

# **Plug Nickel 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 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 in conformance with management direction in the 1995 Roseburg District *Record of Decision and Resource Management Plan* (ROD/RMP) as amended prior to December 30, 2008. The Plug Nickel Commercial Thinning project is a component of the proposed action described in Alternatives Two and Three (EA, pp. 5-14).

### **Additional Information:**

In ruling on Conservation Northwest et al. v. Mark E. Rey et al. on December 12, 2009, Judge Coughenour in the U.S. District Court for Western Washington set aside the 2007 Record of Decision eliminating the Survey and Manage mitigation measures but deferred issuing a remedy until further proceedings. The judge 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. The stands to be thinned are between 33 and 49 years-old (EA, *Appendix B - Silviculture*). All road construction, except for Spur #1, is located within unit boundaries. Spur #1 passes through a mid-seral stand 47 years-old. Consequently, this thinning project fits within the Pechman exemptions.

*Carex gynodynamis*, a Bureau Sensitive species was identified in proximity to Unit 6 (30-6-5C) in Section 5, T. 30 S.; R. 6 W. It is a perennial vascular plant found in moist meadows or near seeps. The population is located near a seep along side of a segment of road that was to be renovated for access to Unit 6. As originally planned, renovation would have cut off the plant population from moisture from the seep. The road was relocated to the north, above the seep and plant population, to prevent site compaction and interruption of current hydrologic processes.

In August of 2010, during spotted owl surveys, repeated responses by a great grey owl were documented. It was determined that the owl was occupying a stand between Units 1 and 4. Thinning will not remove or modify the nesting habitat, but operations would be near enough that disruption and disturbance could occur during nesting season. Consequently, seasonal restrictions will be applied to Unit 1 and a portion of Unit 4 as described below.

**Decision:**

It is my decision to authorize the Plug Nickel Commercial Thinning project, continuing implementation of Alternative Three described in the South River FY 2009 Commercial Thinning EA. Nine units, totaling 157 acres, will be treated. An additional one acre will be cut for road rights-of-way. The lands are allocated as General Forest Management Area and Riparian Reserves by the ROD/RMP.

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

<b>Sale Unit</b>	<b>Acres</b>	<b>EA Unit Designation</b>
Unit 1	16	30-6-7A
Unit 2	18	30-6-7C
Unit 3	11	30-6-7E
Unit 4	22	30-6-7D
Unit 5	10	30-6-5C
Unit 6	9	30-6-5C
Unit 7	25	30-6-5D
Unit 8	28	30-6-5A
Unit 9	18	30-6-5B

Total harvest volume is estimated at 1,822 thousand board feet. Approximately 1,369 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 453 thousand board feet derived from density management in 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 on all units from April 15<sup>th</sup> to July 15<sup>th</sup> (barkslip period).
- Yarding and hauling of timber on Units 5 and 6, and that portion of Unit 8 accessed by unsurfaced temporary spurs #2 and #3 is restricted to the period between May 15<sup>th</sup> 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.
- Unit 1 and a portion of Unit 4 are subject to seasonal restrictions from March 1<sup>st</sup> to July 15<sup>th</sup>, both dates inclusive, unless current year surveys indicate that great grey owls are not present, are present but not attempting to nest, or have failed in nesting attempts.
- 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 1<sup>st</sup> to July 15<sup>th</sup>, both dates inclusive, unless current year surveys of suitable habitat in the contract area indicate that northern spotted owls are not present, are present but not attempting to nest, or have failed in nesting attempts.

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.

Access will be primarily provided by existing roads, supplemented by temporary construction, and renovation of portions of existing roads, as summarized below.

- Construct 365 feet of temporary road (Spur #1) to access the top of Unit 6. It will not be surfaced, and will be constructed, used and decommissioned in the same operating season.
- Renovate Road No. 30-6-4.8 (Segment A), and extend 530 feet (Segment B) for landing access in Unit 5. The road is to be renovated/constructed, used and decommissioned in the same operating season.
- Renovate 930 feet of a by-passed road (Spur #2) east and roughly parallel to a segment of Road No. 30-6-5.0, and construct 105 feet of temporary road (Spur #3). Roads are to be renovated/constructed, used and decommissioned in the same operating season.
- Renovate a portion of Road No. 30-6-4.7 and resurface with rock.

Decommissioning will be accomplished in the same operating season in which the roads were used for thinning operations. Decommissioning will consist of waterbarring, seeding and mulching, and blocking the roads to vehicular use.

### **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 considered filed in a timely fashion. The second set of comments was electronically transmitted on August 12, at 11:11 P.M., after the close of business. 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.

None of the thinning units overlap known or predicted core areas or nest patches of **northern spotted owls**. Surveys of suitable habitat within the 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. The stands to be thinned are allocated to the General Forest Management Area and do not lie within either 1992 or 2008 spotted owl critical habitat. As described in the EA (p. 13), these stands would be thinned on a generally even spacing, with a post-thinning canopy closure of 70 to 80 percent expected. While there may be a short-term decline in use by owls, the stand would still provide dispersal habitat.

The cutting of guyline trees may remove individual trees adjacent to thinning units that provide suitable habitat components. This low level of modification/removal combined with the dispersed nature of the activity is not expected to degrade the function of the suitable 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.

Two years of surveys of habitat suitable for murrelet nesting, within 100 yards of the thinning units, the applicable disruption threshold established by the U.S. Fish and Wildlife Service, have not documented any murrelet occupancy. At present, the project area is considered to be unoccupied and no 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.

In a Letter of Concurrence (Reference Number 13420-2010-I-0196), dated October 7, 2010, the U.S. Fish and Wildlife Service found that this project was not likely to adversely affect the northern spotted owl, the marbled murrelet, or their designated critical habitat (pp. 21-24).

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 Plug Nickel Special 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, Steven D. Lydick, within 15 days of the publication of the notice of decision/timber sale advertisement on October 19, 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 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.



Steven D. Lydick  
Field Manager  
South River Field Office  
(541) 464-3211

10/18/10  
Date

'SR FY 2009 Commercial Thinning' EA  
 'Final Decision' Document  
 Map

# PLUG<sup>34</sup> NICKEL<sup>34</sup>

Commercial Thinning

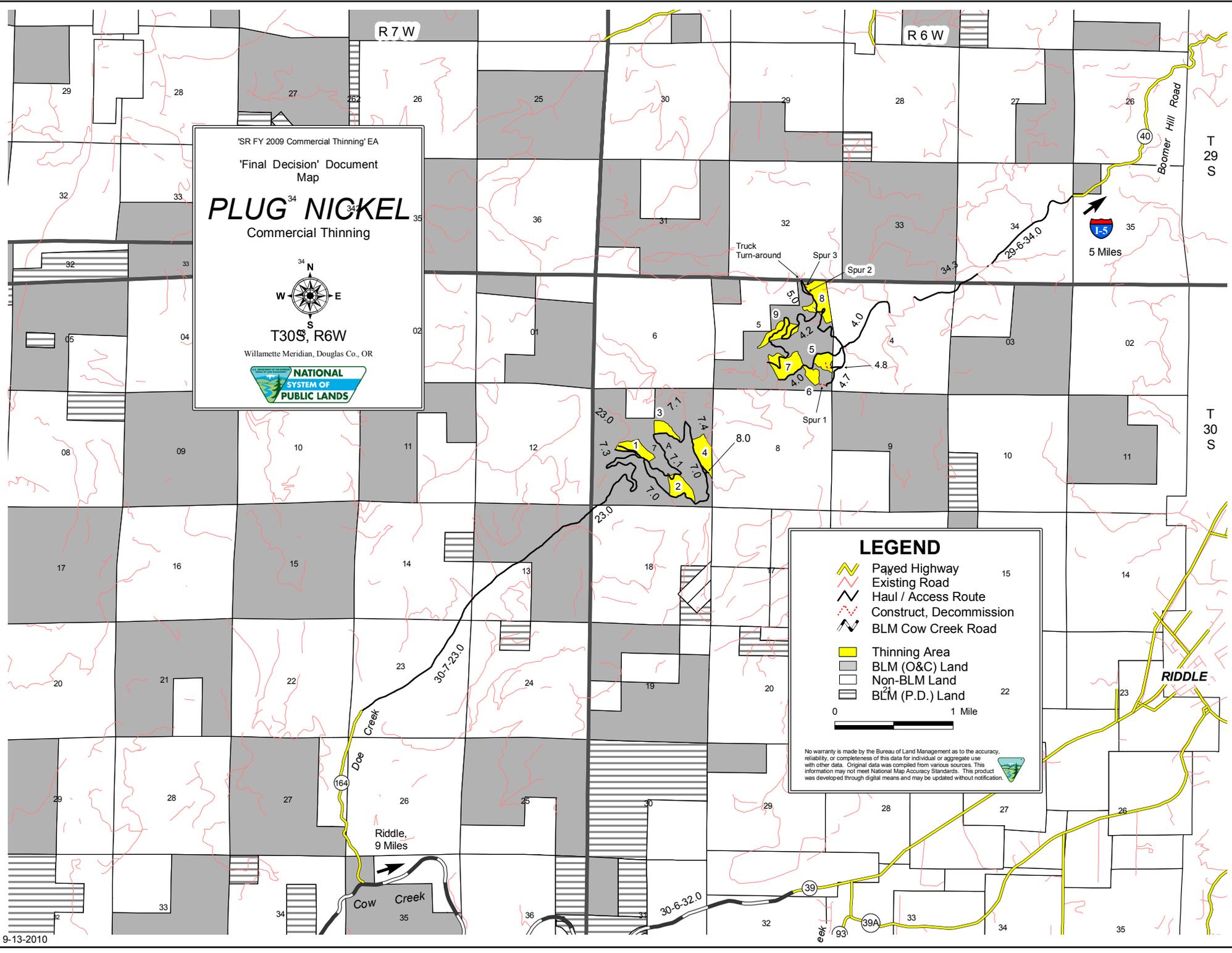
T30S, R6W  
 Willamette Meridian, Douglas Co., OR

### LEGEND

- Paved Highway
- Existing Road
- Haul / Access Route
- Construct, Decommission
- BLM Cow Creek Road
- Thinning Area
- BLM (O&C) Land
- Non-BLM Land
- BLM (P.D.) Land

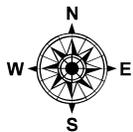
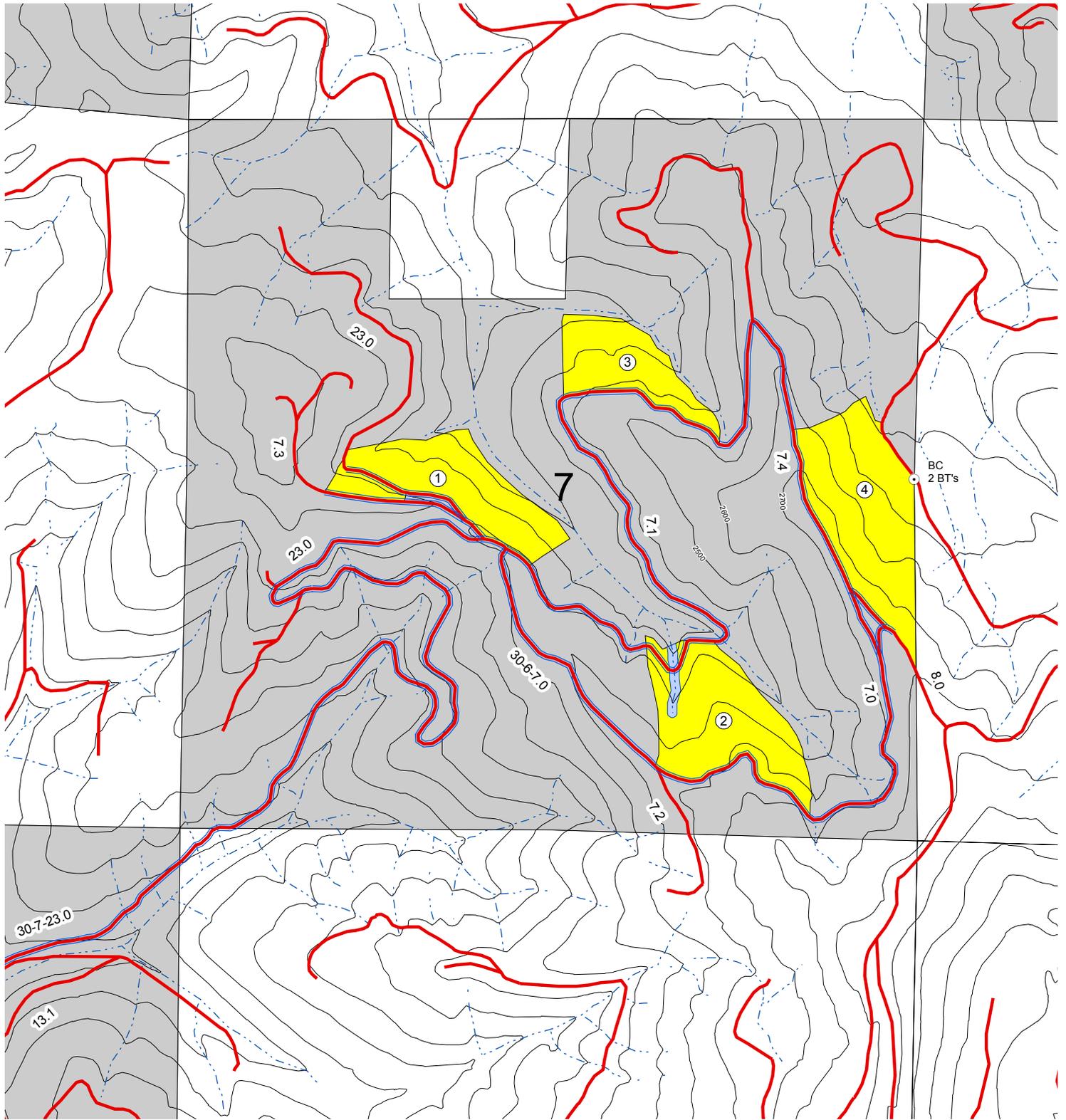
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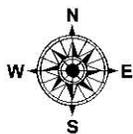
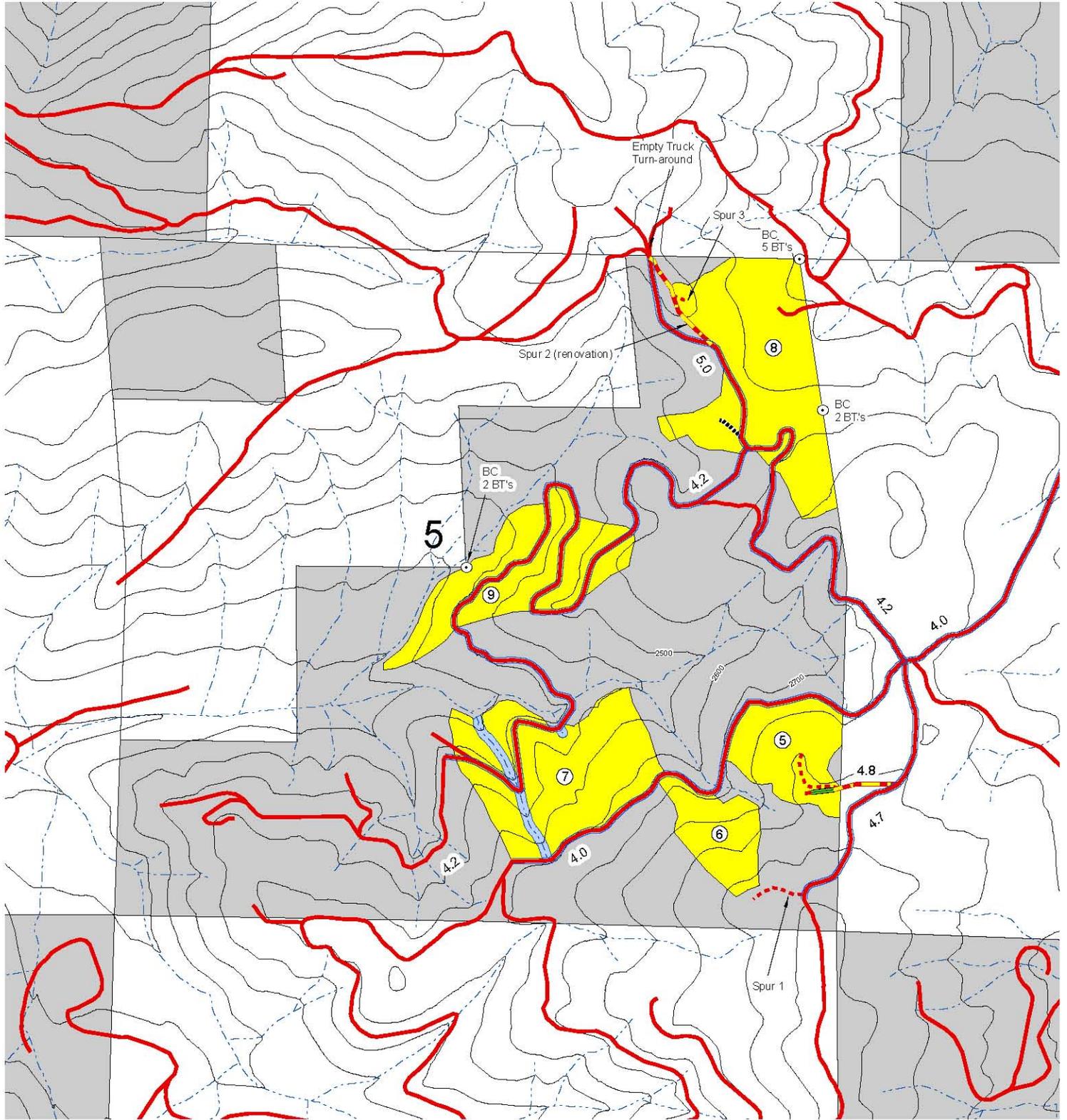
- Existing Road
- Haul/Access Route
- Stream
- 100 Ft. Contour
- Thinning Area
- No Treatment Riparian Area
- BLM (O&C) Land
- Non-BLM Land

T30S, R6W

Willamette Meridian, Douglas Co., OR

# PLUG NICKEL

## Commercial Thinning



T30S, R6W

Willamette Meridian, Douglas Co., OR



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- Existing Road
- Haul/Access Route
- Renovate, Decommission
- Construct, Decommission
- Unusable Road
- Optional Operator Spur
- Stream
- 100 Ft. Contour
- Thinning Area
- No Treatment Riparian Area
- BLM (O&C) Land
- Non-BLM Land