

Kryptonite Commercial Thinning Decision Document

South River FY 2009 Commercial Thinning Environmental Assessment

DOI-BLM-OR-R050-2009-0005-EA

Bureau of Land Management
South River Field Office, Roseburg District Office

Background:

The South River FY 2009 Commercial Thinning Environmental Assessment (EA) proposed and analyzed approximately 866 acres of commercial thinning in the Matrix allocations with density management in associated Riparian Reserves, and 306 acres of density management in Late-Successional Reserves. The analysis was conducted consistent with and conforms to management direction contained in the 1995 Roseburg District *Record of Decision and Resource Management Plan* (ROD/RMP) as amended prior to December 30, 2008. The Kryptonite Commercial Thinning project is a component of the proposed action, described under Alternatives Two and Three (EA, pp. 5-14).

Additional Information:

In a ruling on Conservation Northwest et al. v. Mark E. Rey et al., on December 12, 2009, Judge Coughenour in U.S. District Court of Western Washington set aside the 2007 Record of Decision eliminating the Survey and Manage mitigation measure. Judge Coughenour deferred issuing a remedy until further proceedings, did not set aside the Pechman exemptions, or enjoin the BLM from proceeding with projects.

Thinning in stands under 80-years of age is exempt from the Survey and Manage standards and guidelines under Judge Pechman's order. Road construction through older forest stands for the purpose of accessing stands for thinning would not fit the exemption criteria, however. As a result, proposed road rights-of-way through older stands were evaluated for suitability and surveyed where conditions indicated a possibility of species presence.

Red tree vole surveys located four (4) active red tree vole nests along the right-of-way intended to access Unit 29-7-13D (Unit 2). Consequently, the proposed road was abandoned and the unit was modified resulting in a reduction to 20 acres in area from the 48 acres that was proposed in the EA (Table 2-2, p. 6).

Decision:

It is my decision to authorize the Kryptonite Commercial Thinning project, implementing Alternative Three described in the South River FY 2009 Commercial Thinning EA. Five units, totaling 154 acres, will be commercially thinned. The lands are allocated as General Forest Management Area and Riparian Reserve by the ROD/RMP.

Four units located in Section 13, T. 29 S., R. 7 W., Willamette Meridian (W.M.) are in critical habitat designated for the northern spotted owl in 2008 and will receive a variable density thinning (EA, p. 14). The single unit in Section 19, T. 29 S., R. 6 W., W.M. is also in the General Forest Management Area and Riparian Reserve allocations, but is not in northern spotted owl critical habitat and will be thinned on a generally even spacing. An additional two acres, located entirely within unit boundaries, will be cleared for road rights-of-way.

Sale unit numbers and their corresponding EA designations are as follows.

Sale Unit	Acres	EA Unit Designation
Unit 1	15	29-7-13B
Unit 2	20	29-7-13D
Unit 3	23	29-7-13E
Unit 4	49	29-7-13C
Unit 5	47	29-6-19A

Total harvest volume is 2,030 thousand board feet. Approximately 1,653 thousand board feet will be derived from the General Forest Management Area and is creditable toward the District's annual allowable sale quantity. The remaining 377 thousand board feet derived from Riparian Reserves is not chargeable to the annual allowable sale quantity.

Thinning will be accomplished entirely with cable-yarding equipment capable of maintaining a minimum of one-end log suspension. Landings will be spaced at 200-foot intervals, where practicable, to minimize the number of landings required, and to reduce the area subjected to soil disturbance and displacement.

Implementation of this decision is subject to the following seasonal restrictions (EA, pp. 12-13):

- Felling and yarding of timber, except for clearing rights-of-way, is generally prohibited from April 15th to July 15th (barkslip period).
- Yarding and hauling of timber on Units 1, 2, 3 and the portion of Unit 4 accessed by Spur #2 is restricted to the period between May 15th and the onset of regular autumn rains, usually around mid-to-late October. Operations may be extended beyond October 15, subject to waiver, if weather conditions are favorable.
- If operations on the contract area are not completed prior to March 1, 2013, road construction and renovation, and thinning operations will be subject to seasonal restriction from March 1st to July 15th, both dates inclusive, unless current year surveys of suitable habitat in the contract area indicate that owls are not present, are present but not attempting to nest, or have failed in nesting attempts.

Access will be primarily provided by existing roads, supplemented by permanent and temporary construction, and renovation of a portion of an existing road as summarized below. None of the road construction or renovation will occur within Riparian Reserves.

Two new roads, No. 29-7-14.0 and No. 29-7-24.6, will be permanent roads because access is granted under easements from adjacent private landowners. The lengths of the roads are approximately 0.1 and 0.25 miles respectively.

In lieu of the construction of 0.21 miles of temporary road through the older stand, a temporary spur road approximately 0.1 miles in length (Spur #1) will be constructed to access the remaining 20 acres of Unit 2 that is feasible for thinning. Spur 1 will originate on a switchback of Road No. 29-7-13.4 and be located entirely within the thinning unit boundaries.

While the original spur road proposed for access to Unit 2 would have been in a more favorable location for future stand management, it would have required the removal of suitable spotted owl habitat and habitat in proximity to active red tree vole sites. The new road is less than half the length of the original proposed road on comparable sideslopes so that ground disturbance will be substantially less than originally proposed in the EA.

Two other temporary spur roads will be constructed. Spur #2, approximately 0.1 miles in length, will access the east side of Unit #4. Spur #3, approximately 0.04 miles in length, will extend a renovated portion of Road No. 29-7-13.1 to facilitate yarding of Unit #3. All three of the temporary spur roads will be subsoiled and covered with slash after use.

All logging and road construction equipment, excluding log trucks and crew transport, will be pressure washed or steam cleaned prior to mobilization in and out of the project area to minimize the risk of introducing soil from outside the project area that may be contaminated with noxious weed seed or other propagative materials. Any equipment removed during the life of the contract must be cleaned before being returned to the project area.

Public Involvement & Response to Comment:

On July 13, 2010, the South River Field Office electronically posted a notice of availability beginning a 30-day period for public review and comment on the South River FY 2009 Commercial Thinning EA and "Draft" Finding of No Significant Impact. In the notice it was stated that comments would be accepted "until close of business (4:30 PM, PDT) on August 12, 2010."

Comments on the EA were received from two organizations. One set of comments was electronically transmitted on August 11, at 5:08 P.M. and is considered to have been filed in a timely fashion. The second set of comments was electronically transmitted on August 12, at 11:11 P.M. As this second comment letter was transmitted after the close of business on August 12, it is not considered to have been submitted in a timely manner.

The comments submitted in a timely manner were largely of a philosophical nature, including suggestions for consideration of other actions in conjunction with the thinning. None of the comments specifically addressed the alternatives and analysis in the South River FY 2009 Commercial Thinning EA. Response to a selection of these comments is made below.

It was suggested that in addition to commercial thinning, the EA should include analysis of opportunities for activities such as pre-commercial thinning, restoring fish passage, reducing impacts from roads, and treating invasive roads. None of these activities were part of the purpose and need for the proposed commercial thinning, and all of these activities are already being undertaken across the Roseburg District under a variety of other authorizations.

The comments speak to a need for coarse down wood that will provide denning opportunities and cover for small mammals that are prey for spotted owls. Coarse wood availability is specifically addressed as an objective of density management in Late-Successional Reserves.

Variable density thinning in the matrix allocations was suggested. Alternative Three of the South River FY 2009 Commercial Thinning EA is such an alternative, proposing to use variable density thinning on stands in the General Forest Management Area that are overlapped by 2008 northern spotted owl critical habitat.

The comments suggest that the effects of thinning on future snag availability should be disclosed and considered. It is acknowledged that thinning reduces the number of trees available for future snag and large woody debris recruitment. However, if stands are not thinned to appropriate densities that allow trees to release, and if inter-tree competition continues at levels that stagnate growth, reduce live crown ratios, and reduce tree vigor the stands are unlikely to grow large trees that will provide durable snags and large wood of sufficient diameter to provide for formation of complex pool habitat in streams.

The suggestion was made to use canopy cover to suppress weeds. Maintaining high canopy cover to suppress weed growth would run counter to habitat objectives as it also result in suppression of understory vegetation, such as flowering plants and berry-producing shrubs that provide forage for small mammals and land birds.

It was also suggested that road construction be avoided, and that construction of new roads should be evaluated in terms of costs and benefits. No more road is constructed on a timber sale than is absolutely necessary for environmentally responsible yarding operations. Roads also represent a project cost. In this regard, construction of unnecessary roads would have the effect of reducing the stumpage value of a sale and revenues shared with the O&C counties.

The comments state that if the project involves biomass utilization, the impacts need to be disclosed. This project does not propose to commercially recover and utilize biomass.

Rationale for the Decision:

The South River FY 2009 Commercial Thinning EA considered and analyzed three alternatives in detail: Alternative One, No Action; Alternative Two, Even-Spaced Thinning in the General Forest Management Area; and Alternative Three – Variable-Spaced Thinning of Stands in the General Forest Management Area Located in Spotted Owl Critical Habitat.

Both Alternatives Two and Three will achieve the objectives of: promoting tree survival and growth; achieving a balance between wood volume production, wood quality, and timber value at harvest; assuring high level of timber productivity; and controlling stocking levels and establishing and managing non-conifer vegetation in Riparian Reserves (EA, p. 2), whereas Alternative One will not. Alternative Three is selected because it also meets the objective of creating of a variety of structures, stands with trees of varying age and size, and an assortment of canopy configurations which will be more beneficial to the development of suitable habitat conditions in northern spotted owl critical habitat that overlays most of the project area.

There are no **northern spotted owl** home ranges that overlap the stands that comprise this thinning sale. Surveys of suitable habitat within applicable disruption thresholds established by the U.S. Fish and Wildlife Service have not documented any owl occupancy, so no seasonal restrictions are required.

As described in the EA (p. 33), because of the relatively small tree size (10-17 inches quadratic mean diameter), high tree density, and lack of nesting structure the stands comprising the commercial thinning units are dispersal-only and unsuitable habitat. Dispersal habitat within critical habitat will be modified as a result of thinning, but with average canopy closure expected to remain in excess of 50 percent the stands in critical habitat would continue to provide foraging and dispersal opportunities, especially in those locations where suitable habitat is present adjacent to thinning units, or where older remnant trees are present within units.

As discussed in the EA (p. 43), variable density thinning, in contrast to even-spaced thinning, may accelerate development of suitable habitat and denser prey populations, particularly when components like snags, cavity trees, and coarse woody debris are taken into account. It enhances tree growth, understory development, and flower and fruit production for prey species, while maintaining more canopy connectivity, woody plant diversity, and spatial variability.

Road and landing construction will not remove any suitable habitat, although the cutting of guyline trees may remove individual trees that provide suitable habitat components. This low level of modification/removal of suitable habitat, combined with the dispersed nature of the activity is not expected to prevent the critical habitat from fulfilling its intended role in recovery of spotted owls. In a biological opinion (Ref. No. 13420-2009-F-0125) the U.S. Fish and Wildlife Service concluded that the amount of road construction “is not likely to destroy or adversely modify spotted owl critical habitat” because “the proposed action will have insignificant effects on a very small extent of spotted owl critical habitat

As described in the EA (p. 45), potential effects to **marbled murrelets** fall into two categories. The first is disruption and disturbance from noise associated with thinning operations. The second is habitat related, involving changes to the forest growth dynamics in the thinning units and removal of individual tree removal for landings and guyline anchors.

Surveys of suitable murrelet nesting habitat, applicable disruption thresholds established by the U.S. Fish and Wildlife Service have not documented any murrelet occupancy, so no seasonal restrictions or Daily Operating Restrictions are required. Removal of individual trees from adjacent older stands for landing construction or guyline anchors may indirectly affect murrelets by reducing the abundance of suitable nest trees.

No Federally-threatened **Kincaid’s lupine** (*Lupinus sulphureus* ssp. *kincaidii*) or any Bureau Sensitive botanical species were identified in surveys of the units and road rights-of-way.

As described in the EA (pp. 55-56), the Federally-threatened **Oregon Coast coho salmon** is present in the Middle South Umpqua River and Olalla Creek/Lookingglass Creek fifth-field watersheds. Critical Habitat for coho salmon in proximity to the thinning units includes portions of Rice Creek and Kent Creek (EA, p. 56). Essential Fish Habitat for coho salmon is coincident coho salmon distribution and critical habitat.

No direct effects to any fish species, including the Federally-threatened Oregon Coast coho salmon, are anticipated. Any effects on aquatic habitat, including critical habitat for coho salmon, Essential Fish Habitat for coho salmon, and water quality would be negligible and discountable in magnitude at the project level (EA, pp. 62 and 65).

Appendix E of the South River FY 2009 Commercial Thinning EA documents the consistency of this project with Aquatic Conservation Strategy objectives at the project and watershed scales.

Monitoring:

Monitoring of the effects of the Kryptonite Commercial Thinning project will be done in accordance with provisions contained in the ROD/RMP, Appendix I (p. 84-86 and 190-191 and 193-199), focusing on the effects on: Riparian Reserves, Matrix, Air Quality, Water and Soils, Wildlife Habitat; Fish Habitat; and Special Status Species Habitat.

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, Kevin D. Carson, within 15 days of the publication of the notice of decision/timber sale advertisement on August 17, 2010, in *The News-Review*, Roseburg, Oregon.

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. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the party or parties. Upon denial of protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 43 CFR § 5003.3 subsection (f).

If no protest is received by the close of business (4:30 P.M., PDT) within 15 days after publication of the decision notice, 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 South River Field Office will issue a protest decision.

For further information, contact:

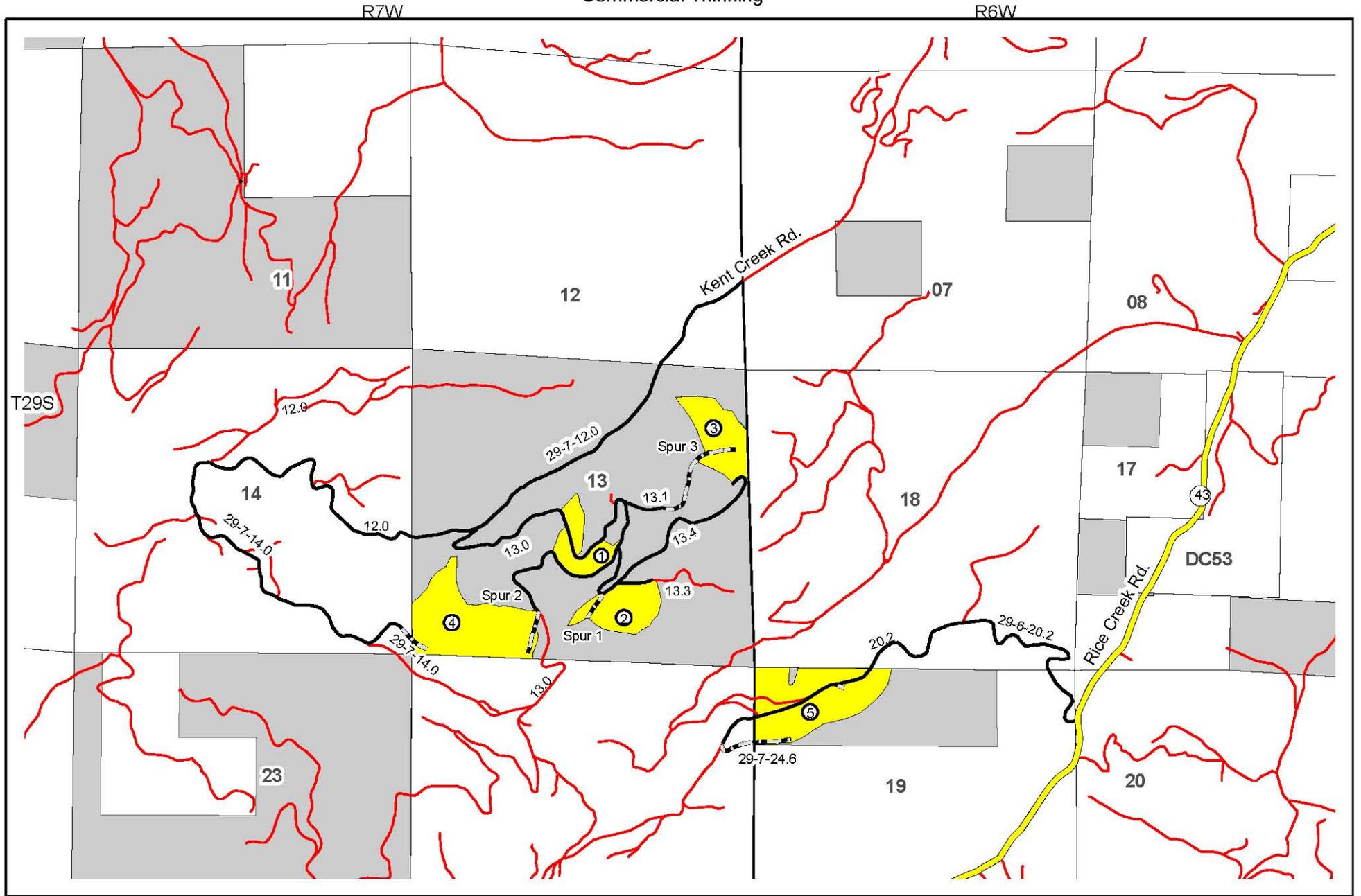


Kevin D. Carson
Acting Field Manager
South River Field Office
(541) 464-3363

8/16/10
Date

KRYPTONITE

Commercial Thinning



T29S, R6W & R7W

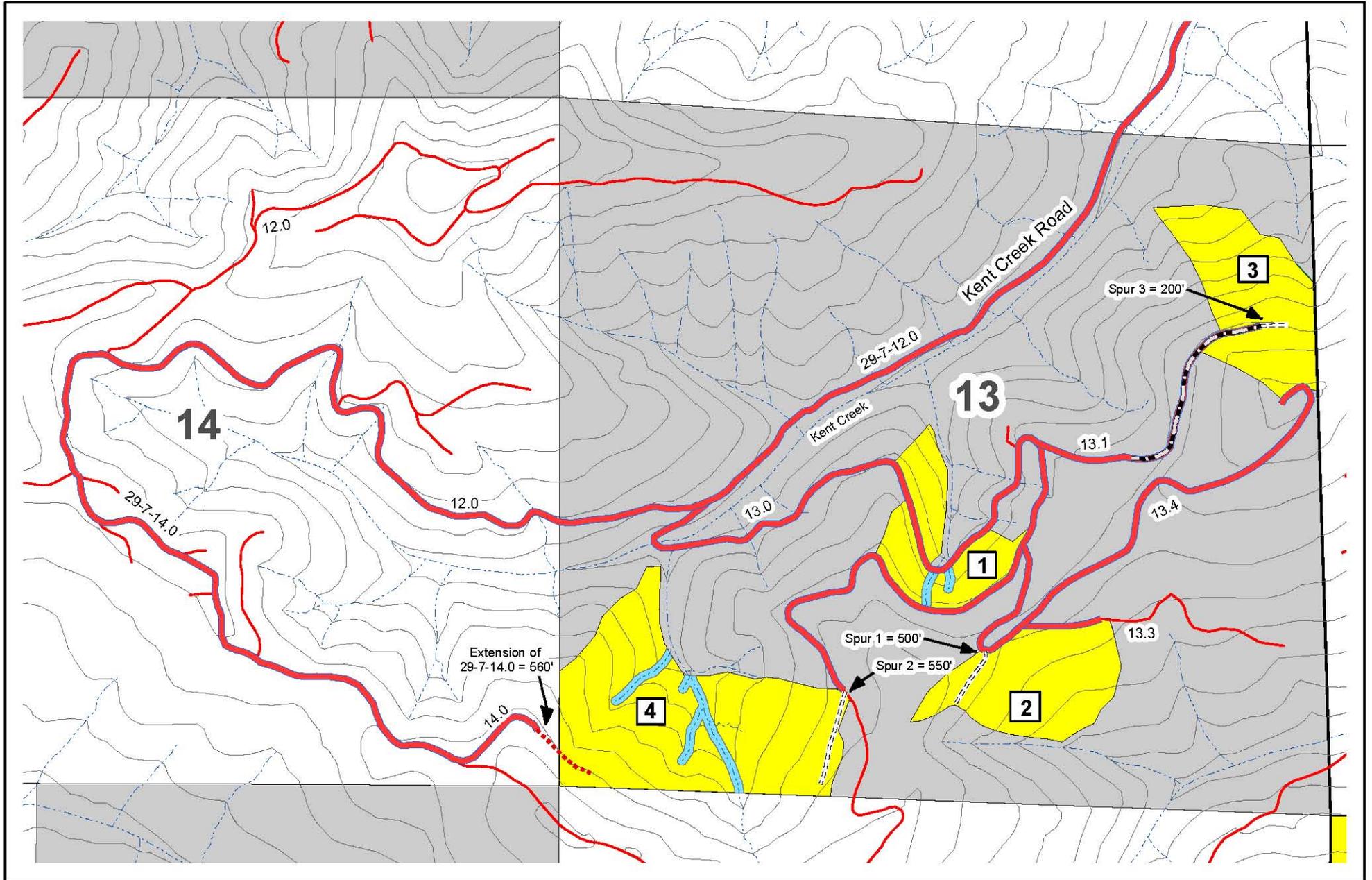
Willamette Meridian, Douglas Co., OR.



- Construct or renovate road
- County roads
- Haul routes
- Existing roads
- Harvest area
- BLM land
- Non BLM land

KRYPTONITE

Commercial Thinning



T29S, R7W

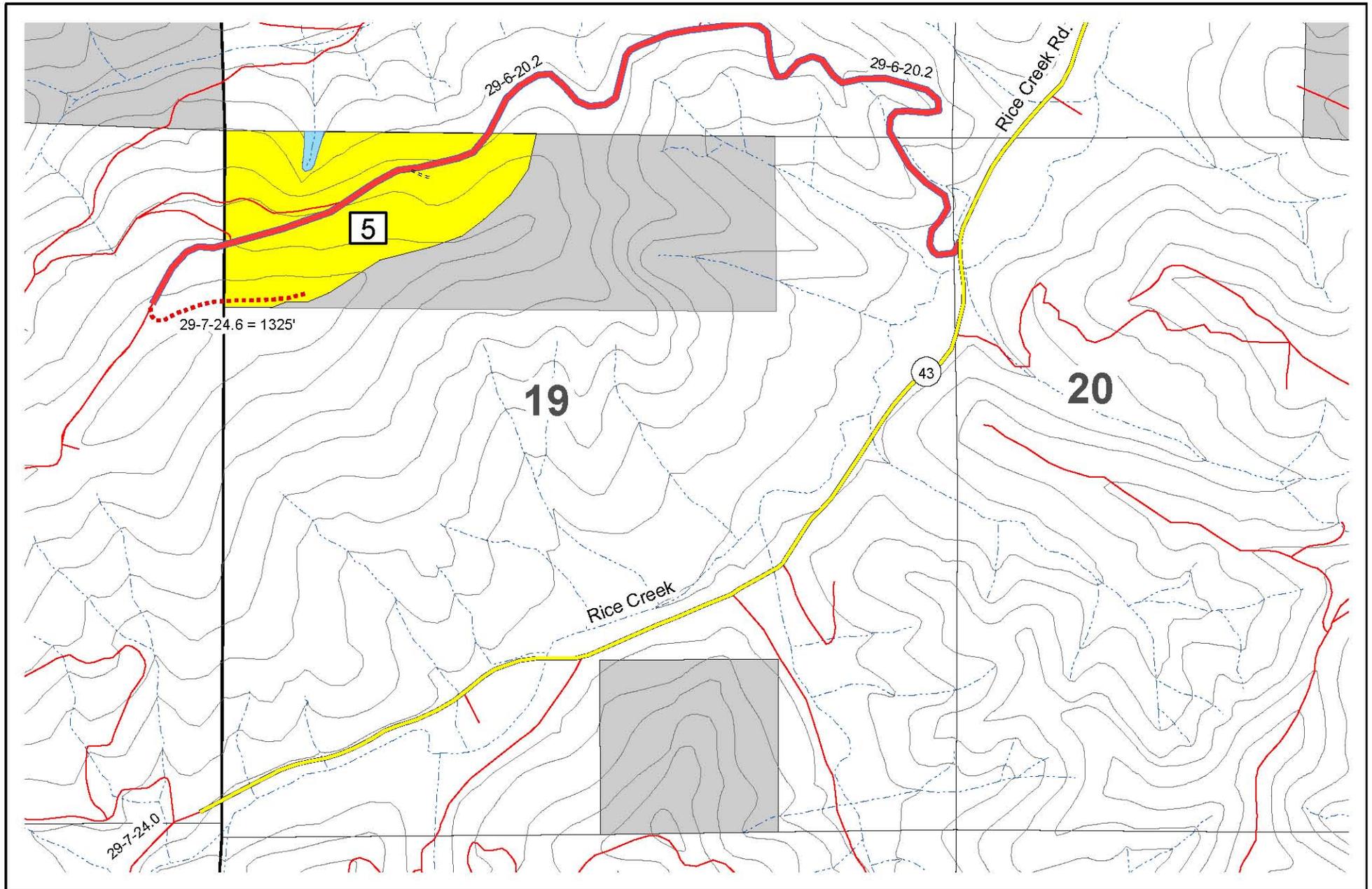
Willamette Meridian, Douglas Co., OR.



- Existing roads
- Haul routes
- Road construction**
- Construct and decommission
- Construct and rock
- Renovate
- Streams
- 100ft Contours
- No treatment area
- Harvest area
- BLM land
- Non BLM land

KRYPTONITE

Commercial Thinning



T29S, R6W

Willamette Meridian, Douglas Co., OR.



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Feet

- Haul routes
- Existing roads
- County roads
- Road construction
 - Construct and rock
 - Optional operator spur
- Streams
- 100 ft Contours
- No treatment area
- Harvest area
- BLM land
- Non BLM land