focused 7th field drainage level are not measurable
- B. Increased stream temperatures because there would be no treatment of vegetation within Riparian Reserves. Project activities maintain streamside shade as well as large wood recruitment potential. Water quality conditions and a future supply of large wood would be maintained.

For Alternatives 2 and 3, within the Deer Creek 5th field watershed (as well as affected 6th field subwatersheds), actions proposed in this alternative would contribute to the cumulative watershed effects of:

- A. Sediment to streams in small localized deposits for short term, 3 years; however, in the long term, sedimentation in stream would be less than the current condition. Added OHV trail development could cause additions of fine sediment to Draper Creek.

The cumulative effects are within the scope of anticipated effects to water and soil determined in the 1995 RMP/EIS (pp. 4-14 to 4-24).

Comment 57: Deer North could directly increase open road density, increase canopy openings and increase soil compaction. When combined with extensive logging and road building in the past, the planned activities will trigger increases in peak stream flows.

Response: As stated in Response above: “actions proposed in this document would not contribute to the cumulative watershed effects of increased stream peak flows, as any increases at the more focused 7th field drainage level are not measurable.”

Wilderness Characteristics

Comment 58: Would you please explain how this land is not under the protection of the wilderness characteristics of public land?

Response: The Deer North Planning Area does not have wilderness characteristics under BLM wilderness program concepts and definition. This depends heavily on validating current roadless area boundaries followed by analysis on size criterion (5,000 acres). The Deer North Planning Area is a mosaic of federal, state and private lands.

In December, 2010, Secretary Salazar issued Secretarial Order 3310, directing the BLM to use the public resource management planning process to gather public input and designate certain lands with wilderness characteristics as “Wild Lands.” On April 14, 2011, Congress passed the Department of Defense and Full-Year Continuing Appropriations Act of 2011, which includes a provision that prohibits the use of appropriated funds to implement, administer, or enforce Secretarial Order 3310 in fiscal year 2011.