

# Rabbit Mountain Fire Safe Cow Decision Record

Rabbit Mountain Fire LSR Recovery  
Environmental Assessment  
DOI-BLM-OR-R050-2014-0004-EA

Bureau of Land Management  
South River Field Office, Roseburg District

## Background

The Rabbit Mountain Fire LSR Recovery Environmental Assessment (EA) describes and analyzes a no action alternative (Alternative One) and one action alternative (Alternative Two). One component of the purpose and need of the EA is to create a safe environment by felling and removing hazard trees, above and below roads, above the railroad right-of-way, and adjacent to quarries (EA, p. 2). Another component of the purpose and need of the EA is to provide access to manage future wildfires by maintaining the ingress/egress onto BLM lands through roadside hazard tree removal and fuels reduction (EA, p. 2). With respect to these components, the selected alternative is Alternative Two.

The analyses were conducted and the project designed to conform to management direction from the 1995 Roseburg District *Record of Decision and Resource Management Plan* (ROD/RMP)<sup>a</sup> as amended prior to December 30, 2008.

## Decision

It is my decision to authorize the Rabbit Mountain Fire Safe Cow project, continuing implementation of Alternative Two (EA, pp. 22-30), as was chosen in the Rabbit Mountain Fire Silvicultural Habitat Restoration Decision, released November 26<sup>th</sup>, 2014. Eight (8) roadside, three (3) railroad right-of-way, and one (1) quarry safety treatment areas, burned under moderate to high severity during the Rabbit Mountain Fire, will be evaluated for dead hazard trees with imminent or likely failure potential, and identified trees will be felled within the following legal descriptions, Willamette Meridian (see Appendix A for attached maps):

- T31S, R7W, Sections: 19, 29, 31
- T31S, R8W, Sections: 9<sup>b</sup>, 15, 23, 35
- T32S, R8W, Section: 2

The roadside, railroad right-of-way, and quarry safety areas total approximately 75 acres (2.6 miles of road) within the Late-Successional Reserve land use allocation in the Lower Cow Creek watershed (see Table 1). Although priority roads have been identified, hazard tree identification and felling of individual and small groups of dead trees will occur to ensure public and operator safety, as needed throughout the project area (EA, p. 23).

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<sup>a</sup> USDI Bureau of Land Management. 1995a. Roseburg District. Record of Decision and Resource Management Plan.

<sup>b</sup> The following legal description, T31S-R8W-S9, was inadvertently left out of the project area description of the EA (p. 1), although the two treatment areas within this section were included in area calculations, specialist analyses, and maps in the EA (EA, Appendix A, Figures A-3 and A-5).

Gross acres are approximations based on post-fire aerial photo analysis, soil and vegetation burn severity models, and subsequent ground reconnaissance. Gross acres may change as additional information and further field review refines the approximations.

There is a possibility of a subsequent decision(s) for additional roadside, railroad right-of-way, and quarry safety treatments; roadside fuels treatments; habitat restoration; and/or road decommissioning.

### ***Roadside Safety***

Hazard tree identification and felling will occur within 1.5 tree heights below roads, 1.5 tree heights above roads on slopes less than 35 percent, and 2.5 tree heights above roads on slopes greater than 35 percent (EA, pp. 26-27, project design feature (PDF) #2). Only trees that are dead will be felled. Where physically and operationally practicable, topping of dead hazard trees will be considered as an alternative to felling (ROD/RMP, p. 73; EA, p. 23).

Where there is an excess of felled hazard trees (greater than 10 tons per acre (i.e., 10 logs per acre, 16 feet in length)), removal may occur in order to: provide access for future fire suppression, decrease firefighter suppression hazards, decrease future fire severity potential, and reduce hazardous fuel loading (USDA and USDI 1994, p. C-13-14<sup>c</sup>; EA, p. 23).

There are limitations to hazard tree removal in riparian areas (EA, pp. 29-30, PDF #5). In addition to PDF #5 in the EA, felled hazard trees will not be removed within the following distance of any unmapped streams located during project implementation: 100 feet from listed fish habitat (LFH<sup>d</sup>), 50 feet from perennial and intermittent streams within 1 mile of LFH, and 35 feet from intermittent streams farther than 1 mile of LFH.

Planting of roadside hazard tree treatment areas will occur, where needed. Planting in cutbanks and fill slopes will not occur (EA, p. 25).

### ***Railroad Right-of-Way Safety***

Hazard tree identification and felling will occur 1.5 tree heights above the railroad right-of-way on slopes less than 35 percent, and 2.5 tree heights above the railroad right-of-way on slopes greater than 35 percent. Only trees that are dead will be felled.

### ***Quarry Safety***

Hazard tree identification and felling will occur 1.5 tree heights above the Rabbit Mountain quarry footprint on slopes less than 35 percent, and 2.5 tree heights above the quarry footprint on slopes greater than 35 percent (EA, p. 24). Only trees that are dead will be felled. Where there is an excess of felled hazard trees (greater than 10 tons/acre (i.e. 10 logs/acre, 16 feet in length)), removal may occur in order to: provide access for future fire suppression, decrease firefighter suppression hazards, decrease future

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<sup>c</sup> USDA Forest Service and USDI Bureau of Land Management. 1994. Record of Decision and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl. Attachment A.

<sup>d</sup> The Magnuson-Stevens Fishery Conservation and Management Act of 1996 (Federal Register 2002) designated essential fish habitat (EFH) for fish species of commercial importance. Essential fish habitat consists of streams and habitat currently or historically accessible to Oregon Coast Chinook and Oregon Coast coho salmon, and is coincident with Critical Habitat designated for Oregon Coast coho salmon in the Union Creek-Cow Creek, Middle Creek, Bear Creek-West Fork Cow Creek, and Riffle Creek-Cow Creek sub-watersheds. Essential fish habitat is also coincident for listed fish habitat (LFH) in the project area.

fire severity potential, reduce hazardous fuel loading and provide safe access to and working conditions around quarry operations (USDA and USDI 1994, p. C-13-14<sup>c</sup>; EA, pp. 4, 24).

**Roadside Fuels Reduction**

*Machine Piles*

Activity fuels along roadside safety treatment areas will be machine-piled at landings and covered in preparation for burning, accounting for up to 13 acres of activity fuels reduction. Machine piles will be burned during late-autumn and winter when soil and duff moistures are high (ROD RMP, p. 139). Equipment used to pile activity fuels will be restricted to roads (EA, p. 24).

*Hand Piles*

Small fuels reduction will occur along roads identified for roadside safety treatments, within the first 50 feet of the road edge, where practicable (EA, Appendix A, Figure A- 3). Small fuels reduction will also occur within the first 50 feet of no-removal riparian buffers, where possible (EA, pp. 29-30, PDF #5). Up to 20 acres of small fuels reduction will occur (EA, p. 25). Fuels less than nine inches diameter will be chipped, removed from the site, or hand piled and burned during late-autumn and winter when soil and duff moistures are high (ROD/RMP, p. 139), where practicable.

**Table 1.** Rabbit Mountain Fire Safe Cow roadside, railroad right-of-way, and quarry safety treatment descriptions.

Safety Area ID	Treatment Type	Safety Treatment Area (acres)	Safety Distance (miles)	Roadside Fuels Treatment (acres)
31-07-19A	Roadside	6.3	0.2	2.2
31-07-19B	Roadside	1.5	0.1	0.6
31-07-29A	Quarry	1.4		
31-07-31B	Roadside	4.9	0.2	2.5
31-08-15A	Roadside	1.0	0.1	
31-08-23A	Roadside	18.4	0.7	7.7
31-08-35A	Roadside	25.1	1.1	6.7
31-08-35B	Railroad Right-of-Way	2.9		
31-08-35C	Railroad Right-of-Way	4.6		
31-08-9A	Roadside	1.9	0.1	
31-08-9B	Roadside	2.9	0.1	0.6
32-08-2A	Railroad Right-of-Way	4.4		
<b>Total</b>		<b>75.3</b>	<b>2.6</b>	<b>20.3</b>

**Compliance**

Project design features, Best Management Practices (BMPs) and seasonal restrictions pertinent to the Rabbit Mountain Fire Saw Cow project will be implemented with this decision, and are disclosed in the EA, p. 26-30.

Compliance with this decision will be ensured by frequent on-the-ground inspections by the Contract Administrator. All Industrial Fire Precaution Level (IFPL) regulations will be followed.

### ***Survey and Manage***

The felling of dead hazard trees is not considered a “habitat-disturbing” activity and as such is not considered a trigger for conducting surveys under Survey and Manage direction (USDA and USDI, 2001, p. S&G 21<sup>°</sup>). Subsequent actions, including hazard tree removal, use of heavy equipment, and pile burning have been reviewed for habitat-disturbing actions.

Ground disturbance associated with hazard tree skidding and heavy equipment triggered the need for mollusk surveys. Locations of survey and manage mollusk species will be protected from disturbance. These activities will not modify red tree vole habitat sufficiently to trigger the need for surveys. Burn piles will be placed away from potential red tree vole nest trees, so as to avoid triggering the need to survey for red tree voles.

Proposed activities have been determined to be non-habitat disturbing activities for all BLM OR/WA special status or Survey and Manage vascular, non-vascular, or lichen species. Therefore, there will be no effect on any of these species (EA, p. 35).

### **Decision Rationale**

Alternative Two will meet the objectives of (1) creating a safe environment by felling and removing dead hazard trees, above and below roads, above the railroad right-of-way, and adjacent to the quarries, and (2) providing access to manage future wildfires by maintaining the ingress/egress onto BLM lands through roadside hazard tree removal and fuels reduction (EA, p. 2). Alternative One will not accomplish these objectives (EA, p. 22).

Based on the analysis of potential impacts contained in the EA, a Finding of No Significant Impacts (FONSI) has been prepared for the project with a determination that the project will not have a significant impact on the human environment; therefore, an Environmental Impact Statement will not be prepared.

### ***Botany Special Status Species***

Roadside, railroad right-of-way and quarry safety treatments, as well as roadside fuels treatments have been determined to be a non-habitat disturbing activity for all BLM OR/WA special status or Survey and Manage vascular, non-vascular, or lichen species. Therefore, there will be no effect on any of these species (EA, p. 35).

### ***Carbon Storage and Release***

As described in the EA, carbon release from the Rabbit Mountain Fire Safe Cow project will be undetectable at the national and global scales (EA, pp. 118-120).

### ***Cultural Resources***

The Rabbit Mountain Fire LSR Recovery project was surveyed for cultural resources, and 18 pedestrian surveys resulted in the identification of one historic mining shaft (OR-10-323) located approximately 200 feet or more upslope from any of the treatment areas (CRS No. SR1412, SR1405, SR1402, SR0114, SD9492, DW9301, 039304, 039207, 039102, 039008, 038818, 038816, 038806, 038801, 038719, 038703, 038614, 038514). The site is geographically separated from the roadside safety, railroad right-of-way, quarry safety, and roadside fuels reduction project, and there will be no chance of impact during

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<sup>°</sup> USDA Forest Service and USDI Bureau of Land Management. 2001. Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl.

project implementation. As a result, the project will have no effect on known cultural resources (EA, pp. 34-35).

The BLM has completed its National Historic Preservation Act Section 106 responsibilities under the 2012 National Programmatic Agreement and the 1998 and 2015 Oregon Protocols (EA, pp. 34-35). In compliance with the Act, ground-disturbing activities will be halted if cultural resources are discovered until a BLM archaeologist can properly evaluate and document the resources.

### ***Fish Species and Aquatic Habitat***

The actions under the Rabbit Mountain Fire Safe Cow project will have no effect to the federally threatened Oregon Coast coho salmon, coho Critical Habitat, or listed fish habitat (LFH).

As discussed in the EA, dead hazard trees may be felled, but will not be removed in close proximity to LFH and accordingly ground disturbance will not occur in close proximity to Oregon Coast coho salmon or Critical Habitat because mechanized equipment will not be used in these “no removal” areas (EA, pp. 29-30). Where downhill yarding is required, sediment controlling methods such as waterbarring furrowed areas (possible during log yarding) to distribute any concentrated flow, strategic hand piling of brush to filter out suspended sediment during heavy precipitation, or the use of straw wattles in yarding corridors can be used to eliminate sediment from reaching the stream network (Middle Creek and Cow Creek). A limited amount of moderate-high burn severity occurred in Oregon Coast coho salmon Critical Habitat portions of the project area (EA, Appendix A, Maps), and as such, there is a small potential for effects (i.e. warmer stream temperatures) from the fire to Oregon Coast coho salmon or Critical Habitat, and smaller yet from the safety treatment actions in these more intensely burned areas (EA, p. 109).

### ***Fire and Fuels Management***

As stated in the EA, felling dead hazard trees will create an accumulation of fuels in various size classes concentrated along roads and near access points. Felled hazard trees will be removed along roadside and quarry hazard tree safety treatment areas where there is an excess of felled hazard trees (greater than 10 tons per acre (for comparison purposes, this would be equal to 10 logs per acre, 16 feet in length)). While reducing concerns of resistance to control, Late Successional Reserve Assessment (LSRA) recommendations for CWD are still being met (EA, Appendix C).

Treatment of fuels less than 9 inches in diameter within 50 feet of the road edge will lower the risk of roadside, human-caused ignition by removing the fuels in the area most susceptible to human caused fires. The rocky nature of the project area will allow this roadside treatment to be effective for several years (EA, p. 53).

### ***Noxious Weeds and Invasive Non-native Plants***

As per the required PDFs (EA, pp. 28-29, PDF #4) and continued actions to contain, control and eradicate existing infestations as implemented under the Roseburg District Integrated Weed Control Plan (USDI BLM 1995b<sup>f</sup>), the Rabbit Mountain Fire Safe Cow project will result in no perceptible difference in the establishment or spread of non-native plant populations from that expected under no action.

Actions taken to contain, control and eradicate existing infestations are implemented under the Roseburg District Integrated Weed Control Plan (USDI BLM 1995b<sup>f</sup>). These actions include inventory of

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<sup>f</sup> USDI Bureau of Land Management. 1995b. Roseburg District. Roseburg District Integrated Weed Control Plan and Environmental Assessment.

infestations, assessment of risk for spread, and application of control measures in areas where management activities are proposed or planned. Control measures may include release mowing, hand-pulling, and limited use of approved herbicides.

### ***Soils***

Project design features (PDFs) will limit the displacement and compaction of soils (EA, pp. 27-28, 93). The soil disturbance in the treatment areas from hazard tree felling, yarding and skidding may result in localized surface soil erosion. The surface soil disturbance will extend the initial vegetative recovery periods one to three additional years, depending on the site productivity, the amount of rock fragments in and on top of the soil, soil depth, and slope gradient. The PDFs will help initiate the recovery of these affected areas (EA, pp. 27-28).

The site productivity of any landings and skid trails will be affected longer term. Any treated areas of skid trails and landings with subsoiling, slash, and topsoil placement will help to start the soil recovery process, but does not restore soil properties completely. The soil fracturing is not 100 percent through the compacted soil profile, and only some topsoil is replaced onto the treated areas, with some slash placement, so a longer period is needed for full recovery of the compacted and displaced skid trails and landings (EA, p. 95).

The roadside fuels reduction will have a minimal effect on slope stability, as the fuels reduction treatment area will be narrow strips along roads. All machines will stay on existing roads and hand piling will also occur in other areas; all within the first 50 feet of the road edge. The subsequent slash pile burning will create additional spots of burned areas and decrease woody material. Burning in landings and hand piles will create high temperatures that can cause adverse effects to soils such as volatilization of organic matter and nutrients, and the loss of soil structure. However, the burn pile areas will occupy a small portion of the total fuels treatment area (EA, p. 96).

### ***Water Quality and Quantity***

The Rabbit Mountain Fire Safe Cow project will follow all provisions of the Clean Water Act (40 CFR Subchapter D) and Department of Environmental Quality's (DEQ's) provisions for maintenance of water quality standards.

With application of BMPs (USDI BLM 2014<sup>§</sup>) and PDFs (EA, pp. 27-30, #3 and #5), no detectable level of sediment generated from the Rabbit Mountain Fire Safe Cow project will be transported to stream networks, and erosion from haul routes will be negligible.

Felling of dead hazard trees in areas burned under moderate to high severity (greater than 50 percent canopy cover mortality) will not add additional canopy openings, since the canopy was already opened during the fire. Roadside safety areas matching these criteria are limited, and will not contribute to peak flow enhancement or accelerated stream sedimentation at the drainage or planning area scale (EA, p. 113).

No road construction will occur as part of the Rabbit Mountain Fire Safe Cow project; therefore, roads will not cause peak flow enhancement because the current roaded area is not extensive enough to cause peak flow enhancement at the drainage or planning area scale.

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<sup>§</sup> USDI Bureau of Land Management. 2014. Roseburg District annual program summary and monitoring report, fiscal year 2013. Roseburg, Oregon.

## *Wildlife*

This project is in compliance with the Biological Opinion on the Rabbit Mountain Fire LSR Restoration Project (Tails# 01EOFW00-2015-F-0038, dated March 11, 2015). The U.S. Fish and Wildlife Service stated that this type of action is not likely to jeopardize the continued existence of the northern spotted owl or the marbled murrelet and is not likely to adversely modify northern spotted owl critical habitat.

Fuels treatments will reduce the risk of roadside ignition and potential reburn in the area, and reduce the risk to further loss of northern spotted owl habitat (EA, p. 75).

### *Northern Spotted Owl*

As described (EA, p. 75), no effects from potential disturbance to nesting northern spotted owls or their young will be anticipated because seasonal restrictions (EA, p. 30) will be applied where activities will occur. Effects will be solely associated with modification or removal of habitat. No hazard tree felling or removal will occur within occupied northern spotted owl nest sites. Effects to the northern spotted owl associated with modification or removal of dispersal habitat will be consistent with those described in the Roseburg District Proposed Resource Management Plan/Environmental Impact Statement (Chapter 4, pp. 62-65).

Up to 3.5 acres of dispersal habitat and 23 acres of PFF habitat will be removed due loss of canopy cover and the resultant reduction of canopy cover below the 40 percent threshold for functioning habitat. Up to 8 acres of NRF will be treated and maintained; canopy cover loss due to the removal of single trees and small groups of trees is not expected to reduce canopy closure below the 60 percent threshold for functioning NRF habitat. An additional 37 acres of capable habitat will be treated and maintained. Removal of suitable NRF habitat within one-quarter mile of known active northern spotted owl sites or un-surveyed suitable habitat will be prohibited from March 1st to September 30th, both dates inclusive (EA, p. 30, PDF #6).

Planting will assist in insuring the timely regeneration of conifer habitat—accelerating attainment of canopy closure by 20-30 years and providing a more diverse assemblage of conifer species (EA, p. 77). Roadside safety treatment areas will be replanted with a mixture of conifer species, weighted heavily to pines, incense-cedar, and Port-Orford-cedar, should post-treatment inspection identify the need to re-establish conifer species (EA, p. 75). Replanting will accelerate the transition from early seral habitat to dispersal and NRF habitat by 20-30 years (EA, p. 77).

### *Marbled Murrelet*

There will be no effects to occupied marbled murrelet habitat due to these actions. Only dead hazard trees will be felled under this project. Although hazard tree removal will not remove potential murrelet nest trees, the removal of hazard trees adjacent to potential nest trees and stands providing nesting will have reduced canopy cover that provides vertical and horizontal cover providing protection from predators and amelioration of environmental conditions (EA, p. 80). Canopy cover will not be reduced below the level (60 percent) thought to provide habitat function. Up to 3.5 acres of recruitment habitat will be lost due reduction in canopy closure below 60 percent. An additional 8 acres of recruitment habitat will be treated and habitat function maintained.

### *Red Tree Vole*

Only dead hazard trees will be felled under this project. Although hazard tree removal will not remove potential red tree vole nest trees, the removal of hazard trees adjacent to potential nest trees and stands providing nesting/foraging habitat will reduce canopy cover that provide vertical and horizontal cover that provide protection from predators and amelioration of environmental conditions but will not cause the

loss of functional habitat. Eight (8) acres of red tree vole habitat will be treated but canopy cover levels will be maintained at levels sufficient to maintain habitat functionality.

### ***Visual Resource Management***

Due to the short term nature of the visual impacts, the Rabbit Mountain Fire Safe Cow project is determined to meet VRM Class II objectives with implementation of PDFs during hazard tree felling to detract visual attention in the safety treatment areas along Cow Creek Back Country Byway (EA, p. 30, PDF #7).

The removal of dead trees and the manipulation of contrasting cutting boundaries especially on ridgetops and along the road can create more pleasing views to most observers (EA, p. 117; PRMP/EIS, p. 4-69).

### ***Monitoring***

Monitoring the effects of the Rabbit Mountain Fire Safe Cow project will be conducted in accordance with provisions contained in the ROD/RMP, Appendix I (pp. 190-192, 194-198, 201, 202, 207-209). Monitoring efforts will focus on consideration of the following resources: late-successional reserves, air quality, water and soil, wildlife habitat, fish habitat, and special status species (EA, p. 120).

### **Public Involvement and Response to Comments**

The BLM initiated external scoping for this project on November 22, 2013. A total of 17 comment letters were received and considered during the scoping period. These comments were considered and addressed in the EA (pp. 6-13).

The EA was released for a 30-day public review and comment period beginning on October 14, 2014, and running through November 13, 2014. Comments were received from seven organizations. Responses to relevant comments not already addressed in the EA are included in this document as Appendix B.

### **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 (Steve Lydick) within 15 days of the publication date of the decision posted on the Roseburg BLM website (<http://www.blm.gov/or/districts/roseburg/plans/index.php>) on March 26, 2015.

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 April 10, 2015 (4:30 P.M.; PDT), 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 Steve Lydick, Field Manager, South River Field Office, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd; Roseburg, OR 97471, (541) 440-4930.



Steve Lydick  
Field Manager  
South River Field Office

3/24/15

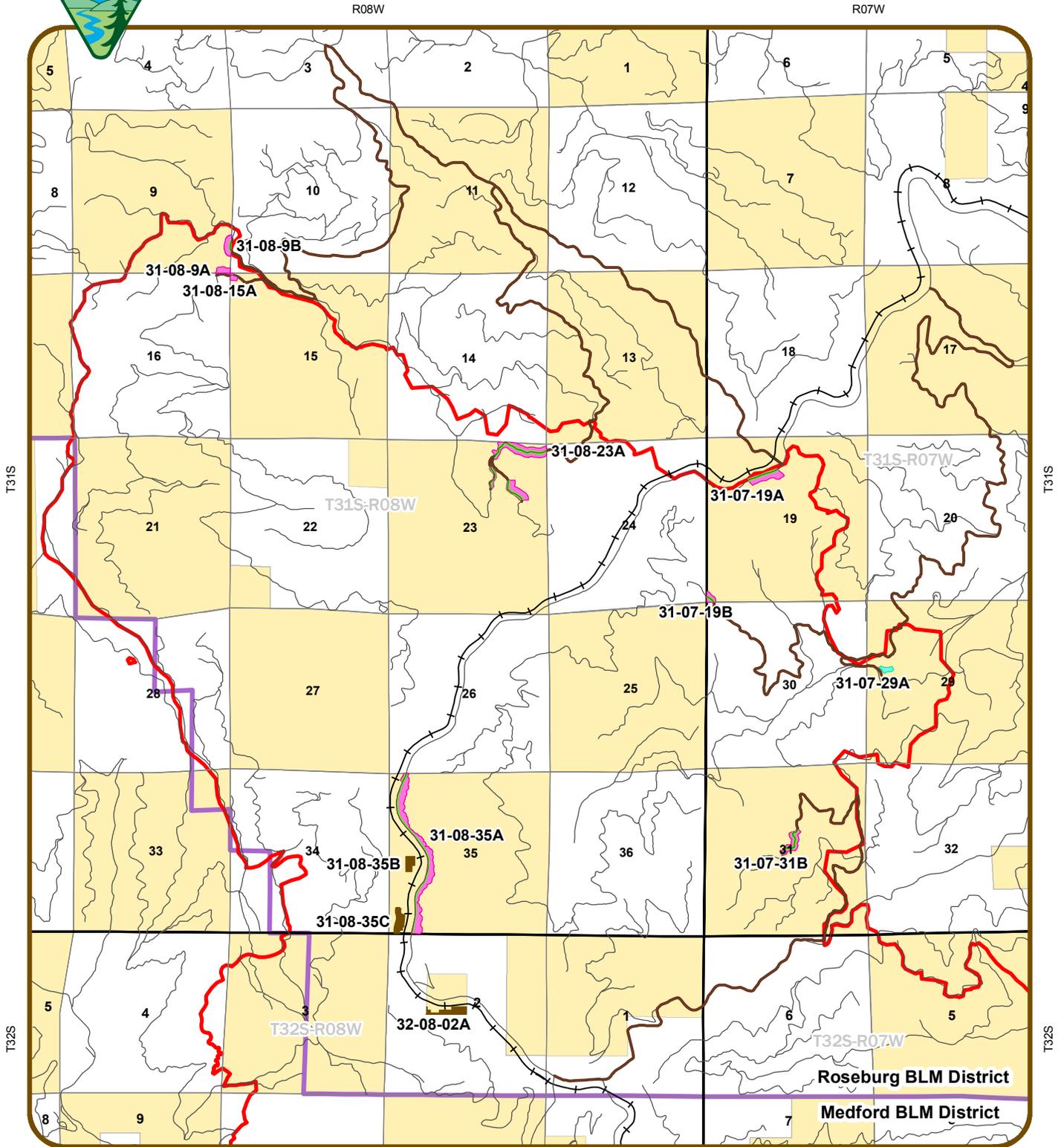
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**Appendix A – Rabbit Mountain Fire Safe Cow Maps**



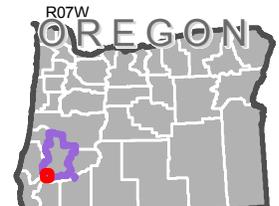
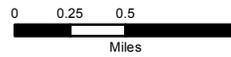
# Rabbit Mountain Fire Safe Cow Decision

## Rabbit Mountain Fire LSR Recovery EA



### Legend

- Roadside Safety Treatment
- Railroad Right-of-Way Safety Treatment
- Quarry Safety Treatment
- Roadside Fuels Treatment
- Haul Route
- Road
- Railroad
- Roseburg Official District
- BLM Managed Land
- Private Individual or Company
- Rabbit Mountain Fire Perimeter



Date: 2/18/2015

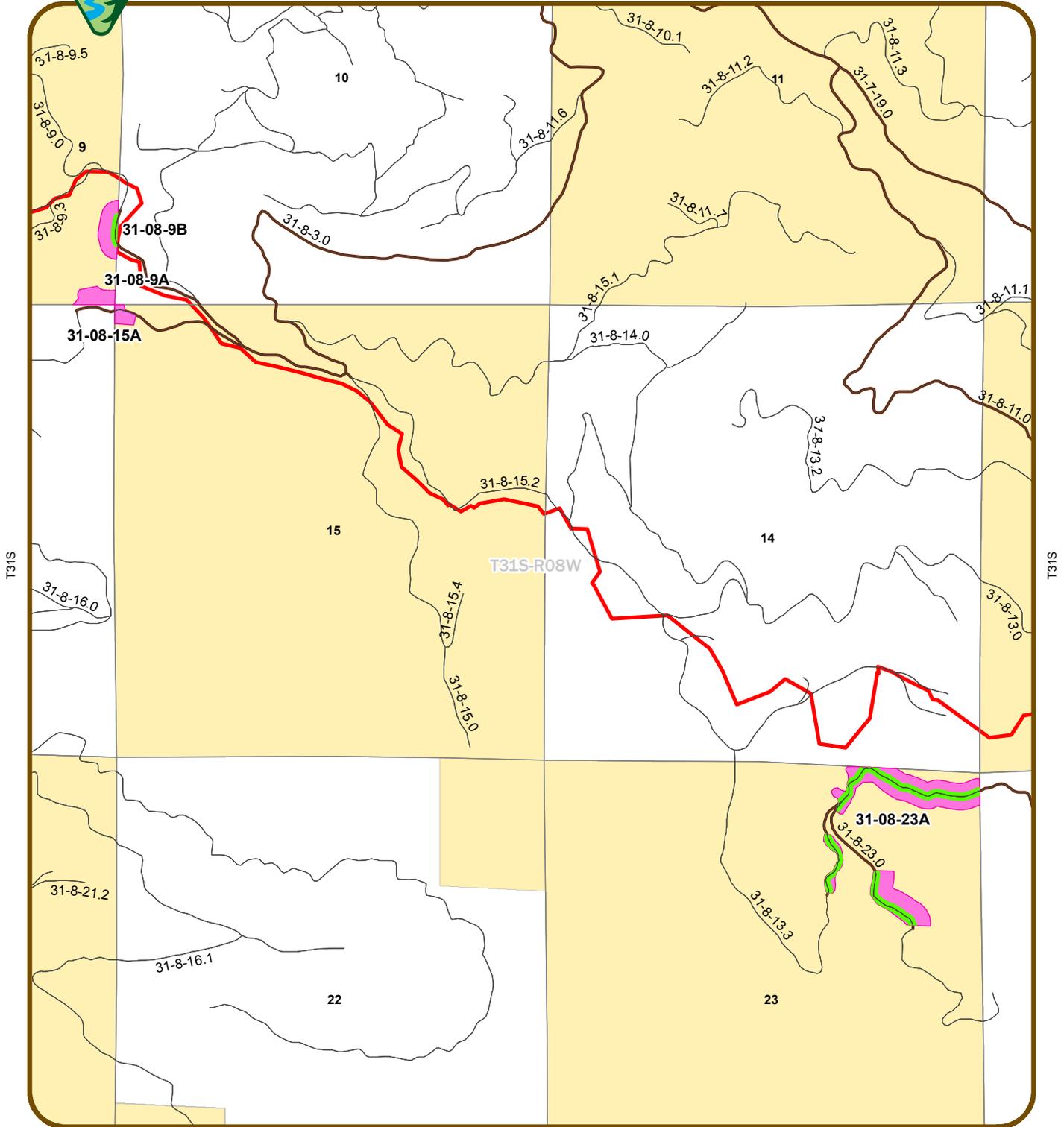
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# Rabbit Mountain Fire Safe Cow Decision

## Rabbit Mountain Fire LSR Recovery EA

R08W



### Legend

- Roadside Safety Treatment
- Roadside Fuels Treatment
- BLM Managed Land
- Private Individual or Company
- Haul Route
- Road
- Rabbit Mountain Fire Perimeter
- Roseburg Official District



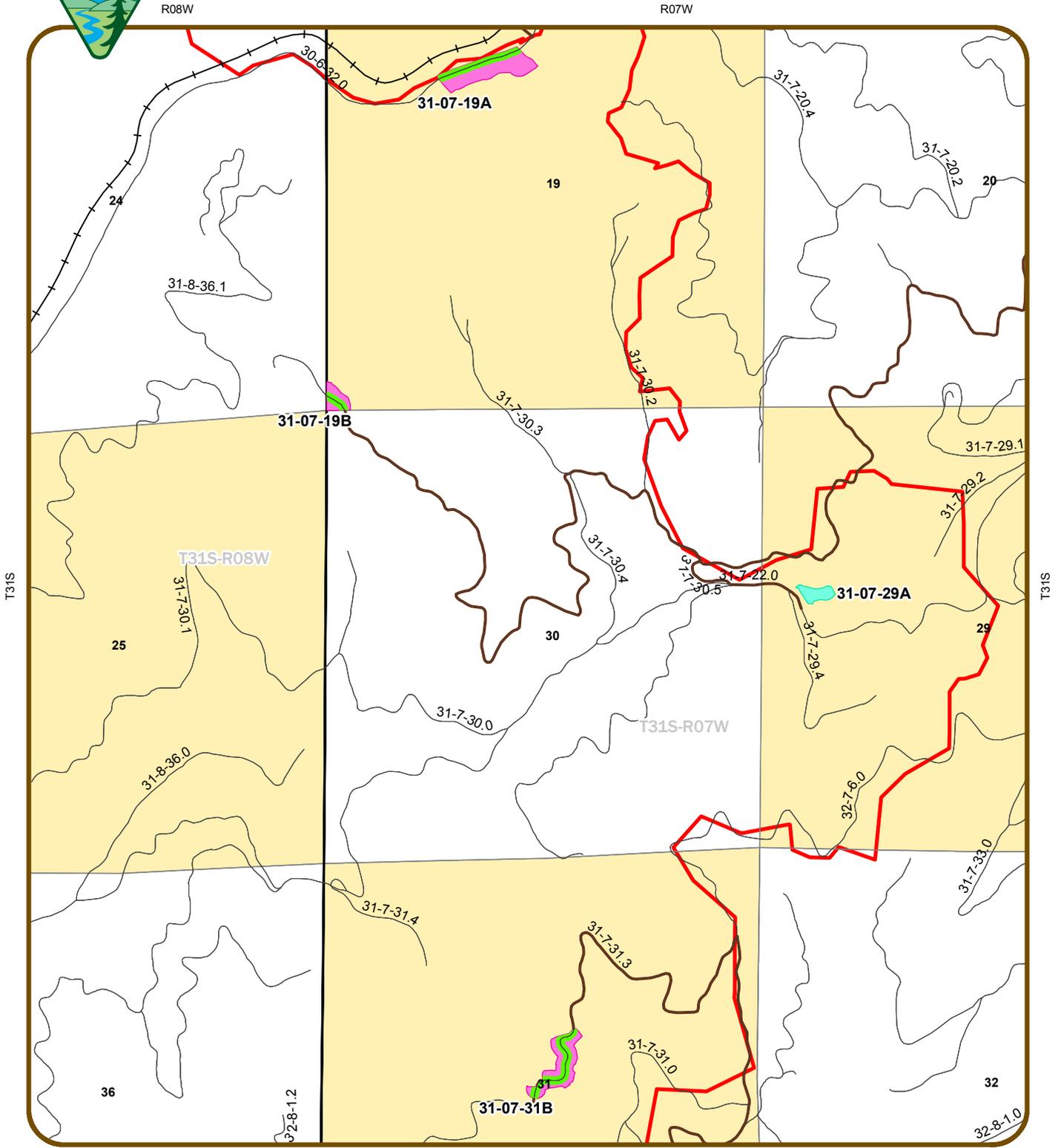
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Date: 2/18/2015



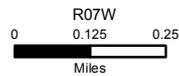
# Rabbit Mountain Fire Safe Cow Decision

## Rabbit Mountain Fire LSR Recovery EA



### Legend

- Roadside Safety Treatment
- Quarry Safety Treatment
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- Railroad
- Rabbit Mountain Fire Perimeter
- Roseburg Official District
- BLM Managed Land
- Private Individual or Company



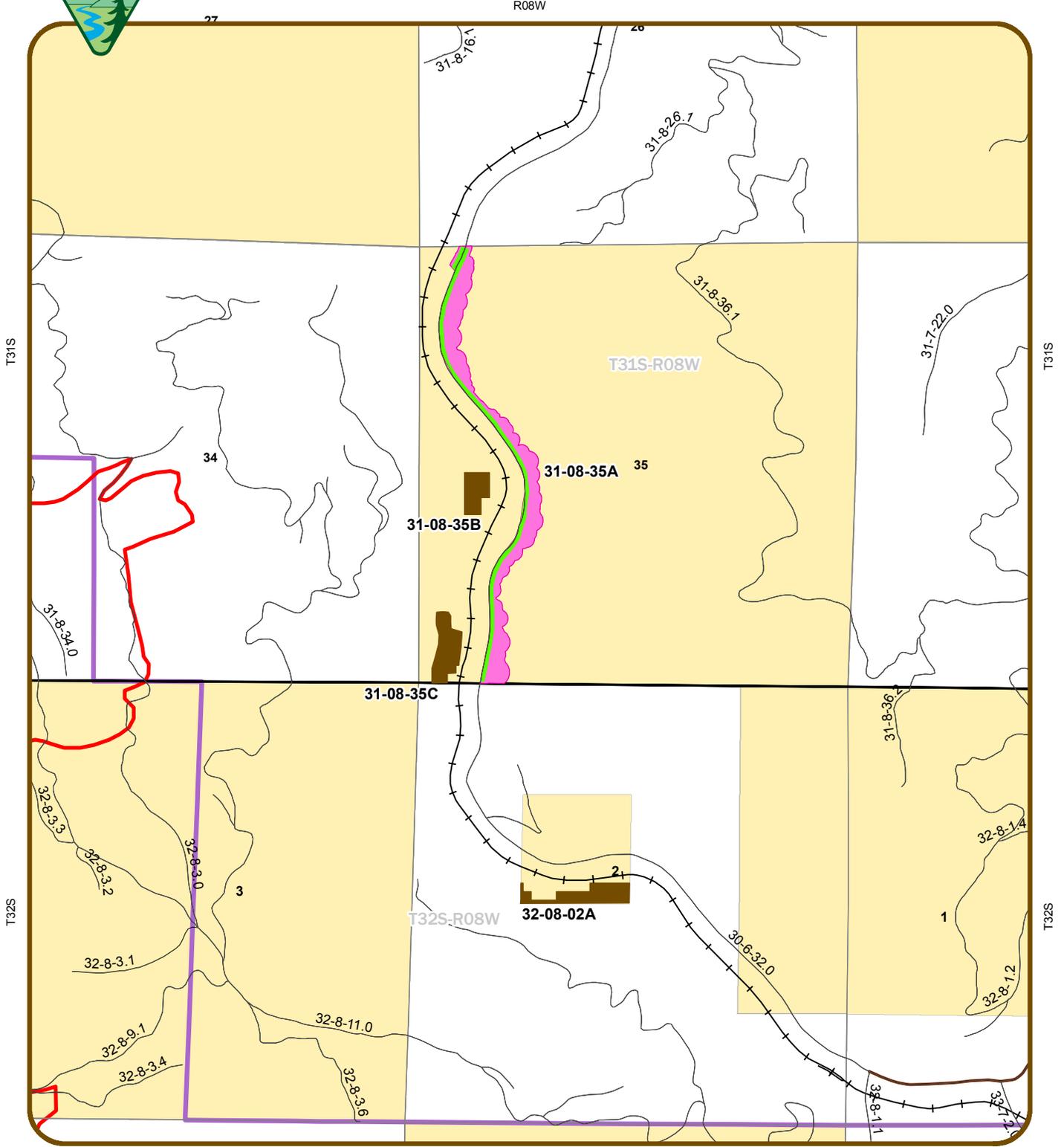
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Date: 2/18/2015



# Rabbit Mountain Fire Safe Cow Decision

## Rabbit Mountain Fire LSR Recovery EA



### Legend

- |   |  |   |                                |
|---|--|---|--------------------------------|
|  | Roadside Safety Treatment              |  | Railroad                       |
|  | Railroad Right-of-Way Safety Treatment |  | Rabbit Mountain Fire Perimeter |
|  | Roadside Fuels Treatment               |  | Roseburg Official District     |
|  | Haul Route                             |  | BLM Managed Land               |
|  | Road                                   |  | Private Individual or Company  |



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Date: 2/18/2015

## Appendix B – Response to Environmental Assessment Comments

Rabbit Mountain Fire LSR Recovery Environmental Assessment  
Relevant to the Rabbit Mountain Fire Safe Cow Project

A 30-day period for public review was provided with release of the EA on October 14, 2014. Comments were received from seven organizations. Comments specific to the Rabbit Mountain Fire Safe Cow project are noted in italics and addressed below.

### Alternatives Considered but not Analyzed in Detail

*Also in our scoping comments we requested that the BLM consider a more aggressive approach to meeting the direction for management of late-successional reserves that includes commercial extraction within the guidelines of your RMP. This type of approach could have considered the issues mentioned in the paragraph above. However, the BLM's decision to not consider such an alternative was based on "current LSR direction in the Roseburg RMP" (EA pg. 31). Our request was for the BLM to include a more aggressive approach that is consistent with your LSR direction. The direction in your RMP does not mandate the retention of all snags in your LSR, but rather "snags that are likely to persist until late-successional forest conditions have developed" (EA pg. 31). It doesn't appear that the BLM made any attempts to consider if a portion of the snags on the landscape fall outside of this parameter and would thus be available for harvest; nor did the BLM weigh the tradeoffs between the deferral of the removal of any fire-killed trees and the incurred risk of heavy fuel loads to neighboring forests and the value of such trees to late-successional habitat.*

The scoping comments requested the consideration of an alternative where BLM would be "salvaging and conducting restoration on every piece of affected land down to ten acres in size". Again, the BLM considered this "Salvage and Restoration on All Affected Lands" alternative, but the decision to eliminate this suggested alternative from detailed analysis was made because it is not in accordance with management direction from the Roseburg District ROD/RMP, and hence outside the scope of the EA to consider (EA, p. 31). Additionally, this alternative did not respond to the purpose and need, as it is not consistent with BLM policy objectives of maintaining the natural component of fire-created snags and downed wood, and creating landscape diversity through treatment of portions of the landscape (EA, pp. 2, 31).

*The proper response and alternative would be to not log the Reserve LUA as we requested in the scoping comments. Instead, the agency has only considered one action alternative that prioritizes logging PFF and NRF habitat when such habitat is already in deficit across home ranges in the project area.*

*The agency failed to consider a viable alternative that does not involve logging and yarding in riparian areas.*

Aside from the analyzed alternatives, alternative one (no action) and alternative two (proposed action), the BLM considered but did not analyze seven other alternatives, one of which was a "Restoration-Only Treatment" alternative (EA, p. 31). This alternative was eliminated from detailed analysis because it did not respond to the purpose and need, and it would not allow BLM to implement its policy objectives for creating a safe environment by felling and removing hazard trees, as described in Chapter 1 (EA, pp. 1-5).

*The agency failed to consider a viable alternative that would remove slash piles, rather than leaving it behind spark another wildfire event.*

The Proposed Action includes both machine piling and hand piling of fuel along the roadside safety treatment areas (EA, pp. 24-25). Piles will be burned during late-autumn and winter when soil and duff moistures are high (EA, pp. 24-25; ROD/RMP, p. 139).

*The agency failed to consider a viable alternative that would conserve populations of species which prefer heavily burned forest patches, leaving, all snags >20 inches dbh and half of all snags 12-20 inches dbh.*

The BLM considered but did not analyze an alternative that would “Apply Recommendations by Beschta and others (1995)” (EA, p. 32). This alternative was eliminated from detailed analysis because it did not respond to the purpose and need, and it would not allow BLM to implement its policy objectives for creating a safe environment by felling and removing hazard trees, as described in Chapter 1 (EA, pp. 1-5). Only “dead” hazard trees with an imminent or likely failure potential will be felled in roadside, railroad right-of-way and quarry safety treatment areas, as stated in the decision.

*[T]he BLM failed entirely to develop an alternative based on alterations to the snag and down wood retention guidelines, or otherwise reducing fuel loading in the high risk areas across the project area. BLM further failed to meaningfully study or analyze the concept of developing such an alternative.*

The BLM does not have the authority to modify snag and down wood objectives in the LSRs without the approval of the Regional Ecosystem Office, hence the development of such an alternative would not be reasonable as it would not be implementable under the circumstances of the time.

Landscape level fuels reduction was outside the purpose and need and scope of this project. Such an effort would most certainly have required an EIS, which would not allow the BLM to accomplish the critical hazard tree removal work that must be accomplished now.

*For dead-end roads, the BLM should have considered closing the road.*

The BLM considered but did not analyze a “Close all BLM Roads within Project Area” alternative (EA, pp. 32-33). The decision to eliminate this alternative from detailed analysis was made because it is not in accordance with management direction from the Roseburg District ROD/RMP, and closing all roads would be inconsistent with management direction providing for fire suppression response (EA, pp. 32-33).

## **Carbon**

*The BLM discounts the carbon from felled trees by saying “Dead trees do not fix carbon, and the decay process would release carbon into the atmosphere overtime.” (EA page 120). This was a weak analysis. Dead trees store carbon, and large old growth trees can store carbon for a very long time, especially if they are scorched. Making lumber releases far more carbon than leaving the felled or fallen trees on site. The EA should re-do the carbon analysis so it makes more sense.*

The BLM agrees with the commenter that dead trees store carbon. The EA states that dead trees do not fix carbon, and the natural process of decay would release carbon into the atmosphere over time (EA, p. 120). Carbon emissions from hazard tree felling and removal were found to be negligible on the national and global scale, and the actions in the decision are less than what was analyzed in the EA.

## **Cumulative Effects**

*[T]he Rabbit Mountain LSR EA fails to discuss the cumulative impacts from the four underway Douglas Complex Salvage Sales. The Rock Star Timber Sale, the Burnt Rattler Timber Sale, the Rogue Cow Timber Sale, and the Wolf Pup Timber Sale are not even mentioned in the EA.*

*The EA fails to discuss the cumulative impacts of logging carried about by the agency conducted at the request of private landowners, which are cumulative impacts.*

The cumulative effects analyzed for this project were described in the Introduction to Cumulative Effects on pages 37 and 38 of the EA. Cumulative effects from the Douglas Fire Complex Recovery

project were considered and analyzed for in the EA (Vegetation p. 45, Fire and Fuels Management and Air Quality pp. 53-54, 55, Wildlife pp. 83-84, Soils pp. 98-99, Fish Species, Aquatic Habitat and Water Resources pp. 114-115, Visual Resource Management p. 118, Carbon Storage and Release p. 120).

*The BLM cannot legally evade a “significance” determination by conducting two separate EAs and two separate FONSI for the Douglas Fire Complex logging and the Rabbit Mountain LSR logging.*

*[T]he BLM is illegally bifurcating NEPA analysis of connected and cumulative actions.*

The BLM did not illegally split the NEPA analysis of any connected or cumulative actions. The extent of the Douglas Fire Complex affected BLM-managed land on the Roseburg and Medford Districts. Roseburg fire affected lands are managed within the Late Successional Reserve (LSR) Land Use Allocation (LUA). Medford fire affected lands are managed within the Matrix LUA. Given the inevitable deterioration of fire killed or damaged trees, the Medford Matrix project warranted expedited timeframes to recover any merchantable material. The Roseburg LSR project was managed under different, more time consuming conditions, for example the completion of an LSR Assessment prior to any proposed activities. In summary, the projects are driven by different LUAs, purpose and needs, are on separate districts and different timeframes.

The Roseburg District obtained the best available information from Medford for considering cumulative effects specific to post fire recovery actions and analyzed cumulative effects (pp. 37-38, 45, 53-54, 55, 83-84, 98-99, 114-115, 118, 120). Similarly, the Medford District disclosed and analyzed cumulative effects of post-fire recovery actions in the Douglas Fire Complex Recovery EA (pp. 66, 114, 119, 127, 256).

*While the BLM is correct that salvage logging is not occurring in RR and Known Spotted Owl Activity Centers, the Douglas sales are producing extensive volume primarily due to logging occurring in owl nest cores/core use areas.*

The commenter is correct in pointing out an inadvertent error in the Introduction to the Cumulative Effects Analysis of the EA when describing the proposed actions for the Douglas Fire Complex Recovery project. The text should have used the words “*high priority*” when describing nest cores: “*Salvage harvest would not occur in Riparian Reserves, 100-acre Northwest Forest Plan northern spotted owl activity centers, and 0.5-mile northern spotted owl [high priority] nest cores.*” This inadvertent typographical error does not change the outcome of any environmental consequences analyses.

*[T]he Rabbit Mountain LSR sale have [sic] failed to fully disclose the cumulative impacts of removal of high quality, functioning NSO habitat.*

Cumulative impacts to northern spotted owl habitat were analyzed in the Wildlife section. It was determined that effects of the Douglas Fire Complex Recovery project actions were considered in habitat values used for analyzing the effects of the proposed Roseburg actions to the northern spotted owl (EA, p. 84).

*What are the impacts of the extensive LSR removal occurring via the Westside salvage project when added to the LSR removal that is occurring on the Rabbit Mountain LSR project?*

The Westside Fire Recovery Project on the Klamath National Forest is outside the analysis area of this EA.

*The BLM needs to include site-specific, quantifiable information regarding NRF and PFF habitat that was removed via reciprocal right of way requests in an EIS. These are cumulative impacts that cannot be avoided—the Rabbit Mountain LSR EA needs to include a discussion of impacts resulting from such requests that have been carried out since the Douglas fires.*

The EA included the reciprocal right-of-way hazard tree felling and removal in the cumulative effects analysis (EA Introduction to Cumulative Effects p. 38, Vegetation p. 45, Fire and Fuels Management and Air Quality pp. 53-54, 55, Wildlife pp. 83-84, Soils pp. 98-99, Fish Species, Aquatic Habitat and Water Resources pp. 114-115, Visual Resource Management p. 118, Carbon Storage and Release p. 120). The decision maker determined the effects analyzed in the EA meet the criteria for a Finding of No Significant Impacts, and do not warrant development of an EIS (see FONSI).

## **Fish, Aquatic Habitat and Water Resources**

### ***Oregon Coast Coho Salmon***

*Is logging occurring in Oregon Coast coho habitat, and did the BLM perform any level of consultation with FWS regarding impacts of the LSR logging, including hazard logging in riparian areas?*

As consulted with NOAA fisheries (NMFS 2011, p. 18), a small number of hazard trees adjacent to Oregon Coast coho critical habitat (Middle Creek and Cow Creek only) would be directionally felled and left on site (EA, pp. 29-30).

*Why has the agency determined that yarding hazard trees in riparian areas does not impact fish habitat downstream?*

Where sediment could reach streams designated as Critical Habitat, the amount is expected to be negligible and any effect short-term in nature. Where downhill yarding is required, sediment controlling methods such as waterbarring furrowed areas (possible during log yarding) to distribute any concentrated flow, strategic hand piling of brush to filter out suspended sediment during heavy precipitation, or the use of straw wattles in yarding corridors could be used to eliminate sediment from reaching the stream network (Middle Creek and Cow Creek) (EA, p. 109).

*How did the agency conclude that sedimentation and logging impacts stops after 100 feet?*

Because relatively few areas within the Rabbit Mountain Fire exhibited moderate to high burn severity in close proximity to riparian areas, roadside, railroad right-of-way and quarry safety treatment areas have limited opportunities to influence fish and aquatic habitat. With application of BMPs (USDI BLM 2014) and PDFs (EA, pp. 27-30), no detectable level of sediment generated from these actions will be transported to stream networks (EA, p. 110).

### ***Riparian Areas***

*The BLM will only fell trees into the stream if they are over 30" (EA C-5), as if a 25" tree is no good in streams. The EA failed to justify the 30" limit.*

Diameter limits for hazard trees felled into Cow Creek and Middle Creek (30 inch and 20 inch DBH, respectively) were created because it will be less likely for trees of smaller diameter to stay in place in these large stream systems. Hazard trees of smaller size will still be kept onsite when felled within the no removal riparian area buffer. There is no diameter limit for felling hazard trees into smaller streams throughout the project area (EA, p. 29).

*The Northwest Forest Plan says: "Fell trees in Riparian Reserves when they pose a safety risk. Keep felled trees on-site when needed to meet coarse woody debris objectives." Instead of meeting this requirement, the EA states the project will sell hazard trees when they are felled only 50 feet from intermittent streams, instead of 160 feet, and sell hazard trees when they felled are only 100 feet from fish-streams, instead of 320 feet. The BLM gave no reason for circumventing the clear requirements of the Northwest Forest Plan for removing trees from Riparian Reserves.*

*Hazard trees in riparian reserves should not be removed. Doing so will retard attainment of ACS objectives.*

*In the LSR LUA leaving felled hazard trees should not only occur in LFH2, the BLM should apply such a prescription at the very least across all riparian areas and riparian reserves to comply with the NWFP.*

*We request the agency locate units outside of riparian areas, as salvage logging does not attain ACS objectives in compliance with the NWFP.*

The BLM is in compliance with the Northwest Forest Plan (NWFP, USDA-FS and USDI-BLM 1994). “No removal” riparian buffers are not required under the NWFP. However, the project design features (PDFs) for riparian areas were updated in response to the comment suggestion. In addition to PDF #5 in the EA (pp. 29-30), felled hazard trees will not be removed within the following distance of any unmapped streams located during project implementation: 100 feet from listed fish habitat (LFH) and 50 feet from perennial and intermittent streams within 1 mile of LFH. A no removal buffer of 35 feet from intermittent streams further than 1 mile of LFH has also been added as a PDF in the decision.

Consistency of the proposed action with the objectives of the Aquatic Conservation Strategy is included in Appendix E of the EA (pp. E-1-E3). In the short-term, felling of hazard trees may reduce streamside shade (ACS objective # 4-water quality), however, the number of hazard trees still providing shade is low, and will not be expected to result in measureable changes to water quality or stream temperature (EA, Appendix E, p. E-2). Directionally felling hazard trees into stream channels and “no removal” riparian areas will likely improve the integrity of the aquatic system due to the increased recruitment of large wood to streams and adjacent riparian areas (EA, Appendix E, p. E-2).

*The BLM is in error to consider that riparian areas and RR do not exist in the Rabbit Mountain LSR project area.*

The BLM acknowledged and developed PDFs for riparian areas within the Rabbit Mountain Fire LSR Recovery project area (EA, pp. 29-30).

*We request the agency not create any skid trails or conduct yarding in riparian areas.*

Where skid trails or yarding in riparian areas is essential for hazard tree removal, PDFs will prevent sediment from reaching streams because hazard tree removal will be restricted to the dry season on unsurfaced roads, use of ground equipment will not be allowed beyond skid trails or existing roads, and equipment will avoid perennially wet areas (EA, p. 109). Additionally, after log skidding, newly created and reused old skid trails will be rehabilitated, where needed (EA, p. 28). Rehabilitation may include tilling, hand piling brush, hand construction of waterbars, and placement of topsoil over the treated trail areas (EA, p. 28)

## **Fire and Fuels**

### ***Aerial Water Sources***

*[An agency] is concerned that the document failed to address the maintenance and/or development of additional aerial water source for the project area.*

The maintenance and development of aerial water sources within the project area was not part of the purpose and need for this project. The comment does not provide sufficient information on how many additional water sources are necessary and where they would need to be located, that would allow the BLM to consider such an action outside of this project. It should be noted that the BLM only manages 39 percent of the land base in the Lower Cow Creek watershed, and does not bear the sole responsibility to provide water sources for fire suppression. Another point to consider is that all flowing waters within the state of Oregon are controlled by the State of Oregon, and any proposals to impound those waters would require the acquisition of water rights which is a lengthy and time-consuming undertaking.

### ***Community Wildlife Protection Plan (CWPP)***

*As mandated by Congress, the BLM, Douglas County, the State of Oregon and others collaborated and cooperated in the development of a CWPP. The South County Plan was initially developed and further updated within the last 2 years. The BLM signed off on this plan which gives guidance to future plans and activities intended to protect residents and the general public within the Cow Creek Watershed. Yet there is no reference to the plan in the EA.*

The need to clear hazardous fuels along escape routes within the Douglas County Community Wildfire Protection Plan (CWPP) area was addressed in the purpose and need of the project (EA, p. 4). The Cow Creek area, where the Rabbit Mountain Fire occurred, is not within the Wildland Urban Interface (WUI) boundary originally described in the Douglas County Community Wildfire Protection Plan of 2004; but is identified in the 2011 Appendix B update as WUI and a priority fuels treatment area. This change was implemented to recognize Cow Creek Road as an important escape route and recreation area (EA, p. 52). The decision will treat areas along Cow Creek Road that burned under moderate to high severity, and identified dead hazard trees will be felled and removed along the community escape route.

### ***Fuel Loading***

*Hazard trees do not need to be removed from the site. Large trees are not hazardous fuel. Abundant down wood is an objective within in LSRs.*

Felled hazard trees will only be removed along roadside and quarry hazard tree safety treatment areas where there is an excess of felled hazard trees (greater than 10 tons per acre (for comparison purposes, this would be equal to 10 logs per acre, 16 feet in length)). Hazard tree removal would occur in order to: provide access for future fire suppression, decrease firefighter suppression hazards, decrease future fire severity potential, and reduce hazardous fuel loading (USDA and USDI 1994, p. C-13-14<sup>c</sup>) (EA, p. 23). Fire hazard generally refers to the difficulty of controlling potential wildfire. Fire behavior characteristics, such as rate of spread, intensity, torching, crowning, spotting, fire duration, and resistance to control commonly determine fire hazard (Brown *et al.* 2003) (EA, p. 48). While reducing concerns of resistance to control, LSRA recommendations for CWD are still being met (EA, p. 53, Appendix C).

*The BLM must use the best available science regarding the effects of fire or the proposed logging on fire and fuels, and document those conclusions in an EIS. In the project area, where post-fire fuel loading is currently low, logging without timely slash treatment is likely to be the single most important factor that will contribute to an increase in potential wildfire severity (Weatherspoon 1996).*

The BLM performed a fire and fuels management analysis using the best available science (EA, pp. 46-55). As discussed in the EA, activity fuels along roadside safety treatment areas will be machine-piled, covered and burned during late-autumn and winter when soil and duff moistures are high (p. 24). Fuels less than 9 inches in diameter will be hand piled and burned along roadside safety treatments within the first 50 feet of the road edge, where needed (p. 25). The decision maker determined the effects analyzed in the EA do not result in significant impacts that would warrant development of an EIS (see FONSI).

*BLM misinterprets or fails to use the best available scientific information when it states that large trees contribute to fire severity and characterizes such large trees as “larger fuels.”*

*There is no scientific evidence to prove that the presence of large-diameter standing or downed fuels translates into high fire hazard.*

The EA used the best available scientific information for the fire and fuels management analysis. Fire hazard generally refers to the difficulty of controlling potential wildfire. Fire behavior characteristics, such as rate of spread, intensity, torching, crowning, spotting, fire duration, and resistance to control

commonly determine fire hazard (Brown *et al.* 2003) (EA, p. 48). Resistance to control ratings and fire line construction rates were estimates from Sandberg and Ward (1981) (EA, pp. 49-50).

*All roadside hazard logging in and outside riparian areas should be felled toward the stream and left on site in order to comply with LSR, RR, and ACS Objectives. Hazard trees do not need to be removed from the site, as large trees and large CWD are not hazardous fuel.*

The BLM will not removal hazard trees felled in the no removal buffers within riparian areas. As stated in the EA, outside no removal riparian areas, hazard trees will be removed from roadside safety and quarry safety treatment areas where fuels are in excess of 10 tons/acre (EA, pp. 23-24).

*If fuels must be removed, the agency should remove the smaller fuels that are most hazardous and leave the largest logs that are least flammable and most valuable for habitat and other ecological services.*

Fuels less than 9 inches in diameter will be hand piled and burned along roadside safety treatments within the first 50 feet of the road edge, where needed (p. 25). Where there is an excess of felled hazard trees (greater than 10 tons/acre, (for comparison purposes, this would be equal to 10 logs per acre, 16 feet in length)), hazard tree removal will occur provide access for future fire suppression, decrease firefighter suppression hazards, decrease future fire severity potential, and reduce hazardous fuel loading, where practicable (EA, p. 23). While reducing concerns of resistance to control, LSRA recommendations for CWD are still being met (EA, p. 53, Appendix C).

*The forthcoming NEPA document must disclose how many tons of slash would remain per acre and how its presence might influence the multitude of lightning [sic] strikes that occur in the watershed regularly.*

*[H]ow many tons of slash would remain per acre and how its presence might influence fire events considering the multitude of lightning strikes that occur in the watershed regularly.*

The EA disclosed that no more than 10 tons/acre of slash will remain in the roadside safety treatment areas, where practicable (EA, pp. 23-25). Excess fuel will be removed, and piled and burned. The EA does not address lightning-caused fires in the purpose and need or the fire and fuels management analysis, because lightning is impossible to predict with accuracy, and a majority of fires started in the South Douglas District of Douglas Forest Protective Association, which includes the LSR affected by the Rabbit Mountain Fire, were human-caused (EA, p. 50).

*[T]he EA fails to capture the effect of leaving high volumes of vertical fuel on the landscape and the fire behavior associated with it.*

The commenter is correct, the BLM did not capture the effect of vertical fuel and the fire behavior associated with it. Currently, there is no fuel model that integrates standing snags into the fuel profile, and current fire behavior modeling software does not account for standing snags, therefore it is nearly impossible to calculate or model fire behavior in recently burned stands using current fire behavior modeling programs. The BLM did, however, recognize that fuel loading, safe access, and resistance to control are concerns in the entire project area, not just roadways and access points (EA, p. 52).

*It is particularly arbitrary for the BLM to fail to address the need for the reduction of fuel loading across the landscape when landscape-scale salvage and fuel reduction efforts were found to be necessary in the Medford District portion of the Douglas Complex fire area.*

The comment fails to make the distinction between the land use allocations on the Medford and Roseburg Districts. The extent of the Douglas Fire Complex affected BLM-managed land on the Roseburg and Medford Districts. Roseburg fire affected lands are managed within the Late Successional Reserve (LSR) Land Use Allocation (LUA). Medford fire affected lands are managed within the Matrix LUA. Given the inevitable deterioration of fire killed or damaged trees, the Medford Matrix project warranted expedited timeframes to recover any merchantable material. The

Medford District focused on activity fuels reduction within timber harvest units, along priority roadways, and along one strategic ridgeline. In summary, the projects are driven by different LUAs, purpose and needs, and are on separate districts.

### ***Firefighter Safety, Future Fire Risk and Transfer of Risk***

*The untreated heavy fuels in the form of down logs and snags combined with dense, flammable undergrowth and expectation that fire will break out several times in the next 50 years is of grave concern to those charged with protecting the watershed from fire. As the staff and manager of the Douglas Forest Protective Association have stated repeatedly, these factors all increase the Resistance To Control and pose risks to the safety of generations of firefighters for decades to come.*

*[T]he proposed action alternative does not adequately address our concerns of providing a safe environment for firefighters nor will it reduce the potential for high severity large scale fires that significantly impact the environment and the economy.*

*The proposed action alternative is limited in scope and leaves the project area vulnerable to high severity fires for decades to come.*

*In our scoping comments we asked the BLM to consider a number of things; one of which was “the future fire-risk incurred from leaving standing dead or fallen dead should be considered; this includes the risk to users of the road system, and risk to neighboring landowners (both private industrial and private non-industrial).”*

*While these comments made by the BLM in the EA clearly recognize the risks incurred with deferring salvage treatments to the affected stands, the analysis does not substantially consider how these risks affect the adjacent landowners; particularly the adjacent tree farmers who invest considerable effort into establishing and growing a health crop of trees.*

*So while the hazards along roadways, quarries, and rail-lines were assessed and considered, the apparent fuel hazard to neighboring forests was largely ignored.*

*The preferred alternative completely fails to reduce the fuel loadings acknowledged to be a threat by fire and fuels specialists which exist beyond the road "safety corridors." This inaction puts at risk the millions of dollars which adjoining landowners are investing in restoring their lands, risking the long term jobs and revenues to the local economy those lands could provide.*

*This "Transfer of Risk" is not mentioned in the EA and should have been documented in the "Direct and Indirect Effects" of the action alternative.*

The decision to perform roadside hazard tree removal and roadside fuels reduction will improve the ability to limit the size of wildfires by providing access to manage future wildfires through maintaining the ingress/egress onto BLM lands (ROD/RMP, p. 27; EA, pp. 2, 4). Treatment of fuels less than 9 inches in diameter within 50 feet of the road edge will lower the risk of roadside, human caused ignition by removing the fuels in the area most susceptible to human caused fires. The rocky nature of the project area will allow this roadside treatment to be effective for several years (EA, p. 53).

The BLM recognizes that the Douglas Forest Protective Association (DFPA) is contractually obligated to initial attack and fully suppress all fires at the smallest size possible; and that fuel loading, safe access, and resistance to control is a concern in the entire project area, not just roadways and access points (EA, p. 52). The BLM also recognizes that concentrations of fuel, both small and large diameter, are a fire hazard, and that the resistance to control is expected to increase throughout the project area (EA, p. 52). However, landscape level fuels reduction was outside the purpose and need of this project, which focused on reducing hazardous fuels along priority roads (EA, p. 4).

*Our interest and concern has always been around managing future large fire risk in LSR if BLM chose to do nothing other than nondiscretionary safety and partial non-intensive reforestation actions.*

*[O]ur frustration is the emerging high fire risk environment shaping up on Rabbit Mountain.*

It is also in the interest of the BLM to manage for future fire risk. However, a century of active fire suppression and intensive forest management has substantially altered fuel loading, the character and continuity of the fuel bed, and fire return intervals. In the past, more frequent but less intense fires would have reduced natural fuel loads and created a discontinuity in fuels conditions that would have precluded large fires, excepting conditions of extreme drought coupled with extreme fire weather conditions.

As to the Rabbit Mountain area, a future emerging risk is speculative and cannot be reliably forecast. Much will depend on the long-term management of the area rather than immediate actions undertaken.

## **Habitat**

### ***Habitat Restoration***

*In the LSR LUA, the purpose and need should reflect the objective of maintaining landscape diversity, adequate levels of PCEs, and NRF habitat through fire events.*

One purpose and need of the project is habitat restoration, as described in the EA (pp. 2-4). A small portion of habitat restoration will occur in the decision, where roadside safety treatment areas will be planted. A majority of the habitat restoration within the project area was implemented in the Rabbit Mountain Fire Silvicultural Habitat Restoration Decision Recovery released on November 26, 2014.

### ***Live Tree Retention***

*When in doubt, green trees should be left standing. If a few die in the future that is missed now, they can be felled at a later time.*

In response to public comments, only dead hazard trees with an imminent or likely failure potential will be felled in roadside, railroad right-of-way and quarry safety treatment areas, as stated in the decision.

### ***Snags and Coarse Woody Debris***

*The EA failed to explain where the goal of 10-tons per acre objective came from. In an LSR and Riparian Reserve, coarse woody debris objectives should be the normal amount of woody debris on the ground that would naturally occur after a forest fire.*

The LSRA updated the amount of CWD recommended for retention within roadside, railroad right-of-way, and quarry safety treatment areas, based on reducing hazardous coarse wood buildup, to no more than 10 tons/acre (EA, Appendix C).

*What does 16' long have to do with anything in the LSR and Riparian Reserve?*

Felled hazard trees will only be removed along roadside and quarry hazard tree safety treatment areas where there is an excess of felled hazard trees (10 tons/acre). The description "i.e., 10 logs per acre, 16 feet in length" was for comparative purposes only. As described in the LSRA, this number was derived by considering the average diameter of trees in a representative stand. The predominant large diameter in this stand was 26 inches. Ten of these logs at 16 feet in length would equate to approximately 10 tons/acre (USDA, USDI 1998).

*The agency has not provided any information regarding the need to deviate from these management objectives for LSRs, and has not provided information in the EA regarding meeting this RMP purpose, to retain levels of CWD similar to naturally regenerated stands in order to replicate preexisting suitable habitat. The agency has not provided information indicating whether all existing or fire-caused large CWD will be retained.*

*The BLM should leave more felled logs on site.*

*The Roseburg BLM, in the LSR in Critical Habitat, should cuto [sic] fewer trees and leave more felled trees on the ground, especially within a quarter mile of potential nests.*

*Avoid commercial removal of trees, because trees are the building blocks of habitat and exporting them will degrade habitat. All large trees need to be retained because the large tree structure (live and dead) that currently exist [sic] in the fire area is all that these stands can expect for many decades to come.*

*[W]e requested the agency retain large snags and CWD across the landscape.*

The proposed action is compliant with the 1995 Roseburg District *Record of Decision and Resource Management Plan* (ROD/RMP) coarse woody debris management objectives for LSRs. The BLM will limit the loss of habitat elements that take a long time to develop (e.g., large-diameter snags and down wood) to less than eight percent of the area impacted by wildfire (greater than 25 percent basal area loss) (EA, p. 79).

The BLM will retain large snags and coarse woody debris across the Rabbit Mountain Fire LSR Recovery project area. The BLM will only fell “dead” hazard trees with an imminent or likely failure potential, as stated in the decision. Felled hazard trees will only be removed along roadside and quarry hazard tree safety treatment areas where there is an excess of felled hazard trees (greater than 10 tons per acre (for comparison purposes, this would be equal to 10 logs per acre, 16 feet in length)). While reducing concerns of resistance to control, LSRA recommendations for CWD are still being met (EA, p. 53, Appendix C). No hazard tree safety treatment areas are located within 0.25 miles of occupied northern spotted owl nest sites.

## **Hazard Trees**

### ***Green Tree Logging***

*The BLM’s proposed action is a blatant violation of the NWFP and the Roseburg RMP. We therefore request the agency remove the proposed green-tree NRF logging inside of LSR habitat, and protect the valuable, remaining LSR habitat in the action area for the benefit of the spotted owl.*

*The BLM is to “[r]etain all standing live trees including those injured (e.g., scorched) but likely to survive,” and “[r]etain snags that are likely to persist until late-successional forest conditions have developed and a new stand is again producing large snags.” RMP 29.*

*What impact does green tree logging have on the KDSA’s ability to expand home ranges post-fire?*

*The BLM proposing green-tree NRF logging in LSR LUA, which FWS relied upon to support remaining owl populations in the declining Klamath Province, triggering reinitiation of formal consultation.*

*Please respond to these issues and discuss how the agency is complying with green tree and snag direction in an EIS.*

In response to public comments, only “dead” hazard trees with an imminent or likely failure potential will be felled in roadside, railroad right-of-way and quarry safety treatment areas, as stated in the decision. Levels of snag retention, as modeled, indicate that 10-44 snags/acre (20+ inch DBH) will be retained, (models assumed complete mortality of a 36, 90, and 158 year old stand) (EA, p. 79). The

decision maker determined the effects analyzed in the EA do not result in significant impacts that would warrant development of an EIS (see FONSI).

### ***Right-of-Way Logging***

*From the logging that has occurred already, it is clear the BLM is not complying with the direction of the NWFP and the agency's RMP.*

*The BLM has already conducted extensive logging in the LSR pursuant to such requests, without including site-specific impacts or details about such action.*

The hazard tree felling and removal that has already occurred within the project area are non-discretionary reciprocal rights-of-way actions, and while some of these areas are coincident with hazard tree treatment areas the BLM evaluated under the EA, these are not indications of implementation of actions from the EA.

### ***Roadside Units***

*Additionally, this project proposes to remove "hazard trees" that occur within 1.5 tree heights below roads (240 feet) and 1.5 tree heights above roads on slopes less than 35% and 2.5 tree heights (400 feet) above roads on slopes greater than 35 percent. This is excessive and not justified in the EA. Especially for trees 400 feet away from roads.*

*We urge BLM to reconsider hazard removal 1.5 tree heights above roads, and especially below roads.*

*Hazard tree felling should focus on:*

- *well traveled roads;*
- *actual imminent hazard trees. Trees with green needles should be retained to see if they survive. Tree leaning away from the road need not be removed;*
- *the area immediately adjacent to the road, not hundreds of feet away;*

The distances (failure potentials) for hazard tree identification and felling is an approximation, which are based on individual tree height, not site potential tree height. Each potential hazard tree will be evaluated using the five steps defined in the EA (pp. 26-27), explained in further detail in the Field Guide for Danger Tree Identification and Response (Toupin *et al.* 2008). In response to public comments, only dead hazard trees with an imminent or likely failure potential will be felled in roadside, railroad right-of-way and quarry safety treatment areas, as stated in the decision.

### ***Salvage Logging***

*The EA fails to provide site-specific information regarding salvage occurring on areas where a stand-replacing event exceeds 10 acres in size and canopy closure is reduced to less than 40 percent.*

*The EA blatantly violates the NWFP and RMP direction to salvage only where stand-replacing event exceeds 10 acres in size and canopy closure is reduced to less than 40 percent in the above paragraph.*

*Effects are not consistent with scientific consensus on the issue of salvage logging in LSR, and are in fact highly controversial necessitating completion of an EIS.*

*However, from the maps provided in Appendix A, it is clear that specific roadside hazard units are not adjacent to roads, and are clustered much like a salvage unit would be, and even appear as treatments surrounding riparian areas. EA Figure A-2. Please explain this discrepancy in an EIS, as it appears that units slated for green-tree logging treat and maintain prescription were at the last minute given a roadside hazard unit heading.*

*[T]he BLM fails to recognize or discuss the fact that salvage logging does not leave watersheds and forests in a healthier, more resilient state, and that the timber volume gained via salvage is neither predictable nor sustainable.*

*In the LSRs, the BLM cannot salvage harvest any of the felled trees in the mature and old growth portion of the project.*

Salvage logging was not included as part of the proposed action (EA, pp. 22-26). Hazard tree safety treatment areas were identified along priority roads, the railroad right-of-way, and surrounding quarries (EA, Appendix A, Figure A-3). The decision maker determined the effects analyzed in the EA do not result in significant impacts that would warrant development of an EIS (see FONSI).

*... BLM states that altering snag/down wood guidelines would "not be in accordance with management direction in the Roseburg District ROD/RMP." EA at 34. Again, however, this statement is untrue. As quoted above, and in the scoping notice-and in [the company's] scoping comments-the RMP allows for BLM to alter the guidelines when essential to reduce the risk of future fire.*

*In sum, BLM has not given a single rational reason for eliminating from consideration an alternative that would alter snag and down wood retention guidelines in high risk fire areas. [We] request that BLM supplement the EA with a detailed analysis of a fully developed alternative that reduces snag and down wood retention in high risk fire areas throughout the landscape.*

Management direction does allow the BLM to consider salvage outside of the normal guidelines, but this is not commensurate with the objectives for snags and coarse wood set forth in the LSR Assessment.

## **Road Decommissioning**

*[An agency] discourages the decommissioning of any roads in the area and encourages the BLM to make the long term commitment of maintaining egress on all road classifications.*

No road decommissioning will take place in this decision. The BLM found that decommissioning the roads identified in this EA will have no effect on firefighting capabilities because the identified roads are not strategic for access or suppression needs. We conferred with DFPA regarding road decommissioning, and the DFPA concurred with the BLM's evaluation; the roads were not determined to be 'critical' according to DFPA (EA, p. 53). Additionally, there is no management rationale for maintaining all road classifications to the same standards, particularly resource roads that run short distances before they dead end, and which may not be required for subsequent management. This would not be a responsible use of limited resources.

## **Soils**

*As established in the peer-reviewed literature submitted during scoping, ground-based yarding on post-fire soils is a particularly destructive and controversial practice that necessitates the completion of an EIS. We again request the agency to address the following conclusions from page 44 of the Doubleday Fire Salvage Environmental Assessment.*

The amount of detrimental soil disturbance for ground-based treatment areas is estimated to be four to ten percent, consisting mainly of designated skid trails. To minimize ground disturbance by equipment, a specific set of PDFs will be implemented where ground-based hazard tree removal occurs (EA, p. 28). Conclusions about soil displacement and soil compaction from the Doubleday Fire Salvage Environmental Assessment are addressed in the EA (pp. 89-91, 93-95).

## **Wildlife**

### ***Barred Owl***

*Regarding barred owls, we request the BLM disclose and analyze the impacts of barred owls to NSO populations in the KDSA.*

The EA explains that independent of the proposed alternative, the barred owl would remain in the analysis area and is expected to continue increasing its distribution and numbers displacing northern spotted owls (p. 70). There is no data or peer reviewed literature indicating a relationship between forest treatments or lack of treatments and an increase or decrease in the distribution of the barred owl (EA, p. 71).

### ***Bureau Sensitive Species***

*In the EIS, quantify and disclose the site specific impacts to sensitive species, especially woodpeckers and wildlife that thrive in post-fire environments.*

Special status species addressed in the EA include federally-listed threatened or endangered species, candidate species or species proposed for listing by the U.S. Fish and Wildlife Service, under the Endangered Species Act (ESA), and special status species managed under BLM Manual 6840 policy, which includes species eligible for Federal or State listing, species with candidate status under the ESA and Bureau sensitive species. Twenty-three Bureau sensitive wildlife species known or suspected to occur on the Roseburg District were considered in this environmental assessment (EA, p. 55). Sixteen of the species are eliminated from detailed discussion for reasons documented in Appendix D, Table D- 1. The remaining nine species were analyzed in detail and are listed in Appendix D, Table D- 2. The EA discusses Bureau sensitive species in the Affected Environment section (pp. 62-63), and the Environmental Consequences section (pp. 71-72, 80-81). The decision maker determined the effects analyzed in the EA do not result in significant impacts that would warrant development of an EIS (see FONSI).

### ***Cavity Nesters***

*What are the impacts to white-headed woodpeckers and black backed woodpeckers? Why are these species not discussed in the EA? How many snags are being retained to provide suitable habitat for cavity nesters?*

*Instead of analyzing and disclosing the impacts of logging snags, green trees on Black-Backed Woodpecker populations, the EA is silent on the matter altogether. We are highly skeptical of this conclusion given the LSR and snag habitat degradation proposed.*

White-headed and black-backed woodpeckers are not special status species, and are therefore not discussed specifically in the EA. The EA discusses potential impacts to cavity nesters in the land birds sections of the Environmental Consequences (EA, pp. 72-73, 82-83).

### ***Northern Spotted Owl***

*The EA states that 96 acres of NRF and 162 acres of PFF may be treated and maintained, the FONSI states that 118 acres of NRF may be treated and maintained. Why is the Roseburg BLM playing hide the ball on logging LSRs in owl home ranges? The agency's obfuscation of impacts to NSO is contrary to both NEPA and the APA.*

The commenter is correct in regards to the inadvertent typographical errors in the Wildlife section. The EA states that 118 acre of NRF and 215 acres of capable habitat would be treated and maintained (p. 77), which is incorrect. Table 3-10 and 3-12 on pages 77 and 80 of the EA list the correct acres, which are less than the typographical errors made (96 acres of NRF and 77 acres of capable habitat treated and maintained). The updated FONSI has corrected treated and maintained habitat acres.

*The BLM must complete an EIS prior to removing elements of spotted owl habitat such as large snags, future sources of down wood and Post Fire Foraging (PFF) habitat.*

The decision maker determined the effects analyzed in the EA do not result in significant impacts that would warrant development of an EIS (see FONSI).

*[An organization] is concerned with the emphasis that the BLM has put on a relatively new type of Northern Spotted Owl habitat called Post Fire Foraging (PFF). The EA identifies this habitat type essentially as “NRF that has burned.” We understand that the BLM needs to address the potential use of burned NRF by the NSO; however we also believe that the BLM needs to highlight the uncertainty surrounding this and not elevate burnt NRF to a status that is unwarranted and unsupported. There is no conclusive research that supports the notion that the amount of burnt NRF (PFF) and how much of this is harvested has an effect on spotted owl occupancy, survival, dispersal or any of its essential life functions.*

The BLM stated in the EA (p.56) that PFF habitat "may still provide some foraging habitat after the fire, depending on patch size, edge type, and proximity to known owls sites; citing work by Bond et al. (2002 and 2009) and Clark et al. (2011 and 2013). As a consequence of the proposed safety treatments, the BLM acknowledge that NRF, PFF and dispersal habitats and their values to the northern spotted owl will be lost due to canopy closure reduction (EA, p. 74). In regards to site occupancy, the BLM made the same simple statement that those habitats and their associated values may be lost due to treatment (EA, p. 75), and Table 3-11 simply documents those effects (EA, p. 76). The EA discusses NSO site status based upon the amount of NRF habitat available: "[n]one of the 12 home ranges overlapped by roadside safety treatments contain NRF habitat levels that are above the suitable habitat threshold..." (EA, p. 75). The BLM simply ascribed a habitat value (foraging) to PFF habitat in some instances, based upon the literature known to us at that time. The BLM has not used PFF habitat as any triggering device for effects decisions, but instead simply state what habitats will be lost and what habitats will be maintained.

*Additionally, the agency fails to consider the impacts of other logging projects occurring on the KDSA.*

*Considering the state of spotted owls in the Klamath Province, analysis of cumulative impacts from other ongoing projects in the KDSA is imperative for the BLM, and the agency has failed to analyze these impacts.*

*Instead of providing a complete picture of the downward trajectory for the NSO in the KDSA, the EA discusses how only a percentage of the LSR is being logged.*

*The impacts of the proposed logging, in addition to the cumulative impacts from the other salvage operations on and proposed for the KDSA, on spotted owl habitat, on reproductive success and on dispersal needs to be fully analyzed and disclosed in the EIS.*

The Klamath Demography Study Area is not relevant as an analysis area for this project. The northern spotted owl analysis area encompasses the project area, and northern spotted owl home ranges that extend outside of the project area. The decision maker determined the effects analyzed in the EA do not result in significant impacts that would warrant development of an EIS (see FONSI).

*The BLM is failing to comply with Recovery Action 12 of the spotted owl recovery plan. The BLM claims (EA 11) that “The recovery plan is an advisory document and does not represent regulation or statute with which the BLM must comply.” We disagree. The BLM’s RMP requires compliance with recovery plans.*

*[T]he purpose and need statement fails to discuss RA 10.*

*The BLM Needs to Comply with the NSO Recovery Plan.*

Alternative Two is consistent with recommendations of the 2011 Northern Spotted Owl Recovery Plan for habitat management (USDI FWS 2011, p. III-13; EA, p. 71). Recovery Action 10 is discussed in depth in the Wildlife Environmental Consequences section (EA, pp. 78-79), with the conclusion that none of the 22 northern spotted owl home ranges are above the suitable habitat threshold considered important to maintain life functions for the northern spotted owl (EA, p. 76, Table 3-11). Recovery Action 12 is discussed in depth in the Wildlife Environmental Consequences section (EA, p. 79).

*The agency similarly fails to discuss and incorporate relevant demography data for the NSO, despite logging in NSO critical habitat where populations are in steep decline.*

The northern spotted owl analysis area encompasses the project area, and northern spotted owl home ranges that extend outside of the project area. The Wildlife section analyzed and discussed environmental impacts to specific owl sites within the analysis area (EA, pp. 66-83).

*Justifying the loss of important habitat elements as being conservative or inconsequential because the Rabbit Mountain salvage only affects only “some” of the burned landscape improperly seeks to dismiss the concentrated nature of the logging and its effects by choosing a perspective and scale of analysis that minimizes these effects.*

The BLM fully analyzed the environmental effects to the northern spotted owl (EA, pp. 74-80). The northern spotted owl analysis area encompasses the project area, and northern spotted owl home ranges that extend outside of the project area.

### **Red Tree Vole**

*What are the impacts to Red Tree Voles (RTV), and why are RTV pre-disturbance surveys not being conducted in the project area?*

*It is arbitrary and capricious for the agency to discuss how factually there is canopy cover of 60-80 percent, numerous large snags, trees greater than 20 inches dbh in an LSR LUA (which by definition contains trees greater than 80 years of age), but then turn around and find that “small groups of dead trees do not constitute suitable nesting habitat” therefore RTV protocol surveys are not required.*

*The BLM is in error to conclude that the entire project is “dead trees and small groups of dead trees.” Considering the extensive NRF logging associated with this LSR sale, the BLM needs to disclose where green trees are being removed to facilitate yardings [sic] and landings, and how many green trees are included in this sale. Following RTV surveys, priority nest sites and buffers need to be established.*

In response to public comments, only “dead” hazard trees with an imminent or likely failure potential will be felled in roadside, railroad right-of-way and quarry safety treatment areas, as stated in the decision, which does not qualify as red tree vole habitat.

### **US Fish and Wildlife Service Consultation**

*The impacts of proposed salvage logging activities triggers the duty under the Endangered Species Act to consult with the US Fish and Wildlife Service regarding this project, which not discussed in the EA, and only briefly mentioned in the FONSI.*

*BLM is required consult with FWS on the proposed project*

As discussed in the FONSI, in accordance with the Endangered Species Act, this project is in compliance with the Biological Opinion on the Rabbit Mountain Fire LSR Restoration Project (Tails# 01EOFW00-2015-F-0038). The U.S. Fish and Wildlife Service stated that this type of action is not likely to jeopardize the continued existence of the northern spotted owl or the marbled murrelet and is not likely to adversely modify northern spotted owl critical habitat.