

**United States Department of the Interior
Bureau of Land Management
Medford District
Glendale Resource Area**

**DECISION DOCUMENTATION
For the
Fortune Branch Timber Sale
As analyzed under the West Thin
Environmental Assessment
(DOI-BLM-OR-M080-2009-0005-EA)**

I. INTRODUCTION

The West Thin Environmental Assessment (EA) includes several forest management treatments designed to meet the Medford District Resource Management Plan (RMP). A Decision Documentation was previously completed for the Small Fortune and Swampwood Timber Sales to implement Alternative 2 of the West Thin EA. Other forest management activities were anticipated to be implemented. The Fortune Branch Timber Sale Decision Documentation includes other forest management activities. The Fortune Branch Timber Sale is located northeast of the community of Glendale within Township 32 South, Range 5 West, Section 17, Douglas County, Willamette Meridian. See attached map.

II. DECISION

I have decided to implement the proposed Fortune Branch Timber Sale as described in Alternative 2 of the West Thin EA, including the Project Design Features (PDFs). This decision is applicable only to the proposed 18 acres of commercial thinning and 11 acres of Progeny Test Site thinning. The stands to be commercially thinned are less than 80 years of age. The extraction of material would involve ground-based equipment. Depending on a post harvest review, activity fuels will be treated by, or a combination of, handpiling and pile burning, lop and scatter, and machine piling. The West Thin EA had anticipated stream protection distances of 110 and 125 feet using field data of slopes and geology, and guidance from the Ecological Protection Width Needs chart (Northwest Forest Plan ROD, B-15). The project hydrologist visited the intermittent stream that is parallel to, and crossing the 32-5-17.1 road. During this visit it was determined that a 75 foot no-cut buffer (for only this stream) would be sufficient for protecting all aspects of water quality along this stream due to the low slopes and stable soils found adjacent to the stream. Harvesting and associated activities are planned to occur between 2010 and 2013.

III. DECISION RATIONALE

The Selected Alternative (Alternative 2) addresses the purpose and need “for permanent forest production... in conformity with the principles of sustained yield for the purposes of providing a permanent source of timber supply” (O&C Act) and “reduce stand density for residual tree

development and provide an entry that is economical.” The No Action Alternative (Alternative 1) was not selected because this alternative would not meet the purpose and need of the project as described in Chapter 1 of the EA.

Two groups commented during the 30-day comment period on the EA and FONSI. The BLM responded in full to the groups (West Thin Decision Documentation Attachment). The commenters did not identify a flaw in assumptions, analysis, or data that would alter the environmental analysis disclosed in the EA or conclusions documented in the FONSI.

IV. PLAN CONFORMANCE

The implementation of this project will not have significant environmental effects beyond those already identified in the *Record of Decision and Standards and Guidelines of the Northwest Forest Plan* (1994) and the *Medford District Resource Management Plan and Record of Decision* (1995). The one known potential red tree vole nest is 100’ outside of the commercial thinning unit. The West Thin EA states that “Based on this analysis at both the site and landscape scale of the proposed activities in Alternative 2, it was determined that the actions are consistent with the nine objectives and the four components of the ACS. This determination was based on the small spatial and temporal disturbances associated with the proposed action” (EA, p.83).

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”).

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** (emphasis added);
- 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 of 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. Nevertheless, I have reviewed the Fortune Branch Timber Sale Project in consideration of both the December 17, 2009 and October 11, 2006 order. I have made the determination that the Fortune Branch Timber Sale Project meets Exemption A of the Pechman Exemptions (October 11, 2006 Order), and therefore may still proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision, since the Pechman exemptions would remain valid in such case.

V. PUBLIC INVOLVEMENT

The West Thin EA is a revision of the Revised Westside Project EA. The Glendale Resource Area included a legal description of the location, a vicinity map, a comment sheet for public comments, and a description of the proposed activities associated with the Westside Project EA in the BLM Medford Messenger quarterly publication beginning in the fall of 2004. Public scoping for the Revised Westside EA included mailing invitations to approximately 1,281 residents of the towns of Glendale and Azalea to attend a public scoping meeting. The public meeting was provided on April 28, 2005 at the Azalea Grange Hall. About 30 local residents attended. A scoping report was mailed to those attending the meeting and also to individuals and organizations expressing interest in Glendale Resource Area projects. The public comment period for the scoping report was from June 7, 2005 to July 7, 2005. The BLM received 32 public responses that were fully responded to in Appendix 3 of the Revised Westside EA, which the West Thin EA incorporates by reference. The West Thin EA was made available for public review in June 2009. Two groups commented during the 30-day comment period on the EA and FONSI. Those comments were fully responded to under the West Thin Decision Documentation dated August 13, 2009. As mentioned above, the commenters did not identify a flaw in assumptions, analysis, or data that would alter the environmental analysis disclosed in the EA or conclusions documented in the FONSI.

VI. CONSULTATION AND COORDINATION

Pursuant with the Endangered Species Act, BLM concurred on all actions authorized by this decision with the US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). Namely, all proposed projects are concurred by NMFS (Fisheries LOC 2008/04711). The BLM consulted with the USFWS for this project (LOC Tails # 13420-2009-I-0093), in which the Service concurred that the project may affect, but not likely to adversely affect, the northern spotted owl. The District also notified the Confederated Tribes of the Siletz and the Grand Ronde as well as the Cow Creek Band of the Umpqua of this project during scoping and the public comment period.

VII. FINDING OF NO SIGNIFICANT IMPACT (FONSI)

The proposed activities associated with the Fortune Branch Timber Sale were analyzed under the West Thin Environmental Assessment (DOI-BLM-OR-M080-2009-0005-EA). The EA included

a Finding of No Significant Impact (FONSI). As mentioned above, two letters of comment were received during the 30-day public comment period for the EA and FONSI.

It is my determination that Alternative 2 will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area and does not constitute a major federal action. No environmental effects meet the definition for significance, outside what has been analyzed in the higher level environmental documents, in context or intensity as defined in 40 CFR § 1508.27. Therefore an environmental impact statement will not be prepared.

VIII. AMINISTRATIVE REMEDIES

This decision is a forest management decision. Administrative remedies are available to persons who believe they will be adversely affected by this decision. In accordance with the BLM Forest Management Regulations (43 CFR § 5003.2(1)), the decision for timber sales will not become effective, or be open to formal protest, until the first Notice of Sale appears in a newspaper of general circulation in the area where the lands affected by the decision are located.

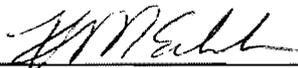
To protest a forest management decision, a person must submit a written and signed protest to the Glendale Field Manager, 2164 NE Spalding Avenue, Grants Pass, OR 97526 by the close of business (4:30 p.m.) not more than 15 days after publication of the Notice of Sale in the *Grants Pass Daily Courier* newspaper. The protest must clearly and concisely state which portion or element of the decision is being protested and why it is believed to be in error, as well as cite applicable regulations. Faxed or emailed protests will not be considered.

VIII. IMPLEMENTATION DATE

If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of the Notice of Sale, the decision will become final. The Notice of Sale is expected to be published May 26, 2010. If a timely protest is received, the decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and a final decision will be issued in accordance with 43 CFR § 5003.3.

VIII. CONTACT PERSON

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

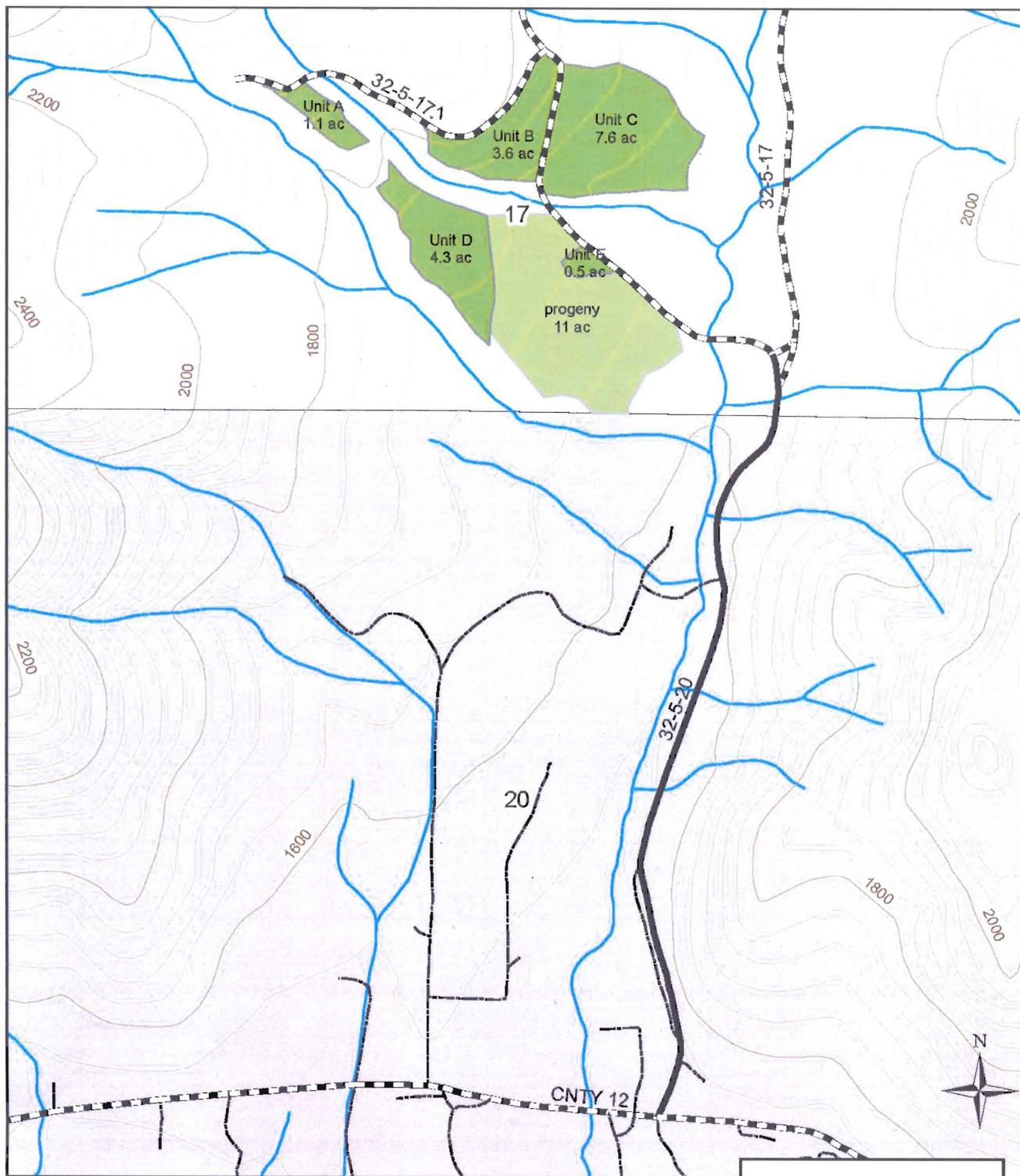


Katrina Symons
Field Manager, Glendale Resource Area
Medford District, Bureau of Land Management

5/25/10
Date

Acting For

Fortune Branch T.S. T.32 S. R.5 W. Section 17 29 Acres



0 315 630 1,260
Feet

1 inch = 620 feet

Legend	
Roads	Commercial Thin
Surface Type	Progeny Test Site Thin
— Paved	Federal
— Rocked	Non-Federal
— Natural Surface	
— Intermediate 40-ft contour	
— Index 200-ft contour	
— streams	



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