

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

**Old Crow
Commercial Thinning**

Decision Document

SECTION 1 – THE DECISION

Decision

It is my decision to authorize the Old Crow portion of the Proposed Action Alternative as described in the Blackbird Commercial Thinning Environmental Assessment (EA) in Chapters 1 and 2 (NEPA#: DOI-BLM-OR-R040-2009-0021-EA; pgs. 3-8). The Project Design Features that will be implemented as part of Old Crow are described on pages 4-11 of the Blackbird Commercial Thinning EA. These project design features have been developed into contract stipulations and will be implemented as part of the timber sale contract.

Old Crow Commercial Thinning will occur on six units (approximately 247 acres) of mid-seral, second-growth forest approximately 38-44 years old located in the Rock Creek and Lower North Umpqua River Watersheds in Sections 23, 27, and 33 of T. 25 S., R. 3 W. Willamette Meridian (Figure 1). In addition, approximately 2 acres will be removed for the development of spur roads and rights-of-ways.

This project is within the Connectivity/Diversity (C/D), General Forest Management Area (GFMA), and Riparian Reserve Land Use Allocations under the 1995 *Roseburg District Record of Decision and Resource Management Plan* (1995 ROD/RMP; Table 1). Old Crow will provide approximately 2.917 million board feet (2.917 MMBF) of timber available for auction.

Updated Information

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

1) Unit Configuration:

The land use allocations for Old Crow are C/D (91 acres), GFMA (101 acres), and Riparian Reserve (55 acres; Table 1). In addition, approximately 2 acres within GFMA (1.3 acres) and Riparian Reserve (0.5 acres) on BLM administered lands will be cleared for the development of spur roads and rights-of-ways (Table 1).

Table 1. Old Crow Land Use Allocations.

Unit	Township-Range-Section	Unit Acres	Land Use Allocation (acres)			Roads/Rights-of-Way (acres)		
			C/D	GFMA	Riparian Reserve	C/D	GFMA	Riparian Reserve
23D	T25S-R03W-Sec. 23	27	0	18	9	0	0.7	<0.1
27A & 27B	T25S-R03W-Sec. 27	58	51	0	7	0	0	0
27C	T25S-R03W-Sec. 27	9	6	0	3	0	0	0
27D	T25S-R03W-Sec. 27	35	34	0	1	0	0	0
33A	T25S-R03W-Sec. 33	32	0	29	3	0	0	0
33B	T25S-R03W-Sec. 33	86	0	54	32	0	0.6	0.4
Total		247	91	101	55	0	1.3	0.5

Approximately 74 acres will be excluded (net difference) from the final unit configuration of Old Crow as compared to what was described in the EA for the following reasons:

- Approximately 47 acres will be excluded from thinning because they are either within the “no-harvest” buffer of additional streams located during unit layout or they are not readily accessible due to these additional stream buffers.
- Approximately 22 acres will be excluded from thinning because they are within areas that have poor stocking and low volume and are not currently considered suitable for thinning.
- Approximately 5 acres will be dropped (net subtraction) as a result of refinements and adjustments in map accuracy from GPS locations of unit boundaries.

Within Old Crow, there will be 153 acres of ground-based yarding and 94 acres that will be cable-yarded (formerly 321 acres were proposed as either ground-based and/or cable-yarding in the EA [pg. 4]). In addition, there will be approximately 2 acres removed for the development of spur roads and rights-of-ways through ground-based yarding.

2) Roads & Spurs:

The spur roads in Old Crow have been re-numbered as shown below in Table 2: *Old Crow Roads & Spurs*. There will be approximately 2,440 feet of spur roads constructed (formerly 2,535 feet were proposed in the EA [pg. 9]). There will be no new construction of permanent spur roads in Old Crow (as indicated in the EA [pgs. 7, 9]).

Portions of Spur 1, Spur 3, and the 25-3-33.8 road that are outside of Riparian Reserves could be rocked at the purchaser’s expense. If these spurs/roads are rocked, then they will be decommissioned by water-barring, mulching the beginning of the spur/road with logging slash (or with straw if logging slash is not available), and blocking with trench barriers.

The last 300 feet of Spur 2 are located within the Riparian Reserve of an intermittent stream. The spur is located in a stable location, on an old road bed at the top of the ridge. The 35 foot hard buffer combined with the canopy cover maintained within the Riparian Reserve will prevent any effects to effective shade and consequently stream temperature (EA, pg. 28). The stream adjacent to Spur 2 is non-fish bearing and has a large volume of small and large functional wood (EA, pg. 32). Due to the location of Spur 2, on a ridge over 100 feet away from the stream, constructing a road in the Riparian Reserve will have a negligible effect on future instream wood recruitment.

Approximately 13,535 feet of existing road will be renovated (formerly 14,415 feet were proposed in the EA [pg. 9]). Renovation will include brushing, blading of the driving surface, and potentially the placement of additional road rock. Typically, brushing and blading are considered as road

maintenance but when performed under a timbersale contract these same activities are categorized as road renovation.

In addition, approximately 8,220 feet of roads and spurs will be decommissioned in Old Crow (formerly 8,820 feet were proposed in the EA [pg. 9]). There will be less decommissioning (i.e. net 600 feet) authorized in this decision than proposed in the EA because overall there will be less road constructed or renovated than was originally proposed for decommissioning:

- There will be 505 feet less (net difference) road renovation performed on native surfaced roads identified in the EA so there will be 505 feet less decommissioning.
- There will be 95 feet less road construction than identified in the EA so there will be 95 feet less decommissioning.

Table 2. Old Crow Roads & Spurs¹

Spur/Road #		Temporary Construction	Road Renovation	Surfacing		Road Decommissioning	
<i>(in the EA)</i>	<i>(in Decision)</i>	(feet)	(feet)	Existing	Proposed	(feet)	How Decommissioned
Spur OC1	Spur 1	1,040	0	none	Native ²	1,040	Water-bar, mulch, block
Spur OC5	Spur 3	580	0	none	Native ²	580	Water-bar, mulch, block
Spur OC6	Spur 2	820	0	none	Native	820	Water-bar, mulch, block
25-3-27.0	25-3-27.0	0	4,405	Rock	Rock	0	none
25-3-27.1	25-3-27.1	0	2,475	Rock	Rock	0	none
25-3-27.5	25-3-27.5	0	875	Rock	Rock	0	none
25-3-33.0	25-3-33.0	0	1,875	Native	Native	1,875	Water-bar, mulch, block
25-3-33.2	25-3-33.2	0	1,725	Native	Native	1,725	Water-bar, mulch, block
25-3-33.7	25-3-33.7	0	1,100	Native	Native	1,100	Water-bar, mulch, block
25-3-33.8	25-3-33.8	0	1,080	Native	Native ²	1,080	Water-bar, mulch, block
TOTAL	-	2,440	13,535	-	-	8,220	-

¹ Approximately 54,900 feet of existing roads would be maintained for Old Crow in addition to the roads and spurs described in the table.

² Outside of Riparian Reserves, the purchaser will be allowed to rock the spur at their expense; the purchaser will be required to water-bar, mulch the beginning of the road with logging slash, and block when harvest is complete.

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 per the direction given in Appendix I of the 1995 ROD/RMP.

SECTION 2 – THE DECISION RATIONALE

The Project Design Features described in the Blackbird Commercial Thinning EA (pgs. 4-12) will minimize soil compaction, limit erosion, protect slope stability, protect wildlife habitat, protect fish habitat, protect air and water quality, as well as protect other identified resource values. I have reviewed the resource information contained in the EA and the updated information presented in this decision.

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 following objectives in the Blackbird Commercial Thinning EA (pgs. 1-2):

- Comply with Section 1 of the O&C Act (43 USC § 1181a) which stipulates that O & C Lands be managed "... for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities..."
- 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.
- Seek a balance between reducing the risk of wildfire and a fuel profile that supports land allocation objectives (1995 ROD/RMP, pg. 78).
- Within GFMA, perform commercial thinning on forest stands less than 80 years of age. Design commercial thinning to assure high levels of volume productivity (1995 ROD/RMP, pg. 151).
- Within C/D, perform thinning on forest stands less than 120 years of age. Design thinning to usually assure high levels of volume productivity. Retain patches of denser habitat where desired to meet wildlife habitat criteria (1995 ROD/RMP, pg. 153).
- Within the Riparian Reserves, apply silvicultural treatments to restore large conifers in Riparian Reserves (1995 ROD/RMP, pg. 21) and perform density management to help forest stands develop late-successional characteristics and attain forest conditions that contribute to the Aquatic Conservation Strategy (1995 ROD/RMP, pgs. 153-154).

The implementation of this project will not have significant environmental effects beyond those already identified in the 1994 PRMP/EIS. Old Crow Commercial Thinning does not constitute a major federal action having significant effects on the human environment; therefore, an environmental impact statement will not be prepared. This decision is in conformance with the Roseburg District's 1995 ROD/RMP, as amended. The analysis supporting this decision tiers to the 1994 PRMP/EIS.

Survey & Manage

The Old Crow Commercial Thinning 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. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Judge Coughenour), 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. 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 had entered into a stipulation exempting certain categories of activities from the Survey and Manage standard (hereinafter referred to as "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 (emphasis added);
- (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 Court’s December 17, 2009 ruling, the Pechman exemptions are still in place. 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. Nevertheless, I have reviewed the Old Crow Commercial Thinning project in consideration of both the December 17, 2009 and October 11, 2006 Orders. Because the Old Crow project entails no regeneration harvest and entails thinning only in stands 38-44 years old, I have made the determination that this project meets exemption “a” of the Pechman Exemptions (October 11, 2006 Order) and therefore may still 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 June 29, 2010.

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 Blackbird Commercial Thinning EA, which included the Old Crow project, during a 30-day public comment period (November 24, 2009 – December 24, 2009). Comments were received as a result of the public comment period.

Upon reviewing the comments, the following topics warrant additional clarification specific to the Old Crow project: (1) roads, (2) Riparian Reserve prescription, and (3) directional felling.

1) Roads

Comments were received that questioned the need for the amount of new road/spur construction as proposed in the EA and inquired about the permanence of “temporary” roads.

As stated in the *Updated Information* previously, there will be no new, permanent roads constructed in Old Crow. Old Crow will have 2,440 feet of temporary spur roads constructed, while in the EA (pgs. 7, 9) 2,535 feet of temporary road construction was proposed and analyzed. Spurs and roads identified as “temporary construction” in this Decision (i.e. Spur 1, Spur 2, and Spur 3; Table 2) will be decommissioned by water-barring, mulching with logging slash (or with straw if logging slash is not available), and blocking with trench barriers.

Based on 1995 ROD/RMP guidance (pg. 133), temporary roads (i.e. those not needed for continued resource management) would be “put to bed” using methods such as blocking, ripping, seeding, mulching, fertilizing, and water-barring. The roads and spurs that will be built as temporary construction in Old Crow Commercial Thinning will be put to bed using such methods (as described previously).

2) Riparian Reserve Prescription

Comments were received that criticized the silvicultural prescription for not providing: a mosaic of thinned and unthinned areas of varying residual tree densities, enough variability between the uplands and the Riparian Reserve, and enough snag habitat within the Riparian Reserve.

Within Old Crow, a variable marking prescription was used and the upland portions of the units (i.e. 192 acres in C/D and GFMA) will be thinned to a basal area of 130 square feet per acre and

the Riparian Reserves (i.e. 55 acres) will be variably thinned to 90-130 square feet per acre. Approximately 74 acres of Old Crow will be excluded from the final unit design (as described previously under “*Unit Configuration*”) and will remain unthinned.

All trees over 30 inches DBH will be marked for retention in both the uplands and Riparian Reserve. In addition, all snags 10 inches DBH or larger and at least 16 feet in height will be marked for retention. Existing snags would be felled only if they pose a safety concern and snags felled for safety reasons would be retained on site as coarse woody debris (EA, pg. 5).

Together these different components of the marking prescription and unit configuration will create a mosaic of forest structural conditions within both the Riparian Reserve and amongst the upland stands in Old Crow Commercial Thinning.

3) Directional Felling

Comments were received that expressed confusion regarding the directional felling of trees in or near Riparian Reserves.

As stated in the EA (pg. 6), trees within a tree length of the Riparian Reserve would be directionally felled away from or parallel to the Riparian Reserve. What this means is that, trees that are marked for harvest in the upland, GFMA portions of the units (but within one-site-tree of the Riparian Reserve) will be felled away from or parallel to the Riparian Reserve in order to avoid yarding through the Riparian Reserve. Trees that are marked for harvest within the Riparian Reserve will be felled away from streams in order to avoid yarding through stream channels.

In addition, if a reserve tree (i.e. a tree not marked for harvest) in the Riparian Reserve would need to be felled for safety reasons (e.g. if a tree marked for harvest gets “hung-up” in a reserve tree) then it will be left as coarse woody debris. Trees used as tailholds, intermediate supports, etc... will have precautions to protect the tree from damage (EA, pg. 5). Examples of protective measures include: cribbing (use of sound green limbs between the cable and the bole of the tree to prevent girdling), tree plates, straps, or plastic culverts (EA, pgs. 5-6).

The remaining comments did not raise substantive issues that would influence my selection of the Action Alternative for the Old Crow portion of the Blackbird 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 notice/timber sale advertisement in *The News-Review*, Roseburg, Oregon on June 29, 2010.

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-Daylight Savings Time) within 15 days after first publication of the decision notice on June 29, 2010, 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.

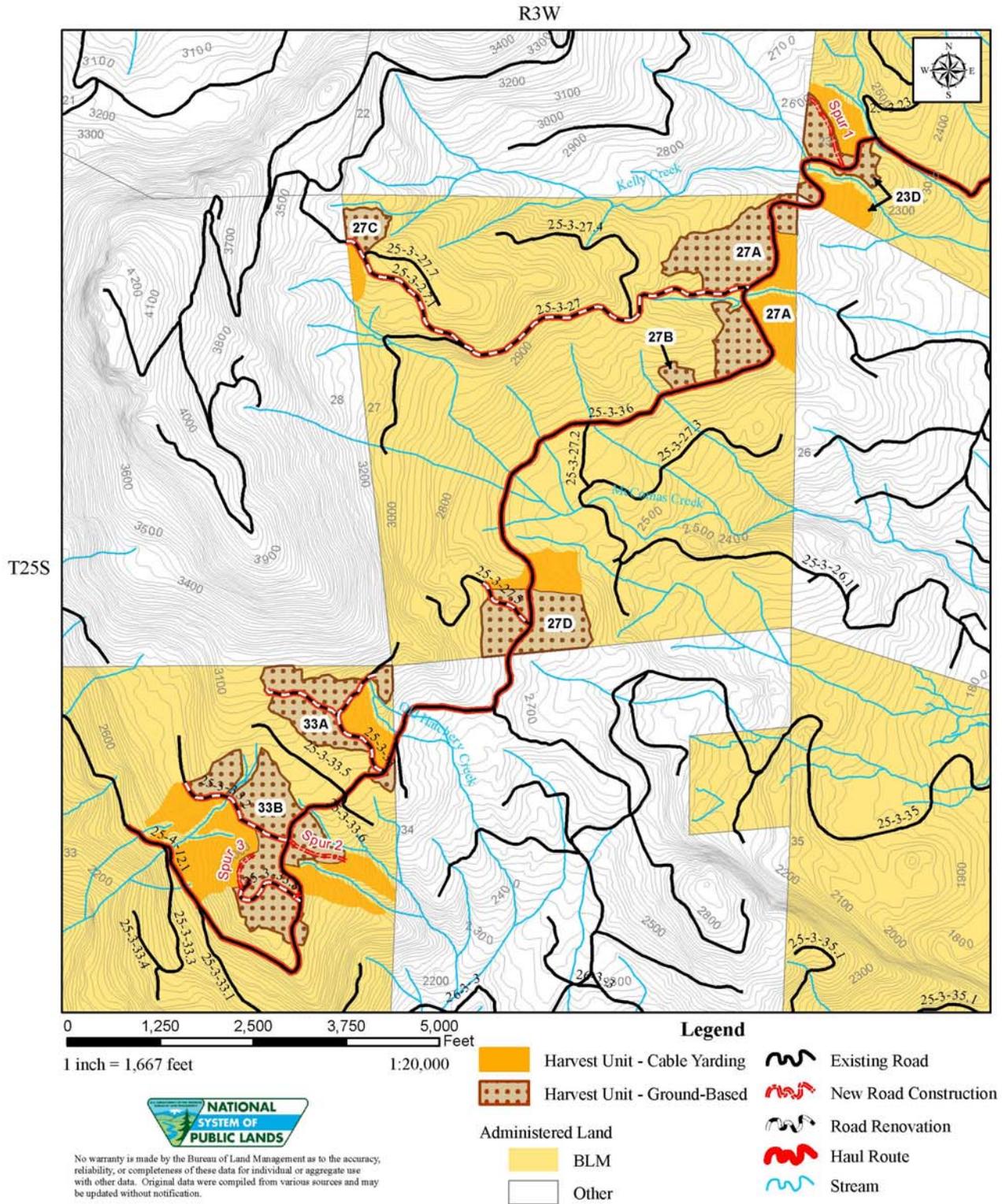


Max Yager, Field Manager
Swiftwater Field Office

6-24-10

Date

Figure 1. Old Crow Commercial Thinning.



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Map Date: 06-01-2010