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**EAST FORK ILLINOIS LANDSCAPE MANAGEMENT PROJECT**
**DECISION RECORD**
**EA # OR117-06-04**

## I. INTRODUCTION

The BLM's interdisciplinary planning team has designed the East Fork Illinois Landscape Management Project (LMP) based on current resource conditions in the project area, and to meet the objectives and direction of the Medford District Resource Management Plan (RMP) and the Northwest Forest Plan (NWFP). As the EA was released in July 2006, the EA and on-the-ground conditions were reviewed to assess whether there were and significant changes in resource conditions. No significant changes were found in this assessment. Since the EA was released for public comment, there have been court decisions which have modified plan consistency requirements, and Critical Habitat has been identified for Cook's lomatium (*Lomatium cookii*); these are addressed below and in the attached Finding of No Significant Impact.

The proposals presented and evaluated in the East Fork Illinois LMP Environmental Assessment (EA) reflect what the planning team believes to be the best balance of resource conditions, resource potential and competing management objectives. Planning involved extensive public involvement and outreach during project development, and incorporated meetings with numerous groups and community members, public field trips and public meetings.

In this decision, the main commercial timber sale portion of the project, currently projected to include less than 100 acres of the project area, and associated road construction analyzed as part of all alternatives is being deferred and will be decided on in a separate decision. Some of the Density Management / Modified Group Selection (DM/Mod GS) and Density Management / Understory Reduction (DM/UR) treatments (EA p. 10-11) will be completed under stewardship contracts; all these actions are Not Likely to Adversely Affect for the Northern Spotted Owl and No Affect for Southern Oregon/Northern California coho salmon. Road maintenance; young stand management; fuel hazard reduction; noxious weed treatments; and special forest products action would be implemented as described below. All project design features are integral to the selected alternative and will be implemented. See section III, Decision and Rationale for details on the acres included in this decision.

As stated in the EA (p. 1) the actions proposed in the EA were designed to be consistent with and/or tier to the following:

1. Final EIS and ROD for the 1995 Medford District Resource Management Plan (RMP) (1995)
2. Final Supplemental EIS on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (1994)
3. ROD for Amendments to Forest Service and Bureau of Land Management Planning Documents

Within the Range of the Northern Spotted Owl and its attachment A entitled the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (NWFP) (1994)

4. Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2000), and the ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001)
5. Medford District Noxious Weed Environmental Assessment (1998)
6. ROD for Management of Port-Orford Cedar in Southwest Oregon (2004)

The EA also tiered to the ROD Final SEIS for the Clarification of Language in the 1994 Record of Decision for the Northwest Forest Plan amending wording about the Aquatic Conservation Strategy (2004). On March 30, 2007, the District Court ruled adverse to the US Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA-Fisheries) and USFS and BLM (Agencies) in *Pacific Coast Fed. of Fishermen's Assn. et al v. Natl. Marine Fisheries Service, et al and American Forest Resource Council,* Civ. No. 04-1299RSM (W.D. Wash)( (*PCFFA IV*).

As a result of PCFFA IV, the BLM reviewed the East Fork Illinois LMP for consistency with the 9 ACS objectives as originally described in the 1994 Northwest Forest Plan. The ACS review (December 2007 ACS Consistency Review (located in the project record)) found the actions to be consistent.

The East Fork Illinois LMP is consistent with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) ( Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure.

Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation had entered into a stipulation, exempting certain categories of activities from the Survey and Manage standard (hereinafter "Pechman exemptions").

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

- Surveys have been conducted as per designated survey protocols for Survey and Manage (S&M) species; and
- species found in treatment areas have been buffered as per S&M Standards and Guidelines;
- as per S&M recommendations in updated survey and management recommendations; or

- units are exempt from S&M guidelines as per survey protocols (e.g., activities in nonhabitat, activities are nonhabitat disturbing; outside the range of the species);
- or meets one of the Pechman exemptions:

Judge Pechman'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."

Following the Court's December 17, 2009 ruling, the Pechman exemptions are still in place. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects. I have reviewed the East Fork Illinois LMP Project in consideration of both the December 17, 2009 and October 11, 2006 Orders. The East Fork Illinois LMP project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Medford District Resource Management Plan. This decision entails thinning in stands that have been surveyed as per the 2001 Survey and Manage ROD; thinning in stands less than 80 years old; stream and riparian restoration projects; and hazardous fuel treatments. Therefore, this decision is consistent with the 2001 ROD without Annual Species Reviews, or meets the Pechman Exemptions, A-D (October 11, 2006 Order).

The implementation of this project will not have significant environmental effects beyond those already identified in the 1995 Final EIS/Proposed RMP. The proposed action does not constitute a major federal action having significant effects on the human environment; therefore, an environmental impact statement will not be prepared (see enclosed Finding of No Significant Impact).

## II. BACKGROUND

The project area lies in the 30,800 acre lower East Fork Illinois Watershed. The BLM project area includes 1,909 acres or 6% of the watershed.

Public involvement for this project has been extensive (EA pp. 97-99 -Agencies and persons Consulted). Public opportunities to comment included community meetings; public tours of the project area; and extensive conversations with groups and individual residents from the community of Takilma, the Illinois Valley, and the region. From this involvement it is abundantly clear that the

range of views and preferences about resource management on BLM lands in the project area and the Illinois Valley is very broad. There does, however, appear to be broad consensus in several areas: a) there is widespread recognition that the potential for severe wildfires is high and that the consequences to the community of such fires could be enormous; b) there is a widespread desire that the wildfire potential be addressed and reduced in a substantive way; and c) there is a widespread desire to frame BLM's public land management activities in a way that will promote forest ecosystem restoration, although there is a great diversity of views about the concept of "restoration."

Planning for this project began in 1999 with a planned Forest Service / BLM joint EIS as the Upper Illinois Landscape Management Project. In 2001, a letter was sent to the public to provide an update on the progress of the EIS. The letter announced that comments and interests received focused on the East Fork Illinois portion of the project area; therefore, the EIS would focus on the analysis of that area while the analysis of the BLM lands in the West Fork Illinois watershed would proceed separately as an Environmental Assessment (EA).

Following the Biscuit Fire in 2002, the Forest Service directed their planning efforts to the burned area and away from the East Fork Illinois watershed. Ultimately the timing of project development within both agencies prevented the continued pursuit of a joint project planning effort.

Subsequently in 2005, the BLM decided to proceed with its own planning for the East Fork Illinois Landscape Management Project on BLM administered lands. A letter was sent to the public in September 2005 updating neighbors and interested citizens on the status of the project, announcing the decision to analyze the project on BLM land through preparation of an EA. The scoping letter was sent to residents and landowners near or adjacent to BLM parcels within the planning area, to federal, state, and county agencies, and to private organizations and individuals that requested information concerning projects of this type. Personal discussions, field trips and comment letters provided public input to BLM for consideration in the EA. The planning and interdisciplinary team considered all public input in developing the proposals and preparing the EA.

The East Fork Illinois LMP EA presented and analyzed a no action alternative and three action alternatives (Alternatives 2, 3 &4). The action alternatives reflect what the planning team determined to be the best balance and integration of resource conditions, resource potential, and management objectives included in the Purpose and Need of the EA (pp. 2-3). In designing the East Fork Illinois LMP, the BLM interdisciplinary team was aware of and sensitive to the range of views and values of the public, while complying with a variety of resource management mandates. In response to public input, the team developed alternative 3, focusing on enhancing scenic and wildlife values.

From the beginning, the scope of the project was intended to address the full range of conditions and opportunities that were found, and to design a multi-faceted project that addressed the range of resources. The result is a project that includes a broad suite of recreation, road, wildlife habitat, forest stand, and fuel hazard reduction activities. It provides commercial and non-commercial outputs as directed by the Bureau's Strategic Plan and the RMP.

The formal public review period for the East Fork Illinois LMP EA was for 30 days, from July 7 through August 6, 2006. The EA incorporated analysis of the proposed actions, addressed issues

raised in public scoping comments, and referenced new information. Many comments BLM received clearly show the value placed on this area by many members of local communities as well as people from other areas. Values and concerns identified by commenters include, but are not limited to, risk of fire hazard, species diversity, riparian areas, water quality, commercial harvest, healthy fisheries, and wildlife habitat (EA section 4.0 Agencies and Persons Consulted, p. 97). For a more detailed summary of public comments and BLM responses see Appendix B—Public comment and response.

Several interested parties nominated the Waldo-Takilma Area as an Area of Critical Environmental Concern (ACEC). The nominated area is located primarily in the East Fork Illinois watershed with a portion occurring in the West Fork Illinois watershed. Resource specialists from the Grants Pass Resource Area developed a preliminary assessment of the proposed ACEC during development of the West Fork Illinois project (EA #OR117-04-07) and determined that part of the proposed area met the relevance and importance criteria for such a designation. The identified relevance and importance criteria included geology and soil chemistry, rare plants, and cultural resources. The ACEC proposal will need to be evaluated during the RMP planning process prior to an official designation. During the Western Oregon Plan Revision process, the Waldo-Takilma ACEC was designated; however with withdrawal of the Record of Decision in June 2009, the ACEC reverted back to its status as meeting the relevance and importance criteria, but is not designated as an ACEC. Therefore, this potential ACEC will receive interim management to ensure protection of the importance and relevant resource values identified in the ACEC evaluation (EA pp. 16-17).

In September 2007, the BLM prepared a Biological Assessment to evaluate impacts to Northern Spotted Owls and their critical habitat. In September 2007 the USFWS gave BLM a letter of concurrence (LOC) for treatments that are Not Likely to Adversely Affect (NLAA) Spotted owls, which included fuels reduction activities in the East Fork Illinois Project Area (Tails # 13420-2007-I-0231). In April 2009, the BLM prepared another Biological Assessment to evaluate impacts to Northern Spotted Owls and their critical habitat. In May 2009 the USFWS gave BLM a letter of concurrence (LOC) for thinning and stewardship activities that are Not Likely to Adversely Affect spotted owls or critical habitat (Tails #1342-2009-I-0093). These LOCs cover the Not Likely to Adversely Affect treatments in the East Fork Illinois LMP EA included in this Decision Record. Consequently, the decision regarding a commercial timber sale and associated road construction is being deferred and will be decided on in a separate Decision.

Similar to the Wild Rivers Ranger District's Master Stewardship Agreement, this project seeks to accomplish a variety of goals. The authorities for implementation of activities identified in this decision are different than those utilized by the USDA Forest Service, but the actions complement those of the Forest Service in that both pursue restoration and resiliency.

## III. DECISION and RATIONALE

Based on the extensive public input, recommendations from the planning team, and careful consideration of the objectives of the laws, regulations and planning documents, and NEPA analysis for this project, the following constitutes my decision.

Because of limitations on treatments allowed under current consultation for the Northern Spotted Owl, it is my decision to implement, in part and as outlined below, Alternative 2. Alternative 2 is selected to maximize treatments acres and associated level of forest products available to contribute

to the local economy. Combined with understory reduction treatments, Alternative 2 will result in more acres being treated for fuel hazard reduction, minimizing potential fire spread from untreated stands. Alternative 2 provides the highest level of non-commercial treatments providing the greatest opportunity for biomass utilization, and special forest products and stewardship contracting opportunities.

Alternative 1, the No-Action alternative is rejected because it does not meet the purpose and need for this project. See below for further detail.

Alternative 3 is rejected because it does not provide the balance of commodity production and other resource uses outlined in the RMP, and does not meet the purpose and need (EA pp. 2-3) or resource specific objectives outlined in the Proposed Action (EA pp. 6-17) as well as other alternatives. Alternative 3 will not treat riparian reserves that would benefit from the accelerated development of late-successional stand characteristics, large wood sources, and reduced fire hazard. Similarly the alternative treats fewer acres for needed wildlife habitat restoration. The project team and public identified the need to reduce densities in forest stands to improve health and vigor of stands as well as to improve wildlife habitat.

Alternative 4 is rejected because it provides fewer opportunities for non-commercial activities. There are also fewer opportunities to treat hazardous fuels under this alternative. The entire project area lies within the Wildland Urban Interface where there are local and national priorities for treatment to reduce hazardous fuels to protect communities. Similarly the alternative treats fewer acres for needed wildlife habitat restoration. The project team and public identified the need to reduce densities in forest stands to improve health and vigor of stands as well as to improve wildlife habitat. Due to the reduced fuels and wildlife treatment acres, there would also be fewer opportunities for special forest products and biomass extraction under Alternative 4.

The proposed and analyzed commercial timber units and associated road construction is being deferred at this time and will be decided on in a separate Decision. Additionally, several fuel hazard reduction, density management/understory reduction, and restoration thinning units that did not receive required botany surveys precludes a decision on these units at this time (Table DR-3). Once the surveys are complete and results become available, a separate decision may be issued on these units.

A portion of the proposed Density Management, Modified Group Select and Understory Reduction treatments will be completed. All actions incorporated into this decision herein are Not Likely to Adversely Affect for the Northern Spotted Owl and No Affect for Southern Oregon/Northern California coho salmon. Road maintenance, young stand management, fuel hazard reduction, noxious weed treatments, and special forest products action will be implemented as described below. All project design features are integral to the selected alternative and will be implemented.

**A. Alternative 1 – No Action**

Alternative 1, the No Action Alternative, is rejected because it does not meet the Purpose and Need identified for this project (EA pp. 2-3); the objectives identified for each resource (EA pp. 6, 10, 12, 13-15; 17), or the resource management objectives identified in the Medford District RMP. It will not address or alter many of the existing resource conditions and trends that are of major concern relative to healthy forest conditions and resource protection. The No Action alternative will not

provide forest products to the local, regional or national economy as required under the RMP, and will also perpetuate or promote undesirable resource conditions. Under the No Action alternative, these conditions will not be improved or mitigated, and certain undesirable ecological trends will continue unchanged and, in some cases, will be exacerbated over time. For example, high fire hazard conditions will continue and increase, and stand vigor will continue to decline.

**B. Alternative 2**

Fuel hazard reduction (EA p. 6-10), young stand management (EA p. 12), road maintenance (EA p. 14-15), wildlife habitat restoration (EA p. 12-13), noncommercial riparian reserve treatments (EA p. 13-14), recreation and cultural (EA p. 15-16), and special forest products (EA p. 17), will be implemented as described below. All project design features are integral to the selected alternative and will be implemented (EA pp. 17-19).

Note that acreage treated, particularly for older seral stage treatments, has been considerably reduced from the original analysis because of special status species buffers, particularly those instituted for protection of red tree voles, and treatment limitations imposed by the Northern Spotted Owl consultation. Table DR-1 summarizes treatment and approximate acres that will be implemented under this decision; appendix A displays treatment units and prescriptions.

**Table DR-1. Summary of Vegetation Treatments**

| Prescription | Acres of Matrix | Acres of Riparian |
|---|---|---|
| Fuel Hazard Reduction | 323 | 106 |
| Restoration Thinning | 59 | 65 |
| Density Management/Modified Group Select | 281 | 72 |
| Wildlife Habitat Restoration | 239 | 99 |
| Young-Stand Management | 35 | 11 |
| **Total** | **942** | **353** |

**1. Fuel Hazard Reduction (**EA p. 6-10)

*Decision:* The decision is to implement fuel hazard reduction as described in Alternative 2. The fuels treatments will be accomplished by a combination of broadcast or underburning, hand slashing, and hand piling/burning. All understory thinning done for fuel hazard reduction will be integrated into the silvicultural stand treatment objectives. Up to 429 acres will be treated for fuel hazard reduction, plus wildlife habitat restoration/enhancement burning (338 acres), and in stands proposed for restoration thinning (129 acres) and for density management/understory reduction (353 acres), described in more detail below. This will enable fuels hazard reduction in strategic areas and enable use of strategic anchor points such as Waldo Road in the event of a wild fire.

Approximately 500 acres of the fuel hazard reduction treatment will be available for biomass utilization through ground-based systems, and 100 acres is available utilizing cable-based harvest systems. Some of the vegetation treatments will produce special forest products that could be removed under stewardship contracts.

BLM does not currently have access to the following units: T40S-R8W-Sec. 35, Units 3, 4A, 4B, 5 and the south parts of Units 1 and 2. Stewardship / fuel hazard reduction in these units will not be

completed unless access can be acquired.

As standard practice, activity generated fuels will be evaluated (EA p. 7) using the BLM's Fuel Hazard/Risk Assessment and Treatment Recommendations analysis process after treatment and prior to fuel hazard reduction. This interdisciplinary review will ensure that the appropriate fuel reduction treatments are used to meet fuel hazard reduction, and other resource and safety objectives. Based on this review and analysis, proposed fuel treatments may be modified or dropped to achieve silvicultural or resource protection objectives identified in the EA. Substantial changes to the proposed treatments are not anticipated. Those changes that are made will be consistent with the descriptions, overall extent, and impacts addressed in the EA and its range of fuel treatment alternatives. For example, hand piling/burning of slash will be used when underburning is not advisable, where high surface fuel loadings exist, or when underburning presents a significant risk to ecological processes, resource values, or private property and rural residences. Modified fuel treatments will be within the scope of overall effects anticipated and analyzed in the EA.

*Rationale:* Treatments will reduce hazardous fuels while utilizing the biomass to benefit the local economy. Approximately 64% and 32% of the project area rates as high and moderate fire hazard, respectively. Based on the fire hazard rating, the potential for a large fire to occur is moderate to high across the project area (EA p. 84). In treated forest stands, surface fuels and ladder fuels will be reduced resulting in low to moderate intensity surface fire (EA p. 88-89). At a reduced intensity, direct attack suppression tactics are generally successful which are safer and more effective in reducing wildfire size.

Nearly 100 percent of the project area lies in the Community at Risk and Wildland Urban Interface. Fuel treatments will reduce the chance of uncharacteristic fire behavior, protect communities from wildfire, improve access for fire suppression forces, and promote the National Fire Plan (2002) and Josephine County Integrated Fire Plan (2004). Fuel hazard reduction is an important purpose of this project (EA p. 2), especially in the rural interface. Biomass removal meets an identified need (EA p. 3) for forest products and offers potential treatment methods to accomplish ecological objectives as well as to provide opportunities for innovative methods to utilize woody material.

**2. Older Seral Stage Stands** (EA p.10-12)
*Decision:* The decision is to implement the restoration thinning prescription on 129 acres and density management/modified group select on 353 acres; approximately 65 acres and 72 acres, respectively will occur in riparian reserves (Table DR-2). Namely, the decision selects the harvest units identified in Table DR-2 to be included for stewardship, small sales, and/or special forest products permits. The selected units will maintain spotted owl habitat; all actions are Not Likely to Adversely Affect for the Northern Spotted Owl.

Restoration thinning is prescribed for mixed conifer/hardwood stands and are intended to restore pine or oak ecosystems. Typically the oldest trees are oaks and pines with a younger cohort of low vigor Douglas-fir. On these drier sites, vigorous pines and oaks will be the preferred leave species. Tree spacing is greater for these areas in order to restore the site to an open pine/oak savannah condition to achieve an average relative density of 25%. Once restored, maintenance underburning would maintain desired site conditions.

Density management (DM) is typically prescribed for mixed-conifer/hardwood, uneven-aged stands for the primary purpose of widening the spacing of residual trees in order to promote growth and structural development of the remaining stand. Many of these stands developed in conjunction with disturbance (fire, insects, harvest, etc.) and have several layers containing multiple species. Spacing of the residual trees would be based on the crown radius of the healthiest dominant and co-dominant trees to achieve an average relative density of 35%.

Modified group selection (Mod GS) is the removal of trees (usually Douglas-fir) that are competing with vigorous pines and non-tanoak hardwoods with a greater than 30% live crown ratio.

After thinning, fuel hazard will be assessed by an interdisciplinary team and planned fuel treatments may be modified to ensure that overall unit objectives are met. Any changes made to the fuel hazard reduction planned for a unit will be within the scope of the fuel treatment options assessed in the EA and their anticipated impacts.

**Table DR-2. East Fork Illinois Stewardship, Pole, or Small Sale Harvest Units**

| **Vegetation Unit** (Township- Range- Section- unit) | **Prescription** | **Matrix Acres** | **Riparian Acres** |
|---|---|---|---|
| 40S-08W-34-001A | Restoration Thinning | 37 | 41 |
| 40S-08W-35-004B | Restoration Thinning | 5 | 6 |
| 40S-08W-23-009B | Restoration Thinning | 2 | 3 |
| 40S-08W-24-007B | Restoration Thinning | 7 | 12 |
| 40S-08W-34-010B | Restoration Thinning | 13 | 0 |
| 40S-08W-15-006 | DM/Mod GS | 16 | 0 |
| 40S-08W-23-011B | DM/Mod GS | 6 | 0 |
| 40S-08W-23-017 | DM/Mod GS | 8 | |
| 40S-08W-23-018 | DM/Mod GS | 38 | 4 |
| 40S-08W-23-019 | DM/Mod GS | 1 | 5 |
| 40S-08W-27-003 | DM/Mod GS | 41 | |
| 40S-08W-27-006 | DM/Mod GS | 7 | 5 |
| 40S-08W-34-003 | DM/Mod GS | 41 | |
| 40S-08W-34-004 | DM/Mod GS | 18 | 11 |
| 40S-08W-35-001 | DM/Mod GS | 53 | 22 |
| 40S-08W-35-003 | DM/Mod GS | 22 | 2 |
| 41S-08W-10-003B | DM/Mod GS | 22 | 23 |
| **Total** | | **337** | **134** |

*Rationale*: Lack of disturbance in fire-adapted systems, such as those found in the project area, has resulted in higher stocking densities than the site is capable of maintaining. Stands continue to show low individual tree vigor, reduced understory vegetation, and increased fuel loadings from suppression-induced mortality and litter fall. With the high vegetation density, higher levels of insect and disease infestation / infection are expected (EA p. 37). Further, shade intolerant species

such as pine and black oak are declining due to lack of regeneration and large tree mortality (EA p. 38). The longevity of large pre-fire exclusion pines and black oaks would be shortened by competition from post-fire exclusion vegetation. Thus, stand diversity in terms of species abundance and vertical structure has been reduced.

Thinning in older seral stands will reduce stand densities, perpetuate the historic mixture of tree species, promote multi-layered stand structure (EA pp. 39-42, 51), reduce the risk of a stand replacement fire, and contribute to meeting the BLM's commitment to provide forest commodities and contracting opportunities. The selected treatments will perpetuate a diversity of structures, species, and landscape habitat components (snags, down-wood, large hardwoods and conifers). After treatments, tree vigor will be improved, mortality from insects and disease will be reduced, and higher growth rates will increase the average stand diameter more quickly. Prescribed burning is expected to reduce shrub dominance and allow forb and grass cover to increase (EA p. 39). Plant diversity and vigor will be higher for Jeffrey pine and white oak plant communities within 5 years of treatment than under the no action alternative (EA p. 39).

Treatments in older seral stands have been reduced considerably from what was analyzed in the EA due to buffers for special status species, particularly those for protection of red tree voles. In 2006, the Northwest Ecosystem Survey Team (NEST) submitted samples of RTV materials they collected by climbing trees in the East Fork Illinois project area. We acknowledge that NEST identified resin ducts and RTV evidence from Active and Inactive nests. However, additional surveys would be required by BLM contractors to climb and verify RTV presence and current nest status of these sites. Therefore, these sites do not qualify as Known Sites because they do not meet the definition of a Known Site as stated in the 2001 ROD, *Historic and current location of a species reported by a credible source, available to field offices, and that does not require additional species verification or survey by the Agency to locate the species.*

The BLM appropriately used the current protocol (Survey protocol for the red tree vole, Version 2.1, 2002). Additionally, all units chosen for treatment in this Decision Record, and in which NEST located RTVs, were already protected by buffers of active RTV nest sites that BLM located in protocol surveys. See Appendix B, Public Comment and Response, # 28–30 for more detail.

Both the public and EA identified a need for providing forest products. Special forest products, stewardship and small sale contracting offered from these units will accomplish ecological objectives as well as provide economic opportunities to local communities and contractors. Small sales and stewardship contracting also provide opportunities for innovative methods to utilize woody material.

This decision defers all the commercial harvest treatment units that may be packaged in a future timber sale that would be determined to likely adversely affect the Northern Spotted Owl. Table DR-3 displays units deferred in this decision. BLM deferred these areas due to presence of red tree voles, units lacked wildlife consultation, current economic conditions limit viability as commercial products, and/or because units lacked sensitive plant surveys. The deferred units may be selected in a future decision following further USFWS consultation, surveys, and an improvement in economic conditions.

**Table DR-3. Commercial Vegetation Treatments Units Deferred in this Decision**

| **Vegetation Unit** (Township- Range- Section- Unit) | **Unit acres** | **Prescription** |
|---|---|---|
| 40S-08W-23-003 | 25 | DM/ModGS |
| 40S-08W-23-008 | 13 | WHRE |
| 40S-08W-23-009A | 7 | WHRE |
| 40S-08W-23-011A | 9 | DM/ModGS |
| 40S-08W-24-002A | 100 | DM/ModGS |
| 40S-08W-24-002B | 2 | DM/ModGS |
| 40S-08W-24-005 | 14 | CT |
| 40S-08W-24-007A | 19 | CT |
| 40S-08W-26-001 | 29 | DM/ModGS |
| 40S-08W-26-002 | 12 | DM/ModGS |
| 40S-08W-28-007 | 12 | DM/ModGS |
| 40S-08W-33-006 | 21 | DM/ModGS |
| 40S-08W-33-007B | 16 | DM/ModGS |
| 40S-08W-33-009 | 7 | WHRE |
| 41S-08W-10-003C | 18 | CT |
| 40S-08W-33-008 | 17 | Restoration thinning |
| 40S-08W-33-005 | 6 | Restoration thinning |

**3. Young Stand / Forest Development** (EA p. 12)
*Decision:* The decision is to implement young stand treatments as proposed in Alternative 2 (46 acres). After young stands are treated in a given unit, fuel hazard will be assessed by an interdisciplinary team and planned fuel treatments may be modified to ensure that overall unit objectives are met. Any changes made to the fuel hazard reduction planned for a unit will be within the scope of the fuel treatment options assessed in the EA and their anticipated impacts. For a more complete description of post treatment fuel hazard evaluation, see section 1, above.

*Rationale*: Young stand treatments will meet the identified need to enhance health and structural diversity of forest vegetation (EA p. 2), and meet objectives for young stand development (EA p. 12). Brushing and pre-commercial thinning will reduce canopy bulk density and ladder fuels, leaving the stand in a more fire resistant condition (EA p. 38). Thinning and brushing in young stands will accelerate the growth of desired trees (conifer and hardwood) to meet long-term forest product and habitat goals in the RMP for matrix lands and riparian reserves (EA pp. 38, 70).

**4. Wildlife Habitat Restoration and Enhancement** (EA pp. 12-13)
*Decision*: The decision is to implement wildlife habitat restoration and enhancement burning in accordance with Alternative 2. Jeffrey pine savannahs and white oak woodlands will be treated to remove encroaching conifers and brush through manual and fuel hazard reduction treatments. All vigorous pine and large limbed, open-grown Douglas-fir would be retained.

*Rationale:* Douglas-fir and brush species have encroached into otherwise open plant communities associated with serpentine or ultramafic soils such as Jeffrey pine savannah (EA p. 54). Fire exclusion in this community is leading to shrub decadence; reduction of native grass and forb

abundance and diversity (caused by invasive non-native annuals); and low tree vigor from increased tree/shrub densities (EA p. 33).

The selected treatments will help restore wildlife habitats in Jeffery pine and white oak woodlands. These fire dependent ecosystems will be reinvigorated and restored through the reintroduction of low intensity fire, the removal of encroaching shade tolerant species and the reduction of overly dense, declining chaparral. Long-term effects will include increased native grass abundance and the maintenance and enhancement of meadows, oak woodlands and Jeffrey pine savannahs. Plant diversity and vigor will be higher within 5 years of treatment (EA p. 39). Species that will benefit long term from these treatments include the Flammulated Owl, Western Bluebird, and prey species such as small mammals and a host of insects associated with these habitats (EA p. 76)

**5. Riparian Reserves** (EA pp. 13-14)
*Decision:* The decision is to implement, in part, vegetation treatments in the riparian reserves as proposed in Alternative 2. This will include restoration thinning (47 acres), brushing (11 acres), fuel hazard reduction (49 acres), and wildlife habitat enhancement (97 acres). Treatments are intended to expedite large tree development for wildlife habitat and future instream large wood recruitment; increase vigor in oak savannah and pine stands; and protect key resources and local communities from wildfire.

No-treatment buffer widths of 25 and 50 feet for intermittent and perennial streams, respectively, will be applied. Canopy closure will be retained at an average of 60% where it currently exists although some areas may experience a short term reduction to 50%. Existing snags and large down wood will be maintained.

*Rationale*: In the East Fork Illinois watershed, the primary goal in riparian reserves is the maintenance and long-term restoration of aquatic ecosystems as identified in the NWFP Aquatic Conservation Strategy (ACS) objectives. Areas selected for riparian treatment lack structural complexity and species diversity, and are at risk of high intensity wildfire (EA pp. 30). The treatments are designed to enhance terrestrial and aquatic systems in both the short and/or long term by accelerating development of large conifers, promoting snag and down wood recruitment and reducing density in the Douglas-fir/tanoak series. Project implementation will neither reduce streamside shade nor large wood recruitment potential (EA p. 31). Rather, tree growth rates will increase in response to density reduction. Thus, time required to achieve stand structure with potential to deliver large instream wood will decrease. Thus, thinning and fuel reduction in these riparian areas will benefit water quality and aquatic conditions. There will be no increase in peak flows from project activities (EA p. 31-32).

Fuel treatments in riparian reserves will decrease the risk of wildfires that burn hotter and more destructively than historically due to decades of fire exclusion and fuel buildup. The reintroduction of fire in riparian areas through prescribed burning will enhance wildlife habitat and restore stands in the Jeffrey pine and white oak plant series to conditions consistent with a natural fire regime (EA p. 39). The treatment will reduce surface and ladder fuels reducing high fire hazard areas (EA pp. 88), resulting in low to moderate intensity surface fire.

**6. Roads, Landings and Transportation Management** (EA pp. 14-15)
*Decision:* The decision is to implement the road maintenance and renovation and defer the temporary spur construction associated with the commercial timber sale to a future decision. Approximately 19 miles of road will be maintained, 5.5 miles will be renovated and 1.25 miles of road will be decommissioned. Roads that route surface flow resulting in erosion and sediment transport to streams will be treated for drainage improvement (culvert work, etc.). One new gate will be installed, and road renovation will include culvert replacement.

In order to increase driver visibility and road user safety, trees and roadside vegetation presenting a hazard will be thinned and pruned along curves. Pruning in order to achieve driver visibility will be favored over removal. Hazard trees (dead and dying trees that lean toward the road and are sufficiently tall to reach the roadbed) will be felled and may be removed through the small sales program. Hazard trees in the riparian reserve may be felled and left in place for large woody debris.

Existing skid trails would be used when possible and tractor harvest will be restricted to slopes less than 35%. In some instances, an old skid road in a riparian reserve has recovered from past harvest activities. Where reopening these existing skid roads would run counter to current protection standards for streams, a new skid road would be designated to prevent undue degradation of riparian reserves, rather than utilizing an old, recovered skid road.

*Rationale*: This roadwork is necessary to correct existing road conditions that are contributing to sediment delivery to streams, as well as meeting objectives of improving driver safety and improvement of road drainage (EA p. 14). A long term reduction in sedimentation and altered flow routing would be expected following road drainage improvement and decommissioning (EA p. 30). Road maintenance/improvements will also protect government infrastructure by increasing road stability and reducing the chance of road washouts.

Designating new skid roads in riparian reserves where appropriate will prevent degradation of riparian habitat and sedimentation into streams, which could occur if an existing, recovered skid road is reopened.

**7. Recreation and Cultural Resources** (EA pp. 15-16)
*Decision:* The decision is to implement the recreation and cultural resources actions as proposed in the EA under all action alternatives. Approximately 9 miles of trails are proposed for maintenance or improvement in sections 27, 28, 33, and 34 (EA Table 5, p. 16; Table DR-4): 6.8 miles of historic ditches will be maintained as primitive foot trails; two miles of existing trails and closed roads will be maintained as trails; and 0.6 miles of new trails will be constructed. Trail maintenance will include removal of shrubs, small trees and hazard trees as well as drainage improvement. Trail width will be 2 feet (EA p. 15).

Roads (0.4 miles) in sections 27, 28, 33 and 34 planned for use during project activities will be closed after work is complete, and used as trails for hiking, horseback riding and mountain bicycle riding. Two trailhead parking areas will be constructed. Kiosks will be constructed and provide maps, safety information and historic background information about the area; interpretive signs will be installed as funding allows.

All trails, historic ditches and closed roads will be closed to motorized vehicles, camping, hunting

and campfires. These closures will need to be published in the Federal Register to be officially closed. Earth barricades have been shown to be effective in preventing OHV use, dependent on location and surrounding topography as evidenced by successful closure of the 40-8-33 ridge road.

*Rationale:* The public and BLM identified the need for improved recreation opportunities on public lands (EA p. 3). Recreation improvements will benefit the local and regional communities by providing several miles of developed trail system for hiking and interpretive opportunities. Approximately one half mile of new trail will be constructed, providing the public with low-elevation, easily accessible recreation opportunities. This system will allow for a variety of loops along already existing historic ditches and trails/roads (EA p. 94). The trails built in the 1970s receive considerable use today by hikers, horseback riders, and mountain bikers and provide interpretive opportunities that will enhance understanding of the abundant historic mining resources located along their reach (Budy 2000). Trailhead improvement will provide safer ingress and egress by providing adequate, designated parking areas for vehicles (EA p. 94).

Implementation of this work will be dependent on funding and Resource Area and District priorities.

**Table DR-4. Trail Development and Maintenance**

| Segment | Description | Length |
|---|---|---|
| A | Trail section 27 with reroute | 1.40 |
| B | North Osgood Ditch and portion of new trail | 0.80 |
| C | West Osgood Ditch to High Gravel | 0.60 |
| D | Logan Esterly Upper Ditch sections 27/34 to cutoff trail | 1.20 |
| E | Logan Esterly Middle Ditch Section 34 | 0.80 |
| F | South Osgood Ditch from High Gravel (inc trail) to FS line | 1.20 |
| G | Osgood Ditch to Cameron Mine | 0.60 |
| H | connector trail (Osgood to LE Upper) | 0.20 |
| I | Logan Esterly Upper Ditch Section 33/34 | 1.60 |
| J | connector trail (LE Middle to LE Upper) | 0.10 |
| K | New Trail section 33 | 0.60 |
| L | Existing Road/Trail between High Gravel and Osgood Cameron | 0.40 |
| **Total Length** | | **9.50** |
| | | |
| **Trail Types** | | |
| Existing Trails | | 1.70 |
| Existing Ditches | | 6.80 |
| Existing Roads | | 0.4 |
| New Trail Construction | | 0.6 |
| **Total Length** | | **9.50** |

**8. Special Forest Products** (EA. p. 17)
*Decision:* The decision is to implement special forest products work as proposed in the EA. Special forest product gathering or harvesting will be consistent with and promote stand treatment objectives. Scheduling of special forest product collection will be coordinated with other project activities. All units proposed for harvest, fuel hazard reduction or young stand treatment will be available for special forest products and small sales (e.g., poles, merchantable trees, fuel wood, burls).

*Rationale:* Public involvement throughout the Illinois Valley identified an increasing desire to improve local economies through stewardship contracting, biomass utilization, and special forest product availability (EA pp. 2-3). Incorporating special forest product removal into forest stand treatments will provide forest products and meet stand objectives.

Special forest products, stewardship, and small sale contracting diversifies economic opportunities to local communities and contractors (Attachment 1 – EA erratum). Offering forest products also provide opportunities for innovative methods to utilize woody material.

**3.8 Nominated Waldo-Takilma Area of Critical Environmental Concern (ACEC)**
*Decision:* The BLM reviewed the proposed Waldo-Takilma ACEC and found that the area meets the importance and relevance criteria. Within the East Fork Illinois Planning area the proposed ACEC includes sections 33, 34, 35 and 27 of T40S, R8W. Final decisions regarding ACEC designation and land allocation are not with the scope of this EA; formal designations are appropriately decided upon through the Districts' Resource Management Plan. However, since the Waldo-Takilma area meets the criteria for inclusion, BLM has designed all actions within this area as consistent with the protection or enhancement of the resource values (soils, cultural, biological diversity) identified in the nomination (EA pp. 16, 96-97).

*Rationale:* BLM manual 1613- Areas of Critical Environmental Concern- directs BLM to reasonable measures necessary to protect the significant resource values until the area is fully evaluated through the resource management planning process. The EA (pp. 96-97) found that the actions within the proposed ACEC will not diminish or adversely affect the unique resource values.

**C. BLM Strategic Plan**
The Decision will implement a range of activities that will promote a number of the goals of the BLM's Strategic Plan for FY2003-2008:

> *Resource Protection-Goals 1& 3: Protect Cultural and Natural Heritage Resources*; *Improve Health of Watersheds and Landscapes (Restore Fire Adapted Ecosystems)*

This project will protect and in some cases enhance cultural resources through project design features, reduced fire hazard, and interpretation. Wildlife habitat improvements will restore Jeffrey pine savannahs, white oak habitats and ultramafic plant associations.

> *Resource Use-Goal 4: Manage or Influence Resources to Enhance Public Benefit, Promote Responsible Use, and Ensure Optimal Value*

The actions will improve forest health while providing economic opportunities. Implementation of Alternative 2 will make available approximately 620 acres for small business and stewardship contracting opportunities to apply density reduction, wildlife habitat improvements and fuel hazard reduction treatments.

*Serving Communities-Goal 1: Protect Lives, Resources, and Property*

Implementation of Alternative 2 will reduce fuel loadings and stand densities, moving them closer to historical levels and normal ranges. All areas to be thinned include fuel hazard reduction to protect resources, homes and property. In some areas of the East Fork Illinois project, fuel hazard reduction is the primary objective. Fire behavior and suppression difficulties experienced in recent fires in southwest Oregon (e.g., the 500,000 acre Biscuit fire) clearly demonstrate that fuel hazard needs to be addressed to reduce threats to public health, safety and property.

**D. National Fire Plan**

The National Fire Plan, a culmination of various reports, (i.e., Managing the Impacts of Wildfires on Communities and the Environment, Integrating Fire and Natural Resource Management – A Cohesive Strategy for Protecting People by Restoring Land Health), budget requests, Congressional direction, and resulting strategies, plans, projects, and other activities has set the stage and provided direction for an increased application and management of prescribed fire and other fuel treatments on federally-managed lands. This is further reinforced by the 1995 Federal Wildland Fire Management Policy along with its accompanying 2001 review and update.

The East Fork Illinois LMP includes the National Fire Plan designated Takilma Community at Risk (CAR). Consequently, regional and national attention is focused on this area as a wildland/urban interface community in the vicinity of federal lands that are at high risk from wildfire. This emphasis extends 1½ miles beyond the CAR which is also identified as a wildland-urban interface (WUI).

Much of the project area has high risk fire regimes and is classified as fire condition classes two and three under the Department of the Interior's "Cohesive Strategy." The fire regimes in these fire condition classes have been moderately to significantly altered from their historical range of fire frequency. To restore them to their historical fire regimes, these lands require some level of restoration through mechanical and prescribed fire treatments (Integrating Fire and Natural Resource Management – A Cohesive Strategy for Protecting People by Restoring Land Health, DOI, March 2001 Draft). The East Fork Illinois LMP includes a range of management actions directed at this restoration and at reducing the high wildfire risk on federal lands.

## IV. CONSULTATION AND COORDINATION

Pursuant to the Endangered Species Act, BLM completed consultation with the US Fish and Wildlife Service. The East Fork Illinois project was covered under the 2006 BO and LOC (FWS Log #1-15-06-F-0162 and Log #1-15-06-I-0165) for actions that may affect Northern Spotted Owls. However, since then the BO and LOC were pulled by the USFWS due to pending litigation and the BLM has reinitiated consultation on the NLAA portions of the East Fork Illinois project. This Decision is covered under two LOCs from the USFWS (Tails # 13420-2007-I-0231 and Tails #1342-2009-I-0093).

In accordance with section 7 of the ESA, the BLM analyzed project activities for their potential to affect to the following plant species: the endangered Gentner's fritillary (*Fritillaria gentneri*) endangered Cook's lomatium (*Lomatium cookii)*, endangered large-flowered woolly meadowfoam (*Limnanthes floccosa ssp. grandiflora*), and McDonald's rockcress (*Arabis macdonaldiana*). In August 2008, BLM prepared a BA to evaluate impacts to listed plant species In September 2008, the USFWS gave BLM a letter of concurrence (LOC) (Tails # 13420-2008-I-0136). The BLM is implementing all applicable PDCs in accordance with the mandatory terms and conditions as specified in the LOC. The Service stated that the proposed action will not jeopardize the continued existence of ESA listed species.

**Critical Habitat for Cook's Lomatium (*Lomatium cookii*)**
After the EA was released the U.S. Fish and Wildlife Service proposed Critical Habitat for the Federally Endangered plant Cook's desert parsley (*Lomatium cookii*) (Federal register, Vol 74, No. 143, Tuesday July 28, 2009, pages 37314-37392). Proposed Critical Habitat for the Federally Endangered plant *Lomatium cookii* is located within the East Fork Project Boundary. Approximately 419 acres of the total project area are within Critical Habitat Unit (CHU) IV12, but there are no proposed treatment units within the CHU. The project would not adversely modify or cause destruction to the critical habitat because proposed treatments are not located within the CHU. The CHU ruling is located in the Federal Register, Vol 74, No. 143, Tuesday July 28, 2009, pages 37314-37392.

In accordance with section 7 of the ESA, the BLM analyzed project activities for their potential to affect Southern Oregon/Northern California (SONC) coho salmon or their designated critical habitat (CH). The BLM also analyzed these activities for their potential to affect Essential Fish Habitat (EFH), in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Noncommercial activities (e.g., fuel hazard reduction, young stand thinning, and road maintenance) that are not being proposed as part of a timber sale were included under the consultation previously completed for programmatic activities (NMFS, Northwest Region, August 8, 2001, as amended October 18, 2002 and May 21, 2003). Commercial harvest and associated activities that are not included in the programmatic consultation were determined to have no effect on SONC coho and their CH and do not adversely affect EFH. Consultation is not required for these activities under section 7 of the ESA.

The project will not adversely impact any sites of cultural or historical significance. The State Historic Preservation Office (SHPO) was informed of the BLM's finding in accordance with 36 CFR 800.5(b).

The Confederated Tribes of the Siletz and the Grande Ronde were notified of this project during scoping and the EA's public comment period. Josephine County Commissioners and the Josephine County forestry department were also contacted. No responses were received.

## V. PUBLIC INVOLVEMENT

The project was initially planned in coordination with the Forest Service as part of the Upper Illinois Landscape Management Project Environmental Impact Statement (EIS). Scoping began in 1999 with a letter to residents and landowners near or adjacent to the planning area, to federal, state, and county agencies, and to private organizations and individuals that requested information concerning projects of this type. Over 300 responses were received. In 2001, a letter was sent to

the public to provide an update on the progress of the EIS announcing that because the responses were primarily related to the East Fork Illinois portion of the project area, the EIS would focus on the analysis of that area while the analysis of the BLM lands in the West Fork Illinois watershed would proceed separately as an Environmental Assessment (EA).

Subsequent meetings and field trips were held with the Takilma Watershed Committee (TWC), community members and local businesses. During the scoping process the TWC, with support from community members, expressed interest in submitting an alternative that will be included in the EA. The project planning team considered the option of analyzing a citizen alternative. The BLM decided not to enter into a cooperative agreement at that time, as a preliminary suggested alternative did not meet the purpose and need, but it was possible to include the alternative in the EA either as public input or captured within other alternatives in part, along with all other comments and concerns received through the scoping process. After receiving the Alternative from the TWC, a core group of the BLM planning team met with representatives of the TWC three times, including a field visit to the project area. The objective of these meetings was to clarify the alternative and determine if it could be represented in an existing alternative of the EA (See EA pp. 97-99 for details on the public involvement process for this EA). Alternative Five was not incorporated into the EA as a stand alone alternative (this was discussed with the TWC). Their alternative was carefully analyzed and compared with alternative 3. Most of their alternative had been articulated during the scoping process, and alternative 3 was developed to address scoping comments from the community; all aspects of the proposal that met the Purpose and Need of this EA was incorporated into alternative 3. All other aspects of Alternative Five were considered by the decision maker during development of this Decision Record for the project (See EA, Appendix E).

The East Fork Illinois LMP EA was released for public review and comment on July 6, 2006 for a 30 day formal comment period. Approximately 200 comments were received. Additional meetings with community members, including one with the Field Manager and the District Manager, were held after the end of the public comment period for the EA. Public comments and associated BLM responses are summarized in Appendix B. See II. Background, above, for further detail on public involvement for this project.

## VI. CONCLUSION

### A. Plan Consistency

Based on the information in the East Fork Illinois landscape Management Project's EA, in the record, and from the letters and comments received from the public about the project, I conclude that this decision is consistent with the:

1 Final EIS and ROD for the 1995 Medford District Resource Management Plan (RMP) (1995)
2. Final Supplemental EIS on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (1994)
3. ROD for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl and its attachment A entitled the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (NWFP) (1994)
4. Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2000), and the ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards

and Guidelines (2001)
5. Medford District Noxious Weed Environmental Assessment (1998)
6. ROD for Management of Port-Orford Cedar in Southwest Oregon (2004)

The East Fork Illinois LMP is consistent with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) ( Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure.

Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects. The project may proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. This is because the East Fork Illinois LMP meets the provisions of the last valid Record of Decision, specifically the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (not including subsequent Annual Species Reviews).

The ACS Consistency Review (EA p. 31, ACS consistency review December 2007 (in project record)) found that the project is in compliance with the Aquatic Conservation Strategy as originally developed under the Northwest Forest Plan.

This decision is also consistent with the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

This decision will not have any adverse impacts to energy development, production, supply and/or distribution (per Executive Order 13212).

This document complies with the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA; 40 CFR Parts 1500-1508) and the Department of the Interior's regulations on the National Environmental Policy Act of 1969 (43 CFR Part 46) as well as the BLM specific NEPA requirements in the Departmental Manual (516 DM 11).

## VII. ADMINISTRATIVE REMEDIES

This decision is a forest management decision. Administrative remedies are available to those who believe that they will be adversely affected by this Decision. Administrative recourse is available in accordance with BLM regulations and must follow the procedures and requirements described in 43 CFR § 5003 - Administrative Remedies.

In accordance with the BLM Forest Management Regulation 43 CFR § 5003.2 (a&c), the effective date of this decision, as it pertains to actions which are <u>not</u> part of an advertised timber sale, will be

the date of publication of the notice of decision in the Grants Pass Daily Courier. Publication of this notice establishes the date initiating the protest period provided for in accordance with 43 CFR § 5003.3. While similar notices may be published in other newspapers, the Grants Pass Daily Courier publication date will prevail as the effective date of this decision.

While there are no planned advertised timber sales under this decision, in accordance with the BLM Forest Management Regulations 43 CFR § 5003.2(a&b), the effective date of this decision, as it relates to an advertised timber sale, will be when the first notice of sale appears in the Grants Pass Daily Courier. Publication of the first notice of sale establishes the effective date of the decision for those portions of this decision record included in the timber sale and timber sale prospectus. The effective date of this decision establishes the date initiating the protest period provided for in accordance with 43 CFR § 5003.3.

Any contest of this decision should state specifically which part of the decision is being protested and cite the applicable CFR regulations.

Abbie Jossie
Field Manager, Grants Pass Resource Area
Medford District, Bureau of Land Management

7-13-2010
Date

## Appendix A – Treatment Units

| Vegetation Unit | Acres | Vegetation Treatment |
|---|---|---|
| 40S-08W-15-002 | 19 | Fuel Hazard Reduction |
| 40S-08W-15-006 | 16 | Density Management/ Modified Group Select (DM/ModGS) |
| 40S-08W-23-001 | 5 | Fuel Hazard Reduction |
| 40S-08W-23-006 | 13 | WHRE |
| 40S-08W-23-009B | 5 | Restoration Thinning |
| 40S-08W-23-011B | 6 | DM/ModGS |
| 40S-08W-23-014 | 15 | Young Stand Management |
| 40S-08W-23-015 | 7 | Fuel Hazard Reduction |
| 40S-08W-23-016 | 4 | Fuel Hazard Reduction |
| 40S-08W-23-017 | 8 | DM/ModGS |
| 40S-08W-23-018 | 42 | DM/ModGS |
| 40S-08W-23-019 | 6 | DM/ModGS |
| 40S-08W-24-001 | 5 | WHRE |
| 40S-08W-24-003 | 24 | Wildlife Habitat Restoration (WHRE) |
| 40S-08W-24-006 | 32 | Young Stand Management |
| 40S-08W-24-007B | 18 | Restoration Thinning |
| 40S-08W-27-002 | 18 | Fuel Hazard Reduction |
| 40S-08W-27-003 | 41 | DM/ModGS |
| 40S-08W-27-003 | 10 | Fuel Hazard Reduction |
| 40S-08W-27-005 | 46 | Fuel Hazard Reduction |
| 40S-08W-27-006 | 12 | DM/ModGS |
| 40S-08W-27-007 | 2 | Fuel Hazard Reduction |
| 40S-08W-27-008 | 9 | Fuel Hazard Reduction |
| 40S-08W-33-002A | 124 | WHRE |
| 40S-08W-33-002B | 9 | WHRE |
| 40S-08W-34-001A | 78 | Restoration Thinning |
| 40S-08W-34-001B | 38 | Fuel Hazard Reduction |
| 40S-08W-34-002 | 23 | DM/ModGS |
| 40S-08W-34-003 | 41 | DM/ModGS |
| 40S-08W-34-003 | 10 | Fuel Hazard Reduction |
| 40S-08W-34-004 | 29 | DM/ModGS |
| 40S-08W-34-006 | 35 | Fuel Hazard Reduction |
| 40S-08W-34-007 | 17 | Fuel Hazard Reduction |
| 40S-08W-34-008 | 5 | WHRE |
| 40S-08W-34-009 | 5 | Fuel Hazard Reduction |
| 40S-08W-34-010A | 75 | Fuel Hazard Reduction |

| Vegetation Unit | Acres | Vegetation Treatment |
|---|---|---|
| 40S-08W-34-010B | 13 | Restoration Thinning |
| 40S-08W-34-011 | 62 | Fuel Hazard Reduction |
| 40S-08W-35-001 | 75 | DM/ModGS |
| 40S-08W-35-001 | 10 | Fuel Hazard Reduction |
| 40S-08W-35-002 | 17 | Fuel Hazard Reduction |
| 40S-08W-35-003 | 24 | DM/ModGS |
| 40S-08W-35-004A | 85 | WHRE |
| 40S-08W-35-004B | 11 | Restoration Thinning |
| 41S-08W-10-001 | 3 | WHRE |
| 41S-08W-10-003A | 10 | Fuel Hazard Reduction |
| 41S-08W-10-003B | 45 | DM/ModGS |
| 41S-08W-3-001A | 69 | WHRE |
| **Total** | **1,276** | |

## APPENDIX B. PUBLIC COMMENT SUMMARY AND RESPONSE

**1. *Comment:* Helicopter logging**

***Response:*** Helicopters along with tractors and cable systems are a method of logging on the Medford District. Helicopters allow us to minimize new road construction on steeper slopes and to access units currently without road access.

**2. *Comment:* Water supply and quality**

***Response:*** The project is designed under management direction in the Medford District Resource Management Plan (RMP), which ensures consistency of management activities with Oregon's Statewide Water Quality Management Plan for forest practices and with Oregon's water quality criteria and guidelines (RMP p. 42). The EA identifies site-specific, project-related mechanisms that have the potential to impact water quality and quantity and fully discloses the anticipated impacts (EA pp.25-32). As per the BLM-DEQ Memorandum of Agreement (MOA) with the Oregon Department of Environmental Quality (DEQ), BLM submitted a Water Quality Restoration Plan (WQRP) (April 2006) prior to conducting activities that may affect water quality in 303(d) listed streams. The DEQ responded (August 2006) that the WQRP complied with the schedule and requirements of the MOA. BLM also met with the City of Cave Junction (December 2005) regarding the Source Water Protection Plan; they stated that they do not have any concerns with the East Fork Illinois LMP project affecting water quality.

**3. *Comment:* Tractor yarding impacts; landings**

***Response:*** The planning team acknowledges the potential for negative impacts due to tractor yarding and has designed the project in a way that minimizes or avoids these impacts. Harvest systems adhere to Best Management Practices (BMPs) described in the Medford District Resource Management Plan (p. 172), and project design features (EA pp. 17-19) have been incorporated into the project to minimize loss of soil productivity or damage to residual trees, and reduce potential for surface runoff and subsequent water quality degradation. These include restricting tractor harvest to slopes less than 35%; using designated skid roads in previously unentered stands to limit soil compaction to less than 12 percent of the harvest area; minimizing width of skid roads; utilizing existing skid roads in stands previously logged with tractors; ripping all skid roads used in final entry harvest; avoiding placement of skid roads through areas with high water tables; using appropriate seasonal restrictions that will result in no off-site damage for designated skid roads; and constructing appropriate waterbars on skid roads. Additional project design features (EA pp. 17-19) further minimize potential impacts by requiring one end log suspension during skidding, limiting tractors to the smallest size necessary, and yarding only during the dry season. Effects of tractor harvest on soil and hydrologic health are fully disclosed in the EA (pp. 28-31). No landings are being constructed in old growth forests; the landings in sections 26 and 10 are at the top of units which are composed of late-successional forest; however, they are in mid- seral or younger stands.

**4. *Comment:* Range of alternatives.**

***Response:*** As part of the NEPA process, an agency must examine alternatives to a proposed project. The range of alternatives considered in an EA is largely dependent on the purpose and need for the project. The EA analyzed a wide variety of activities including timber harvest, fuel reduction, recreation, special forest products, road maintenance, and forest health. The EA analyzed three action alternatives to accomplish project objectives, and alternative 3 was developed in response to community member proposals. All three action alternatives analyzed in the EA meets the purpose and need for the project and all were available to the decision maker to choose from. In addition, the No Action alternative was also available to the decision maker.

**5. *Comment:* Noxious weeds mitigation**

***Response:*** Mitigation measures are derived from the RMP, the Medford District Integrated Weed Management Plan, and professional discretion and knowledge of the resource area botanist. Mitigation measures do not appear in the East Fork EA. It is important to distinguish between mitigation measures and project design features. Mitigation measures are put in place to minimize the impacts of a project by limiting the degree or magnitude of an action as proposed and its implementation. Project design features are put in place to avoid or lessen the potential of impacts to the resource and are integral to all project activities.

Project design features (EA p. 20) will reduce the spread of weeds resulting from on-going and project related mechanisms of spread. Noxious weeds will be treated using an integrated pest management approach (RMP p. 92). Management objectives are to contain or eradicate populations of *Cytisus scoparius* (Scotch broom) and *Centurea debeauxii* (meadow knapweed). Populations of *Rubus discolor* (Himalayan blackberry) and *Cirsium vulgare* (bull thistle) will be contained using appropriate methods based on species and conditions under the guidance of the Medford District Integrated Weed Management Plan (PA-OR110-98-14). All treated noxious weed populations will be monitored for treatment effectiveness (EA p. 20).

Heavy equipment will be cleaned prior to moving onto BLM lands and when moving from known noxious weed areas into weed-free areas to remove seeds and mud containing seed from equipment undercarriages. (EA p. 20). Seed and straw used will be native species and weed free (EA p. 20).

**6. *Comment:* Rare plants and fungi**

***Response*:** The EA adequately explains the rationale regarding effects of the project on botany, rare plants, and fungi (EA p. 45 - 49). Due to project design features (PDFs) there should be no direct or indirect effects to existing listed botanical species (EA p. 46)

For special status species protection buffer will be implemented around all special status species. Burns in areas containing special status plant species will follow prescriptions that would result in cool burns which would minimize potential damage to plant populations. Prescribed fire operations will be done in manner which strives to reduce or eliminate burning through identified special status plant populations depending on the adaptability of each species to fire (EA p. 19).

**7. *Comment:* New road construction**

***Response*:** BLM planners and specialists recognize that new road construction is often controversial, and agree that new road construction needs to be kept to a minimum, and must be built to standards that minimize adverse effects to the resources. Road construction will be in accordance with RMP Standards and Guideline, and specific project design features to minimize adverse impacts to resources (EA p.21). Under this decision all construction is deferred to a later decision.

**8. *Comment:* Road densities**

***Response:*** The planning objective is to minimize permanent road construction, improve road drainage, and maintain existing roads at levels consistent with planned long-term road use. The proposal also seeks to reduce road densities at the watershed scale where possible and consistent with the anticipated long term resource management needs. There is also the need to provide road systems that are safe for forest road travelers. The East Fork Illinois LMP will decommission 1.25 miles roads (EA p. 14-15; Appendix C, pp. 126-127). All temporary spurs that are constructed for project implementation will be decommissioned.

For the East Fork Illinois project, 0.47 miles of the 1.25 decommissioned roads consists of an existing road which will be reconstructed for use and decommissioned; therefore, the net distance of road reduction is 0.78 miles.

**9.** ***Comment:*** **OHV issues**

***Response:*** The project area has open, limited and closed categories for off-highway vehicle (OHV) use (RMP p.109). The effect of project implementation on OHV issues was fully analyzed and disclosed in the East Fork Illinois LMP EA (EA pp.15-16, 21-23, 94-96).

**10.** ***Comment:*** **Visual aesthetics**

***Response:*** The Resource Management Plan requires us to analyze visual effects using a visual contrast rating system to determine whether or not proposed activities will meet VRM objectives. The East Fork project area is VRM Class III. The objectives for VRM III lands are to manage for moderate levels of change to the characteristic landscape. Management activities may attract attention but should not dominate the view of the casual observer from main viewpoints, not from within the forest. The Visual Resource Management analysis revealed that the proposed actions will not significantly alter the characteristic landscape (EA pp.93).

**11.** ***Comment*****: Restoration of mined areas**

***Response:*** Many of the mined areas located within the East Fork Illinois project area are protected due to their cultural significance and are part of the multiple property listing on the National Register of Historic Places (NRHP) under "Mining Resources of the Upper Illinois Valley, Oregon." The NRHP is the official list of properties of local, regional, or national historic significance in the United States and sets into motion protection mechanisms provided by federal, state, and local governments. The Bureau of Land Management has policies about preserving and protecting these resources listed on the National Register of Historic Places.

Restoration of mined areas is outside the scope of this project.

**12.** ***Comment:*** **Trail protection. Hazardous tree removal.**

***Response:*** There are approximately 9.5 miles of trails proposed for maintenance or improvement in the East Fork Illinois LMP (EA pp.15-16). Additional trails were brought to the attention of BLM specialists during the scoping process. These were not included in the proposed action for this project due to lack of access through private land at the time the EA was being prepared.

Removal of hazard trees is a management direction from the Medford District RMP (p. 68); therefore, hazard trees that pose a threat to public health and safety and will be felled and left on site (EA pp.14, 16, 73).

**13.** ***Comment:*** **Protect residential areas from fire**

***Response*****:** Several comments received indicated that the most effective means to increase safety around homes and communities is to treat fuels around homes. While it is generally beyond our purview to treat on private land, where most homes reside, we are emphasizing and focusing our fuel treatments in the Wildland Urban Interface and Communities at Risk as directed under the National Fire Plan. The issue of wildfire and hazard assessment has been addressed in the EA at length (EA pp. 82-91). The BLM agrees that protecting residential areas from wildfires is very important. Our analysis shows that 100% of the project area is in the high and moderate hazard category, and that 71% of the project area is designated as Community at Risk (CAR). Implementation of Alternative 2 will reduce the intensity of wildfires, allowing firefighters to initially attack and suppress the fires with greater success, thus reducing the risk to private property in the project area (EA pp. 88-91).

**14.** ***Comment:*** **Fire risk and logging slash.**

***Response*****:** The harvest treatments proposed include follow-up treatments to reduce the slash (EA p. 7). While there may be a lapse time between the creation of the slash and the treatment of the fuels, it is generally due to seasonal timing. For example, covered hand piles must be burned in the fall after the season changes and the

rain starts to fall, and prescribed burns must be planned around fuel moistures and atmospheric conditions when impacts from smoke can be reduced. Reducing the risk of catastrophic fire across the landscape through manipulation of the vegetation, including stem density reduction (logging), is an objective of the proposed action. While there may be a temporary increase in fire risk due to logging slash and the seasonal time lag, the overall fuel and fire severity risk reduction over the long term far outweighs the short time increase in risk (EA pp. 89-91).

**15.** ***Comment:*** **Logging and reducing canopy closure, and increased fire risk**

***Response*****:** The BLM recognizes that that there is some conflicting opinion regarding logging, canopy closure, and fire risk. Generally, there is some agreement that the wildlands are in need of fuel hazard reduction treatments, especially in the urban interface. The disagreements often revolve around the tools used to achieve desired conditions, and the extent of crown thinning.

In conjunction with fuels reduction, forest thinning will also reduce fire hazard. Stands will be thinned to varying degrees of tree canopy openings, reducing crown bulk densities and increasing crown base height. As acknowledged in the EA (p. 89), an increase in solar radiation on the forest floor may increase surface temperatures, decrease fire fuel moisture and relative humidity compared to stands that have not been thinned, thus increasing fire hazard if surface fuels are untreated (EA pp. 6-7). Therefore, surface fuels will be treated in all thinned stands reducing fire hazard.

Furthermore, the findings in the EA regarding efficacy of fuel hazard reduction treatments has been further supported in recent research. Omi et al. (2006)[*] found that thinning, coupled with activity fuels reduction, as proposed in this project (EA p. 7) reduced the severity of fires during extreme fire behavior events.

**16.** ***Comment:*** **Prescribed fire**

***Response*****:** The BLM planning team believes that the use of prescribed fire is a valuable tool for the management of public lands given the departure from a normal fire regime. BLM fire planners are encouraged that many citizens support the use of fire on the landscape, and hope to build on that trust by successfully reintroducing fire into the East Fork Illinois project area.

**17.** ***Comment:*** **Biomass removal**

***Response:*** The utilization of woody biomass is making key contributions in the United States for power production, second only to hydropower as the largest domestic source of renewable energy (http://www.nationalatlas.gov/articles/people/a_energy.html#five). In July 2004, BLM implemented a Biomass Utilization Strategy for increasing the utilization of biomass from BLM lands consistent with the National Fire Plan, the Healthy Forests Initiative, and the Healthy Forests Restoration Act. The overall goal of this strategy is to increase the offering, removal and utilization of small diameter timber and woody biomass as part of the BLM's hazardous fuels reduction, restoration and timber sale projects in Southwest Oregon. Traditionally, small diameter timber and biomass has been considered non-utilizable, and has required intensive labor and expensive treatments to reduce fire hazard. The BLM views biomass as an underutilized material and will be actively exploring opportunities and ways to facilitate and promote the beneficial and responsible use of biomass generated as a result of resource management. The utilization of small diameter timber and woody biomass generated by hazardous fuels reduction, ecological restoration and other resource management activities may help to offset the costs of these activities; produce secondary forest products (e.g., poles, small-diameter timber, landscape material); reduce smoke emissions from prescribed burning; generate electricity or fuel such as ethanol, bio-methane, and hydrogen; and provide economic opportunities for rural communities.

[*] Omi, PN, Martinson, EJ, and GW Chong. 2006. Effectiveness of Pre-Fire Fuel Treatments. Joint Fire Science Program Final Report.

**18.** ***Comment:*** **Production of commercial timber products and fuels reduction**

***Response:*** A full suite of products will be available from this landscape management project as a result of this decision including commercial timber products, biomass utilization from fuel reduction activities, and special forest products (e.g., boughs, poles, small-diameter timber, landscape material). Additionally, the integration of project design features that minimize site degradation by utilizing tested and proven methods allows for the responsible application of activities required under the RMP. Another sieve in this project was the integration of recommendations from wildlife, soils, botany, and cultural and other resources into the final product of this decision.

**19.** ***Comment:*** **Variation in the fuel hazard reduction; structural and species diversity**

***Response:*** The integration of project design features (EA pgs 17-24) and recommendations from wildlife, soils, botany and cultural resources have created a project that will provide opportunities to reduce fire hazard, re-introduce fire to a fire dependent ecosystem and create strategic points for fire suppression while reducing the potential for adverse environmental impacts.

The project will incorporate seasonal restrictions and no-treatment buffers associated with special status species and riparian areas. A wide variation of treatments will maintain or enhance diversity across the landscape. Prescribed burning will be conducted during times when environmental conditions, such as fuel moistures, humidity, and temperatures will allow for low-intensity, mosaic burn patterns.

Variable-density thinning is a relatively recent term for thinning in a non-uniform manner, typically with wildlife or biodiversity along with traditional economic objectives" (Harrington et al. 2005). Traditionally, past commercial thinning utilized strict spacing guidelines based on tree diameter. The proposed actions in Alternatives 2 and 3 differ from this traditional way of thinning in several ways. The proposal includes utilizing density targets relative to site potential (i.e. varying densities over the landscape), implementation of small patch cuts, and no-treatment buffers (EA pp. 14, 22 associated with special status species, recreational and cultural resources, and riparian areas.

**20.** ***Comment:*** **Vegetation treatment in riparian reserves**

***Response*:** Chapter 1 of the EA (p. 2) addresses the need for action in riparian reserves. While the BLM acknowledges that it is a controversial subject; the planning team has clearly articulated the reasons why action in the reserves is appropriate now and why it is scientifically sound (EA pp. 13-14). In thinning units outside the no treatment buffer, leave trees would be the largest in the stand. All trees showing old-growth characteristics would be left. Project implementation would not reduce streamside shade along any stream reach. Nor would the project reduce large wood recruitment potential (EA p. 31).

The objectives in the Northwest Forest Plan (NWFP) for riparian areas include maintaining and restoring riparian structure and functions of intermittent channels, and improving travel and dispersal corridors. Further, the strategy of the ACS (NWFP p. B-9) is to maintain and restore ecosystem health at a watershed and landscape scale, and to restore degraded habitats. NWFP Standards and Guides pertaining to riparian management identify appropriate objectives for riparian treatments, including stocking control, reestablishment and management of stands, and promoting desired vegetation characteristics.

As recommended in the East Fork Illinois River Watershed Analysis and as supported by field surveys and fuel models, thinning and fuel reduction in riparian areas are warranted to reduce stocking, increase stand resiliency, and improve riparian conditions for large wood recruitment and use as wildlife migration corridors. The objective of treating riparian zones (EA p. 13) is to expedite large tree development for wildlife habitat and future instream large wood recruitment; to improve wildlife habitat in oak savannah and pine stands; protect key

resources from wildfire; and reduce the risk of wildfire in riparian areas as well as the risk of wildfire spreading to adjacent areas and local communities.

Treatments in the riparian area will meet the stated objective in the EA and comply with direction in the NWFP for riparian treatments. These treatment activities will not affect ecosystem function at the local or landscape scale as defined in the ACS (EA p. 32). Conversely, improvements of riparian functions will improve future large wood recruitment, shade, and wildlife corridors (EA pp. 30-31). Therefore, the riparian management of this decision will be consistent with the objectives of the ACS.

**21.** ***Comment:*** **Promote tourism**

***Response*****:** The East Fork Illinois project land allocation is matrix, where the primary focus is a sustainable supply of timber and other forest commodities (RMP pp. 38-39). It is not within the scope of the Medford District RMP to promote tourism on those lands. However, recreation and visual resource management are given consideration during the planning process, and project proposals are in compliance with all of the standards and guidelines for those resources. The Medford RMP (p. 63) states "Pursue recreation opportunities that will benefit local community economic strategies consistent with BLM land use objectives."

Some commenters stated that the forest has many products offering economic opportunities. At a community meeting held August 2, 2006, I listened to concerns from many community members about the upcoming BLM projects in the Illinois Valley. It seemed apparent from the comments heard from many of those present that an economic future for the Illinois Valley should be based on tourism and development, rather than timber production. This is reflected in many of the comment letters we received as well. There are many members of the community who feel that timber production and therefore logging was contrary to that focus. While I agree that tourism is a growing economic opportunity, with potential to support some Illinois Valley businesses and residents, it is not the only opportunity that can be provided by public lands. A recent economic analysis for Josephine County, conducted at the request of BLM for the Western Oregon Plan Revisions, indicated that the trend in Josephine County has been away from timber production toward service type jobs. However, timber production has always been a proportion of the economic outlook for the county. In fact, under the Oregon and California Act, sustained timber production is mandated by federal law, and the receipts from this activity are shared with the counties in western Oregon to provide services to their residents. Neither timber production nor tourism should be the exclusive focus at the expense of the other. Increasing all opportunities increases public use and value. Additionally, no effects to tourism are expected from the small scale of project activities, either locally or throughout the Illinois Valley (See enclosed Erratum p. 4-7)

**22.** ***Comment:*** **Tourism in the Illinois Valley**

***Response:*** The socioeconomic analysis considered the potential effects of project activities on tourism (Erratum) and concluded that project activities are not expected to decrease tourism. Changes to the visual landscape will be minimal and comply with the BLM RMP and Visual Resource Management (VRM) objectives, and tourism activities will be enhanced through expansion of recreation opportunities (EA p. 96). BLM incorporates VRM objectives into every project (EA p.15-16, RMP p.70). These objectives are used to reduce visual contrasts across the landscape.

The BLM currently has over ten miles of existing trails on BLM land in the Illinois Valley: Lake Selmac Park Trails, Kerby Peak Trail, and at Rough and Ready Wayside and Eight Dollar Mountain Boardwalk. Other dispersed recreation opportunities exist at French Flat and Rough and Ready ACEC. Botanical areas and the nominated Waldo-Takilma Area of Environmental Concern (ACEC), along with the established French Flat and Eight Dollar Mountain ACECs, provide unique wildlife and plant viewing for recreational purposes. Opportunities for dispersed recreation will continue to be available.

The BLM is proposing an additional 9.5 miles of low elevation trails in Allen Gulch, in the East Fork Illinois Landscape Project. At the Illinois Valley scale, the BLM proposes to designate approximately 14 miles of trail with signs and trailheads in the Illinois Valley. The BLM is also working with the community to develop a 3-5 mile trail system that would begin at Illinois Forks State Park and travel onto BLM land, just outside the city limits of Cave Junction. A one mile loop trail to the Illinois River is also being proposed at Eight Dollar Mountain.

Highway 199 provides a travel route to the coast, redwoods, Oregon Caves and Crater Lake National Park. BLM's activity in timber production or fuels reduction is unlikely to deter travelers to these destinations. Timber production has long been a part of the valley and region. This same corridor passes private logging areas, and a mill. BLM will continue to provide reasonable and practical recreation opportunities, both undeveloped and developed, near the Highway 199 corridor. Access to many of the BLM lands is limited however, by nature of the "checkerboard" land status. This prevents the public from visiting many areas because access is restricted across private lands. Without public access, BLM can neither designate nor advertise these as recreation opportunities.

**23.** ***Comment:*** **Road densities and roads in riparian reserves**

***Response:*** The planning objective is to minimize permanent road construction, improve road drainage, and maintain existing roads at levels consistent with planned long-term road use. The proposal seeks to reduce road densities at the watershed scale where possible and consistent with the anticipated long term resource management needs. There is also the need to provide road systems that are safe for forest road travelers. All newly constructed roads will be temporary and decommissioned following use. An additional 0.78 miles of existing road will be decommissioned following use, yielding a net road reduction within the East Fork Illinois project area (EA p. 14-15).

Additionally, skid roads will not be constructed within 75' of intermittent streams or 100' of perennial streams, and after use these sites will be restored as necessary (EA p. 17-18).

**24.** ***Comment:*** **Stewardship contracts, timber production, and local economic benefits**

***Response:*** Diversity of opportunities provides for the diversity of economic interests in the Illinois Valley. Economic viability is not based on small scale, site specific projects but the collective opportunities throughout the valley and region. Therefore, addressing BLM's activities across the landscape better addresses the economic issues. The RMP further supports the philosophy of providing a diversity of opportunities. The Medford District RMP (p. 80, 81) states two major objectives for contributing to socioeconomics:

- Contribute to local, state, national, and international economies through sustainable use of BLM-managed lands and resources and use of innovative contracting and other implementation strategies.

- Provide amenities (e.g., recreation facilities, protected special areas and high quality fisheries) that enhance communities as places to live, work, and visit.

Although there are no specific land use allocations related to socioeconomic conditions, management direction supports assisting in development of economic opportunities for rural, resource-based communities, increasing emphasis on management of special forest products, and "…other activities identified by BLM and the involved communities as benefiting identified economic strategies" (RMP p. 81). It concludes by stating that the Medford District should:

> Design and implement forest management activities to produce a sustained yield of products to support local and regional economic activity. A diversity of forest products (timber and nontimber) will be

offered to support large and small commercial operations and provide for personal use. Service contracts will include opportunities for both large and small contractors.

Therefore, describing BLM's activities across the landscape better addresses the economic issues. At the Illinois Valley scale, the BLM proposes to designate an additional 16 miles of trail with signs and trail heads in the Illinois Valley. BLM is proposing to offer approximately 1.8 million board feet of timber and over 2,000 acres for small businesses set aside in the form of pole sales, special forest products and biomass utilization. In addition, the identified fuel reduction activities further provide contracting opportunities for small businesses. Botanical areas and the nominated Waldo-Takilma Area of Environmental Concern (ACEC), along with the established French Flat and Eight Dollar Mountain ACECs provide for unique wildlife and plant viewing.

While I agree that tourism is a growing economic opportunity, with potential to support some Illinois Valley businesses and residents, it is not the only opportunity that can be provided by public lands. I applaud the community effort to develop a plan for the valley that will assist in improving the economic future, and recommend it contain a wide range of opportunities consistent with existing laws and management plans as well. Also see comments #21 and #22 above and Erratum (attached).

**25.** ***Comment:*** **Economic benefits to the Illinois Valley**

***Response:*** Economics were a consideration in development of the East Fork Illinois LMP (EA pp. 1, 2, 9, 91, 98) and is further discussed in the attached Erratum. The EA actions provide for commercial and non commercial outputs as well as recreation sites. Each provides economic opportunities. A detailed analysis of short- and long term economic benefits in terms of dollars is not feasible due to changes in market conditions, grant opportunities and costs to contractors.

Opportunity costs, defined as loss of future economic benefit resulting from project implementation, are highly speculative. As proposed project activities will affect only a small portion of the watershed, the project is not expected to degrade the tourist value of the area. Future development of tourism and recreation is uncertain. However, given the scale and project designs (no old growth removal, no clear-cuts, and future development of old growth), future adverse effects to the local and regional economy is very unlikely.

**26.** ***Comment:*** **Status of the ACEC and RNA**

***Response*:** The EA (p. 16) states: Designation of an ACEC or RNA on BLM lands is a resource management plan level land allocation. It is not a designation that is made at the project planning level. If a nomination and subsequent assessment indicate that an area has high potential as an RNA or ACEC, final determination regarding its designation would take place during the next RMP planning effort. In the interim, activities will be limited and designed so as not to compromise identified values of a nominated area until they could be fully reviewed as a part of RMP planning effort.

The Waldo-Takilma Area of Critical Environmental Concern (ACEC) was nominated by several interested parties. The nominated area is located primarily in the East Fork Illinois watershed with a portion occurring in the West Fork Illinois watershed.

The EA (pp.16-17) identifies the procedures that are to be followed when a nomination is received, and the BLM is in compliance with those guidelines. The BLM did a preliminary evaluation of the ACEC and RNA determined that a portion of the area was eligible under the "relevance and importance" criteria for an ACEC. Formal designation as an ACEC is appropriately determined through the Resource Management planning process.

During the Western Oregon Plan Revision process, the Waldo-Takilma ACEC was designated; however with

withdrawal of the Record of Decision in June 2009, the ACEC reverted back to its status as meeting the relevance and importance criteria, but is not designated as an ACEC. Therefore, this potential ACEC will receive interim management to ensure protection of the importance and relevant resource values identified in the ACEC evaluation (EA pp. 16-17).

BLM specialists can appreciate opinions that suggest that treatments be postponed in the nominated ACEC area until a plan revision fully evaluates the potential. While the planning process continues, activities will be limited and have been designed so as not to compromise identified values of the nominated area that met the criteria until they could be fully reviewed as part of the RMP planning effort. Effects to the proposed ACEC were disclosed in the EA (pp. 96, 97), and project activities were determined to not affect the unique geology or soil chemistry which provide habitat for rare plants in the project area; will not affect the botanical values for which the area was nominated; and because cultural sites will be buffered, project activities, "would not diminish the unique cultural resources in the nominated ACEC." (EA p. 97) The RNA nomination is no longer being considered, for reasons discussed in the EA (pp. 16, 17, and Appendix E). The single 75 acre stand identified as supporting old growth forests was determined to not meet the relevance and importance criteria required for an ACEC, and was not nominated for inclusion in the ACEC; in any case, this area is not proposed for treatment.

**27.** ***Comment:*** **Riparian area restoration**

***Response:*** In the East Fork Illinois Landscape Management Project, the primary goal in riparian reserves is the maintenance and long term restoration of aquatic ecosystems as identified in the NWFP Aquatic Conservation Strategy (ACS) objectives. Objectives for treatments in the riparian reserve were developed using the ACS as a guide. Areas selected for riparian treatment lack structural complexity and species diversity, and are at risk of high-intensity wildfire. The treatments are designed to enhance terrestrial and aquatic systems in both the short and/or long term by accelerating development of large conifers, promoting snag and down wood recruitment and reducing density across a range of seral stages. Wildlife habitat in oak savannah and pine stands will be improved. Road treatments will improve drainage and reduce the potential for delivery of fine sediment to fish habitat. Road density will not be increased because temporary roads will be decommissioned following use and there is a net reduction in road miles because of decommissioning of existing and temporary roads.

***28. Comment:*** **Red tree voles**

***Response:*** While it is true that past red tree vole (RTV) surveys conducted in the East Fork planning area in 2000 and 2001 have expired, the BLM has conducted new RTV surveys throughout the planning area. New surveys were conducted in 2006 in all areas where timber harvest activities are planned *and* where the habitat was deemed suitable under the latest protocol definitions (Survey Protocol for the Red Tree Vole, Version 2.1, October 2002). These most recent surveys have discovered several active RTV nests, all of which are being managed in accordance with RTV management recommendations (Management recommendations for the Oregon red tree vole, Ver. 2.0, 2000). As per these Management Recommendations, inactive nest sites will not be managed as active sites.

See attached Erratum for a reduction in potential harvest acres based on these new surveys. Red tree voles were located in most suitable habitat and the majority of this habitat is currently protected by buffers. Approximately 230 acres of RTV "Habitat Areas" identified in 2007 were buffered and dropped from the timber sale. The "Habitat Areas" within this project will meet the intent to provide breeding and dispersal areas for red tree voles in matrix within the project area, and maintain high viability and persistence. The minimum 10 acre "Habitat Area" management recommendation was based on dispersal rate studies conducted by Biswell (in prep at the time of the MR). The management recommendations *state "the 10-acre habitat area is intended to provide for protection of the physical integrity of the nest(s) and retain adequate habitat for the expansion in the number of active nests at that site" (MR, p. 2).* Therefore, based on this information, the areas with RTV sites that have

been dropped from the timber sale will allow for the expansion of new active sites. Additionally, late-successional habitat will be provided within the 5th field watershed and in the project area because of no treatment areas, riparian reserves, spotted owl core areas and 15% late-successional forest retention (RMP 38-40).

**29. *Comment:* Northwest Ecosystem Survey Team RTV survey data**

***Response*:** All units chosen for treatment in this Decision Record, and in which NEST located RTVs, were already protected by buffers of active RTV nest sites that BLM located in protocol surveys. BLM surveys were conducted in accordance with the protocol cited in comment #28 above.

The BLM appropriately used the current protocol (Survey protocol for the red tree vole, Version 2.1, 2002), which BLM is legally required to follow. While climbing of additional trees beyond those identified in ground surveys may locate additional RTV nests, the protocol was never intended to locate and protect every single red tree vole nest on the landscape. Management areas of 10+ acres per each active nest site are intended to protect the identified nest(s) as well as adjacent (but undiscovered) nests.

In August and September of 2006, the Northwest Ecosystem Survey Team (NEST) submitted 31 samples of RTV materials they collected by climbing trees in the East Fork Illinois Project Area. The Grants Pass Resource Area Wildlife Biologists reviewed all of the data and samples provided by NEST. Based on samples submitted to the BLM, we acknowledge NEST identified resin ducts and RTV evidence from Active and Inactive nests. However, additional surveys would be required by BLM contractors to climb and verify RTV presence and current nest status. Therefore, these sites do not qualify as Known Sites because they do not meet the definition of a Known Site as stated in the 2001 ROD, *"Historic and current location of a species reported by a credible source, available to field offices, and that does not require additional species verification or survey by the Agency to locate the species."*

The BLM did not perform additional work to verify the potential RTV nests located by the NEST group because all of the units where they climbed have been dropped and are not included in this Decision Record. Additionally, some of the nests they located are already in previously buffered areas.

***30.* *Comment:* RTV surveys: tree climbing and ground surveys**

***Response*:** The most recent RTV surveys conducted in the East Fork project area used the Modified Line Transect Method identified in the protocol version 2.0 (February, 2000) and were followed up with tree climbing surveys to determine nest status. The protocol identifies the Modified Line Transect Method as the appropriate survey method to use for stand-level projects, such as timber sales (p. 11). These survey techniques are designed to cover a large percentage of the survey area to ensure detection of red tree vole nests since RTVs tend to occur in low numbers and in somewhat clumped distribution (p. 10). However, the protocol is not designed to locate 100% of the nests. These surveys techniques located RTV sites in the best suitable habitat within the East Fork project area. The Modified Line Transect Method is still proposed in the most recent protocol version 2.1 (October, 2002) as the most appropriate survey method for stand-level projects. In fact, in the Tennessee Lime project area, RTVs were detected during protocol ground surveys in the same units that the NEST team did not detect RTV during tree climbing. Protocol version 2.1 does consider climbing in old growth stands to determine RTV presence. However, this is only appropriate when other survey methods detect very few or no RTV nests in suitable habitat and this was not the case in the East Fork project area. RTV presence was confirmed from modified line transect survey methods and subsequent tree climbing. Known RTV sites within the East Fork project area were buffered according to the Management Recommendations for the Oregon Red Tree Vole Version 2.0 (Sept. 27, 2000).

We are required to follow protocols designed by the taxa team and using other survey methods will not meet the intentions of our pre-disturbance requirements. Surveys were completed for the East Fork LMP as required under the Survey and Manage program. Revisiting the accepted protocol is beyond the scope of this EA.

***31. Comment*: New information on Northern Spotted Owls (spotted owl status review)**

***Response:*** The new information referred to by comments received on this project includes the Northern Spotted Owl Five-year Status Review, which was completed by the U.S. Fish and Wildlife Service (USFWS) in 2004. There are four reports including the Status Review which are important to this effort: 1) *Scientific Evaluation of the Status of the Northern Spotted Owl* (Sustainable Ecosystems Institute, Courtney *et al.* 2004); 2) *Status and Trends in Demography of Northern Spotted Owls, 1985-2003* (Anthony *et al.* 2004) 3) *Northern Spotted Owl Five Year Review: Summary and Evaluation* (USFWS, November 2004); and 4) *Northwest Forest Plan – The First Ten Years (1994-2003): Status and trend of northern spotted owl populations and habitat, PNW Station Edit Draft* (Lint, Technical Coordinator, 2005).

This new information was considered in the EA (addressed on page 57 and in the Wildlife Cumulative Effects Section) and in this decision. In summary, these reports have concluded that although the agencies anticipated a decline of northern spotted owl (NSO) populations under land and resource management plans during the past decade, the reports identified greater than expected NSO population declines in Washington and northern portions of Oregon, and more stationary populations in southern Oregon and northern California. The reports did not find a direct correlation between habitat conditions and changes in NSO populations, and they were inconclusive as to the cause of the declines. Lag effects from prior harvest of suitable habitat, competition with Barred Owls, and habitat loss due to wildfire were identified as current threats; West Nile Virus and Sudden Oak Death were identified as potential new threats. Complex interactions are likely among the various factors. This information has not been found to be in conflict with the NWFP or the RMP (Evaluation of the Medford RMP Relative to the Four Northern Spotted Owl Reports, August 24, 2005).

In addition to these documents, new information released between the time of the EA and this DR was also considered in the final decision. These documents include The Final Recovery Plan for the Northern Spotted Owl (*Strix occidentalis caurina*) (2008), the Revised Designation of Critical Habitat for the Northern Spotted Owl (*Strix occidentalis caurina*) (2008), and the Scientific Review of the Draft Northern Spotted Owl Recovery Plan and Reviewer Comments (2008). The new information included in these documents do not change the effects disclosed from the treatments included in this decision.

***32. Comment*: Pacific fishers, northern spotted owl and special status species**

***Response*:** The EA gives a fairly lengthy discussion of Pacific fisher biology and likely effects to this species. A questioned was raised regarding the assertion that fishers will be able to move away from disturbed areas. Fisher home-range sizes are of sufficient size (63-147 $km^2$) that a portion of their home-range will provide adequate refuge from noise and disturbance activates. Additionally, fishers move young from their natal (birthing) den approximately six weeks after birth due to weaning and increased activity of the kits. Mothers then move their young on a regular basis, likely to minimize the chance of predation on young. A comment letter stated that a fisher was sighted several years ago in the project area. The analysis of effects on the fisher has been updated to reflect this new information (See Erratum). The conclusions in the EA did not change based on this analysis, especially in light of the reduction in effects on late-successional habitat because of the increase in RTV buffers based on new surveys (see above and Erratum for further details).

Regarding barred owls, additional information on barred owls can be found in *Status and Trends in Demography of Northern Spotted Owls, 1985-2003* (Anthony et al. 2004). This research indicated that there is some evidence that barred owls may have had a negative effect on NSO survival in the northern portion of the NSO range. They found little evidence for such effects in Oregon or California. The threat from barred owl

competition has not yet been studied sufficiently yet to determine whether it is a cause or a symptom of NSO population declines. In any case, barred owl competition with spotted owls is not expected to be exacerbated by this project.

Since the release of the EA, a new Northern Spotted Owl Recovery plan was released (2008). Specifically, the recovery plan identified barred owls as one of the primary threats to the recovery of the spotted owl. Barred owls reportedly have reduced spotted owl site occupancy, reproduction, and survival (USDI 2008). The barred owl issue is being addressed at the range level by the Regional Barred Owl Working Group through research efforts, management strategies, and protocol revisions. The conclusions regarding barred owls in the EA are not changed by the 2008 Spotted Owl Recovery Plan.

Oregon may allow wolves to naturally disperse in the state. However, the nearest known sighting is in northeastern Oregon, over 400 miles away. Assuming wolves will reoccupy the project area would be highly speculative.

As stated in the East Fork EA, no goshawk nests have been located and there are no historic records of nesting in the watershed (p. 63). The only known historic goshawk nest in the GPRA is approximately 20 air miles from the East Fork Illinois watershed. The likelihood of the East Fork planning area being used for goshawk nesting is relatively low. If at any time, a goshawk nesting territory is found it will be protected using PDFs and standard language in the timber sale contract (see PDFs, EA pp. 18, 19).

As stated in the EA (p. 30), the 2001 Survey and Manage Annual Species Review moved the Del Norte Salamander from a category "D" (Uncommon, pre-disturbance surveys not practical or not necessary) to complete removal from the survey and manage program (Survey and Manage ROD 2001). Surveys will not be completed; however, known sites and some talus areas will be protected as per RMP guidelines (RMP p. 57). Even without Survey and Manage requirements, several known talus areas were incorporated into buffers (RTV and riparian) and will provide protection for several sites. Additionally, all known sites will have a minimum 40% canopy closure post-harvest as per RMP guidelines.

When the EA was released for public comment, the East Fork Illinois project was covered under the 2006 BO and LOC (FWS Log #1-15-06-F-0162 and Log #1-15-06-I-0165). However, since then the BO and LOC were pulled by the USFWS due to pending litigation. The BLM has reinitiated consultation on the NLAA portions of the East Fork Illinois project. Treatment units in this decision are covered under two LOCs from the USFWS (Tails # 13420-2007-I-0231 and Tails #1342-2009-I-0093). All treatments are NLAA for the northern spotted owl.

***33.*** ***Comment*****: Barred owl impacts on spotted owls**

***Response:*** The BLM is not required to survey for barred owls and no formal surveys have been conducted or planned. All barred owl observations on the resource area are from incidental observations. No incidental barred owl observations have occurred in the project area. One comment questioned BLM's disclosure and analysis of barred owl encroachment on NSO populations in the planning area. BLM clearly has no control over barred owls or their encroachment into NSO habitat, but has considered it in the EA as a part of the *context* in which project impacts will occur. In the East Fork EA we addressed how barred owls have impacted spotted owls at the provincial level because this is the best information we have. The East Fork EA (p. 57) acknowledged the most recent information that barred owls are considered one of the recent threats to the NSO.

Barred owl effects on NSO populations are reflected in the affected environment discussed in the spotted owl section of the EA. NEPA only requires disclosure of the affected environment and effects of human actions; any effect the barred owl is having on NSO is properly disclosed in the affected environment section—not as an

"effect" of human activity as barred owl competition with spotted owls is not expected to be exacerbated by this project.

***34. Comment:*** **LSR boundary**
***Response:*** Changing the land allocation set under the NWFP and the RMP will require a management plan amendment; this is outside the scope of this analysis.

***35. Comment:*** **Yarding corridors, edge effects, and connectivity**
***Response:*** Yarding corridors are inside units with proposed activities. Yarding corridors within harvest and biomass units will not be expected to produce impacts greater than the harvest itself; these impacts have been addressed and will not exceed what was analyzed in the EA (pp. 61, 78, 80).

***36. Comment:*** **City of Cave Junction water**
***Response:*** Effects to water, soils, fisheries and other resources were analyzed and disclosed as appropriate in the EA. Effects on stream flows due to timber harvest and road activities was found unlikely due to past actions (EA p. 26), and minimal effects are expected on hydrology, stream flows, or sedimentation in the project area at the 5th or 6th field levels (EA pp. 28-32). As per the BLM-DEQ Memorandum of Agreement (MOA) with the Oregon Department of Environmental Quality (DEQ), BLM submitted a Water Quality Restoration Plan (WQRP) (April 2006) prior to conducting activities that may affect water quality in 303(d) listed streams. The DEQ responded (August 2006) that the WQRP complied with the schedule and requirements of the MOA. BLM also met with the City of Cave Junction (December 2005) regarding the Source Water Protection Plan; they stated that they do not have any concerns with the East Fork Illinois LMP project affecting water quality.

***37. Comment:*** **Public controversy**
***Response:*** The controversy referred to in the Council on Environmental Quality (CEQ) guidance regarding significance concerns the uncertainty of environmental effects, not a dislike of the proposed actions. Disagreement with an agency action does not trigger the need for an EIS.

***38. Comment:*** **Cumulative Effects**
***Response:*** Developing EAs for projects in different 5th field watersheds is common practice; each address cumulative effects at an appropriate scale for each resource. Some resources address cumulative effects on the 5th field watershed level because effects are not discernable at analysis areas larger than this. Other resources address effects at additional scales as appropriate to that resource.

The EA disclosed that the six projects (Deer Creek Salvage, Althouse Sucker, West Fork Illinois River, East Fork Illinois River, South Deer, Tennessee Lime, Anderson West), collectively propose 3,786 acres of commercial thinning / special forest products / density reduction, representing 0.5% of the Illinois River subbasin (EA p. 24). This is not a significant impact requiring preparation of an EIS. Each project evaluated cumulative effects at the project and sub-watershed scale, and at larger scales as appropriate for the particular resource.

Identifying effects from past actions which occurred many years ago is not necessary or informative for a cumulative effects analysis. Information on the current environmental condition is comprehensive and more accurate for establishing a baseline condition for a cumulative effects analysis than attempting to establish such a starting point by adding up the effects of individual past actions. This would provide a list of effects without addressing the changes or improvement in conditions since the action originally occurred; unlike current conditions, past actions and perceived effects can no longer be verified by direct examination. Therefore, the affected environment and No Action effects sections for each resource considers the current condition as incorporating the effects of past actions, and then adds to this other present and reasonably foreseeable future

actions. Following the Code of Federal Regulations and CEQ guidance, the effects sections add the anticipated effects of this project to the current conditions coupled with other present and reasonably foreseeable future actions. By comparing the "no action" alternative (current condition and other present and reasonably foreseeable future actions) to the action alternatives, we can discern the "cumulative impact" resulting from adding the incremental impact of the proposed action (EA pp. 24-25).

At the Illinois Valley scale (>630,000 acres) processes and conditions across the landscape and through time need to be considered. At this broad scale, the NWFP and RMP are appropriate citations as they address activities across the landscape. Under the NWFP and as adopted by the RMP, > 75% of the BLM lands are in reserves for protection of wildlife and watersheds. Under the 1995 RMP, timber harvest declined dramatically; road decommissioning has occurred; riparian conditions have improved; road building and ground based harvest has decreased, and watershed restoration activities have occurred. Based on the changes in management across the landscape there is an improving trend in condition of late-successional habitat across BLM lands. The USFWS (2004) estimated that within the NWFP area, late-successional forest habitat development through in-growth (tree growth) is occurring at approximately 8% (600,000 acres) per decade over the baseline condition established in the NWFP. This development is 2.5 times the rate of loss through stand replacement fire and harvest, and would result in a 2.7 million acre net increase in late-successional forest over 3-4 decades (USDA, USDI, 2004) across the NWFP planning area.

The proposed Illinois Valley projects maintain the trend of improving habitat conditions for late-successional habitat. To reiterate, the BLM projects collectively propose density reduction and thinning on less than 1% of the watershed. The proposed action combined with other proposed, underway, or completed actions on BLM lands in the Illinois Valley represents approximately 5% of the Illinois Sub-Basin. Of this amount, less than 1% is contained within commercial timber sales.

Effects on connectivity along with fragmentation are likewise addressed at both watershed and regional scales (EA pp. 70-72). One comment requested analysis at the 4$^{th}$, 5$^{th}$, 6$^{th}$ and 7$^{th}$ field watersheds. Effects are analyzed at the project level scale, then extended to further analysis for cumulative effects at the appropriate scale for each resource; if effects are not found at these scales, analysis beyond these scales is neither necessary nor does it provide any information that would assist the decision maker in making a decision or determining the significance of effects.

***39. Comment:*** **Port-Orford cedar (POC) root disease.**

***Response:*** In compliance with POC EIS, the POC risk key analysis (available as part of the project record) determined that the POC population will not measurably contribute to meeting resource management objectives. Therefore, no POC specific project design features are necessary or required to protect the population (EA p. 32). Additionally, no roads are in POC areas (EA Roads table, pp. 126-127).

***40. Comment:*** **Use of the Slashbuster™**

***Response:*** Use of the Slashbuster™ is not proposed on this project.

**Attachment 1**

ENVIRONMENTAL ASSESSMENT

for the

**East Fork Illinois Landscape Management Project**

EA #OR117-06-04

# *ERRATUM*
## *Effects to Socioeconomics of Project Activities and further clarifications*

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT
GRANTS PASS RESOURCE AREA

June 2010

TABLE OF CONTENTS

## I. Introduction

In the course of analyzing comments submitted during the public comment period for the East Fork Illinois River Landscape Management Plan Environmental Assessment (EA) (July 7 – August 7, 2006), it was discovered that the Socioeconomics section had been inadvertently omitted from the EA. Additionally, some units have been resurveyed for red tree voles because surveys had expired and comments provided some information that was not available at the time of writing of the EA. The following discusses effects of project activities on socioeconomics, identifies modifications to the EA due to new information and updated RTV surveys. The information provides new and additional information for consideration by the decision maker in developing her decision as well as to inform the public.

The information presented here was not released for and additional public comment period because of the small scale of effects to socioeconomics and the reduction of effects as disclosed in the EA to red tree voles. This information was available to the decision maker prior to assessing alternatives for the Decision Record.

In 2005 the BLM extended an invitation to the local and regional communities and other state and federal agencies, private organizations and individuals to develop issues and resources important to local, state, national, and international economies.

Through a series of public meetings (see EA Section 4.0, Agencies and Persons Consulted), questionnaires, personal discussions and comment letters, the public provided input to BLM for consideration in the EA. Letters, phone calls, meetings, and field visits elicited the following issues or concerns related to socioeconomics:

- Maintain the quality of life by protecting forest resources
- Creation of local jobs from forest activities
- Water quality
- Fuel loading/fuel reduction activities
- Recreation and tourism
- Spiritual values
- Support for maintaining current road access to public lands
- Protection of older forests

In addition to enhanced recreational opportunities, the project proposes a variety of vegetation, and riparian and other habitat restoration treatments. These treatments are subject to a variety of environmental and land management policies such as the Clean Water Act, Endangered Species Act, Northwest Forest Plan, the Medford District Resource Management Plan, and the State Historic Preservation Office. These plans were intended to guide management to protect intrinsic values of water quality, wildlife, recreation, and vegetation and cultural resources through establishment of reserves, BMP's and project design features. The project area includes 1,909 acres or 3% of the East Fork Illinois River watershed. Further assessment and effects to resources are found in assessments contained in chapter 3 of the EA and this Erratum.

## II. Socioeconomics

### Affected Environment

The Medford District RMP (p. 80, 81) states two major objectives for contributing to socioeconomics:

> Contribute to local, state, national, and international economies through sustainable use of BLM-managed lands and resources and use of innovative contracting and other implementation strategies.
>
> Provide amenities (e.g., recreation facilities, protected special areas and high quality fisheries) that enhance communities as places to live, work, and visit.

Although there are no specific land use allocations related to socioeconomic conditions, management direction supports assisting in development of economic opportunities for rural, resource-based communities, increasing emphasis on management of special forest products, and "…other activities identified by BLM and the involved communities as benefiting identified economic strategies" (RMP p. 81). It concludes by stating that the Medford District should:

> Design and implement forest management activities to produce a sustained yield of products to support local and regional economic activity. A diversity of forest products (timber and nontimber) will be offered to support large and small commercial operations and provide for personal use. Service contracts will include opportunities for both large and small contractors.

### Environmental Consequences

#### Alternative 1 - No Action

Under the no action alternative, the objectives stated in the RMP would not be met. Contributions to local, state, national, and international economies would not occur and economic opportunities to the local and regional economies would not be made. There would be no opportunities for local contractors to create jobs from forest activities. Amenities such as recreation facilities and protected special areas would not be enhanced.

Fuel hazards would not be addressed and there would be no opportunities to enhance the forest resources important to local communities as identified through scoping. Recreation and tourism activities would continue to be developed by the local community and forest resources important to these activities would continue to be threatened by risk of wildfire and would continue to degrade because of dense stand conditions.

There are no expected gains or losses to the spiritual or intrinsic values found in the project area. However, it is recognized that wildfire has the potential to reduce these values through loss of forest stands and vegetation.

**Alternatives 2 and 3**

Economics

The BLM designed the alternatives to help achieve the objectives of the RMP. The commercial timber sale, fuel hazard reduction activities, stewardship opportunities and recreation enhancement would all contribute to "local, state, national, and international economies through sustainable use of BLM-managed lands and resources and use of innovative contracting and other implementation strategies" (RMP p. 80). Approximately 5.6 million board feet of timber could be offered to the timber industry through alternative 2, although the estimated harvest volume would be reduced because of implementation of red tree vole and other special status species buffers, economics of logging particular units, operational feasibility and other factors.

Amenities such as recreational opportunities would enhance tourism and in turn contribute to local economies as well as improving local communities as places to live, work, and visit. Fuel hazard reduction would provide for safer communities in the case of wildfire and alternative 2 would provide a greater benefit for community safety because of the greater number of acres treated for fuel hazard reduction.

Proposed actions would assist in development of economic opportunities for rural, resource-based communities by providing opportunities for local contractors in fuel hazard reduction and stewardship contracts for special forest products. Stewardship contracts would enhance and reduce threats to forest resources, and provide economic opportunities, as well as produce a sustained yield of products to support local and regional economic activity.

Opportunity costs, defined as loss of future economic benefit resulting from project implementation, are highly speculative. As proposed, project activities are not expected to degrade the tourist value of the area. Future development of tourism and recreation is uncertain. However, given the scale and project designs (no old growth removal, no clear-cuts, and future development of old growth, recreation trail development), future adverse effects to the local and regional economy is very unlikely.

The Medford District RMP (pg 80) directs the BLM to contribute to local and state economies through sustainable yield practices, special forest products, and amenities such as recreation and habitat enhancement. The project complies with this direction through bidding and contracting opportunities, thinning to improve future forest development, fuel hazard reduction and developing recreation trails.

Cumulative Effects

As economics are expected to affect the entire Illinois Valley, cumulative effects are considered at that scale. Including all projects commercial forest product harvest would occur on less than one percent of the watershed (EA pp. 24-25). This level of harvest with no clearcuts, and minimal acreage of structural regeneration harvest (none in the East Fork project), is not expected to lead to a decrease in tourism or other economic potential of forest lands in the Illinois Valley or the project area. The combined Illinois Valley projects (EA pp. 24-25) are expected to contribute: commercial timber and special forest products (e.g., poles, small timber sale, biomass), to the local economy; additional economic opportunities through stewardship and fuel hazard reduction; reduced risk of stand replacing wildfire; recreation opportunities and habitat enhancement.

Additionally, to enhance tourist values and public demand, BLM has constructed or proposed for construction approximately 37.5 miles of trail within the Illinois Valley. Of this, 10.5 miles are roads that are closed to motor vehicles in special areas (e.g., Eight Dollar Mountain, Rough and Ready Wayside, French Flat ACEC). Eight miles of trails outside these areas have been completed, and 19 miles are either proposed, on existing ditches or are unofficial trails proposed for upgrading. This would be expected to enhance recreation opportunities and value, for both residents and visitors to the Illinois Valley, as well as bring additional tourist revenues to the valley.

Since publication of the EA, two additional potential vegetation management projects in the Illinois Valley have been identified, potentially for completion in 2011 or 2012. They have preliminarily been identified as the Deer North and East-West Junction projects. Initial reconnaissance in the Deer North project has identified a potential for up to 1,800 acres of timber harvest and 700 acres with a potential for stewardship opportunities. Initial reconnaissance on the East-West Junction project has identified a potential for up to 1,000 acres of timber harvest. Each project is likely to also include proposals for stewardship, fuel hazard reduction, young stand management and recreational development opportunities. However, proposals have not been developed to the extent that effects can be determined. Therefore, effects of those projects, including cumulative will be addressed in those projects' NEPA documents.

The Medford District RMP (pg 80) directs the BLM to contribute to local and state economies through sustainable yield practices, special forest products, and amenities such as recreation and habitat enhancement. The project complies with this direction through bidding and contracting opportunities, thinning to improve future forest development, fuel hazard reduction and trail construction and maintenance.

Logging Activity Impacts to Residents

In order to minimize new road construction helicopter yarding is proposed for some areas of the project. Helicopter logging proposed under alternatives 2 and 3 would have a noise impact on residents living near or adjacent to proposed helicopter units and landings. These impacts would occur during daylight operating hours. The number of passes to and from the log landing could vary from two to 150+ passes per day. Previous experience indicates that rural interface residents are most affected in the early morning and late evening. In many cases, helicopter noise is audible most of the day depending on how close residences are to flight paths and the blocking or enhancing effect of local topographic features.

Restrictions reduce but do not eliminate noise associated effects. This is an unavoidable effect, resulting from the increased use of helicopter logging required to implement timber harvest activities. In general, normal operating times for helicopter logging include the majority of daylight hours. Flight time is also greatly influenced by weather conditions and FAA rules, such as pilot work/rest requirements. It is not uncommon for a helicopter to be grounded by low clouds or wind for hours or days at a time.

Noise from helicopter logging can be heard most of an operational day, with the greatest amount of noise disturbance when the helicopter is within 500 feet of residences. A few residences are within 500 feet and numerous residences are within 1,000 feet of proposed helicopter yarding units in sections 10, 26, 34, and 35. After a few days of yarding, that proximity would extend out quickly to 1,000 feet or greater as the helicopter gradually works away from residences. For Alternative 2, it is estimated there would be 6 to 7 weeks of operational noise for residences within one half mile of

helicopter units. The noise for this period would be dispersed across the four sections. Alternative 4 has about 50% less volume over the same units leading to an operational noise duration of approximately half of alternative 2. Alternative 3 has no helicopter yarding.

No project design features restricting helicopter flight hours are proposed in the East Fork Illinois project. By not restricting flight hours and/or days, effects of helicopter yarding on people would be minimized simply by allowing a quicker "in and out," thus reducing the duration of operations (fewer days of yarding). Other effects on people associated with logging include chain saw noise, dust and log truck traffic. Chain saw noise has different properties and duration than helicopters, but the possible effects on people follow a similar pattern as described for helicopters. Sound would be dispersed and of short duration so restrictions are not deemed necessary. Dust from truck hauling would be mitigated by watering, lignin and/or speed reductions. Log truck traffic on publicly owned roads would follow all laws, regulations and speed limits. Special measures would be implemented as needed during special times of the day such as school bus pick-up and drop-off times.

In summary, effects of increased noise from chainsaw use, helicopters and logging trucks, and dust and traffic from project activities will be relatively short to moderate in duration and mitigated as necessary. There are no cumulative effects as the disturbance ceases when the project is completed.

**III. Red tree voles and effects on late-successional habitat**

Red Tree Vole Survey Information

Red tree vole (RTV) surveys conducted in the East Fork planning area in 2000 and 2001 expired so the BLM conducted new RTV surveys throughout the planning area. New surveys were conducted in 2006 in all areas where timber harvest activities are planned *and* where the habitat was deemed suitable under the latest protocol definitions (Survey Protocol for the Red Tree Vole, Version 2.1, October 2002). These surveys covered the entire OI unit, including the proposed timber sale unit. These most recent surveys discovered several RTV nests, all of which are being managed in accordance with RTV management recommendations at this time (Management recommendations for the Oregon red tree vole, Ver. 2.0, 2000). If RTV nests located in the original surveys were no longer present (ie, the nest blew out), then the site would no longer be considered a known site. Additionally, if old RTV nests were re-climbed in 2006 and determined to be inactive and no active nests were located within 100m of the nest, then the nest would no longer be considered a known site.

Red tree voles were located in most suitable habitat and the majority of this habitat is currently protected by buffers. Approximately 230 acres of RTV "Habitat Areas" identified in 2001 were buffered and dropped from the timber sale. The "Habitat Areas" within this project would meet the intent to provide breeding and dispersal areas for red tree voles in matrix within the project area, and maintain high viability and persistence. The minimum 10 acre "Habitat Area" management recommendation was based on earlier dispersal rate studies conducted by Biswell (in prep at the time of the MR). The management recommendations *state "the 10-acre habitat area is intended to provide for protection of the physical integrity of the nest(s) and retain adequate habitat for the expansion in the number of active nests at that site" (MR, p. 2).* Therefore, based on this information, the areas with RTV sites that have been dropped from the timber sale will allow for the expansion of new active sites. Additionally, late-successional habitat would be provided within the

5th field watershed and in the project area because of no treatment areas, riparian reserves, spotted owl core areas and 15% late-successional forest retention (RMP 38-40).

RTV Survey Protocol

The most recent RTV surveys conducted in the East Fork project area used the Modified Line Transect Method identified in the protocol version 2.1 (Survey Protocol for the Red Tree Vole, Version 2.1, October 2002) and were followed up with tree climbing surveys to determine nest status. The protocol identifies the Modified Line Transect Method as the appropriate survey method to use for stand-level projects, such as timber sales (p. 11). These survey techniques are designed to cover a large percentage of the survey area to ensure detection of red tree vole nests since RTVs tend to occur in low numbers and in somewhat clumped distribution (p. 10). However, the protocol is not designed to locate 100% of the nests. These surveys techniques located RTV sites in the best suitable habitat within the East Fork project area. The Modified Line Transect Method was used in the original protocol version 2.0 (February 2000) and is still proposed in the most recent protocol version 2.1 (October, 2002) as the most appropriate survey method for stand-level projects. Protocol version 2.1 does consider climbing in old growth stands to determine RTV presence. However, this is only appropriate when other survey methods detect very few or no RTV nests in suitable habitat and this was not the case in the East Fork project area. RTV presence was confirmed from modified line transect survey methods and subsequent tree climbing. Known RTV sites within the East Fork project area were buffered according to the Management Recommendations for the Oregon Red Tree Vole Version 2.0 (Sept. 27, 2000).

We are required to follow protocols designed by the taxa team and using other survey methods would not meet the intentions of our pre-disturbance requirements. Therefore, issues raised regarding the inadequacy of our survey methods are outside of the scope of the East Fork project area.

NEST Surveys

In August and September of 2006, the Northwest Ecosystem Survey Team (NEST) submitted 31 samples of RTV materials they collected by climbing trees in the East Fork Illinois Project Area. The Grants Pass Resource Area Wildlife Biologists reviewed all of the data and samples provided by NEST. Based on samples submitted to the BLM, we acknowledge NEST identified resin ducts and RTV evidence from Active and Inactive nests. However, additional surveys would be required by BLM contractors to climb and verify RTV presence and current nest status. Therefore, these sites do not qualify as Known Sites because they do not meet the definition of a Known Site as stated in the 2001 ROD, "*Historic and current location of a species reported by a credible source, available to field offices, and that does not require additional species verification or survey by the Agency to locate the species."* In fact, in the Tennessee Lime project area, RTVs were detected during protocol ground surveys in the same units that the NEST team did not detect RTV during tree climbing.

The BLM did not perform additional work to verify the potential RTV nests located by the NEST group because all of the units where they climbed have been dropped and are not included in this Decision Record. Additionally, some of the nests they located are already in previously buffered areas.

Changes to Effects Analysis

Because RTV buffers would remove more acreage from the timber sale than originally proposed in the EA, the effects on RTVs and other late-successional associated species are expected to be less. The late-successional habitat remaining post-harvest would be approximately 303 acres instead of the 264 acres disclosed in the EA (pp. 58-59). The last two paragraphs on page 58 are changed as follows (new numbers are in bold type). As Alternative 2 is chosen in the DR (p. 4), only the figures for Alternative 2 are changed:

> In alternative 2, timber harvest is proposed in **88** acres of suitable NRF habitat, and in alternatives 3 and 4, harvest is proposed in approximately 98 acres and 260 acres, respectively. In the following discussion, degraded means that habitat remains suitable, retaining snags and coarse wood important to successful owl nesting, and a minimum 60% canopy closure, but habitat is of lower quality. Downgraded means that NRF habitat has been downgraded to dispersal habitat. NRF removed means that canopy closure is reduced to <40% in NRF habitat resulting in nonsuitable habitat. Dispersal removed means that canopy closure is reduced to <40% resulting in habitat which does not meet any needs for spotted owls. Dispersal habitat is "dispersal only" and does not include suitable habitat which also meets owls' needs for dispersal.
>
> Alternative 2 would **not remove any** suitable habitat **as there is no structural retention proposed** and downgrade approximately **88** acres (**16%** of the project area and **10%** of the sub-watershed) of suitable habitat into dispersal. Dispersal habitat would increase by a net **13** acres (**3**%) (increase by **88** acres from suitable degraded and decrease by **75** acres by dispersal downgraded) and non-suitable habitat, due to habitat removal (**75** acres of dispersal downgraded), would increase by **75** acres (**8**%) within the project area.

Note that it is assumed that dispersal habitat in the project area will be removed; however, it is likely that treatments will retain 40% canopy and habitat will remain suitable for dispersal. Therefore, the ultimate effects, including cumulative effects of project activities on late-successional associated species would be less than disclosed in the EA, and are likely less than stated above.

**IV. Pacific fisher**

A comment letter stated that a fisher had been sighted in the project area several years ago. Another comment questioned whether fishers could move in response to disturbance. Based on these comments, this section supplements information in the EA (pp. 65-69) on Pacific fisher.

**Listing Process and Reasons for Listing as a Candidate Species**

In the 90-day Finding for a Petition to List the Distinct Population Segment of the Fisher in its West Coast Range as Endangered and to Designate Critical Habitat, the U.S. Fish and Wildlife Service (USFWS) concluded that: "Preliminary analyses indicates West Coast fisher populations, particularly in the southern Sierra, may be at significant risk of extinction because of small population size and factors consequent to small population size such as isolation, low reproductive capacity, demographic and environmental stochasticity." (69 Fed. Reg. 18789 (April 8, 2004))

In the USFWS Finding for a Petition to List, they concluded that the Pacific fisher was warranted-but-precluded for listing under the Endangered Species Act. (68 Fed. Reg. 18770-18792 (April 8, 2004)).

In their 2006 update on the status of the Pacific fisher (*Martes pennanti*), the USFWS reiterated that the Pacific fisher is warranted for listing under the Endangered Species Act, but precluded by higher priority actions. They define the reasons for listing as: "Major threats that fragment or remove key elements of fisher habitat include various forest vegetation management practices such as timber harvest and fuels reduction treatments. Other potential major threats include: Stand-replacing fire, Sudden Oak Death *Phytophthora*, urban and rural development, recreation development, and highways." (71 Fed. Reg. 53777 (Sept. 12, 2006)). Major threats that lead to direct morality include vehicles, predation and viral borne diseases. The USFWS defines the magnitude of threats as high as they occur across the range of the Distinct Population Segment (DPS), resulting in a negative impact on fisher distribution and abundance. However, they state that the threats are non-imminent and that the greatest long term risks to the West Coast DPS are the subsequent ramifications of the isolation of small populations (Id.). The USFWS also states that the three remaining fisher populations "appear to be stable or not rapidly declining based on recent survey and monitoring efforts." (Id.)

**Habitat Description**

The USFWS describes late-successional habitat as providing key habitat characteristics for resting, denning or foraging habitat. They conclude that, "[t]he key aspects of fisher habitat are best expressed in forest stands with late-successional characteristics. Fisher use habitat with high canopy closure, large trees and snags, large woody debris, large hardwoods, multiple canopy layers, and avoidance of areas lacking overhead canopy cover. …Late-successional coniferous or mixed forests provide the most suitable fisher habitat because they provide abundant potential den sites and preferred prey species." ((69 Fed. Reg. 18775)

The USFWS further defines resting and denning habitat as, "stands with certain forest characteristics for resting and denning such as large trees and snags, course woody-debris, dense canopy closure and multiple-canopy layers, large diameter hardwoods, and steep slopes near water" [citations omitted] (69 Fed. Reg. 18774). They define foraging habitat as similar to resting habitat and "…often typified by characteristics associated with mature and late-successional forests [citation omitted]. However, fishers have been found to use a broader range of successional stages for hunting than for resting… more structurally complex forest seemed to have been preferred for both activities. …In their use of younger forests, fishers in Idaho still appear to select localities with higher availability of large-diameter trees, snags and logs… Complex down woody material including large down logs, and multi-layered vegetative cover are important habitat elements for fishers." (Id. at 18774-18775). As fishers appear to use a wider variety of habitats for foraging, those habitats are not limited. Fishers are also known to occupy and reproduce in some managed stands that retain "habitat elements important to fisher, such as relatively large trees, high canopy closure, large legacy trees, and large wood debris, in second-growth forest stands (Klug 1997; Simpson Resource Company 2003" (Id. at 18775).

It is important to note that the above information supports the contention that it is the key structural characteristics that are important to successful fisher foraging, survival and reproduction.

**Correlation with Spotted Owl Habitat**

The BLM classifies Northern Spotted Owl habitat on federal lands based on these same structural characteristics using a McKelvey rating system, and therefore, rating and analysis of fisher habitat utilizing this same system is an appropriate and valid analysis. There is a direct correlation between

spotted owl habitat definitions for nesting and foraging with key characteristics of fisher habitat for denning/resting and foraging, respectively. Spotted owl habitat, and associated fisher key habitat characteristics, as rated by the McKelvey system on federal lands, is described as follows:

**McKelvey 1: Nesting** (Optimal – meets all life requirements) Canopy closure greater than 60% and canopy structure multi-layered. Overstory trees greater than 21" in diameter with large snags, broken top trees present and down trees on the forest floor. Best indication we have for planning purposes to estimate old growth habitat (late-successional).

**Pacific Fisher Denning/Resting:** "…stands with certain forest characteristics for resting and denning such as large trees and snags, course woody-debris, dense canopy closure and multiple-canopy layers, large diameter hardwoods, and steep slopes near water Powell and Zielinski 1994; Seglund 1995; Dark 1997; Truex et al. 1998; Self and Kerns 2001; Aubrey et al. 2002; Carroll et al. 1999; Mazzoni 2002; Zielinski et al. in press 2003b)" (69 Fed. Reg. 18774).

**McKelvey 2: Foraging** (Foraging, Roosting and Dispersal) Canopy closure greater than 60% and canopy structure generally single-layered. Overstory trees generally greater than 16" in diameter. Snags and down wood not considered a requirement. Best indication we have for planning purposes to estimate mature habitat (late-successional).

**Pacific Fisher Foraging:** foraging habitat is similar to resting habitat and is "…often typified by characteristics associated with mature and late-successional forests (Jones and Garton 1994; Zielinski et al. 1997c)." (Id. at 18774). However, fishers have been found to use a broader range of successional stages for hunting than for resting and appear to be "flexible in requirements for foraging habitat" and "[s]election of foraging habitat may be driven by habitat relationships of primary prey species." (Id.).

**McKelvey 3: Potential** (meets no known requirements for spotted owls) Canopy closure less than 40%. Disturbance (logging, fire, etc.) created condition but the area has the capability of becoming foraging or nesting habitat.

**McKelvey 4: No Potential** (meets no known requirements for spotted owls) Canopy closure less than 40%. Natural limitations of the site will not allow the development of either foraging or nesting habitat. Examples would be meadows, chapparal, oak woodlands.

**McKelvey 5: Dispersal/Potential** (provides requirements believed important for spotted owl dispersal) Canopy closure between 40% and 60%. Disturbance (logging, fire, etc.) created condition but the area has the capability of becoming foraging or nesting habitat.

**Mckelvey 6: Dispersal/No Potential** (provides requirements believed important for spotted owl dispersal) Canopy closure between 40% and 60%. Natural limitations of the site allow the development of sufficient canopy closure for dispersal but not enough for either foraging or nesting habitat. Examples would be some serpentine influenced Jeffrey pine stands, low elevation ponderosa pine stands, hardwood stands of madrone, madrone/Douglas-fir.

Note that the USFWS states that foraging habitat is similar to resting habitat (69 Fed. Reg. 18774). They clearly define forest characteristics which fisher appear to select for. These characteristics are found predominantly in McKelvey 1, but can also be found in McKelvey 2, thus analysis of fisher

habitat utilizing the McKelvey rating system is applicable for both resting and denning, and for foraging habitat. The characteristics of, "mature and late-successional forests with "high canopy closure, large trees and snags, large woody debris, large hardwoods, multiple canopy layers and few openings" are generally not found in spotted owl dispersal (McKelvey 5 & 6) or less suitable habitat (McKelvey 3 & 4).

The discussion in the Federal Register cites older forests and removal of key elements of fisher habitat, specifically stating that nesting and denning habitat is the pertinent issue, and implies that foraging habitat is not limiting: "Powell and Zielinski stated that early- and mid-successional forest are unlikely to provide the same prey resources, rest sites, and den sites as more mature forests. The also suggested that habitat for resting and denning sites may be more limiting for fishers than foraging habitat" (68 Fed. Reg. 41170). The USFWS identifies the important habitat elements as: "Complex down woody material including large down logs, and multilayered vegetative cover are important habitat elements for fishers." (69 Fed. Reg. 18775)

While timber harvest and fuel hazard reduction treatments were listed as threats in the Federal Register listing process, remaining fisher populations appear to be stable or at least not declining rapidly ." (71 Fed. Reg. 53777, 2006). The USFWS states that these threats are non-imminent and the primary threat is the distance between populations and the ramifications of the isolation of these populations.

The Federal Register Summary of New Candidates for the Pacific fisher (71 Fed. Reg. 53777, 2006) notes that the extant populations in their West Coast range are small and isolated from one another: "…there is a lack of detections over much of the fisher's historic range, even with standardized survey and monitoring efforts in California, Oregon and Washington. There is also a high degree of genetic relatedness within some populations, and populations of native fisher in California are separated by four times the species' maximum dispersal distance. The above listed factors all indicate that the likely extant fisher populations are small and isolated from one another."

**Environmental Consequences**

**Alternative 1, No Action**
The effects of the no action as disclosed in the EA, continue to be valid. The current status of the Pacific fisher would remain unchanged and the Siskiyou Mountain population of fishers in Northern California and Southern Oregon would continue to be isolated from other extant West Coast populations in the DPS.

**Alternatives 2, 3 and 4**
Besides acknowledging the fishers have been sighted in the project area, the effects analysis in the EA remains valid. The effects on habitat and potential resultant effects on the species were acknowledged as appropriate. The only substantive change is the considerable reduction in timber harvest because of additional RTV buffers (see above); the EA proposed timber harvest on up to 592 acres (EA p. 6), which has been reduced by 230 acres; therefore, effects are anticipated to be less than disclosed in the EA. Additionally, final timber sale acres will likely be less based on economic feasibility of harvest and other factors.

Maintaining key structural characteristics that fishers select for continues to provide for fisher foraging, denning/resting and reproduction (see Simpson Resource Company citation (from Fed.

Reg.) above). The East Fork Illinois project retains key structural characteristics of large trees, snags and down wood; additionally, even in younger forests in which these complex forest structural components are retained, "and which provide a diverse prey base, may be suitable for fisher (Lewis and Stinson 1998)." (71 Fed Reg. 53777, 2006)

Note that the effects that will occur under the no action alternative include the isolation of extant populations, the primary threat to the species. The East Fork Illinois project would not exacerbate this problem.

In accordance with section 7 of the ESA, the BLM analyzed project activities for their potential to affect to the following plant species; the endangered Gentner's fritillary (*Fritillaria* gentneri) endangered Cook's lomatium (*Lomatium cookii)*, endangered large-flowered woolly meadowfoam (*Limnanthes floccosa ssp. grandiflora*), and McDonald's rockcress (*Arabis macdonaldiana*). In August 2008, BLM prepared a BA to evaluate impacts to listed plant species In September 2008 the USFWS gave BLM a letter of concurrence (LOC) (Tails # 13420-2008-I-0136). The BLM is implementing all applicable PDCs in accordance with the mandatory terms and conditions as specified in the LOC. The Service stated that the proposed action will not jeopardize the continued existence of ESA listed species.

**Critical Habitat for Cook's Lomatium (*Lomatium cookii*)**
After the EA was released the U.S. Fish and Wildlife Service proposed Critical Habitat for the Federally Endangered plant Cook's desert parsley (*Lomatium cookii*) (Federal register, Vol 74, No. 143, Tuesday July 28, 2009, pages 37314-37392). Proposed Critical Habitat for the Federally Endangered plant *Lomatium cookii* is located within the East Fork Project Boundary. Approximately 419 acres of the total project area are within Critical Habitat Unit (CHU) IV12, but there are no proposed treatment units within the CHU. The project would not adversely modify or cause destruction to the critical habitat because proposed treatments are not located within the CHU. The CHU ruling is located in the Federal Register, Vol 74, No. 143, Tuesday July 28, 2009, pages 37314-37392.

## V. Minor corrections to the EA

The following description for riparian reserve treatment clarifies what was described in the EA (p. 13). The EA reads:

> **Proposed Action**
> **Alternative 2**
> Riparian reserve treatments would be based on local stand / vegetation conditions and would be designed to benefit aquatic systems and be consistent with ACS objectives. Riparian reserve widths and no treatment zones are displayed in Table 4. Unstable and potentially unstable areas (areas showing active movement and indications of past movement) are considered riparian reserves (NWFP, p. C-30, C-31). Treatments would not occur in the no-treatment zone adjacent to streams.
>
> Vegetation treatments would include thinning, brushing, hand piling and burning, and underburning. There would be 97 acres of fuel hazard reduction, 255 acres of density management and restoration thinning, 121 acres of wildlife habitat restoration (burning), and

11 acres of young stand management. Ignition of underburning would occur outside the no treatment buffers but could burn into the no treatment zone.

In thinning units outside the no treatment buffer, leave trees would be the largest in the stand. All trees showing old-growth characteristics would be left. Trees leaning towards the stream would be retained over trees leaning away from the stream. In general, riparian reserves would be treated for density management / understory reduction with a target canopy closure of 50-60% for late-seral stands.

This description remains valid except for the last sentence where the implication is that an understory reduction prescription is proposed. The actual treatment is that the understory would receive initial fuel hazard reduction (EA p. 7) by utilizing slash / hand pile/ underburn (SL/HP/UB) prescriptions from the fuel hazard reduction section (EA p. 8) as well as treatment of all activity generated fuels from harvest (EA p. 11).

No other errors were found by BLM staff or surfaced during the public comment period. This Erratum supplements the information in the EA. Other than the corrections above, the remainder of the EA remains valid including the No Action alternative description and effects analysis.