

## **Determination of NEPA Adequacy (DNA)**

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

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Office: **Glendale Resource Area**

Tracking Number:

Casefile/Project Number: DOI-BLM-OR-M080-2011-003-DNA

Proposed Action Title/Type: Slim Timber Sale

Location/Legal Description of Units:

T31S-R4W-Section 25; T32S-R4W-Section 3, 13, 20, 28-32; and T33S-R5W-Section 3

### **A. Description of the Proposed Action and any applicable mitigation measures**

Portions of the Slim Jim Timber Sale (OR110-TS05-13) and Healthy Murph Timber Sale (OR110-TS06-24) had mutual cancellations of the timber sale contracts on January 29, 2010. The Medford District is proposing to re-offer the cancelled portions of these two timber sales along with the Fizzy Stew Project for bid under the name Slim Timber Sale, so the treatments authorized under the Slim Jim Timber Sale Decision, Healthy Murph Timber Sale Decision, and Fizzy Stew Project Decision Record may be completed. The Fizzy Stew Project was not economical to implement via a stewardship contract tool. The Slim Timber Sale is 231 acres of commercial density management in the Late-Successional Reserve land use allocation under the Medford District's 1995 RMP and within the Late Successional Management Area land use allocation under the 2008 RMP. Harvested trees would be whole tree yarded with tops attached as long as contractor can operate without causing unacceptable damage from bark slippage, girdling, broken tops, or damage to live crowns. Otherwise, trees would be required to be bucked and limbed. Log hauling on hydrologically connected rocked roads would occur by dry condition haul: hauling would not occur during wet road conditions, which are considered to result in continuous mud splash or tire slide, fines being pumped through road surfacing from the subgrade, road drainage causing a visible increase in stream turbidities, surface rutting, or any condition that would result in being chronically routed into tire tracks or away from designed road drainage during precipitation events. Log hauling on hydrologically connected natural surface roads would be restricted to the dry season, generally May 15 to October 15 of the same calendar year.

**Table 1. Slim Timber Sale Units**

Original Timber Sale	Unit	Acres	Logging System	Prescription
Slim Jim	3-1A	11	cable	Commercial Density Management (for all units listed in this table)
	13-1A	12	cable	
	25N-2A	11	cable	
	25N-3A	5	cable	
Healthy Murph	3-2	23	cable/tractor	
	28-1	9	cable	
	29-3	9	cable	
	30-2	10	tractor	
	31-4	28	cable	
	31-4A	8	cable	
	31-4B	2	cable	
	31-4C	2	cable	
	31-5	6	cable	
Fizzy Stew	S21-2N	4	tractor	
	S28-1N	9	cable	
	S28-1S	6	cable	
	S29-1N	16	cable	
	S29-1S	60	cable	

**Table 2. Slim Timber Sale Temporary Route Construction associated Decommissioning and Road Re-construction**

Road Work Activities	Location	Miles	Control	Surfacing
temporary route construction  (Decommission after use: Block, rip, waterbar, and mulch after use)	along ridgeline into Unit S29-1S	0.17	BLM	NAT
		0.06	BLM	NAT
	along ridgeline into Unit S28-1N	0.02	BLM	NAT
		0.05	BLM	NAT
	0.06	BLM	NAT	
along ridgeline into Unit S28-1S	0.05	BLM	NAT	
road re-construction	along ridgeline into Unit 3-1a	0.28	BLM	NAT

The purpose of this DNA is to document the recent review of this project for compliance with laws, regulations, executive orders, and Bureau direction, and to determine if additional environmental disclosures or changes to the Slim Jim Project Environmental Assessment (EA# OR-118-04-014) or the Revised Middle Cow LSR Landscape Planning Project Environmental

Assessment (EA#OR118-05-022) are necessary as a result of commercial density management of 231 acres under the Slim Timber Sale.

## **B. Land Use Plan (LUP) Conformance**

The Medford District initiated planning and design for this project to conform and be consistent with the Medford District's 1995 RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in *Douglas Timber Operators et al. v. Salazar*, which vacated and remanded the administrative withdrawal of the Medford District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the selected alternative contains some design features not mentioned specifically in the 2008 ROD and RMP. The 2008 ROD and RMP did not preclude use of these design features, and the use of these design features is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Medford District's 1995 RMP and the 2008 ROD/RMP.

The Slim Timber Sale 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.

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:

Thinning projects in stands younger than 80 years old (emphasis added);

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;

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

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, the Slim Timber Sale has been reviewed by the Glendale Resource Area in consideration of both the December 17, 2009 and October 11, 2006 order. Because the Slim Timber Sale entails no regeneration harvest and entails thinning in stands less than 80 years old, the project meets Exemption A of the Pechman Exemptions (October 11, 2006 Order), and therefore may be considered for sale offering.

**C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

**Environmental Assessments**

Slim Jim Project EA (EA#OR-118-04-014)

Revised Middle Cow LSR Landscape Planning Project EA (EA#OR118-05-022)

**Watershed Analyses**

Upper Cow Creek Watershed Analysis (2005)

Middle Cow Creek Watershed Analysis (1999)

**Late Successional Reserve Assessment**

South Umpqua/Galesville Late Successional Reserve Assessment (amended 2004)

**Consultation**

United States Fish and Wildlife Service

For the Fizzy Stew Project, a Letter of Concurrence was issued by the U.S. Fish and Wildlife Service (USFWS) on February 26, 2009, which concurred with the effects determination made by the Medford District BLM that the proposed action is a “may affect, not likely to adversely affect” to the spotted owl and its habitat. For the Healthy Murph Timber Sale, two Letters of Concurrence were issued by the USFWS one on June 13, 2007 and an updated one in July 2010 as a result of re-initiating consultation. For the Slim Jim Timber Sale, the wildlife biologist on the Slim Jim Project EA interdisciplinary team documented his determination that the timber sale would “not affect the spotted owl, destroy, or adversely modify designated critical habitat.

Therefore, it is my recommendation that Section 7 consultation with the U.S. Fish and Wildlife Service is not required”, (letter to the NEPA case file, 11/17/2005).

#### National Marine Fisheries Service

For the Revised Middle Cow LSR Landscape Planning Project EA and the Fizzy Stew Project, the fisheries biologists documented their determinations that these projects would have no effect on the Oregon Coast (OC) coho salmon, its critical habitat, or Essential Fish Habitat (EFH) in June 2006 and July 2008, respectively. Additionally, the proposed projects were determined to not hinder or prevent attainment of Aquatic Conservation Strategy Objectives at the Fifth Field (HUC) watershed scale over the long term. The riparian buffer widths, Project Design Features (PDFs), and Best Management Practices (BMPs) prevent any damage to fish-bearing streams with these projects. The proposed harvest and haul activities, temporary spur route construction, and hazardous fuel reduction activities combined with the associated PDFs would have no effect on OC coho or its critical habitat, nor would it have any adverse effects on EFH. Consultation under the Endangered Species Act and Magnuson-Stevens Act is not necessary because it was determined that there would be no effects due to the proposed activities for OC coho salmon, its critical habitat, and no adverse effects to EFH. The portion of Slim Jim Project included in the Slim Timber Sale is above the Galesville Dam and as listed in the Federal Register (Vol.73, 2008) is above critical habitat. Consultation is not necessary because there ins no critical habitat within the sale area.

#### **D. NEPA Adequacy Criteria**

- 1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

The units proposed for the Slim Timber Sale have the same prescriptions and same acreages for each unit listed in Section A, or less acreage for each of the original units analyzed in the Slim Jim Project EA (EA#OR-118-04-014), Supplemental Information Report for the Slim Jim Project, and Revised Middle Cow LSR Landscape Planning Project EA (EA#OR118-05-022).

Temporary route construction, waterbarring, and barricading have been completed for Unit 13-1a of the Slim Timber Sale, previously offered under the Slim Jim Timber Sale. The waterbar and barricade will be removed to complete work on Unit 13-1a. Once this work is completed the route would be decommissioned. Road re-construction of an existing road is needed to access Unit 3-1a (0.28 miles), this road was analyzed for temporary road construction in the Slim Jim Timber Sale (EA#OR118-04-014). Road re-construction would have less ground disturbance than temporary route construction, since road re-construction restores an existing road to a condition that can support haul rather than creating a short-term road where there was not one previously.

Since no implementation began on the Fizzy Stew Project, six short temporary spur routes need to be constructed (totaling 0.41 miles) to access three units of the Slim Timber Sale. These spurs would be decommissioned once harvesting and treatment of activity fuels are completed. Temporary route construction and subsequent decommissioning was analyzed for in the Revised Middle Cow LSR Landscape Planning Project EA (EA#OR118-05-022). In the Fizzy Stew Project Decision Record, the total length of temporary route construction was reduced from 0.75 miles to 0.45 miles, and the number and location of these routes were modified to be located along ridgelines to more efficiently harvest the units and avoid a steeper location for temporary route construction. The more continuous roads would result in less ground disturbance. The Slim Timber Sale would also cable yard two of the original Fizzy Stew Project units by cable yarding (S29-1N and S29-1S) rather than by the tractor logging system analyzed in the Revised Middle Cow LSR Landscape Planning Project EA. This modification was made in the Fizzy Stew Project Decision Record, since tractor logging is no longer logistically and economically feasible for the remaining portions of these units. A cable logging Project Design Feature (PDF) of the Revised Middle Cow LSR Landscape Planning Project EA, was modified in the Fizzy Stew Project Decision Record from “All trees to be yarded in cable units would be limbed and cut into lengths not to exceed 41 feet prior to yarding to minimize damage to residual trees,” (p.31) to “Whole tree yarding with tops attached to the last log would be permitted as long as contractor can operate without causing unacceptable damage from bark slippage, girdling, broken tops, or damage to live crowns. If it is determined by the Authorized Officer that unacceptable amounts of damage is occurring, trees would be required to be bucked and limbed as directed by the Authorized Officer. Delivered log length not to exceed 41 feet.” These modifications were reviewed by the interdisciplinary team before the Field Manager issued the Decision Record on Fizzy Stew Project. The specialists assessed the changes to be minor and did not change the scope of the action analyzed, nor did the modifications affect the adequacy of the analysis contained in the Revised Middle Cow LSR Landscape Planning Project EA (EA#OR118-05-022).

The Slim Timber Sale would make two additional modifications. To expand the “cut to length” PDF change to “whole tree yarding” for the rest of the sale, and change of log hauling timing PDF on rocked roads from “dry season” as analyzed in the Slim Jim Project EA (EA#OR-118-04-014) and Revised Middle Cow LSR Landscape Planning Project EA (EA#OR118-05-022) to “dry condition”. The log haul timing PDF would be changed from, “Where hydrologically connected, log hauling on natural surface roads would generally only be allowed between May 15 and October 15 of the same calendar year. The Authorized Officer may approve a provisional off-season log hauling agreement, if dry weather and soil conditions exist during the restricted hauling season. The purchaser would be required to request the off-season log haul from the Field Manager in writing,” to “Where hydrologically connected, log hauling on rocked roads would not occur under wet conditions to protect water quality. Surface displacement such as rutting or ribbons, continuous mud splash or tire slide, fines being pumped through road surfacing from the subgrade, road drainage causing a visible increase in stream turbidities, or any condition that would result in being chronically routed into tire tracks or away from designed road drainage during precipitation events.” Dry condition haul was assessed to have the same effects on water quality and sedimentation as dry season haul (generally May 15 to October 15). Dry condition haul considerably reduces the amount of erosion that would occur during hauling on hydrologically connected roads.

Sediment entering stream channels at crossing locations on haul roads, both within and outside the project area, would not be of a magnitude to result in a visible increase in stream turbidity, or a measurable increase in the overall stream sediment deposition for more than 25 ft downstream within any stream channels. The hydrological connected roads to be used for the timber sale have been identified by the Resource Area hydrologist. Sediment from affected tributary streams would not be of a magnitude to be measurable within any outlet mainstem streams. Any sediment entering streams would be redistributed and immeasurable within all reaches of the channel following the first bankfull event of the winter season. Hauling activities would therefore not exceed State of Oregon water quality standards and would not result in any measurable effects on macroinvertebrate communities or aquatic habitat. This action is also consistent with the standards and guidelines set forth under the 1994 Medford RMP EIS. Although the Proposed Action on BLM land would create a small localized effect to water quality, within 25 ft of haul roads, these sediment inputs are not of a magnitude or close enough in proximity to one another to become detectable at the sub-watershed (HUC 6) or larger scale. Hauling activities would also be monitored to ensure compliance with the direct and indirect effects stated within this EA, and to ensure compliance with State Water Quality Standards for turbidity. As such, impacts to water quality from dry condition haul in the Slim Timber Sale would not exceed those impacts that have been described in the Slim Jim Project EA (EA#OR-118-04-014) and Revised Middle Cow LSR Landscape Planning Project EA (EA#OR118-05-022).

Resource specialists reviewed the suggested change of expanding whole tree yarding to the rest of the Slim Timber Sale units and change of log hauling timing on rocked roads from “dry season” to “dry condition haul” on hydrologically connected roads. For the expansion of whole tree yarding to all units of the Slim Timber Sale, the fuels and timber specialists added the following PDF to treat activity fuels that would be brought to landings and associated roads that would originally be treated within the unit from “cut to length” processing, “Pile all slash located within 50 to 100 ft on each side of identified roads as designated by the Authorized Officer”.

Interdisciplinary specialists assessed the changes to be minor and did not change the scope of the action analyzed, nor did the modifications affect the adequacy of the analysis contained in the Slim Jim Project EA (EA#OR-118-04-014) and Revised Middle Cow LSR Landscape Planning Project EA (EA#OR118-05-022).

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

The range of alternatives analyzed in the Slim Jim Project EA (EA#OR-118-04-014) and Revised Middle Cow LSR Landscape Planning Project EA (EA#OR118-05-022) are still appropriate as the Slim Timber Sale units have the same silvicultural prescription and units; the project maintains northern spotted owl habitat by retaining 60% canopy closure in nesting, roosting, and foraging habitat and 40% canopy closure in dispersal habitat (consistent with ESA consultation documents) and complies with recent court orders related to Survey and Manage as the stands proposed for treatment are less than 80 years old.

- 3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

See response to question 1 and 2.

- 4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

See response to question 1. The actions of the Slim Timber Sale are fully analyzed in the Slim Jim Project EA (EA#OR-118-04-014), Supplemental Information Report for the Slim Jim Project, and the Revised Middle Cow LSR Landscape Planning Project EA (EA#OR118-05-022).

Spotted owl surveys are conducted for the historical spotted owl sites adjacent to the actions of the Slim Timber Sale. Project Design Criteria included in the U.S. Fish and Wildlife Service's written concurrence with the Medford District of the Bureau of Land Management's (District) determination that the District's proposed forest management activities may affect, but are not likely to adversely affect, the threatened northern spotted owl (*Strix occidentalis caurina*) (spotted owl) and its designated critical habitat would be applied to the Slim Timber Sale, as described in the above stated EAs.

- 5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Public involvement and interagency review for the EA were adequate. The EAs were available for public comment for 30 days each: the Slim Jim Project EA in 2005 and the Revised Middle Cow LSR Landscape Planning Project EA in 2006. BLM received 33 comment letters on the Slim Jim Project EA and two comment letters on the Middle Cow LSR Landscape Planning Project EA. All comments were considered in reaching the decisions and were responded to in each of the Decision Records. The Middle Cow LSR Landscape Planning Project EA was revised to include the following in response to public comments received on the EA: (1) a specialist's report regarding the rationale for determining migratory birds as not affected; (2) information explaining why Pacific lamprey and cutthroat trout (Bureau Tracking species) are not affected and would not lead to listing as a threatened and endangered species; and (3) additional cumulative effect analysis regarding Northern Spotted Owls in Cow-Upper Section 7 Watershed. These modifications are minor and do not change the scope of the project analyzed, nor do the modifications affect the adequacy of the analysis contained in the EA or the conclusions documented in the FONSI for the EA. The environmental effects do not meet the definition for significance in context or intensity as defined in 40 CFR § 1508.27.

Modifications made in the Fizzy Stew Project Decision were made available for the public to review. No comments or protests were received changing two units from tractor to cable

logging, switching “cut to length” log processing to “whole tree yarding”, and relocating and reducing temporary route construction to 0.41 miles. These modifications were reviewed by the interdisciplinary team before the Field Manager issued the Decision Record on Fizzy Stew Project. The specialists assessed the changes to be minor and did not change the scope of the action analyzed, nor did the modifications affect the adequacy of the analysis contained in the Revised Middle Cow LSR Landscape Planning Project EA (EA#OR118-05-022).

The Decision Record for the Slim Jim and Big Jim Timber Sale included a Supplemental Information Report to explain which actions would be implemented of Alternative 2 in the Slim Jim Project EA and reviewed any modifications to ensure compliance with laws, regulations, executive orders, and Bureau direction, and to determine if additional environmental disclosures or changes to the Slim Jim Project EA would be necessary. Of these modifications, the Slim Timber Sale would apply one, the conversion of eight acres from non-commercial density management to commercial density management with 30-40% canopy cover retention and a 60 foot no-activity stream buffer. The Glendale Resource Area Field Manager determined, with the review of the interdisciplinary team specialists, that a new environmental assessment was not necessary since there would be no substantial changes to the action as originally proposed in the Slim Jim Project EA and there are no significant new circumstances, information, or facts relevant to environmental concerns or impacts which were not addressed in the EA. The conclusions documented in the FONSI for the EA would also remain the same. The environmental effects do not meet the definition for significance in context or intensity as defined in 40 CFR § 1508.27.

No protests were received within the protest periods on the Decision Records for the Slim Jim Timber Sale or the Fizzy Stew Project and the one protest on the Healthy Murph Timber Sale was withdrawn by Klamath Siskiyou Wildlands Center.

The two additional modifications for the Slim Timber Sale to be disclosed by use of this DNA are to expand the “cut to length” PDF change to “whole tree yarding” for the rest of the sale, and change of log hauling timing PDF on rocked roads from “dry season” to “dry condition”. Resource specialists reviewed these suggested changes. The fuels and timber specialists added the following PDF to treat activity fuels that would be brought to landings and associated roads that would originally be treated within the unit from “cut to length” processing, as described in question 1. Specialists assessed the changes to be minor and did not change the scope of the action analyzed, nor did the modifications affect the adequacy of the analysis contained in the Slim Jim Project EA (EA#OR-118-04-014) and Revised Middle Cow LSR Landscape Planning Project EA (EA#OR118-05-022). The Slim Timber Sale DNA will be made available for public review via the Medford District BLM website:

<http://www.blm.gov/or/districts/medford/plans/index.php>.

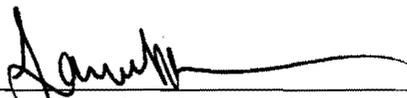
**E. Persons/Agencies /BLM Staff Consulted**

Name	Title	Resource Represented
Laura Schaeffer	Forester	Logging Systems
Marlin Pose	Wildlife Biologist	Wildlife
Colleen Dulin	Hydrologist	Water Quality and Soils
Mike Crawford	Fisheries Biologist	Fisheries
Jeff Brown	Civil Engineering Technician	Roads & Gates
Mike Main	Fuels Specialist	Fire Risk and Hazard
Jim Brimble	Forester	Silviculture

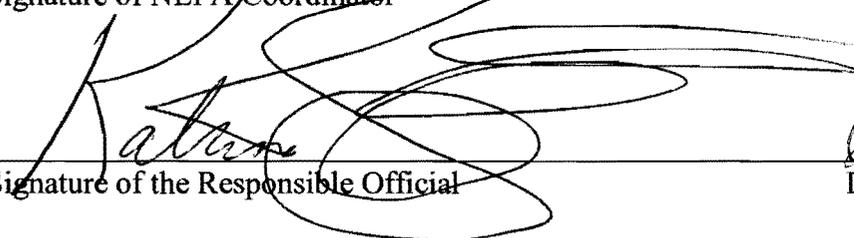
Note: Refer to each of the EAs for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

**Conclusion**

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plans and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

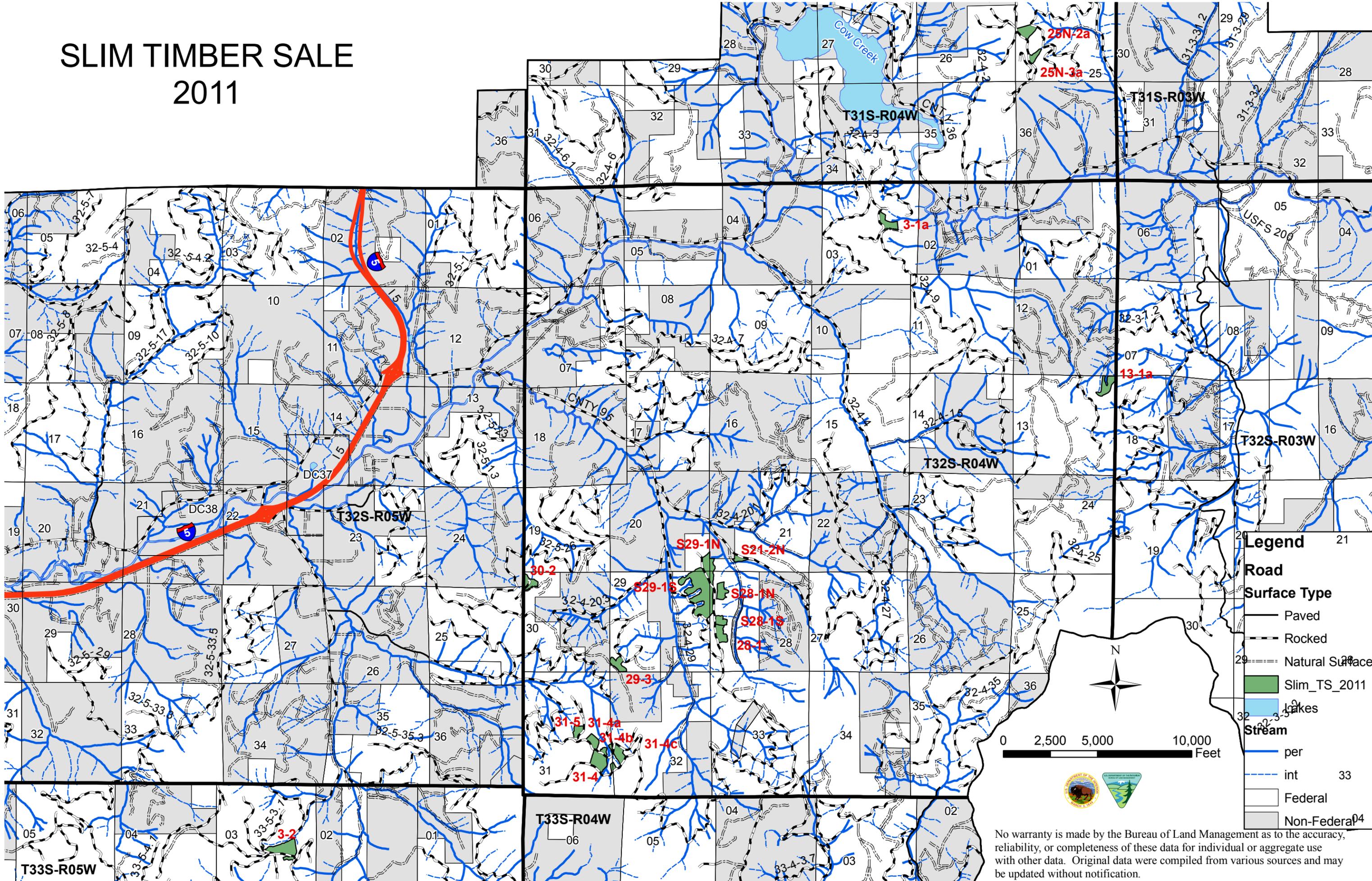
  
\_\_\_\_\_  
Signature of Project Lead 6/13/11

  
\_\_\_\_\_  
Signature of NEPA Coordinator 6/13/11

  
\_\_\_\_\_  
Signature of the Responsible Official 6/13/11  
Date

**Note:** The signed *Conclusion* on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

# SLIM TIMBER SALE 2011



**Legend**

**Road**

**Surface Type**

- Paved
- Rocked
- Natural Surface

**Stream**

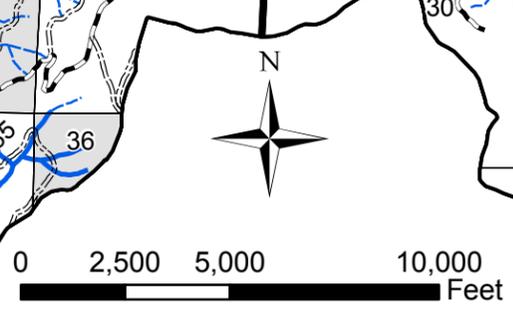
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**Lakes**

- Lakes

**Land Use**

- Slim\_TS\_2011
- Federal
- Non-Federal



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