

FINAL DECISION DOCUMENTATION
for
Timber Sales within the Revised Westside Project
Environmental Assessment (EA OR118-05-021)

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

INTRODUCTION

The Westside Project planning involved the public by mailing invitations to approximately 1,281 residents of the towns of Glendale and Azalea to attend a public scoping meeting provided on April 28, 2005 at the Azalea Grange Hall. About 30 local residents attended. A subsequent scoping report was mailed to those attending the meeting and to individuals and organizations that have expressed interest in Glendale Resource Area projects. The scoping public comment period was available from June 7, 2005 to July 7, 2005. The BLM received 32 public responses from either letters or emails, and fully responded to those comments in Appendix 3 of the Westside Project environmental assessment (EA). The Glendale Resource Area also accepted public comments to the Westside Project through the quarterly BLM Medford Messenger publication beginning in the fall of 2004. Comments were considered in the development of the alternatives as analyzed in Appendix 1 of the EA.

The Westside Project Environmental Assessment (EA), including a Finding of No Significant Impact (FONSI), was made available for public comment from June 22 to July 24, 2006. The BLM has received 35 comment letters or emails to the Westside Project EA. BLM responses to public comments are found in the attached *Public Comment to Revised Westside Project Environmental Assessment and BLM Response* and were considered in reaching a final decision for timber sales in the Westside Project Planning Area.

This decision conforms with the *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS, 1994 and ROD, 1994); the *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995); the *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004); the *Final Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (FSEIS, 2000 and ROD, 2001) including any amendments or modifications in effect as of March 21, 2004; and the *Final Supplemental Environmental Impact Statement Clarification of Language in the 1994 Record of Decision for the Northwest Forest Plan National Forests and Bureau of Land Management Districts Within the Range of the Northern Spotted Owl, and Proposal to Amend Wording About the Aquatic Conservation Strategy* (FSEIS, 2003 and ROD, 2004).

The Glendale Resource Area is aware of the August 1, 2005, U.S. District Court order in Northwest Ecosystem Alliance et al. v. Rey et al. which found portions of the *Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (January, 2004) (EIS) inadequate. The Glendale Resource Area is also aware of the January 9, 2006, court order to:

- set aside the 2004 Record of Decision *To Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern spotted Owl* (March, 2004) (2004 ROD) and
- reinstate the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (January, 2001) (2001 ROD), including any amendments or modifications in effect as of March 21, 2004.

The order further directs: "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities...unless such activities are in compliance with the provisions of the 2001 ROD (as amended or modified as of March 21, 2004)."

The litigation over the amendment that eliminated the Survey & Manage mitigation measure from the Northwest Forest Plan does not affect the Westside Project. This is because all required biological surveys for Survey & Manage species were completed before the completion of the Middle Cow LSR Project EA and meets the 2001 protocol (2001 ROD as amended or modified as of March 21, 2004). Therefore, this project complies with the Northwest Forest Plan prior to that amendment.

The Glendale Resource Area is also aware of ongoing litigation Pacific Coast Federation of Fishermen's Associations et al. v. National Marine Fisheries Service et al. (W.D. Wash.) related to the 2004 supplemental environmental impact statement and record of decision for the Aquatic Conversation Strategy. The Magistrate Judge issued findings and recommendations to the Court on March 29, 2006. The District Court has not yet adopted them. The Court has not found this amendment to be "illegal," nor did the Magistrate recommend such a finding. The District Court has yet to adopt the findings and recommendations and rule.

REVISIONS TO ENVIRONMENTAL ASSESSMENT

The Revised EA replaces and supersedes the original Westside Project EA (OR118-05-021) previously released on June 22, 2006. Any comments submitted for consideration must be directed to the analysis contained in the Revised Westside Project Environmental Assessment (OR118-05-021) in order to be considered. The following are changes from the original EA:

1. Appendix 2 (p. 190) has been revised to include migratory birds. This revision is in response to public comment.

2. Appendix 10 has been added on page 345 and includes the wildlife biologist's specialist report regarding the rationale for determining migratory birds as Not Affected in Appendix 2.

3. Remove wording in section 2.3.1 that states "Firelines would be constructed by hand on slopes greater than 35%. On slopes less than 35%, one-pass with a brush blade could be used to construct fireline using machinery. Machine firelines would not be constructed in riparian reserves" is removed because there would be no mechanical line construction. This revision is in response to public comment.

4. Appendix 2 (p. 184) has been revised to include information to explain why Pacific lamprey and cutthroat trout (Bureau Tracking species) are not affected by the Westside Project and would not lead to listing as a threatened and endangered species. This revision is in response to public comment.

5. The Westside interdisciplinary team evaluated the effects of the Screen Pass Timber Sale and determined the effects are within those analyzed under the Westside EA. The analysis of potential effects of Screen Pass hauling is found in the Revised Westside Project EA on pages 68, 69, 72, 69, 140 and 150. This revision is in response to public comment.

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.

DECISION

Based on site-specific analysis, the supporting project record, management recommendations contained in the Middle Cow Creek Watershed Analysis (1999) and Grave Creek Watershed Analysis (1999), as well as the management direction contained in the Record of Decision and Standards and Guidelines of the Northwest Forest Plan (1994), Medford District Resource Management Plan and Record of Decision (1995) and Evaluation of the Medford Resource Management Plan Relative to Four Northern Spotted Owl Reports (2005), I have decided to implement the proposed activities as described in **Alternative 3**, in two or more separate decisions. This decision includes harvesting timber on approximately 3,009 acres of forest land by the general prescription of modified even-aged silvicultural methods. Cut trees would be removed by the use of tractor, skyline cable or helicopter yarding methods. To facilitate the transport of logs there would be approximately 93 miles of road maintenance, 5.2 miles of temporary road construction, 0.5 mile of permanent road construction, 2.4 miles of road reconstruction, 0.7 mile of existing road decommissioning, the expansion of four rock quarries and the replacement of one existing bridge. There would be a stream channel crossing of two pieces of equipment to access unit 17-c one time and then exit one time after harvest using a pre-designed log, natural bottom or mat ford. The streambanks will also be stabilized and built up to redirect flow back into the historic channel. An existing in-stream culvert would be replaced downstream of this unit on road 32-5-17, sized to accommodate the additional flow that would occur within this channel as a result of redirecting the natural flows back into the channel

Residual limbs and branches left on the ground after harvesting would be treated by either slashing, hand-piling, pile-burning, underburning, and/or lop-and-scatter methods to reduce the fuel loading and to prepare the site for planting of conifer seedlings. Units would be planted, where necessary, to ensure adequate stocking as required by the Federal Land Policy and Management Act (FLPMA).

Subsequent decisions for the hazardous fuels treatment and stewardship project will be issued at a later date. Any deferred harvest units or portions of deferred units will be considered for non-commercial density management, small wood removal, or hazardous fuels reduction in the subsequent decisions.

ALTERNATIVES CONSIDERED

The alternatives considered in detail included the No Action Alternative (Alternative 1), which serves as the baseline to compare effects, the Proposed Action (Alternative 2), which initiated the environmental analysis process, and Alternative 3, the Selected Alternative. A description of these alternatives is found on pages 35 – 43 of the Revised EA.

REASONS FOR THE DECISION

My rationale for the decision is as follows:

1. The Selected Alternative (Alternative 3) addresses the purpose and need of the Revised EA to meet the NGFMA direction in the Medford RMP/ROD of providing a sustainable supply of timber that would trend toward a forest composed of stands representing a variety of structures, ages, sizes, and canopy configurations generally through the even-aged management silvicultural system (ROD/RMP, p. 187). Where appropriate the modified regeneration silvicultural treatments would occur at a minimum 100 years of age (ROD/RMP, p. 74). The need would also be met by reducing activity based fuel hazards (RMP, p. 91) and controlling stocking, re-establish and manage stands, and acquire desired vegetation characteristics needed to attain Aquatic Conservation Strategy and riparian reserve objectives (RMP, p. 27).

Open space in excess of 25% is considered a trigger point with the potential of enhancing peak flows (USDI, 2006a). The open space trigger point is generally only of concern when these openings occur within the transient snow zone (TSZ) or where road acres exceed 4% of the watershed (USDI, 2006a). Alternative 3 is not expected to enhance channel changing peak flows in the Planning Area and therefore would not cause an increase in bank erosion, scour and deposition and would not adversely affect Essential Fish Habitat.

- Under Alternative 3, potential negative effects to fish habitat from increases in peak flow would be immeasurable as there would not be increases in open space within the TSZ of HUC 7 drainages exceeding the recommended amounts of open space in TSZs. Alternative 3 would not be expected to result in localized peak flow enhancement within the tributary headwaters of these drainages, and would not cause an increase in channel erosion and

subsequent sediment input. Therefore fish habitat would not be affected as a result of timber harvest (EA, p. 133).

2. 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.
3. Alternative 2 would meet the purpose and need of the project but was not selected because increases in peak flows are expected to occur within several HUC 7 drainages (EA, p. 129) which has the potential to adversely affect fish habitat, including Essential Fish Habitat.
4. New information regarding the NSO from the following four reports was also considered in this decision.
 - *Scientific Evaluation of the Status of the Northern Spotted Owl* (Sustainable Ecosystems Institute, Courtney *et al.* 2004);
 - *Status and Trends in Demography of Northern Spotted Owls, 1985-2003* (Anthony *et al.* 2004);
 - *Northern Spotted Owl Five Year Review: Summary and Evaluation* (USFWS, November 2004); and
 - *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).

To summarize these reports, although the agencies anticipated a decline of 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 either the Northwest Forest Plan or Medford District RMP (*Evaluation of the Medford Resource Management Plan Relative to Four Northern Spotted Owl Reports*, 2005). The Selected Alternative meets the Medford District RMP goal regarding conservation of species while providing a sustainable supply of timber.

5. Mitigation Measure 1, which defers 198 acres of regeneration harvest and overstory removal in NSO critical habitat, was not selected as the deferral of units would result in minimal differences in affects on NSO, fire risk and hazard, and soils, hydrology and fisheries from that of the Selected Alternative (EA, Chapter 6). Additionally, Mitigation Measure 1 would not meet the purpose and need for action as well as the Selected Alternative.
6. Mitigation Measure 2, which limits the helicopter harvesting of unit 21-8 from September 10 to October 5, was not selected as it has the potential to adversely affect logging feasibility resulting in a no-bid sale. However, the BLM will work with the timber sale purchaser to

avoid impacts, to the extent feasible, to the Fir Point Bible Conferences camp during their high use period, June 19 – August 25.

7. Thirty-five letters or emails were received during the 32-day comment period on the EA and FONSI. See Attachment, *Public Comment to Revised Westside Project Environmental Assessment and BLM Response*, for full disclosure of public comments and BLM's response to those comments.

FINDING OF NO SIGNIFIANT IMPACT

Thirty-five letters were received during the 32-day review period for the EA and FONSI. Though those letters did ask for additional information, they 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. It is my determination that Alternative 3 will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition for significance in context or intensity as defined in 40 CFR § 1508.27. Therefore an environmental impact statement will not be prepared.

ADMINISTRATIVE 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 the 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 (4:00 p.m.) not more than 15 days after publication of the Notice of Sale. 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.

IMPLEMENTATION DATE

If no protest is received by the close of business (4:00 p.m.) within 15 days after publication of the Notice of Sale, the decision will become final. 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

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, Ecosystem Planner, 541-471-6504.

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

Date