



**U.S. Department of the Interior
Bureau of Land Management**

Medford District Office
3040 Biddle Road
Medford, Oregon 97504

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Record of Decision, Upper East Kelsey Timber Sale in the Kelsey Whisky Landscape Management Area

As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

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Record of Decision, Upper East Kelsey Timber Sale in the Kelsey Whisky Landscape Management Area

Introduction

This is the third in a series of separate records of decision relating to the *March 2003 Kelsey Whisky Landscape Plan and Resource Management Plan Amendment and Final Environmental Impact Statement (FEIS)*. The first is the *Record of Decision, Medford District Resource Management Plan Amendment in the Kelsey Whisky Landscape Management Area, September 2003*; the second is *Record of Decision, Forest Health and Fuels Treatments in the Kelsey Whisky Landscape Management Area, November 2003*.

The FEIS presented an array of proposals that would implement management direction from the Medford District Resource Management Plan (RMP). It proposed treatments for fuel hazard reduction, density management, wildlife habitat enhancement, and non-commercial thinning (Preferred Alternative). The project area is within the 104,000 acre Wild Rogue Watershed, with the Wild Rogue Wilderness to the west, the Rogue Wild and Scenic River Corridor through the center, designated critical habitat for northern spotted owls and marbled murrelets, Late-Successional Reserve, and two connectivity/diversity blocks. The area is located about 26 miles northwest of Grants Pass, Oregon. The Bureau of Land Management (BLM) manages most of the watershed. The public lands within the FEIS area are designated as Oregon and California (O&C) lands.

Policies and Procedures Remaining in Effect

- 1) *Statutory requirements.* BLM has a legal responsibility to comply with the Federal Land Policy and Management Act of 1976, the National Environmental Policy Act of 1969, the Oregon and California (O&C) Sustained Yield Act of 1937, the Endangered Species Act of 1973, the Wilderness Act 1964, the National Wild and Scenic Rivers Act of 1968, the Clean Air Act of 1967 and other applicable statutes, Executive Orders, regulations, manuals and handbooks.
- 2) *National Policy.* BLM also has an administrative obligation to conform with current national policies or procedures regarding program development and coordination or for individual resources or uses.
- 3) *Funding levels and program activity or project funding allocations.* These are determined annually at the national level and are beyond the control of the field office. It is assumed that funding will be available to fully implement the changes in land use allocations and subordinate projects or activities. It is anticipated that the majority of these projects will be completed within 5-7 years, however the implementation could be longer if funding is limited.
- 5) *Timber Sale Decisions.* Timber sale decisions become effective upon notice of sale.

Alternatives Considered

We considered a number of alternatives for evaluation during the Landscape Planning process. Several were eliminated from further study. The FEIS includes a brief description of these alternatives and the reasons for their elimination from further study on page 2-4.

Four alternatives were considered for detailed analysis. These are summarized below. A more detailed description of the alternatives can be found in the FEIS on pages 2-3 to 2-27. Treatments per unit are described in Appendix 2 (pgs. A-13 to A-36) and road treatments in Appendix 3 (pgs. A-37 to A-41).

Alternative 1 identifies the highest level of timber harvest considered among the four alternatives. Various harvest methods are proposed including regeneration harvest, commercial thinning, commercial density management, and overstory removal. Subsequent fuels treatments and follow-up silvicultural treatments are proposed for the harvest units. Access to some units will be via a temporary spur road (see FEIS Map #4 and FEIS Appendix 3, pg. A-40) to be built and decommissioned as a part of this action. Other roads will be renovated to provide access (see FEIS Map #4 and FEIS Appendix 3).

Table 1 – Timber Harvest Unit Numbers and Harvest Type

| Unit # | Harvest type | Unit # | Harvest type |
|-------------|--------------|--------|--------------|
| 1-1 | RH | 8-2 | CT |
| 1-2 | RH | 11-1 | CDM |
| 5-1 | RH | 12-1 | OR |
| 6-2 | RH/CT | 12-2 | CDM |
| 6-3 (south) | RH | 12-4 | CT |
| 6-4 | RH | 13-1 | RH |
| 6-5 | RH | 18-1 | RH |
| 7-1 | RH | 31-1 | RH |
| 7-2A | CT | 35-1 | RH |
| 7-2B | CT | 35-2 | CT |

RH – regeneration harvest CT – commercial thin OR – overstory removal
CDM – commercial density management

Alternative 2 identifies similar harvest, thinning, fuels, silvicultural, and access road treatments as in Alternative 1. Regeneration harvest acres are fewer than in Alternative 1, with a slight increase in temporary road construction and subsequent decommissioning.

Alternative 3 or the continued existing management direction strategy, would involve no changes in current management of the planning area. RMP related routine management actions would continue to occur, including fire suppression, road maintenance and plantation maintenance. Planning for RMP implementation actions would be ongoing in the Resource Area, and would include the Wild Rogue North Watershed. The opportunity for timber harvest, fuels treatments and forest health treatments in this

watershed would continue to be a viable option for future entries under the no-action alternative as well as the three action alternatives.

Alternative 4 identifies the lowest timber harvest considered among the four alternatives with only commercial density management and commercial thinning. This alternative also includes similar fuels and silvicultural treatments as in Alternative 1. No temporary roads would be constructed.

Environmental Preferability of the Alternatives

The Council on Environmental Quality (CEQ, 1981) judges environmental preferability using the criteria in the National Environmental Policy Act (NEPA) and subsequent guidance. The CEQ has defined the environmentally preferable alternative as the alternative that will promote the national environmental policy as expressed in Section 101 of the NEPA. This section lists six broad policy goals for all Federal plans, programs, and policies:

- 1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- 2) Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- 3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- 4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- 5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- 6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Based on these criteria, identification of the most environmentally preferable alternative involves a balancing of current and potential resource uses with that of resource protection. The decisions are intended to facilitate and complement anticipated long-term forest health and commercial harvest activities within the landscape area in conformance with the intent of the existing Medford RMP. When viewed as a composite set of actions, all four alternatives fulfill CEQ policy goal #1 with different emphases and associated risks from actions and inactions. All three “action” alternatives modify the identified local surroundings of the planning area (CEQ goal #2) with minimal, if any effects, on human safety, and health. However, the level of facilitated and anticipated commercial productivity and associated employment opportunities may be considered, by some people, to be inversely proportional to the adverse effects on the esthetics and cultural values of the area. The four alternatives provide and document a diverse range of beneficial uses of the environment, with the associated impacts to the environment and other CEQ goal #3 consequences.

Resource uses could provide for higher standards of living from commodity production or local economic benefits from timber harvests and forest health treatments. Impacts would vary in proportion to acres treated and volume sold, with the greatest benefits under CEQ goals #5 and #6 under Alternative 1, then the lesser amounts, in descending order, under alternatives 2, 4 and 3. At the potential project level, benefits and impacts from the timber harvests and prescribed or assumed harvest methods are proportional to acres by alternative, but include various design features to minimize adverse effects under CEQ goals #2-4. None of the CEQ goals specifically mentions habitat connectivity or scarcity, but it could be inferred from all of the goal statements. The Rationale for the Decision section below indicates the significance of the alternative impacts and suggests that in this area, given existing conditions, all of the alternatives provide for habitat values, with the treatments, or lack thereof, creating both opportunities and risks for the future. Given all six CEQ goals, we find that Alternative 1 provides the best overall landscape management direction in support of our forest health treatment strategy and is the environmentally preferred alternative.

Management Considerations

Rationale for the Decision

The purposes and needs for the actions identified in the FEIS were expressed in the form of issues (FEIS pg 1-6). They emphasized the need to implement management actions identified in the Medford District Resource Management Plan. Avoiding loss of valuable resources by reducing fuel hazard was the first issue. In addition, issues included meeting annual forest management requirements, developing and implementing plans for harvesting trees, restoring sites, conducting forest health treatments, supporting access for fire response and timber harvest/silvicultural treatments, and improving the quality of the environment through maintaining, improving, or constructing roads.

The rationale for selecting Alternative 1 is based on how well the overall management strategy relates to the Resource Management Plan and is discussed above under Environmental Preferability of Alternatives.

The significance of each alternative was evaluated throughout the FEIS. Past timber harvest methods are described in the FEIS under Section 3.6. The current harvest proposals incorporated consideration of past harvest areas (see Appendix 14-1) when identifying potential harvest units by age class and density. Stand conditions and recommendations for treatments are described in the Silviculture Prescription (FEIS Appendix 3). Regeneration Success is described in the FEIS (Appendix 14-2). The activity fuels treatments and silvicultural treatments following harvest provide resource management in compliance with the Medford District RMP and address Issues 1 and 2. The proposed harvest activities under Alternative 1 support the effort to contribute economic stability of local communities and industries as required on O&C lands and address Issue 2. Temporary road construction other road treatments address the need for access described in Issue 4.

All three action alternatives would affect wildlife habitats through altering the density of trees and reducing canopy cover. The final EIS, on pages 4-19 to 4-25 addresses potential effects on Late Successional Habitat. Connectivity and fragmentation and anticipated impacts are discussed by alternative. Localized impacts are addressed, beginning on page 4-21, section 4.7.3.1. The composite of treatments for the planning area are designed to enhance long term forest health and meet RMP and Northwest Forest Plan objectives. Section 4.7.10 provides a *Summary of effects on late-successional habitat and species*, and while acknowledging cumulative effects, also notes the remaining sub-watershed late successional reserve forests will support both habitation and movement of late-successional species. And although there would be some effects to habitat corridors and connectivity, the cumulative effects of the overall landscape plan and individual projects are consistent with the Medford RMP.

Impacts to aquatic systems were analyzed through the Aquatic Conservation Strategy Consistency Analysis (FEIS Appendix 11). All surveys for Special Status and Survey and Manage species have been completed. Buffers and other protections will be applied where applicable (FEIS Section 2.3.3 pgs.2-12 to 2-14).

Discussion of potential impacts to Port-Orford-cedar (POC) through the mechanism of a root disease, *Phytophthora lateralis*, was included in the FEIS (FEIS pg. 4-30). One isolated, uninfected population of Port-Orford-cedar is known to occur within the planning area and was described (FEIS pg 3-16). If POC is found during implementation, protective guidelines current at the time of action will be applied.

Mitigation Measures

The BLM prepared an Environmental Impact Statement for this project because of the sensitivity of the area to the interested public. The Kelsey Whisky landscape planning area encompasses the Wild Rogue Watershed and includes designated critical habitat for northern spotted owls and marbled murrelets, a Late-Successional Reserve, and two connectivity/diversity blocks. The watershed borders the Wild Rogue Wilderness to the west, and has a portion of the Rogue Wild and Scenic River Corridor through the center of the planning area. Any project proposed in this area generates public controversy, and BLM believed that the purposes of NEPA would be best served by preparing an environmental impact statement to address any possible environmental concerns to the public. The analysis of the actions proposed for this portion of the project does not show any major impact of environmental concern. Furthermore, the proposed action already has incorporated into the design of the project alternatives design features that would minimize impacts (see FEIS section 2.3). For example, all alternatives include directional falling away from streams, follow-up tree planting and maintenance and release brushing.

Public Involvement in the Planning Process

The Kelsey Whisky planning involved the public through three public scoping meetings in June, July and October, 1999; through accepting comments on development of

alternatives and analysis of effects through March, 2001; through a 90-day comment period for the Draft EIS from April 12 through July 12, 2002; and through a 30 day protest/comment period for the Final EIS from April 21 through March 21, 2003. BLM received comments from the scoping as well as the two document review processes (DEIS: 145 comments; FEIS: 48 comments. The comments from the DEIS were evaluated and incorporated when revising the EIS text. The evaluation of the comments is included in the FEIS as Appendix 15 (also available on CD and at www.or.blm.gov/Medford under planning documents).

Two protests dealing with the exclusion of the ACEC from the Preferred Alternative were filed with the Director of the BLM and were resolved in July 2003. From the protests the Director identified two major issues which concerned maintaining a late successional corridor, and inconsistency with the purpose and need by not designating an ACEC. The Director found the cumulative effects to be consistent with the goals and objectives of the Medford RMP and the Northwest Forest Plan and would not diminish future opportunities for management.

Consultation with U.S. Fish and Wildlife Service

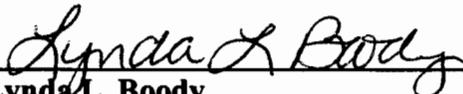
Consultation with the US Fish and Wildlife Service and NOAA Fisheries was conducted under Section 7, of the Endangered Species Act of 1973. We will adopt and implement any required terms and conditions which are identified in the biological opinions issued in the consultations under the Endangered Species Act.

Tribal Participation

Under Federal law and regulations, consultation with Native American Tribes who have an interest in the planning area is required. There are no areas within the Kelsey Whisky EIS Planning Area that are known to be currently important as Native American religious sites or are in use for traditional purposes.

Decision

Having considered a full range of alternatives, associated impacts, and public input, the decision is hereby made to implement the Upper East Kelsey Timber Sale portion of Alternative 1 in the Kelsey Whisky Landscape Management Plan, and as described above. The planning and analysis process as well as the resulting resource management directions have been developed and will be implemented in a manner consistent with the procedures and intent of the Federal Land Policy and Management Act of 1976, the National Environmental Policy Act of 1969, the Oregon and California (O&C) Sustained Yield Act of 1937, the Endangered Species Act of 1973, the Wilderness Act 1964, the National Wild and Scenic Rivers Act of 1968 and other applicable statutes, Executive Orders, regulations, manuals and handbooks.



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11/21/03
Date