



# United States Department of the Interior

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IN REPLY REFER TO:

## ***FREE & EASY 2 FOREST MANAGEMENT PROJECT DECISION RECORD / RATIONALE / FONSI***

### **I. BACKGROUND**

The Free & Easy 2 Forest Management Project is based on a re-evaluation of the 1995 Free & Easy Timber sale area with the addition of two parcels of land: T.39S.,R.8W., Sections 14 and 23. The Free & Easy timber sale was initially offered in January 1996 but received no bids. It was reoffered on February 8, 1996 but again received no bids. Beginning in the spring of 1998, an interdisciplinary team began review of the earlier project area, expanded it and changed some of the proposed actions. The Free & Easy 2 Forest Management Project is the result of this analysis.

The BLM's interdisciplinary planning team designed the Free & Easy 2 Project based on current resource conditions in the project area and within the context and direction of the Medford District Resource Management Plan (RMP) and the Northwest Forest Plan. The proposals evaluated in the EA reflect what the planning team believed to be the best balance of these factors.

### **II. DECISION**

The decision is to implement Alternative 2 (the proposed action) for the Free & Easy 2 Project as presented in the Free & Easy 2 Forest Management Project Environmental Assessment (EA #OR1 1 O-O 1 - 15, November 2000), *except* as follows

1. The riparian reserve width for intermittent (Class 4) streams shall be 100' as stated on page 12, not the 150' incorrectly stated on page 4. The 100' reserve width is consistent with the widths specified in the RMP.

2. The CT/SR and CT silvicultural / harvest prescriptions for Units 14- 1 and 14-2 (p. 58) have been changed to "no overstory treatment". Implementing protective buffers around identified survey and manage species sites (e.g., Red Tree Vole nest trees) reduced the potential for effective stand thinning in these units. The proposed understory treatments remain unchanged

3. Seed mixes for erosion control work (p. 9) will be limited to a combination of native grasses and annual or cereal ryes. The annual or cereal ryes are necessary for immediate erosion control because they germinate immediately, but do not persist. The native seed used will be from

sources in Southwest Oregon/Northwest California to the greatest extent possible. Recognizing that the availability of appropriate seed from this geographic area may be limited, the geographic source may be broadened to include species native to the Pacific Northwest or the Intermountain region, if necessary.

4. As proposed in the July 25, 2001 EA addendum, a portion of Road #39-8-17 will be moved / widened and its junction with West Side road relocated to place all of the road on BLM land. Relocation is necessary due to the adjacent landowner's preference to not encumber his property with an easement grant to the BLM. This road is currently closed to public vehicle use and will continue to be closed.

5. The 1.7 miles of temporary spurs proposed for construction in Sections 14 and 23 are not needed due to proposed harvest / overstory treatment changes (see Proposed Mitigating Measure #3 below) and will not be constructed. The 0.1 miles of temporary spur proposed to be constructed in Section 17 is also not needed and will not be built (see EA addendum). The result of these changes is that of the approximately 1.9 miles of temporary spurs proposed and evaluated in the EA, only an estimated 2,000' will be constructed.

6. The proposed treatment in Unit 11-4 is changed from a commercial thin (CT) to "no treatment" due to its proximity to a spotted owl core area.

7. The silvicultural / harvest prescription (CT, CT/SR) is changed to "no treatment" in the following units: (a) units 23-1, 14-1, 14-2, and 14-5 in their entirety; and (b) portions of units 11-2, 14-4, 23-2, 23-3, and 23-6. Extensive "no treatment" protective buffers for survey and manage species (e.g, Red Tree voles) were implemented in these units. The residual acres and potential thinning acres were reduced to a level that cost effective thinning was judged not to be possible.

8. Slash treatment / understory treatment changes (Table B-1) are as follows:  
(a) There would be no fuel reduction treatments (post harvest or non-timber harvest related) in Units 14-1, 14-2, 14-3 or 14-6(007 in the center of the section). Obtaining and providing access to these units was contingent on the harvest proposal which, as noted above, will not be pursued in order to provide appropriate levels of S&M protection. (b) Unit 14-4 - treatments are changed to selective girdling as noted, selective slashing, handpile and burn, and underburn. (c) Unit 15-3 - treatments are changed to selective slashing, handpile and burning. (d) Unit 23-1 - selective slashing, handpile and burning are added understory and slash treatments in Unit 23-1.

9. The proposed action addressed in the October 15, 2001 Free & Easy 2 EA Addendum to change some fuel reduction and slash treatments to include the use of a mechanical shredder (slash buster) is partially accepted. The accepted portion of the proposal will permit the use of a slash buster machine to treat slash after commercial harvesting on approximately 68 acres (portions of Units 17-3, 23-2, 23-3, 25-3 and 33-1). The portion of the proposal not accepted at this time is the proposal to treat fuels with a slashbuster on the approximately 333 acres where natural fuels reduction, precommercial thinning, habitat restoration and fuel hazard reduction are the treatment goals (portions of Unit 14-6, 23-3, 23-4, 23-6, 25-1 and 25-1).

10. All units that have occupied Red Tree Vole (RTV) nests will have the slash treated by hand piling and burning. No hand piles will be burned within 50' from the edge of the drip line in trees identified as being occupied by RTVs. Piles that have potential to "smoke out" or "heat up" trees identified as occupied will be left unburned.

11. The March 1 to June 15 seasonal operating restriction precluding all timber sale activities within 1/4 mile of active spotted owl nests (p. 10) is changed. The restrictions will be in effect between March 1 and June 30. This change is based on the mandatory project design criteria (PDC) included in the USFWS's October 12, 2001 Biological Opinion for FY02-03 timber sales.

It is recognized that additional changes from the EA have and will continue to occur as a part of the continual refinement of the Free & Easy 2 project throughout the implementation aspects of the project. Such changes and refinements are a normal part of the implementation of projects such as Free & Easy 2 project. These changes reflect the BLM's ongoing effort to reduce potentially adverse environmental impacts to levels below those anticipated in the initial assessment of proposed action while meeting the blend of objectives outlined in the EA. It also reflects the incorporation of and response to new information that arises during project information. For example, since the EA was prepared much refinement of the timber harvest / thinning acreage has occurred as a result of the on the ground implementation of the riparian reserves and survey and manage species buffers. In section 11, for example, commercial thinning acres will be reduced to approximately 23 acres (vs. 82 acres in the EA) as a result of implementing special status species buffer areas. Overall, a 40% reduction of timber harvest acres from an initially proposed 474 acres to 290 acres will occur. Harvest volume has also declined from the initial proposal.

The project design features described in the EA are an integral part of the proposed action and are to be implemented, *except*: where the species and protection measures for special status and S&M plant and animal species outlined in the EA are different from the species and protection measures set forth in the January 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*, the latter document shall in all cases take precedence.

The decision is to implement the proposed mitigating measures as follows:

1. Proposed mitigating measure #1: Accept. *Bryoria tortuosa* is a Category D species (January 2001 SFEIS). The management requirement for Category D species is that pre-disturbance surveys are no longer necessary but that known sites would be managed until high priority sites are determined. Unit 15-4 has been resurveyed (March 2001), the source tree located, and a species appropriate buffer established.

2. Proposed mitigating measure #2: Rejected. Due to the amount of Red Tree vole buffers within the project area, snag depletion is no longer a concern. RTV buffers will maintain 100% of their current snag levels. Consequently, it is anticipated that, project wide, snag levels

will be greater than the 40% cavity nesting potential guideline.

3. Proposed mitigating measure #3: Reject as moot. The proposed treatment prescriptions for Units 14-1 and 2 have been changed and the anticipated road improvement is not needed and will not be done (see #5 above).

4. Proposed mitigating measure #4: Reject. The landing this measure addressed will not be needed or constructed.

5. Proposed mitigating measure #5: Reject. The thinning / logging this measure addressed will not be implemented. (See above)

6. Proposed mitigating measure #6: Accept. The prescribed burning work will be managed in a manner that will keep the caves smoke free.

The decision is to implement the proposed mitigating measures included in the October 15, 2001 EA Addendum regarding the use of a slash buster machine as follows:

1. Proposed mitigating measure #1: Accept. The proposed noxious weed treatment will be implemented.

2. Proposed mitigating measure #2: Accept. This will keep the tracks of the slashbuster machine as far away from *Cypripedium* buffers as possible.

3. Proposed mitigating measure #3: Accept.

4. Proposed mitigating measure #4: Accept.

5. Proposed mitigating measure #5: Accept.

### **III. DECISION RATIONALE**

Alternative 1, the No Action Alternative, is rejected because it does not meet the objectives identified in the Medford District Resource Management Plan. It would 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 would perpetuate or promote undesirable resource conditions. With the No Action, these conditions would not be improved or mitigated; certain undesirable ecological trends would continue unchanged and, in some cases, would be exacerbated with the passage of time. For example, high fire hazard conditions would continue and grow, stand vigor and forest health would continue to decline, and existing erosion problems would continue uncorrected.

Alternative 2 is selected because it implements the Medford District RMP and the Northwest

Forest Plan. It will also meet the purpose of and needs for action and the objectives as outlined in the EA.

The Decision will also implement a range of activities that are consistent with and which promote a number of the goals of the BLM's Strategic Plan for FY2000 to FY2005:

*- Goal 1.2: Provide opportunities for environmentally responsible commercial activities;*

*- 1.2.3: By FY2005, consistent with established health standards, annually offer for sale, on a decadal average, 211 million board feet of timber in western Oregon (Oregon and California Grant Lands).*

The Free & Easy 2 project estimates that the thinning of stands to create more healthy stand conditions will also provide an estimated 1.7 MMBF of timber.

*- Goal 1.4: Reduce threats to public health, safety and property.*

All of the areas to be thinned include fuel treatments to reduce the fuel hazard levels and in turn provide better protection of public property / resources. There are other areas where fuel and fire hazard reduction is a primary objective. Fire behavior and suppression difficulties experienced in recent fires in southwest Oregon (e.g., the Quartz Fire) clearly demonstrate the fuel hazard conditions in local forests and the need for proactive fuel hazard reduction work that will reduce threats to public health, safety and property such as are a part of the Free & Easy 2 project's objectives.

*- 1.4.2: Assess the condition of BLM-maintained roads to identify public and administrative access needs, maintenance requirements to resolve public safety and environmental concerns, and prospective road closures.*

Preparation of the Free & Easy 2 project included road assessments of all of the roads in the project area. Maintenance and repair needs were identified. Roads were evaluated for closure opportunities. Road side brushing and pruning will be done as needed during maintenance work to enhance public safety. Approximately 1.9 miles of existing temporary roads constructed under the project will be decommissioned upon the conclusion of their use under the Free & Easy 2 Project.

*- Goal 2.2: Restore at-risk resources and maintain functioning systems*

*- 2.2.2: Achieve proper functioning condition or an upward trend on BLM-administered land.*

The Free & Easy 2 Project will result in an overall reduction in fuel loadings and stand densities moving them closer to historical levels. Roads will be repaired, maintained or decommissioned which will contribute to the attainment of the ACS objectives and towards maintaining properly

functioning systems. The project will also restore and reinvigorate a variety of habitats (e.g., meadows).

Because the October 15, 2001 EA addendum has just recently been completed and there has not been time for it to be made available for public review and comment, only a portion of the proposal is being accepted at this time. The present decision is to use the slash buster only in harvest units which will be logged with a ground based logging and yarding system. This treatment change is accepted because the potential soil impacts of the slash buster are similar to those already anticipated from a ground based yarding system. A decision regarding the proposed use of the slashbuster in non-harvest units is deferred at this time. This proposal will be evaluated after a public review and a comment period is held to better insure that potential environmental impacts are available for consideration.

#### **IV. CONSULTATION AND COORDINATION**

Pursuant with the Endangered Species Act, consultation was completed with the US Fish and Wildlife Service. The USFWS's October 12, 2001 Biological Opinion (log # 1-7-01-F-032) addresses timber sale projects for FY02-03 and therefore includes the Free and Easy 2 timber sale. It is the opinion of the Service that the proposed action would not jeopardize the continued existence of ESA listed species. The present decision regarding the Free and Easy 2 project's timber sale is consistent with all of the mandatory terms and conditions identified in this biological opinion. It also incorporates and meets all of the identified recommended conservation measures.

The Free & Easy 2 Project has been determined by the BLM to be a "not likely to adversely affect" project with regard to its potential to impact ESA listed anadromous fish. This determination has been reviewed and concurred with by the Level I stream lined consultation team and also reviewed through informal consultation with the National Marine Fisheries Service. NMFS concurred with this determination which is documented in their June 21, 2000 letter of concurrence. The Free & Easy 2 Project changes noted above will not result in an appreciable change in the effects of the project upon which consultation was based. They will, in fact, result in a reduction of adverse environmental impacts as the acreage of vegetation treatments is reduced by the changes.

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 of the Grande Ronde were notified of this project during the scoping and / or 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**

Public notification and involvement for the Free & Easy 2 Project was initiated in 1998 with the

mailing of a scoping notice to individuals and organizations which had previously requested to be notified of such projects, Josephine County officials, native American Tribes, landowners of record (county tax rolls) for private land adjacent to the project area, and individuals and groups that provided comments during the planning of the earlier Free & Easy timber sale project. Comments received regarding the earlier Free & Easy timber sale EA were brought forward during the scoping for the present project. The EA briefly summarizes the comments and issues raised as a result of this scoping.

A formal public comment period on the Free & Easy 2 EA was provided during December 2000 - February 2001. The comment letters received were, in general, letters opposing any aspect of the Free & Easy 2 project that involved commercial timber harvest, road construction or any vegetation treatments that cut larger trees, that impacted old growth forests or that would impact the extent or quality of old growth forest in the project area or watershed.

The issues raised and preferences expressed in the letters are primarily forest plan level issues, as opposed to project level issues. The Northwest Forest Plan and the Medford District RMP include, as one of the management objectives for the matrix land allocation, the production of timber and forest commodities. The Free & Easy 2 project is located in the matrix land allocation and has been designed to be consistent with this objective as well as to meet the other matrix objectives including the prescribed levels of protection for special status species, streams and old growth / late-successional forest. The thinning prescriptions and vegetation treatments are primarily focused on the smaller trees and understory, although some large trees will be cut based on a consideration of the stand density conditions and tree conditions at the individual site. As noted above, much of the initially proposed spur road construction has been eliminated.

One commenting letter suggested that the methodology used in determining consistency with the NFP's 15% late-successional forest retention standard and guide was incorrect and that the conclusion of compliance should be re-evaluated. This standard and guide was reviewed and the alternative calculation based on all federal land classified as forest land (not just the more restrictive commercial forest land acreage) was completed. This review also incorporated information from the Forest Service's recent Middle Illinois watershed analysis. Based on this approach, approximately 59% of the federal forest land in the watershed is in a late-successional seral stage. The Free & Easy 2 project will not be cutting in old growth forest stands, although it will cut some older (>180 years) and larger (>24" DBH) trees. It will result in some changes to mature forest stands (a component of late-successional forest) but, as noted in the EA, only one unit (8 acres) will be moved outside of its current seral stage classification. Consequently, the Free & Easy 2 project will not reduce the extent federal forest land in a late-successional forest seral stage either close to or below the 15% level articulated by this standard and guide.

Early concerns were expressed regarding the potential impacts of timber harvesting on special status species in Section 11. As noted above, the acreage of harvesting declined appreciably as surveys identified specific species and the requisite protective buffers were implemented.

## **VI. CONCLUSION AND FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

Based on the information in the Free & Easy 2 Project EA and in the record, and the letters received from the public about the project, I conclude that the decisions in this Decision Record are consistent with the Medford District Resource Management Plan, the Record of Decision and Standards and Guidelines on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl and, the Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (January 2001). They are also consistent with the Endangered Species Act, The Native American Religious Freedom Act and cultural resource management laws and regulations.

On the basis of the information contained in the environmental assessment and a consideration of the letters received from the public regarding the Free & Easy 2 Project, it is my determination that the decision stated above will not result in significant impacts to the quality of the human environment beyond the range of impacts and effects considered in the RMP and NFP EIS documents and that were accepted in their respective Records of Decision and to which the Free & Easy 2 EA is tiered. Therefore, an Environmental Impact Statement is not warranted and will not be prepared.

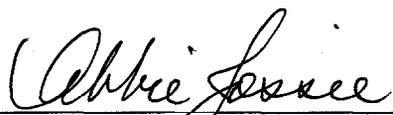
## **VII. ADMINISTRATIVE REMEDIES**

This decision is a forest management decision. Administrative remedies are available to persons who believe that they will be adversely affected by this Decision. 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 Regulations 43 CFR 5003.2(a&b), the effective date of the decision, as it relates to an advertised timber sale(s), will be when the first Notice of Sale for such a sale appears in a newspaper of general circulation in the area where the lands affected by the decision are located. This newspaper is 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.

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 not part of an advertised timber sale, will be the date of publication of the Notice of Decision and FONSI 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 date of publication in the Grants Pass Daily Courier will prevail as the effective date of this decision.

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



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Medford District, Bureau of Land Management



Date