

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

Horseshoe Timber Sale

Decision Document

SECTION 1 – THE DECISION

Decision

It is my decision to authorize the Horseshoe 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. 1-4).

The Horseshoe commercial thinning project (Horseshoe) will occur on seven units (approximately 336 acres) of second-growth forest approximately 41-61 years old located in the Little River Fifth-field Watershed in Sections 23, 26, 27 and 35 of T. 26 S., R. 3 W. Willamette Meridian (Figure 1). In addition, approximately 7 acres will be removed for the development of spur roads and rights-of-ways. Horseshoe will provide approximately 5.732 million board feet 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 Horseshoe project is within all three of these land use allocations.

The Project Design Features that will be implemented as part of Horseshoe 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 542 acres described in the EA as the Horseshoe project, commercial thinning will occur on approximately 218 acres within the AMA, 65 acres within GFMA and 53 acres within the RR land use allocations (Table 1; Figure 1). In addition, approximately 6 acres within AMA and GFMA, and 0.5 acres within RR will be removed for the development of

spur roads and rights-of-ways (Table 1). Approximately 199 acres will be excluded from this decision for the following reasons:

- Approximately 74 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 21 acres will be excluded from thinning because of special status botanical species and associated wet soils.
- Approximately 44 acres will be excluded from thinning because of low stocking levels, including EA Unit 1B (8 acres), or stands that are not ready for thinning.
- Approximately 36 acres, including EA Unit 26A (14 acres) and EA Unit 1C (19 acres), will be excluded from thinning because of issues related to logging access and road building.
- Approximately 15 acres, including EA Unit 25A (12 acres), will be excluded from harvest to protect cultural sites.
- Approximately 9 acres will be excluded from thinning because it was determined through field reviews to be an older stand type and suitable spotted owl habitat.

Table 1. Horseshoe 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	GFMA	Riparian Reserve	AMA	GFMA	Riparian Reserve	Private Land
1	23A	T26S-R03W-Sec. 23	102	37	54	11	1.1	1.0	0.1	0.2
2	23A	T26S-R03W-Sec. 23	100	79	11	10	1.6	0.4	0	0.1
3	27A	T26S-R03W-Sec. 27	31	25	0	6	0.1	0	0.1	0
4	26B	T26S-R03W-Sec. 26	23	17	0	6	0.7	0	0.3	0.3
5	35A	T26S-R03W-Sec. 35	24	23	0	1	0	0	0	0
6	35A	T26S-R03W-Sec. 35	17	7	0	10	0	0	0	0
7	35B	T26S-R03W-Sec. 35	39	30	0	9	0.7	0	0	0
Total			336	218	65	53	4.2	1.4	0.5	0.6

Within Horseshoe, there will be approximately 228 acres of ground-based yarding and approximately 108 acres of cable yarding (Figs. 2, 2a). In addition, the 6.7 acres removed for the development of spur roads and rights-of-ways will be ground-based yarded. The EA (pg. 6) proposed approximately 542 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 Horseshoe have been re-numbered as shown in Table 2.

There will be approximately 9210 feet of new spur roads constructed (Table 2; Figs. 2, 2a) as part of Horseshoe (formerly, 13,992 feet were proposed in the EA, pg. 18). To increase the economic viability of the timber sale, Spurs 1, 2, 6 and roads 26-3-24.4 and 26-3-26.2 (Spurs

H16, H17, H15, H4 and H20, respectively, in the EA pg. 18) will be rocked to allow for winter operations in Units 1, 4 and 7. Spur 7 (EA spur H19) and the 26-3-26.2 road (EA spur H4) will be constructed through the Riparian Reserve of intermittent streams to access Units 1 and 4 removing approximately 0.3 acres. Renovation of other roads which are within Riparian Reserve will remove an additional 0.2 acres. Spur 7 and the 26-3-26.2 road will be decommissioned as described in Table 2.

Approximately 5.25 miles of existing roads will be renovated for harvest operations (Table 2). The EA (Table 4c, pg. 18) proposed renovation of approximately 11.67 miles of existing roads. Proposed renovation will not occur on roads that will not be needed for the final sale area.

There will be approximately 16.25 miles of maintenance of existing roads as part of Horseshoe (formerly 5.83 miles were proposed in the EA (Table 4c, pg. 18) due to additional haul routes. 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.

Approximately 15,730 feet (3.0 miles) of roads will be decommissioned as part of Horseshoe. The EA proposed decommissioning of approximately 4.12 miles of roads and spurs, however, approximately 4700 feet (0.9 miles) of proposed roads and spurs, including spurs H6, H13, and parts of H18 and H19 will not be built by the Horseshoe project and therefore will not be decommissioned. Decommissioning will include water-barring, mulching the road surface with logging slash, and blocking with a trench barrier (Table 2; EA, pg. 14). 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. Horseshoe Roads and Spurs¹

Roads & Spurs		New Temporary Construction	Renovation	Surfacing		Decommissioning	
<i>(in the EA)</i>	<i>(in Decision)</i>	(feet)	(feet)	Existing	Proposed	(feet)	How Decommissioned
26-3-10.0	26-3-10.0		1600	Native		1600	Water bar and slash
26-3-22.0	26-3-22.0		4140	Rock	Rock		
26-3-22.3	26-3-22.3		2170	Rock	Rock		
26-3-23.0	26-3-23.0		2060	Rock	Rock	210	Water bar, slash and block
26-3-23.2	26-3-23.2		1030	Native	Native	1030	Water bar, slash and block
26-3-24.1	26-3-24.1	130	1380		Native	1510	Water bar, slash and block
26-3-26.0	26-3-26.0		550	Rock	Rock		
26-3-27.0	26-3-27.0		1360	Rock	Rock		
26-3-34.1	26-3-34.1		1820	Native	Native	1820	Water bar, slash and block
26-3-35	26-3-35		1700	Rock	Rock		
26-3-35.1	26-3-35.1		4800	Rock	Rock		

Roads & Spurs		New Temporary Construction	Renovation	Surfacing		Decommissioning	
(in the EA)	(in Decision)	(feet)	(feet)	Existing	Proposed	(feet)	How Decommissioned
26-3-35.3	26-3-35.3		1425	Rock	Rock		
26-3-35.6	26-3-35.6		3380	Rock	Rock		
FIA	26-3-35.9	0	0	Rock	Rock		
H1	Spur 4 Spur 5	455 450			Native Native	455 450	Water bar and slash Water bar and slash
H4, H20	26-3-26.2	1855			Rock Native	1855	Water bar, remove culverts, block and slash
H8	Spur 8	550			Native	550	Water bar and slash
H14	Spur 3	505			Native	505	Water bar and slash
H15	26-3-24.4 Spur 6	1590 180			Rock Rock	1590 180	Water bar and block Water bar and block
H16	Spur 1		480		Rock	480	Water bar and block
H17	Spur 2	275			Rock	275	Water bar and block
H18	26-3-27.4	2545			Native	2545	Water bar, slash and block
H19	Spur 7	675			Native	675	Water bar, remove log culvert, slash and block
Totals		9210	27,895			15,730	

¹Approximately 16.25 miles of existing roads would be maintained for Horseshoe in addition to the roads and spurs described in this table.

3) Northern Spotted Owl Critical Habitat

The U.S. Fish & Wildlife Service issued the 2012 Revised Critical Habitat for the northern spotted owl on January 3, 2013. The Roseburg District BLM reinitiated consultation for the Horseshoe project because 276 acres of the EA proposed thinning acres fall within 2012 Critical Habitat subunit WCS-6. Horseshoe units 1 and 2 in Section 23 are within 2012 Revised Critical Habitat totaling 202 acres of the original 276 acres analyzed in consultation. The remaining Horseshoe units are not within critical habitat.

The Service issued a Letter of Concurrence (TAILS: 01E0FW00-2013-IC-0026) with the District's determination that "young stand thinning ... within the revised spotted owl critical habitat subunits KLE-2, KLV-1, ORC-3, ORC-4, ORC-5 and WCS-6 will not significantly affect the Primary Constituent elements and therefore *may affect, but are not likely to adversely affect* 2012 Revised Spotted Owl Critical Habitat within the Action Area" which includes Horseshoe.

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 Horseshoe 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 Horseshoe, would not have a significant impact on the human environment; therefore, an environmental impact statement will not be prepared.

Survey & Manage

The Horseshoe project 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.

Horseshoe 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 after September 30, 2012, the agencies will use the 2011 Settlement Agreement list of Survey and Manage species and associated species mitigation.”

The Horseshoe project 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)."

Horseshoe meets Exemption A because it entails no regeneration harvest and entails thinning only in stands less than 80 years old. The forest stands in Horseshoe are 41-61 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 Horseshoe 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 February 26, 2013.

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 Horseshoe 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 Horseshoe project: 1) Roads; 2) Water quality; 3) Sugar pines; 4) 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 (4782 feet less) and less road renovation (6.42 miles less) authorized under this decision than was proposed in the EA. There will be 9210 feet of new road construction and 5.25 miles of road renovation in Horseshoe while the EA (pg. 18) proposed 13,992 feet of new construction and 11.67 miles of renovation. 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). Spur 7 (EA spur H19) and the 26-3-26.2 road (EA spur H4) will be constructed through the Riparian Reserve of intermittent streams to access Units 1 and 4 removing approximately 0.3 acres. Renovation of other roads which are within Riparian Reserve will remove an additional 0.2 acres. Spur 7 and the 26-3-26.2 road will be decommissioned as described in Table 2.

Also as stated in the *Updated Information*, approximately 15,730 feet (3.0 miles) of roads will be decommissioned as part of Horseshoe. The EA proposed decommissioning of

approximately 4.12 miles of roads and spurs, however, approximately 4700 feet (0.9 miles) of proposed roads and spurs, including spurs H6, H13, and parts of H18 and H19, will not be built by the Horseshoe project and therefore will not be decommissioned.

As indicated previously (Table 2) and in the EA (pg. 14), decommissioning of renovated and spur roads will be accomplished by a combination of water-barring, mulching the road surface with logging slash, and 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.

2. Water Quality

Comments were received expressing concern about the effects of road building and timber haul on water quality in the Engles Creek and Rattlesnake Creek drainages, specifically Spur H6 and the 26-3-34.1 road in Section 35.

Spur H6 will not be constructed to avoid cutting suitable spotted owl habitat. Therefore approximately 5 acres of EA Unit 35A is not accessible for logging and will not be treated. As reconfigured, none of Unit 5 is within the Rattlesnake Creek drainage.

The 26-3-34.1 road in Section 35 will not be used for logging access or haul for Horseshoe. Unit 5 will be cable yarded to the 26-3-26.0 road. To reduce run-off down the 26-3-34.1, a large berm will be placed to block the 26-3-34.1 at the large junction of the 26-3-26, 26-3-34.1 and 26-3-35 roads. This berm will divert water away from the 26-3-34.1 road and reduce erosion on the road surface.

3. 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 Horseshoe.

4. 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”. Comments also questioned the reason for thinning down to 45 trees per acre in the Riparian Reserves of Horseshoe.

The marking prescription for Horseshoe 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 Horseshoe 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 Horseshoe are densely stocked, including the no-harvest buffers. Immediate post treatment stand condition in the riparian is expected to be 45-109 trees per acre with a canopy cover of 40-63 percent (EA pg. 29). Thinning treatments would result in improved riparian vegetative and structural diversity resulting in riparian areas that are more resilient to disturbance (EA pg. 65).

Inventory exams of stands in the Horseshoe project determined the quadratic mean diameter to range from 11.6 to 18.0 inches, larger than stands in the other proposed thinning projects (EA pg. 26). The Riparian Reserve prescription will reduce stocking levels to 80 square feet of basal area. Under this prescription, three Horseshoe units (26A, 1B and 23A), will result in retention of 45-49 trees per acre due to the larger stand diameter. EA Units 26A and 1B will not be treated because of access restrictions and low volume, thus only EA Unit 23A remains in the final treatment acres. The thinning prescription for Unit 1, which includes 102 acres of EA Unit 23A, will treat only 11 acres of Riparian Reserve, reducing stocking levels to 80 square feet of basal area and retaining 49 trees per acre with a crown closure of 47%. This treatment is expected to increase the size and vigor of the remaining stand while allowing for development of understory and shrub species in the Riparian Reserve to increase vegetative and structural diversity (EA pg. 100).

The remaining comments did not raise substantive issues that would influence my selection of the Proposed Action Alternative for the Horseshoe 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 February 26, 2013.

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 February 26, 2013, 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.

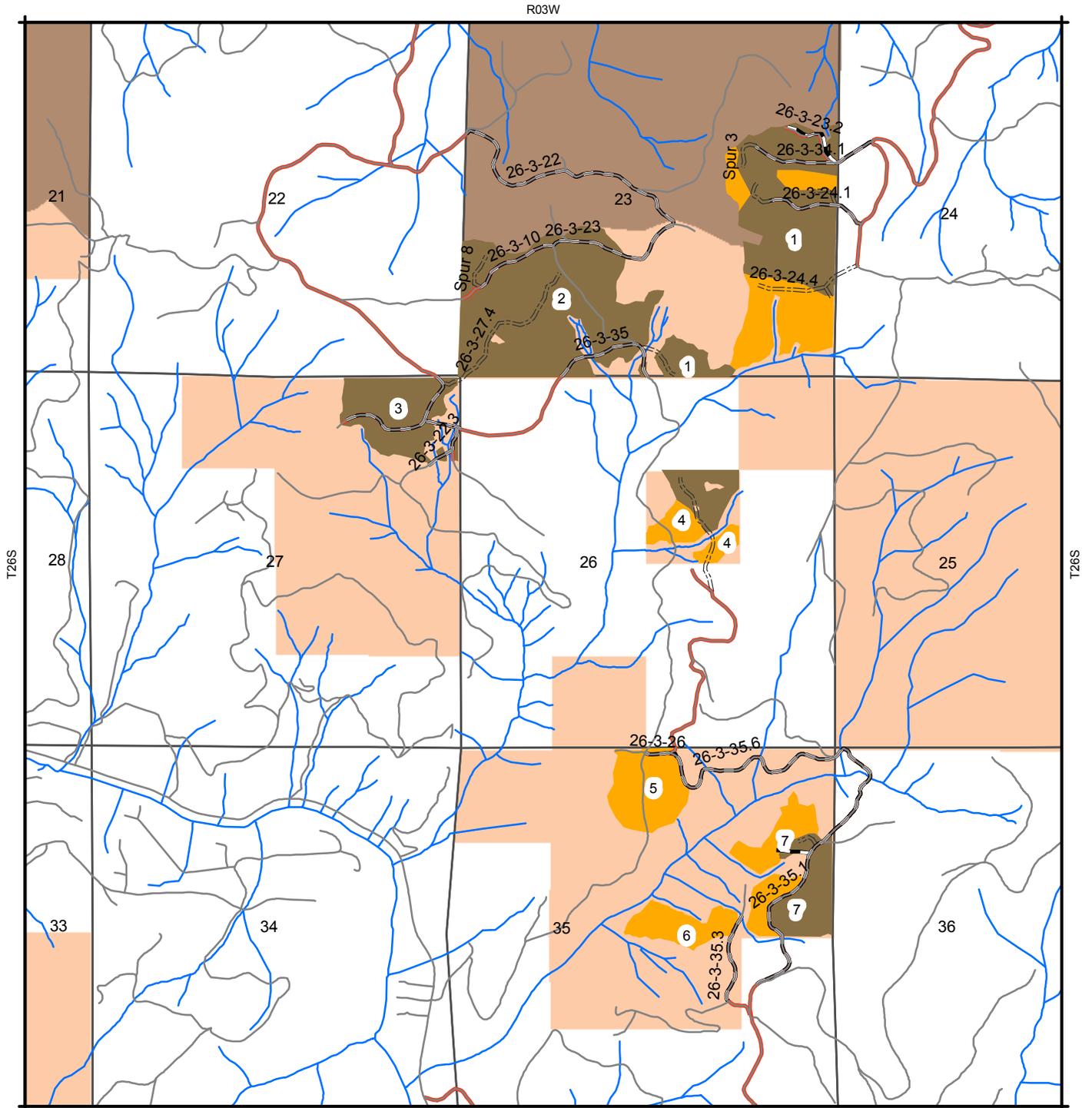


Max Yager, Field Manager
Swiftwater Field Office

FEB. 19th, 2013

Date

Figure 1. Horseshoe Thinning Land Use Allocations and Harvest Units



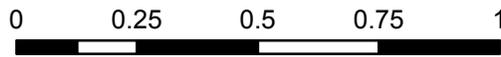
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Horseshoe Harvest Units

- Cable Yarding
- Ground-based
- Existing Roads
- New Road Construction
- Road Renovation
- Haul Route
- Streams

BLM Land Use Allocation

- Adaptive Management Area
- General Forest Management Area

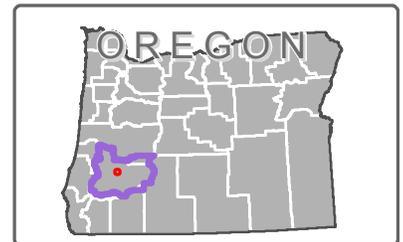


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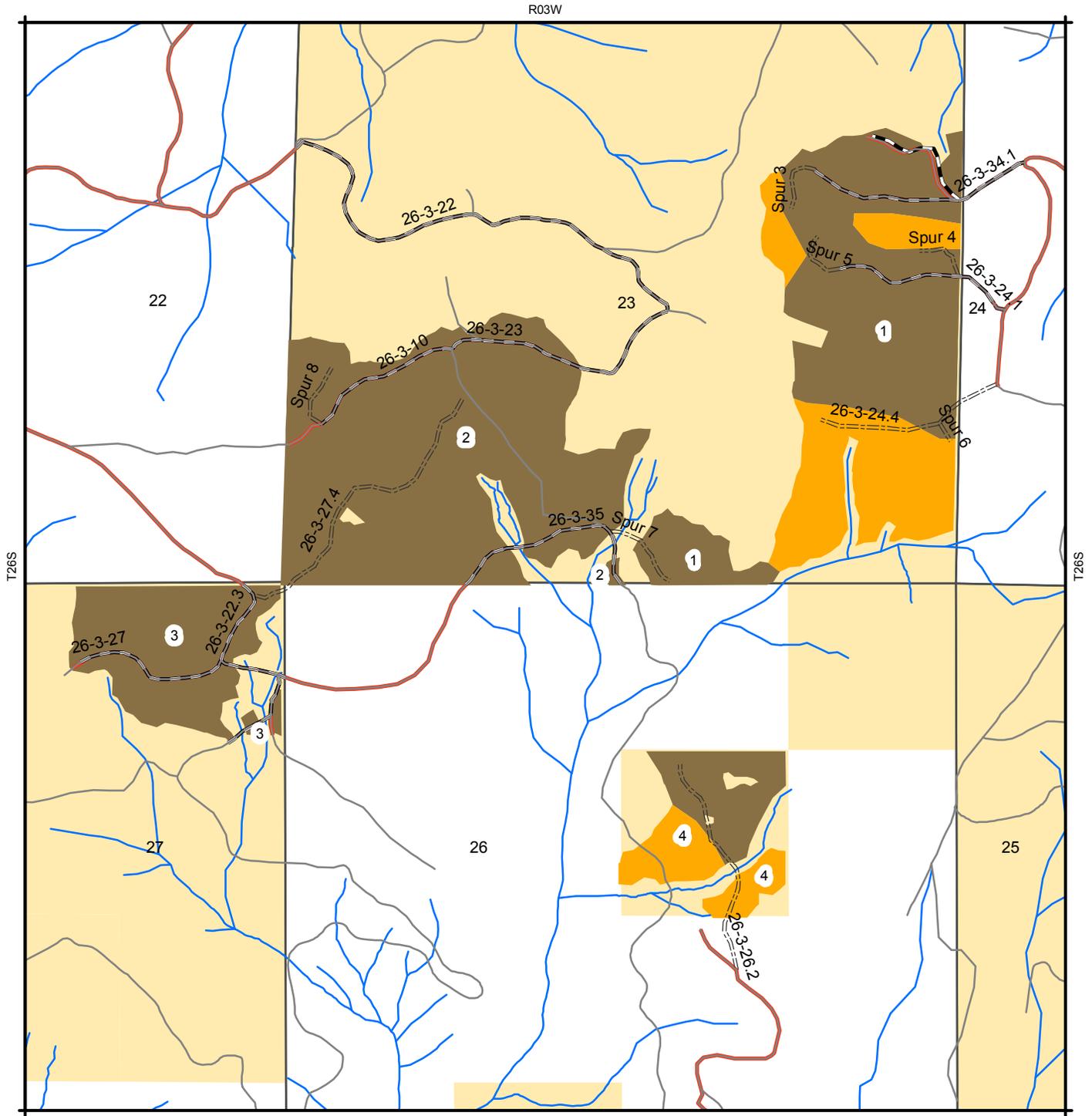
Date: 2/15/2013

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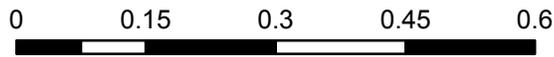
Figure 2. Horseshoe Thinning Harvest Units and Roads



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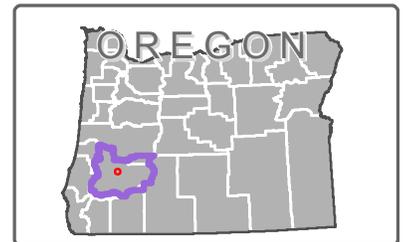
Horseshoe Harvest Units

- Cable Yarding
- Ground-based
- Existing Roads
- New Road Construction
- Road Renovation
- Haul Route
- Streams
- BLM Administered Lands



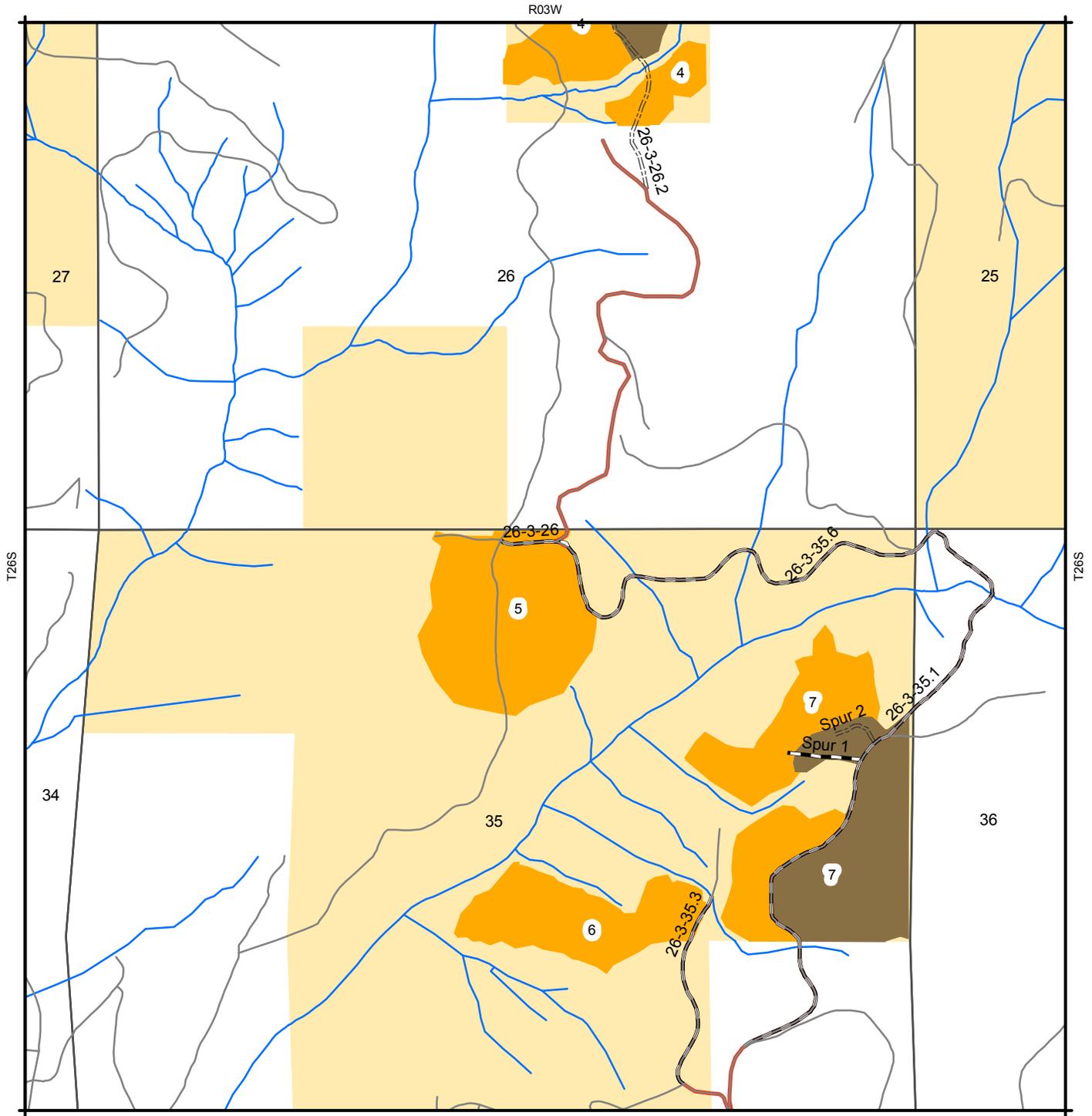
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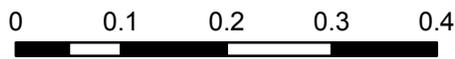
Figure 2a. Horseshoe Thinning Harvest Units and Roads



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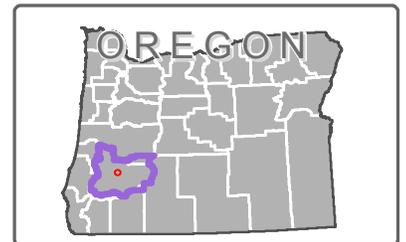
Horseshoe Harvest Units

- Cable Yarding
- Ground-based
- Existing Roads
- New Road Construction
- Road Renovation
- Haul Route
- Streams
- BLM Administered Lands



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