

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

Lost Cub Timber Sale

Decision Document

SECTION 1 –THE DECISION

Decision

It is my decision to authorize the Lost Cub Timber Sale included in the Proposed Action Alternative that is described in Chapters 1 and 2 in the Elk Wings Thinning and Density Management Environmental Assessment (EA) (NEPA#: DOI-BLM-OR-R040-2011-009-EA; pgs. 1-19) and below (q.v. pgs. 2-4).

The Lost Cub Commercial Thinning and Density Management project (Lost Cub) will occur on four units (approximately 192 acres) of second-growth forest approximately 37-42 years old located in the Elk Creek-Umpqua River Watershed in Sections 23 and 27 of T. 22 S., R. 6 W. Willamette Meridian (Figure 1). In addition, approximately 2 acres will be removed for the development of spur roads and rights-of-ways. Lost Cub will provide approximately 4.252 million board feet of timber available for auction.

The Roseburg District initiated planning and design for this project on November 8, 2010 to conform and be consistent with the Roseburg District's 1995 Record of Decision and Resource Management Plan (ROD/RMP). The Elk Wings EA includes lands within the Late Successional Reserve (LSR), General Forest Management Area (GFMA), Connectivity/Diversity Block (CD), and Riparian Reserve (RR) land use allocations. The Lost Cub project is within GFMA, CD and RR land use allocations.

The Project Design Features that will be implemented as part of Lost Cub are described on pages 7-12 and 14-18 of the Elk Wings 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 241 acres described in the EA as the Lost Cub project, thinning will occur on approximately 113 acres within the GFMA and CD land use allocations and approximately 79 acres of RR will be treated with a density management prescription (Table 1; Figure 1). In addition, approximately 2 acres will be removed for the development of spur roads and rights-of-ways (Table 1). Approximately 49 acres will be excluded from this decision for the following reasons:

- Approximately 42 acres will be excluded from treatment because they are within 35 or 60 foot no-harvest stream buffers (EA, pg. v).
- Approximately 5 acres will be excluded from treatment because it was determined through field reviews to be suitable marbled murrelet habitat.
- Approximately 2 acres will be excluded from treatment because they are perennially wet areas with soils concerns and provide special habitat.

Table 1. Lost Cub Units and Land Use Allocations.

Sale Unit No.	EA Unit	Township-Range-Section	Sale Unit Acres ¹	Sale Unit Acres in Land Use Allocations			Roads/ Rights-of-Way (acres)		
				GFMA	CD	RR	GFMA	CD	RR
1	27C	T22S-R06W-Sec. 27	50	34		16	0.4		0.1
2	27E	T22S-R06W-Sec. 27	64	26		38	0.8		0.1
3	27H	T22S-R06W-Sec. 27	31	21		10	0.2		0.3
4	23F	T22S-R06W-Sec. 23	47		32	15		0.3	0.1
Total			192	81	32	79	1.4	0.3	0.6

¹ Unit acres shown are net acres after roads interior to Harvest Area boundaries have been deleted from acreage calculations.

Within Lost Cub, there will be approximately 75 acres of ground-based yarding and approximately 117 acres of cable yarding (Figure 1). In addition, the two acres removed for the development of spur roads and rights-of-ways will be ground-based yarded. The EA (pg. 8) proposed approximately 241 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. 19).

2) **Roads & Spurs:**

The spur roads in Lost Cub have been re-numbered as shown below in Table 2. *Lost Cub Roads and Spurs*. There will be approximately 0.6 miles (3270 feet) of temporary spur roads constructed with approximately 632 feet (0.1 mile) of road construction within RR. Formerly, 1.2 miles of spur road construction, including 0.2 miles (1056 feet) within RR, were proposed in the EA (pg. 14). Spurs 1, 2, 3, 4, 5, and 6 may be rocked at purchaser expense to allow harvest operations to occur outside of the marbled murrelet seasonal restrictions. All new construction spur roads will be decommissioned following harvest operations as described in Table 2.

Approximately 8.5 miles of existing road will be renovated; formerly 13.13 miles were proposed in the EA (pg. 14). Renovation will include Spur 7 (470 feet) which was proposed in the EA as

renovation of road 22-6-27.0 Segment C, and will remain a native surface road. Spur 7 will be decommissioned following harvest operations as described in Table 2. There will be approximately 4.6 miles less renovation because roads will require less maintenance and renovation than anticipated in the EA.

Dust abatement on the 22-6-15.0 road, segment A1, will occur, as necessary, near the residences where pavement changes to gravel.

Approximately 1.7 miles (8915 feet) of roads and spurs will be decommissioned in Lost Cub as indicated in Table 2. The EA proposed decommissioning of 2.62 miles (pg. 14). Temporary spur roads will be decommissioned, as described in Table 2, when harvest operations are completed. There will be less decommissioning of roads because there will be fewer miles of new road construction and some proposed spurs (Spurs B, C and H, 0.43 miles) will not be necessary to access the harvest units.

Table 2. Lost Cub Roads and Spurs

Road and Spurs		New Temporary Construction		Maintenance/ Renovation (miles)	Surfacing		Season Of Haul	Decommissioning	
(in the EA)	(in the Decision)	Length (feet)	Within Riparian Area (feet)		Existing	Proposed		Length (feet)	Methods
22-6-15.0	22-6-15.0			2500	Rock	Rock	Wet or Dry		
22-6-21.0	22-6-21.0			9200	Rock	Rock	Wet or Dry		
22-6-21.1	22-6-21.1			1585	Rock	Rock	Wet or Dry		
22-6-21.4	22-6-21.4			1875	Rock	Rock	Wet or Dry		
22-6-22.0	22-6-22.0			1415	Rock	Rock	Wet or Dry	1415	Water bar and block
22-6-24.0	22-6-24.0			6740	Rock	Rock	Wet or Dry		
22-6-26.0	22-6-26.0			3760	Native	Native	Dry	3760	Water bar, remove culvert and block
22-6-27.0 Seg. A, B	22-6-27.0 Seg. A, B			4685	Rock	Rock	Wet or Dry		
22-6-27.2	22-6-27.2			1900	Rock	Rock	Wet or Dry		
22-6-27.4	22-6-27.4			1260	Rock	Rock	Wet or Dry		
22-6-28.0	22-6-28.0			2305	Rock	Rock	Wet or Dry		
22-6-35.0	22-6-35.0			7250	Rock	Rock	Wet or Dry		
Spur A	Spur 1	570	54			Rock	Wet or Dry	570	Water bar and block
Spur F	Spur 2	965	0			Rock	Wet or Dry	965	Water bar and block
Spur L	Spur 3	400	40			Rock	Wet or Dry	400	Water bar
Spur J	Spur 4	520	458			Rock	Wet or Dry	520	Water bar, remove culvert and block
Spur K	Spur 5	200	0			Rock	Wet or Dry	200	Water bar and block
Spur I	Spur 6	615	80			Rock	Wet or Dry	615	Water bar and block
22-6-27.0 Seg. C	Spur 7			470		Native	Dry	470	Water bar, slash and block
Total		3270	632	44,945				8915	

3) Consultation with the U.S. Fish & Wildlife Service:

Consultation with the U.S. Fish & Wildlife Service (Service) was reinitiated when the Service designated 2012 Revised Critical Habitat for the Northern Spotted Owl. A Letter of Concurrence (LOC) was received on January 3, 2013 (FWS reference #: 01EOFW00-2013-IC-0026) concurring with the District's determination of effects of habitat modification projects on Revised Critical Habitat.

Units 1, 2 and 3 of Lost Cub occur within Oregon Coast Range 5 Critical Habitat Unit (OCR-5) under the 2012 Revised Critical Habitat designation. The Service concurred with the District's determination (LOC, pg. 16) that implementation of the Lost Cub project will not significantly affect Primary Constituent Elements and therefore *may affect, but is not likely to adversely affect* (NLAA) 2012 Revised Spotted Owl Critical Habitat for the following reasons:

- No nest trees will be removed.
- Stand-level canopy cover will not be reduced below 40 percent therefore maintaining dispersal function for spotted owls.
- Large remnant trees will be reserved and snags and coarse woody debris will be protected.
- Hardwoods will be retained.
- The thinning project will occur in structurally simple stands and is designed to accelerate stand development to promote late succession conditions (i.e. large trees, canopy gaps, snags and down wood, and understory vegetation).

Compliance and Monitoring

Compliance with this decision will be ensured by frequent on-the-ground inspections by the Contracting Officer's Representative. Monitoring will be conducted as directed in the Roseburg District's 1995 *Record of Decision and Resource Management Plan* (ROD/RMP) (pgs. 84-86) and as modified, refined, and clarified through plan maintenance as documented in the Roseburg District's *Annual Program Summary and Monitoring Report Fiscal Year 2012* (pgs. 50-94).

SECTION 2 – THE DECISION RATIONALE

I have reviewed the resource information contained in the EA and the updated information presented in this decision and determined that there will not be significant impacts beyond those analyzed in the 1994 PRMP/EIS (Elk Wings FONSI, pg. 1). I have considered the decision factors described in the EA (pg. 4) and determined that implementation of the project design features (EA, pgs. 7-12 and 14-18) will minimize impacts to resources, including but not limited to, wildlife and wildlife habitat, soil productivity, water quality, and the spread of noxious weeds. Implementation of this project will meet the objectives of retaining existing habitat features and creating future habitat components for listed species while providing a substantial timber volume in a cost-efficient manner (EA, pgs. 1, 4).

Chapter 2 of the EA describes a "No Action Alternative" and a "Proposed Action Alternative". The No Action Alternative was not selected because it did not meet the stated need and purpose (EA, pg. 1) to reduce stand stocking in a manner that enhances habitat for the spotted owl and marbled murrelet and improves vigor in the residual stand, while producing commercial timber in a cost-efficient manner. In addition, the No Action Alternative would not meet the following specific RMP objectives as described in the Elk Wings EA (pg. 2):

Matrix (General Forest Management Area and Connectivity/Diversity Blocks)

- Provide a sustainable supply of timber and other forest commodities (1995 ROD/RMP; pg. 33).
- Provide connectivity (along with other allocations such as Riparian Reserves) between Late-Successional Reserves (1995 ROD/RMP; pg. 33).
- Provide habitat for a variety of organisms associated with both late-successional and younger forests (1995 ROD/RMP; pg. 33).
- Provide for important ecological functions such as dispersal of organisms, carryover of some species from one stand to the next, and maintenance of ecologically valuable structural components such as down logs, snags, and large trees (1995 ROD/RMP; pg. 33).
- Select logging systems based on the suitability and economic efficiency of each system for the successful implementation of the silvicultural prescription, for the protection of soil and water quality, and for meeting other land use objectives (1995 ROD/RMP; pg. 61). Also, provide a harvest plan flexible enough to facilitate harvesting within a three year timber sale contract.

Riparian Reserve

- Apply silvicultural practices for Riparian Reserves to control stocking, reestablish and manage stands, and acquire desired vegetation characteristics needed to attain Aquatic Conservation Strategy objectives (1995 ROD/RMP; pg.25).

The thinning prescription for Lost Cub was designed and trees were marked to achieve the RMP objectives for GFMA, C/D and RR under the 1995 ROD/RMP. In the Elk Creek-Umpqua River Watershed, the total RR width for perennial, fish-bearing streams is 400 feet (two site potential tree heights on both sides of the stream). The total RR width for perennial, non-fish bearing streams and also for intermittent streams is 200 feet (one site potential tree height on both sides of the stream). The prescription retains no-harvest buffers of 35 feet along intermittent streams and 60 feet along perennial or fish-bearing stream channels.

Lost Cub will meet ACS objectives at the site and watershed scale and in the short- and long-term (EA, pg. 58). Based upon the restorative nature of the action, this project will not retard or prevent but will speed attainment of ACS objectives by creating structural and vegetative diversity. Therefore, this action is consistent with the ACS and its objectives at both the site and watershed scales (EA, pgs. 58, 91-95).

The outer portions of the RR will be thinned to moderate densities to improve riparian vegetative and structural diversity while providing small functional wood for aquatic complexity and larger trees for future wood recruitment (EA pg. 56). The moderate thinning prescription in the upland stands will increase tree growth rates, develop the structural and species diversity of the stand and result in development of habitat with late-seral characteristics for marbled murrelets and northern spotted owls (EA, pgs. 56-57, 35-36, 41).

Based on the analysis of potential impacts contained in the environmental assessment, a Finding of No Significant Impacts (FONSI) has been prepared for Elk Wings Commercial Thinning and Density Management with a determination that the project, which includes Lost Cub, would not have a significant impact on the human environment; therefore, an environmental impact statement will not be prepared.

Survey & Manage

The Lost Cub 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 (District Court) 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. 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. Plaintiffs and Defendants entered into settlement negotiations that resulted in the 2011 Survey and Manage Settlement Agreement, adopted by the District Court on July 6, 2011.

On April 25, 2013, the Ninth Circuit Court of Appeals issued an opinion that reversed the District Court's approval of the 2011 Survey and Manage Settlement Agreement. The case is now remanded back to the District Court for further proceedings. This means that the December 17, 2009, District Court order which found National Environmental Policy (NEPA) inadequacies in the 2007 analysis and records of decision removing Survey and Manage is still valid.

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 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:

- 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."*

Following the District Court's December 17, 2009 ruling, the Pechman exemptions remain in place. I have reviewed the Lost Cub project in consideration of both the December 17, 2009 partial summary judgment and Judge Pechman's October 11, 2006 order. Because the Lost Cub project includes no regeneration harvest and includes thinning only in stands less than 80 years old, I have made the determination that this project meets Exemption A of the Pechman Exemptions (October 11, 2006 Order), and may proceed to be offered for sale even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision since the Pechman exemptions would remain valid in such case. The first notice for sale will appear in *The News-Review*, Roseburg, Oregon on December 31, 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 Elk Wings Commercial Thinning and Density Management EA, which included the Lost Cub project, during a 30-day public comment period (June 19, 2012 – July 19, 2012). Three 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 Lost Cub: 1) Roads; 2) Riparian Reserve thinning; 3) Snags and coarse woody debris; 4) OHV use; 5) Anchor trees.

1) *Roads*

Comments were received stating that new road construction should be avoided and that there should not be new roads built in RR.

In the final design of the Lost Cub project, spur roads will involve 0.6 miles of new construction, with approximately 632 feet in RR. Approximately 8.5 miles of roads will be improved/renovated (Table 2). The road locations are in geographically stable locations and will provide landing locations that reduce or eliminate the need to yard across stream channels and the no-harvest buffers. Construction and improvement of the six spur roads will not remove remnant/legacy trees from the stands. The EA proposed 1.2 miles of new spur road construction, with 1056 feet in RR, and over 13 miles of road improvement/renovation.

Construction and improvement of these six spur roads provides access for safe and environmentally responsible yarding operations that will allow treatment of the densely stocked young stands, creating conditions for increased tree growth and the development of vegetative and species diversity. Spur roads will be decommissioned by combinations of waterbarring, culvert removal, slash mulching, and blocking as described in Table 2.

2) *Thinning in Riparian Reserves*

Lost Cub was designed to develop late seral habitat characteristics for the spotted owl and marbled murrelet while providing commercial timber to meet objectives of the RMP (q.v. pg. 5). The stands being treated, including those in Riparian Reserves, are densely stocked, simple structured and dominated by Douglas-fir (EA pgs. 1-2). The thinning prescription will increase stand diversity by retaining minor conifer species, hardwoods, remnant trees, snags and woody debris, and allow development of understory shrub layers (EA pg. 9, 23, 35).

Analysis in the EA (pgs. 23-24, 33-36), stating that thinning, specifically a moderate thinning prescription, will lead to larger diameter trees with developed limb structure, development of understory vegetation and natural regeneration, and larger snags with more resiliency and limb structure, is supported by published peer-reviewed literature. The density management treatment, and its goals to develop late seral characteristics, is consistent with the published Revised Recovery Plan for the Northern Spotted Owl (EA pg. 36). Published literature supports the decision to implement a moderate thinning prescription rather than a light thinning prescription, because the purpose of the density management in Reserves is to develop diverse, multi-storied stands that a light thinning will not produce (EA pg. 23).

Comments received, stating a “heavy thinning (leaving under 100 trees per acre)” should not be implemented, were based, not on published peer-reviewed literature, but on information from an internal agency white paper that expressed a personal opinion not supported by published research. Published literature and accepted modeling programs for stand development support BLM’s

implementation of a moderate thinning prescription (retention of approximately 85 trees per acre) as described in the EA (pgs. 5, 21-25) to achieve tree and understory development that will meet the project's stated purpose and need to develop and improve habitat for spotted owls and marbled murrelets while producing commercial timber in a cost-efficient manner (EA pg. 1).

3) *Snags and coarse woody debris*

The EA (pg. 24) acknowledges that there are tradeoffs between improving tree growth rates and development of multi-layered stands and the accumulation of snags and down wood. Though fewer snags would develop over time in the treated stands, those snags developed post treatment are expected to be larger with better limb structure and will be more resilient in storm events. The number of snags and amount of coarse woody debris predicted post-harvest, and after 100 years, are within the ranges observed in natural mature stands in the Coast Range (EA pg. 24-25).

4) *OHV use*

Comments were received that the EA should disclose if OHV use is prevalent in the project area and should analyze its impacts.

There was no off-highway vehicle use documented in the project area by specialists conducting field reviews during development of Lost Cub. The BLM does not foresee increased OHV activity in the area as a result of the construction and decommissioning of 0.6 miles of temporary spur roads for this project.

5) *Tailhold and guyline anchor trees*

Comments were received stating that the BLM does not adequately protect trees with northern spotted owl and marbled murrelet nesting structure from use as tailhold and guyline anchor trees.

Selection and use of guyline and tailhold trees during harvest operations is guided by operational needs and safety requirements established by the Oregon Safety and Health Administration. BLM does not specify landing locations. Contract stipulations include utilization of protective measures to prevent damage to tailhold trees, seasonal restriction of operations during nesting seasons, and trees selected for use as tailholds and guy anchors are approved by the contract administrators.

Because guyline trees may need to be removed due to safety regulations, BLM includes this potential impact to suitable northern spotted owl and marbled murrelet habitat in its consultation with the U.S. Fish and Wildlife Service on the effects to threatened and endangered species. Consultation for Lost Cub states that no nest trees will be removed (Decision Document pg. 4).

The remaining comments did not raise substantive issues that would influence my decision to implement the Lost Cub project.

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 notice/timber sale advertisement in *The News-Review*, Roseburg, Oregon on December 31, 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 Standard Time) within 15 days after first publication of the decision notice on December 31, 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.

for 

Max Yager, Field Manager
Swiftwater Field Office

12/18/13
Date

