

**U.S. Department of the Interior  
Bureau of Land Management  
Roseburg BLM District, Oregon**

**Baker Street  
Commercial Thinning**

**Decision Document**

**SECTION 1 – THE DECISION**

**Decision**

It is my decision to authorize the Baker Street Commercial Thinning timber sale included in the Proposed Action Alternative that is described in Chapters 1 and 2 of the Little River MMX Thinning Environmental Assessment (EA) (NEPA #: DOI-BLM-OR-R040-2010-010-EA; pgs. 1-24) and below (q.v. pgs. 2-4).

Baker Street Commercial Thinning will occur on four units (approximately 131 acres) of second-growth forest approximately 38-48 years old located in the Little River Fifth-field Watershed in Sections 3 and 11 of T. 27 S., R. 3 W. Willamette Meridian (Figure 1). In addition, approximately 1 acre will be removed for the development of spur roads and rights-of-ways. Baker Street Commercial Thinning will provide approximately 1.364 million board feet (1.364 MMBF) of timber available for auction.

The Roseburg District initiated planning and design for this project on December 01, 2009 to conform and be consistent with the Roseburg District's 1995 Record of Decision and Resource Management Plan (ROD/RMP). Little River MMX includes lands within the Adaptive Management Area (AMA), General Forest Management Area (GFMA), and Riparian Reserve (RR) land use allocations. The Baker Street Commercial Thinning project is within the Adaptive Management Area (AMA) and Riparian Reserve (RR) land use allocations.

The Project Design Features that will be implemented as part of Baker Street Commercial Thinning are described on pages 9-23 of the Little River MMX Thinning EA. These project design features have been developed into contract stipulations and will be implemented as part of the timber sale contract.

**Updated Information**

The updated information, described below, has been considered, but does not alter the conclusions of the analysis.

1) Unit Configuration:

Of the 212 acres described in the EA as the Baker Street project, commercial thinning will

occur on approximately 99 acres within the AMA and 32 acres within the RR land use allocations (Table 1; Figure 1). In addition, approximately 1 acre within AMA and 0.3 acre within RR will be removed for the development of spur roads and rights-of-ways (Table 1). Approximately 81 acres will be excluded from this decision for the following reasons:

- Approximately 37 acres will be excluded from thinning because it is within no-harvest stream buffers (i.e. 35 or 60 feet [EA, pg. iv]) or in wet, ponded areas with associated wet soils.
- Approximately 19 acres will be excluded from thinning because of low stocking levels including EA Unit 3C (4 acres).
- Approximately 5 acres will be excluded from harvest (net subtraction) as a result of refinements and adjustments in map accuracy from GPS locations of unit boundaries.
- Approximately 20 acres, EA Unit 21A, will be excluded due to heavy defect and low volume.

**Table 1. Baker Street Commercial Thinning Units and Land Use Allocations.**

Sale Unit No.	EA Unit	Township-Range-Section	Sale Unit Acres	Land Use Allocation (acres)		Roads/Rights-of-Way (acres)		
				AMA	Riparian Reserve	AMA	Riparian Reserve	Private Land
1	3A	T27S-R03W-Sec. 3	33	20	13	0.1	0	0
2	3B	T27S-R03W -Sec. 3	43	33	10	0	0	0
3	11A	T27S-R03W -Sec. 11	25	21	4	0	0	0
4	11B	T27S-R03W -Sec. 11	30	25	5	0.9	0.3	0
<b>Total</b>			<b>131</b>	<b>99</b>	<b>32</b>	<b>1.0</b>	<b>0.3</b>	<b>0</b>

Within Baker Street Commercial Thinning, there will be approximately 37 acres of ground-based yarding and approximately 94 acres of cable yarding (Figure 1). In addition, the 1.3 acres removed for the development of spur roads and rights-of-ways will be ground-based yarded. The EA (pg. 6) proposed approximately 212 acres as a combination of ground-based and cable yarding. Helicopter logging was considered as an alternative logging method but was determined to not be economically viable at this time (EA, pg. 24).

2) Roads & Spurs:

The spur roads in Baker Street Commercial Thinning have been re-numbered as shown in Table 2.

There will be approximately 2095 feet of new spur roads constructed (Table 2; Figure 1) as part of the Baker Street Commercial Thinning (formerly, 2164 feet were proposed in the EA, pg. 17). To increase the economic viability of the timber sale, Spurs 3 and 4 (Spurs BS 3A, BS 3B, BS 4 in the EA pg. 17) will be rocked to allow for winter operations in Unit 1 and will be water -barred and blocked when harvest operations are completed.

Approximately 0.6 miles (3105 feet) of existing roads will be renovated for harvest operations. The EA proposed renovation of approximately 5.4 miles (28,512 feet) of existing

roads. To avoid renovation through a Riparian Reserve, only 675 feet of EA Spur BS 4 (Spur 4) will be renovated, and then decommissioned following harvest operations, instead of 1478 feet as proposed in the EA. Proposed renovation will not occur on roads that will not be needed for the final sale area.

There will be 5.23 miles of maintenance of existing roads as part of the Baker Street Commercial Thinning (formerly 3.67 miles were proposed in the EA, pg. 17). Maintenance of existing roads will include the placement of road rock where rock surfacing already exists, blading of the driving surface, and brushing of road shoulders. Maintenance of roads will be completed by BLM and will include the 27-3-10.1 and 27-3-11.1 roads which were proposed for renovation in the EA.

Approximately 4620 feet (6547 feet were proposed in the EA, pg. 17) of roads will be decommissioned. Decommissioning will include water-barring, mulching the road surface with logging slash, and blocking with a trench barrier (Table 2; EA, pg. 16). It is my decision that mulching of spur roads within harvest units will be done with logging slash, if available and not with straw, since logging slash serves to discourage unauthorized off-highway vehicle use of the decommissioned spur roads as well as providing erosion control.

**Table 2. Baker Street Commercial Thinning Roads and Spurs<sup>1</sup>**

Roads & Spurs <sup>2</sup>		New Temporary Construction	Renovation	Surfacing		Decommissioning	
(in the EA)	(in Decision)	(feet)	(feet)	Existing	Proposed	(feet)	How Decommissioned
27-3-3.0	27-3-3.0		580	Rock	Rock		None
27-3-10.1 A-C	27-3-10.1			Rock	Rock		None
27-3-10.1 D	27-3-10.1		210	Rock	Rock	210	Waterbar and block
27-3-11.1	27-3-11.1			Rock	Rock		None
27-3-17.0	Dropped						
27-3-11.3	27-3-11.3		1175	Native	Native	1175	Waterbar and block
Spur BS 1	Spur 1	1520		Native	Native	1520	Remove culvert, waterbar, mulch (logging slash) and block
Spur BS 2	Spur 2	440		Native	Native	440	Waterbar and mulch (logging slash)
Spur BS 3A, 3B	Spur 3	135	465	Native/Rock	Rock	600	Waterbar and block
Spur BS 4	Spur 4		675	Native	Rock	675	Waterbar and block
<b>TOTAL</b>		<b>2095</b>	<b>3105</b>			<b>4620</b>	

<sup>1</sup>Approximately 5.23 miles of existing roads would be maintained for Baker Street Commercial Thinning in addition to the roads and spurs described in the table.

### 3) Northern Spotted Owl Critical Habitat

The U.S. Fish & Wildlife Service announced the release of a draft proposal for Northern Spotted Owl Critical Habitat on February 28, 2012. Comments on the proposal will be solicited and may result in modification of the draft proposal before publication of the Final Rule on Designated Critical Habitat for the Northern Spotted Owl which is expected in

November 2012.

Baker Street Commercial Thinning is not within the current 2008 Designated Critical Habitat for the Northern Spotted Owl (EA pg. 36).

### **Compliance**

Compliance with this decision and the project design features described in the EA will be ensured by frequent on-the-ground inspections by the Contract Administrator.

## **SECTION 2 – THE DECISION RATIONALE**

Chapter 2 of the EA describes two alternatives: a "No Action" alternative and a "Proposed Action" alternative. The No Action alternative was not selected because it did not meet the stated *need* "to provide substantial timber volume in support of the local economy and, within the reserved land-use allocations, accelerate development of habitat components for the northern spotted owl" and the stated *purpose* "to reduce stand stocking in a manner that produces commercial timber in a cost-efficient manner while enhancing habitat for the northern spotted owl and improves vigor in the residual stand" (EA pg. 1).

The thinning prescription for Baker Street Commercial Thinning was designed and trees were marked using management direction for AMA and Riparian Reserves under the 1995 ROD/RMP. In the Little River Fifth-field Watershed, the total RR width for perennial, fish-bearing streams is 360 feet (two site potential tree heights on both sides of the stream). The total RR width would be 180 feet (one site potential tree height on both sides of the stream) for perennial, non-fish bearing streams and also for intermittent streams. The prescription retains no-harvest buffers of 35 feet along intermittent streams and 60 feet along perennial or fish-bearing stream channels. The outer portions of the RR and upland areas will be thinned to variable densities to improve riparian vegetative and structural diversity (EA pg. 65).

The Project Design Features described in the Little River MMX Commercial Thinning EA (pgs. 9-23) will minimize soil compaction, limit erosion, and protect slope stability, wildlife habitat, fish habitat, air and water quality, as well as other identified resource values. I have reviewed the resource information contained in the EA and the updated information presented in this decision.

Based on the analysis of potential impacts contained in the environmental assessment, a Finding of No Significant Impacts (FONSI) has been prepared for Little River MMX Thinning with a determination that the project, which includes Baker Street Commercial Thinning, would not have a significant impact on the human environment; therefore, an environmental impact statement will not be prepared.

## Survey & Manage

The Baker Street Commercial Thinning is consistent with Court Orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Roseburg District's 1995 ROD/RMP.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Sherman, et al.*, No. 08-1067-JCC (W.D. Wash.), granting Plaintiffs' motion for partial summary judgment and finding NEPA violations in the *Final Supplemental to the 2004 Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (USDA and USDI, June 2007). In response, parties entered into settlement negotiations in April 2010, and the Court filed approval of the resulting Settlement Agreement on July 6, 2011. Projects that are within the range of the northern spotted owl are subject to the survey and management standards and guidelines in the 2001 ROD, as modified by the 2011 Settlement Agreement.

The Baker Street Commercial Thinning is consistent with the Roseburg District Resource Management Plan as amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001 ROD), as modified by the 2011 Settlement Agreement.

The 2011 Settlement Agreement states:

*“For projects with signed Records of Decision, Decision Notices, or Decision Memoranda from December 17, 2009, through September 30, 2012, the Agencies will use either of the following Survey and Manage species lists:*

- a. The list of Survey and Manage species in the 2001 ROD (Table 1-1, Standards and Guidelines, pages 41-51).*
- b. The list of Survey and Manage species and associated species mitigation, Attachment 1 to the Settlement Agreement.”*

The Baker Street Commercial Thinning applies a 2006 Exemption from a stipulation entered by the court in litigation regarding Survey and Manage species and the 2004 Record of Decision related to Survey and Manage Mitigation Measure in *Northwest Ecosystem Alliance v. Rey*, No. 04-844-MJP (W.D. Wash., Oct. 10, 2006). Previously, in 2006, the District Court (Judge Pechman) invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation entered into a stipulation exempting certain categories of activities from the Survey and Manage standards and guidelines, including both pre-disturbance surveys and known site management. Also known as the Pechman Exemptions, the Court'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;*
- 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 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.”*

Per the 2011 Settlement Agreement, the 2006 Pechman Exemptions remain in force:

*“The provisions stipulated to by the parties and ordered by the court in Northwest Ecosystem Alliance v. Rey, No. 04-844-MJP (W.D. Wash. Oct. 10, 2006), shall remain in force. None of the following terms or conditions in this Settlement Agreement modifies in any way the October 2006 provisions stipulated to by the parties and ordered by the court in Northwest Ecosystem Alliance v. Rey, No. 04-844-MJP (W.D. Wash. Oct. 10, 2006).”*

Baker Street Commercial Thinning meets Exemption A because it entails no regeneration harvest and entails thinning only in stands less than 80 years old. The forest stands in Baker Street Commercial Thinning are 38-48 years old as determined from stand examination information. The proposed units were originally harvested in the 1950's or 1960's (EA pg. 25).

I have made the determination that the Baker Street Commercial Thinning project meets Exemption A of the Pechman Exemptions (October 11, 2006 Order) and therefore may proceed to be offered for sale. The first notice for sale will appear in *The News-Review*, Roseburg, Oregon on August 14, 2012.

### **SECTION 3 – PUBLIC INVOLVEMENT**

The BLM solicited comments from affected tribal governments, adjacent landowners, affected State and local government agencies, and the general public on the Little River MMX Thinning EA, which included the Baker Street Commercial Thinning project, during a 30-day public comment period (January 31 – February 29, 2012). Eight sets of comments were received as a result of the public comment period.

Upon reviewing the comments, the following topics warrant additional clarification that is pertinent to the Baker Street Commercial Thinning project: 1) Roads 2) Sugar Pine 3) Riparian Reserves.

1. Roads

Comments were received that stated that the amount of new road construction and the clearing width for new roads were excessive and inquiry was made about the number of new roads located within Riparian Reserves.

As stated in the *Updated Information* previously, there will be less road construction (69 feet less) and less road renovation (4.8 miles less) authorized under this decision than was proposed in the EA. There will be 2095 feet of new road construction and 0.6 miles of road renovation in Baker Street Commercial Thinning while the EA proposed 2164 feet of new construction and 5.4 miles of renovation. There will be 0.3 acres of spurs constructed within Riparian Reserve. Roads and spurs would be designed no wider than needed for the specific use (i.e. 14 foot running surface) to minimize soil disturbance (1995 ROD/RMP, pg. 132).

Approximately 4620 feet of roads (6547 feet were proposed in the EA, pg. 16) will be decommissioned. Only 675 feet of EA Spur BS 4 (Spur 4) will be renovated, and then decommissioned following harvest operations, instead of 1478 feet as proposed in the EA, thus avoiding renovation through a Riparian Reserve. Renovation and decommissioning of the 27-3-10.1 (210 feet) and 27-3-11.3 (1175 feet) roads will be 1043 feet less than proposed in the EA (2428 feet).

As indicated previously (Table 2) and in the EA (pg. 16), 1960 feet of renovated and spur roads will be decommissioned by water-barring, mulching the road surface with logging slash, and by blocking with a trench barrier. Mulching of roads with logging slash, instead of straw, provides erosion control and discourages use by unauthorized off-highway vehicles. Approximately 2660 feet of renovated and spur roads (Table 2) will be decommissioned by water-barring and blocking with a trench barrier after harvest operations are complete, however these roads will not be mulched with logging slash because they are privately controlled roads or will be rocked to provide for winter operations as previously noted.

2. Sugar Pines

Comments were received expressing concern about the prescription proposed for treatment of sugar pine trees within the Little River MMX Thinning EA. Tree marking contractors and inspectors, and timber cruisers have not reported any sugar pine within the proposed harvest units in Baker Street Commercial Thinning.

3. Riparian Reserves

Comments were received that requested the BLM to designate a diameter limit for riparian reserve treatments and stated that the no-harvest buffer “could be too little”.

The marking prescription for Baker Street would target merchantable trees in the suppressed and intermediate crown classes (EA pg. 9) and older remnant trees may be present but are not the numerically predominant stand components and would generally be targeted for retention (EA pg.10). This prescription will “maintain trees with large

limbs, full crowns, and promote tree regeneration, shrubs and forbs” (EA pg. 9) to increase the structural and vegetative diversity within the RR.

The prescription for Baker Street Commercial Thinning would retain no-harvest buffers of 35 or 60 feet along all stream channels, and thin remaining outer portions of the Riparian Reserve to variable densities (EA pg. 65). The stands to be treated in Baker Street Commercial Thinning are densely stocked, including the no-harvest buffers. Immediate post treatment stand condition in the riparian is expected to be 73-113 trees per acre with a canopy cover of 49-66 percent (EA pg. 30). Thinning treatments would result in improved riparian vegetative and structural diversity resulting in riparian areas that are more resilient to disturbance (EA pg. 65).

The remaining comments did not raise substantive issues that would influence my selection of the Proposed Action Alternative for the Baker Street Commercial Thinning portion of the Little River MMX Commercial Thinning EA, as updated above.

#### **SECTION 4 – PROTEST PROCEDURES**

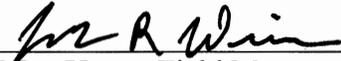
The decision described in this document is a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer (Max Yager) within 15 days of the first publication date of the notice of decision /timber sale advertisement in *The News-Review*, Roseburg, Oregon on August 14, 2012.

43 CFR § 5003.3 subsection (b) states: “Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision.” This precludes the acceptance of electronic mail (email) or facsimile (fax) protests. Only written and signed hard copies of protests that are delivered to the Roseburg District office will be accepted. The protest must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

43 CFR § 5003.3 subsection (c) states: “Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered.” Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 5003.3(f).

If no protest is received by the close of business (4:30 P.M.; Pacific Time Zone) within 15 days after first publication of the decision notice on August 14, 2012, this decision will become final. If a timely protest is received, the project decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Swiftwater Field Office will issue a protest decision.

For further information, contact Max Yager, Field Manager, Swiftwater Field Office, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd; Roseburg, OR 97471, (541) 440-4930.

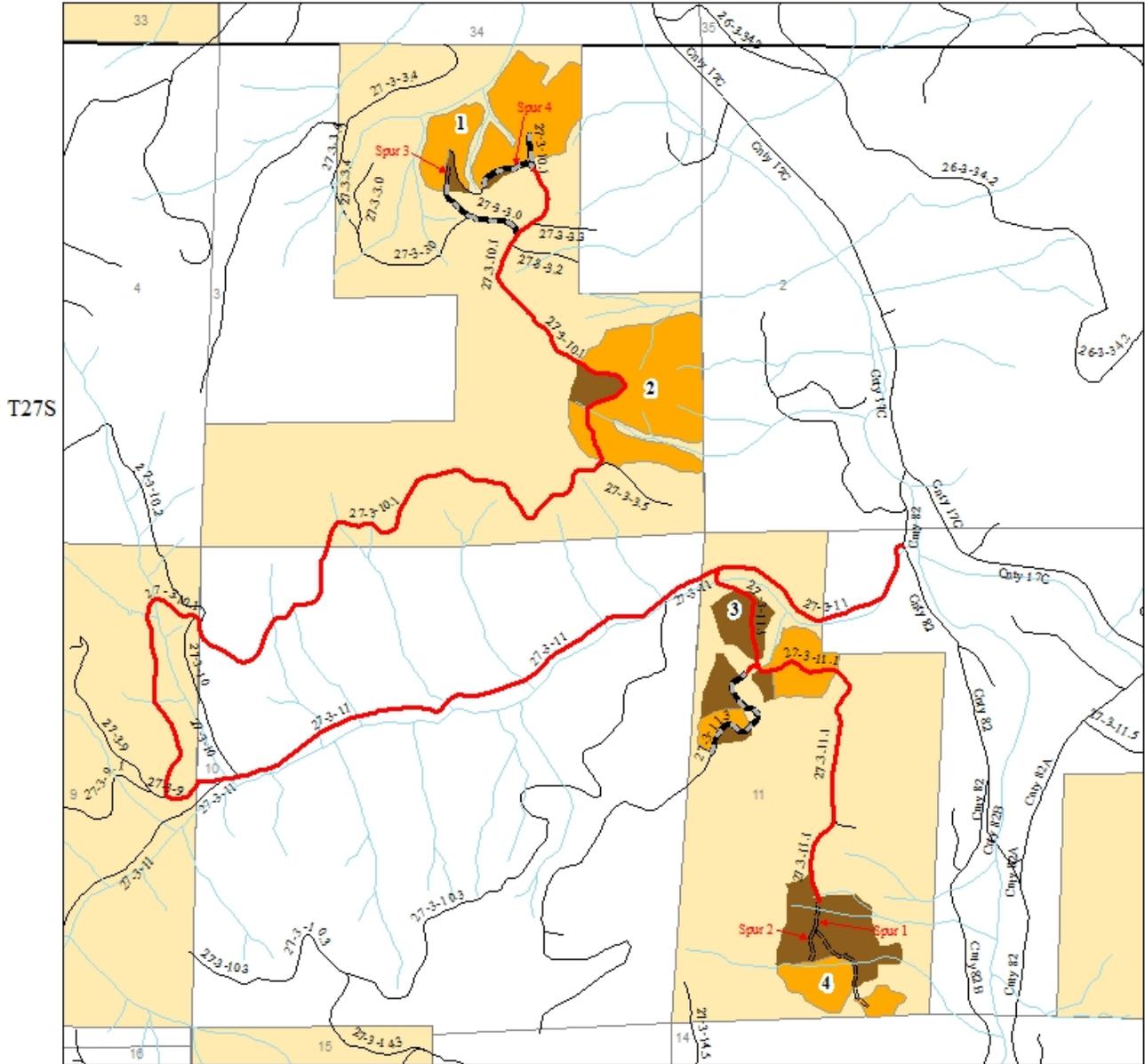
*for*   
Max Yager, Field Manager  
Swiftwater Field Office

8/7/12  
Date

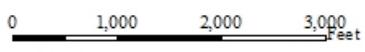
# Figure 1. Baker Street Commercial Thinning

Harvest Units and Roads

R03W



T27S



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

Map Date: 8-1-2012

- Legend**
- Baker Street Harvest Units
    - Cable Yarding
    - Ground-Based
  - Land Use Allocation**
    - Adaptive Management Area
    - Existing Roads
    - Road Renovation
    - New Road Construction
    - Haul Route
    - Streams

