

Rice Cake 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 Rice Cake Commercial Thinning project is a component of the proposed action described in Alternatives Two and Three (EA, pp. 5-14).

Additional Information:

On March 31, 2011 a decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, vacated and remanded the administrative withdrawal of the Roseburg District 2008 ROD/RMP.

The Rice Cake Commercial Thinning project was reexamined, in light of the court's decision, in order to determine if the project design was also consistent with management direction from the reinstated 2008 ROD/RMP. Two areas were identified where inconsistencies existed, consisting of the management of Riparian Reserves vs. Riparian Management Areas, and changes in land use allocations.

1. Management direction from the 2008 ROD/RMP (p. 35) specifies application of thinning and other silvicultural treatments in Riparian Management Areas to speed development of large trees to provide an eventual source of large wood for stream channels.

Riparian Management Areas are to be one-half a site-potential tree height in width, slope distance, measured from the ordinary high water line on intermittent non-fish-bearing streams, and one site-potential tree height in width on all other streams.

On intermittent non-fish-bearing streams, no thinning or silvicultural treatments are to be applied within 35 feet, slope distance, of stream edges as measured from the ordinary high water line. For all other streams, no thinning or silvicultural treatments are to be applied within 60 feet, slope distance, of stream edges as measured from the ordinary high water line, and a minimum of 50 percent canopy closure will be maintained in the balance of the Riparian Management Area.

The South River 2009 Commercial Thinning EA employed Riparian Reserve widths of one and two site-potential tree heights as specified by the 1995 Roseburg District ROD/RMP. The analysis (EA, p. 7) incorporated new information from the 2008 FEIS and established “no-treatment areas” adjacent to streams that are consistent with the 35 and 60-foot no treatment areas prescribed in the 2008 ROD/RMP. The marking prescription to be applied in Riparian Reserves would maintain a minimum of 50 percent canopy cover outside of “no-treatment areas (EA, p. 8).

Although Riparian Reserves widths are wider under the 1995 ROD/RMP, compared to Riparian Management Area widths in the 2008 ROD/RMP, there are no inconsistencies of project design compared to the 2008 ROD/RMP and there would be no effects that would exceed those described in the 2008 FEIS.

2. Under the 1995 ROD/RMP, Sections 29 and 31, T. 29 S., R. 6 W., W.M. were allocated as Connectivity Diversity Block, while Section 25, T. 29 S., R. 7 W., W.M. was allocated to the General Forest Management Area. In the 2008 ROD/RMP, the land use allocation for units in Sections 29 and 31, T. 29 S., R. 6 W., W.M. is Timber Management Area, whereas the land use allocation for Section 25, T. 29 S., R. 7 W. is Late-Successional Management Area.

Management direction in the 2008 ROD/RMP as pertains to the Timber Management Area (p. 38) calls for the application of commercial thinning to recover anticipated mortality, adjust stand density and composition, reduce stand susceptibility to disturbance events, and improve merchantability and value. The marking prescription for units in Sections 29 and 31, T. 29 S., R. 6 W., W.M. is consistent with this direction.

With regard to Section 25, T. 29 S., R.7W, the management direction in the 2008 ROD/RMP as pertains to the Late-Successional Management Area (p. 33) calls for the application of thinning to promote development of habitat suitable nesting, roosting, and foraging habitat for the northern spotted owl and nesting habitat for the marbled murrelet. The thinning harvest described below would be applied to the LSMA in this section and would be consistent with the management direction in the 2008 ROD/RMP.

The South River 2009 Commercial Thinning EA analyzed two action alternatives. One of these alternatives (EA, p. 14) proposed thinning units in the General Forest Management Area that were located in 1992 critical habitat for the northern spotted owl for the development and improvement of habitat conditions and structure that would provide nesting, roosting and foraging opportunities for northern spotted owls. This would be accomplished through the application of a marking prescription for density management in Late-Successional Reserves. This is the alternative being implemented under this decision.

Light, moderate and heavy thinning would be applied in conjunction with creation of gaps and openings. The size of gaps and openings would be consistent with those described in the *South Coast-Northern Klamath Late-Successional Reserve Assessment*. Unthinned areas may be designated around special habitat features such as concentrations of down wood, snags, or hardwood clumps. Marking prescriptions would not require retention of a minimum of ten percent of the area of individual units in unthinned areas, however.

Coarse wood is reserved under contract provisions, and as described in the EA (p. 8), snags felled for safety or operational reasons would be left on site consistent with management direction from the 2008 ROD/RMP (p. 33).

In general, there are no inconsistencies of project design compared to the 2008 ROD/RMP and no effects that would exceed those described in the 2008 FEIS.

Decision:

It is my decision to authorize the Rice Cake Commercial Thinning project, continuing implementation of Alternative Three described in the South River FY 2009 Commercial Thinning EA. Six units, totaling 120 acres, will be treated. An additional two acres will be cut for road rights-of-way. Total harvest volume is estimated at 1,828 thousand board feet.

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

Sale Unit	Acres	EA Unit Designation
Unit 1	13	29-7-25A
Unit 2	12	29-7-25B
Unit 3	23	29-7-25C
Unit 4	26	27-7-25D
Unit 5	22	29-6-31B
Unit 6	24	29-6-29A

Thinning of Units 1–5 will be accomplished entirely with cable-yarding equipment. Cable yarding will employ skyline systems capable of maintaining a minimum of one-end log suspension to reduce soil displacement and compaction within the yarding corridors. A minimum of 100-feet of lateral yarding capacity is also required. Skyline yarding 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.

Thinning of Unit 6 will be accomplished using a combination of cable yarding and ground-based equipment. Cable yarding requirements described above will also be applicable to this unit. For ground-based harvest of the remainder of the unit, the EA (p. 10) specified the use of harvester/forwarder systems. Operations would be restricted to the dry season, typically mid-May to mid-October, when soils are at their driest and least susceptible to compaction. Operations would generally be restricted to slopes of 35 percent or less, on pre-designated trails, using existing trails to the greatest degree practicable, although operations on steeper pitches between gentler benches could be authorized where appropriate.

The EA also discussed other ground-based equipment and the degree of soil displacement and compaction observed in association with their use (EA, p. 70). At the discretion of the Contracting Officer's Representative, requests by the purchaser to substitute other types of equipment may be granted based on unit specific concerns, adherence to the operational restrictions described above, and any other measures deemed appropriate such as specification of a maximum log length, falling timber to the lead, and ameliorating skid trail compaction.

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

- Felling and yarding of timber, except for clearing rights-of-way, is generally prohibited on all units from April 15 to July 15 (barkslip period).
- Yarding and hauling of timber on Unit 1, accessed by unsurfaced Spur #1, the portion of Unit 3 accessed by the unsurfaced extension of Road No. 29-6-19.1, and all of Unit 4 is restricted to the period between May 15 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.
- As described above, harvest of the portion of Unit 6 designated for ground-based operations is restricted to the dry season, typically mid-May to mid-October.

Protocol surveys of suitable nesting habitat for the northern spotted owl and the marbled murrelet within applicable disruption thresholds did not identify occupancy by either species. Consequently, no seasonal restrictions for wildlife are applicable.

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.

- Renovation of 356 feet of an existing road on private land and construction of a 29-foot extension to the road to access a favorable landing site in Unit 1. The road (Spur #1) will not be surfaced and will be constructed, used and decommissioned in the same operating season.
- Construction of a surfaced spur (Spur #2), 142 feet in length, to move the landing site off of Road No. 29-7-24.0 and provide a winter logging opportunity on Unit 2.
- Construction of a 975-foot permanent extension of Road No. 29-6-34.1 to provide winter logging opportunities on Unit 3.
- Construction of a 1,900-foot temporary extension of Road No. 29-6-19.1 to access Unit 4, to be constructed, used and decommissioned in the same operating season.

Decommissioning of Spur #1 and the 1,900-foot unsurfaced extension of Road No. 29-6-19.1 will consist of waterbarring and blocking. The Purchaser will also be responsible for covering the road with logging slash.

Public Involvement & Response to Comment:

On July 13, 2010, the South River Field Office electronically transmitted 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. The notice stated that comments would be accepted “until close of business (4:30 PM, PDT) on August 12, 2010.”

Comments on the EA were received by the BLM from two organizations. The first 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, and is not considered filed in a timely manner.

The timely comments have been previously addressed in the Kryptonite Commercial Thinning, 38 Special Commercial Thinning and Plug Nickel Commercial Thinning Decision Documents which may be found at

<http://www.blm.gov/or/districts/roseburg/plans/files/KryptoniteCTDR.pdf>.

<http://www.blm.gov/or/districts/roseburg/plans/files/38SpecialCTDR.pdf> and

<http://www.blm.gov/or/districts/roseburg/plans/files/PlugNickelCTDR.pdf>.

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 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 1992 northern spotted owl critical habitat that overlays most of the project area.

Unit 5 overlaps a historic **northern spotted owl** nest patch. In a Biological Opinion (Ref. No.13420-2011-F-0012) dated December 28, 2010, the U.S. Fish and Wildlife Service found that Anchor Tree Removal (p. 62), Road Construction (p. 63) and thinning in a nest patch (pp. 65-66) are likely to adversely northern spotted owls. The nest patch in question was last occupied by a non-producing northern spotted owl pair in 2006, however. Given the long-term lack of occupancy, thinning of the unit is not anticipated to result in incidental take of any northern spotted owls. The Biological Opinion (p. 82) concluded that this action was not likely to jeopardize the continued existence of northern spotted owls.

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 for landings and guyline anchors.

The BLM has conducted two years of protocol surveys of suitable marbled murrelet nesting within 100 yards of Unit 5, the applicable disruption threshold established by the U.S. Fish and Wildlife Service. These surveys have not documented any marbled murrelet occupancy. At present, the area around the unit is considered to be unoccupied and no Daily Operating Restrictions are required.

In a Biological Opinion (Ref. No.13420-2011-F-0012) dated December 28, 2010, the U.S. Fish and Wildlife Service found that this project was likely to adversely affect marbled murrelets based on Anchor Tree Removal and Road Construction (p, 79), but is not likely to jeopardize the continued existence of marbled murrelets (p. 82).

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 project 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).

Monitoring:

Monitoring of the effects of the Rice Cake Commercial Thinning project will be done in accordance with provisions contained in Appendix B of the 2008 ROD/RMP (pp. B-7, 8, 10, 11 and 15), focusing on: Late-Successional Management Area, Riparian Management Area, Timber Management Area, Air, Botany and Wildlife.

Administrative Remedies:

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 Lydick, within 15 days of the publication of the notice of decision/timber sale advertisement on May 24, 2011, 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.



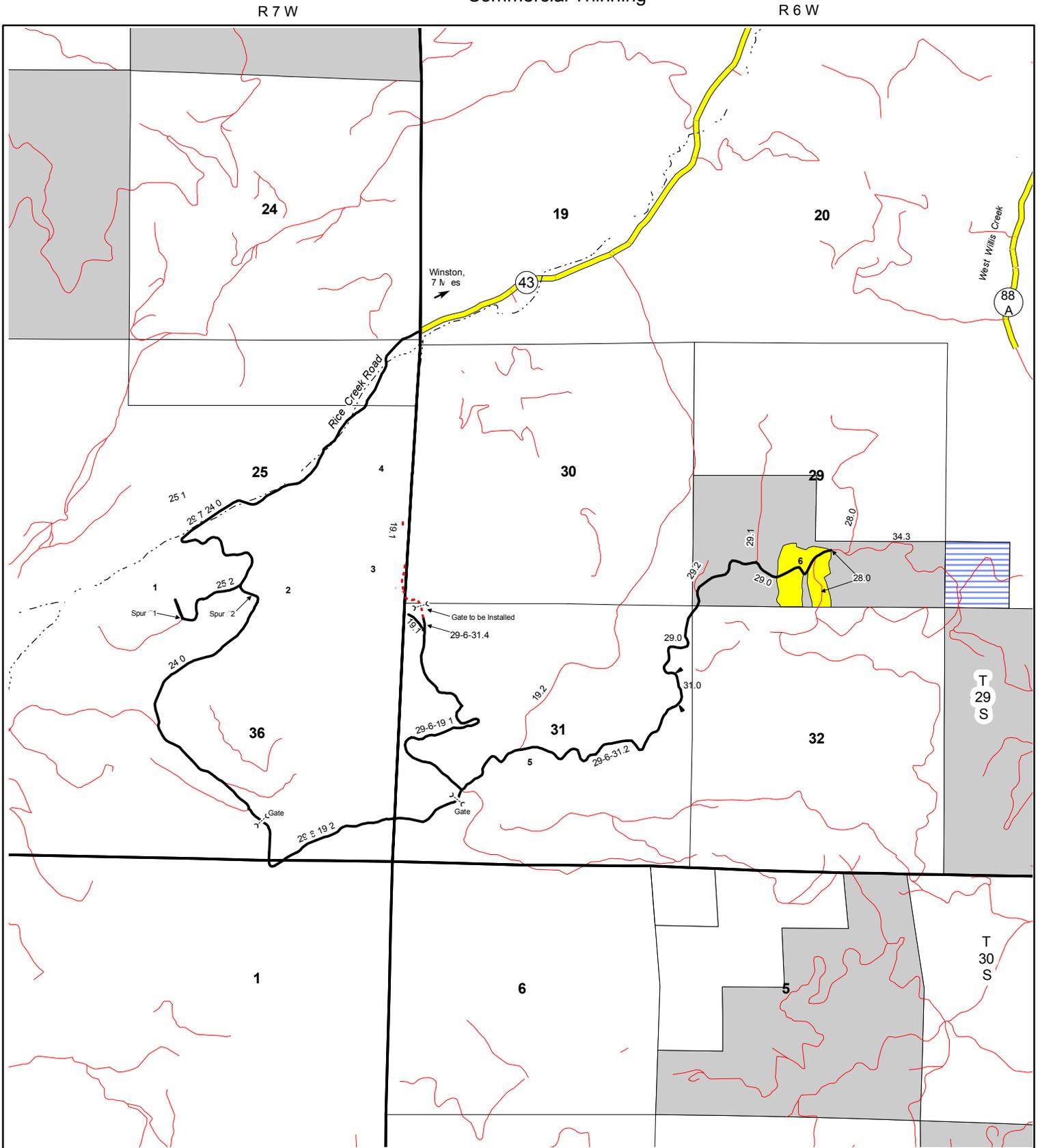
Steven Lydick
Field Manager
South River Field Office
(541) 464-3211

Date

5/23/2011

RICE CAKE

Commercial Thinning

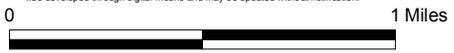


T29S, R6W & R7W
Willamette Meridian, Douglas Co., OR.

3-3-2011



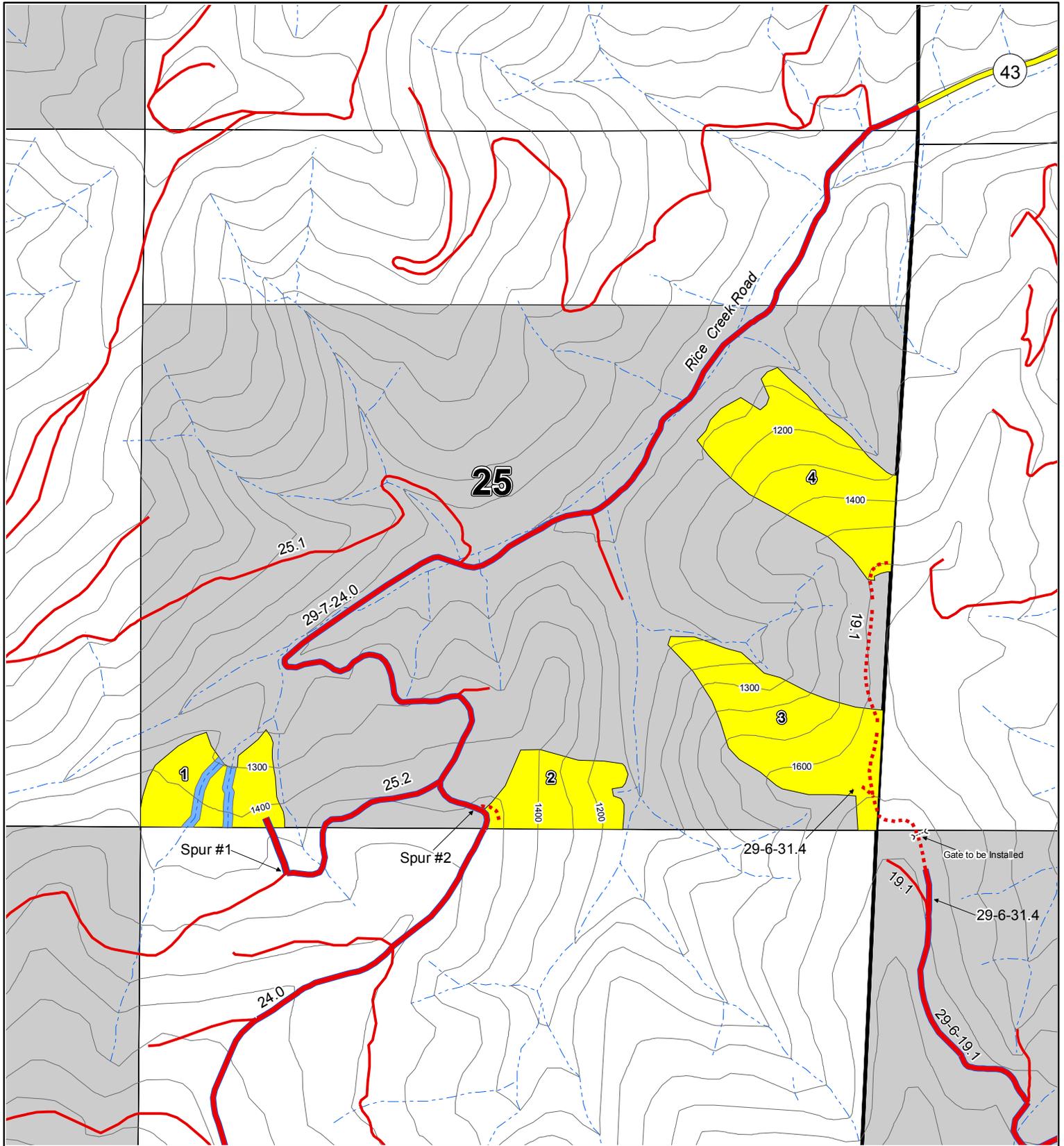
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of this data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.



- Paved County Road
- Existing Road
- Access/Haul Route
- Road to Construct
- Rice Creek
- Harvest Area
- BLM (O&C) Land
- Non-BLM Land
- BLM (PD) Land
- Township/Range

RICE CAKE

Commercial Thinning



0 1,000 Feet

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of this data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

- Paved County Road
- Existing Road
- Access/Haul Route
- Road to Construct
- Streams
- 100 Ft. Contour

- Harvest Area
- No Harvest Area
- BLM (O&C) Land
- Non-BLM Land
- Township/Range

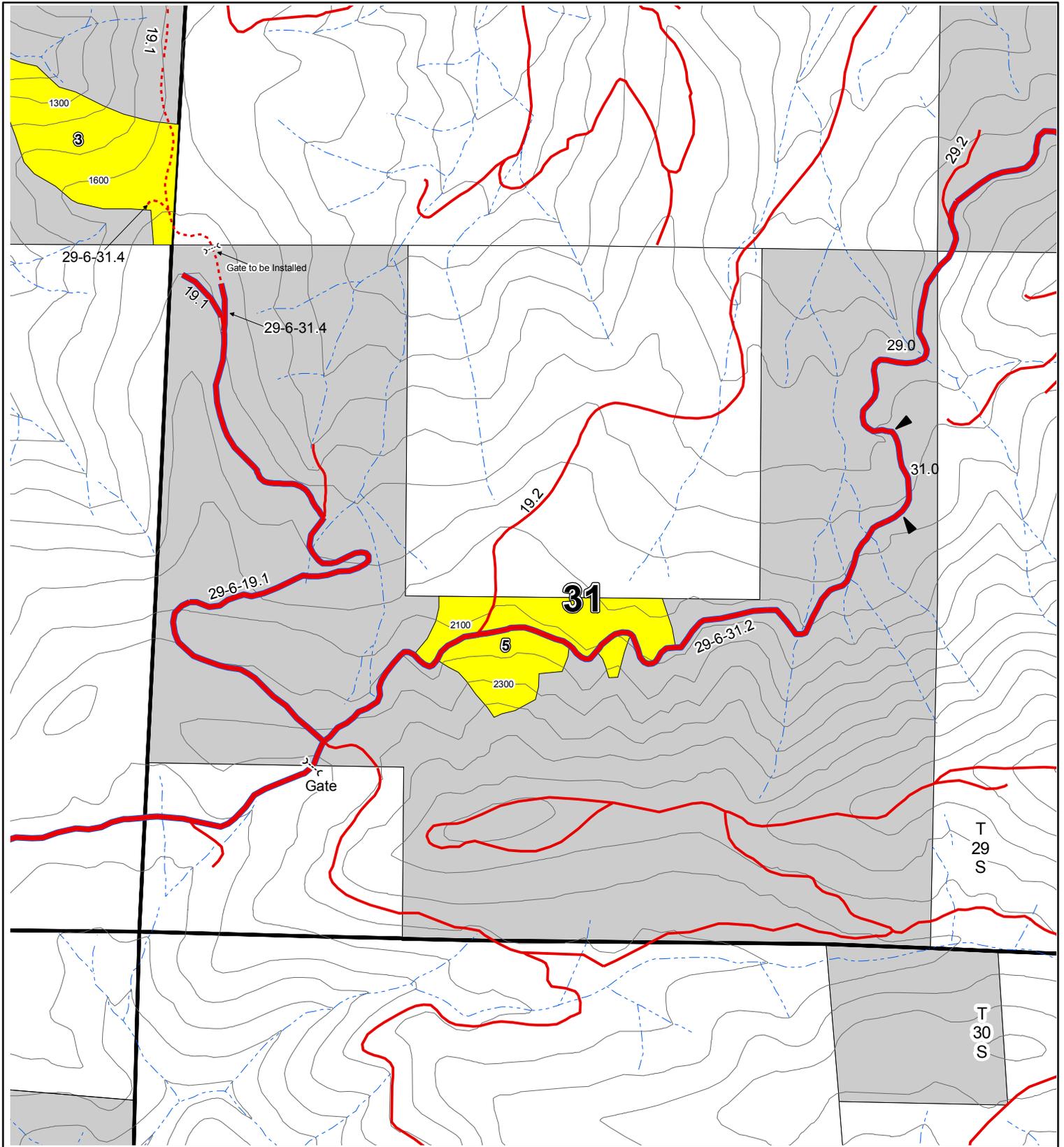
T29S, R7W
Willamette Meridian, Douglas Co., OR.

RICE CAKE

Commercial Thinning

R7W

R6W



0 1,000 Feet

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of this data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

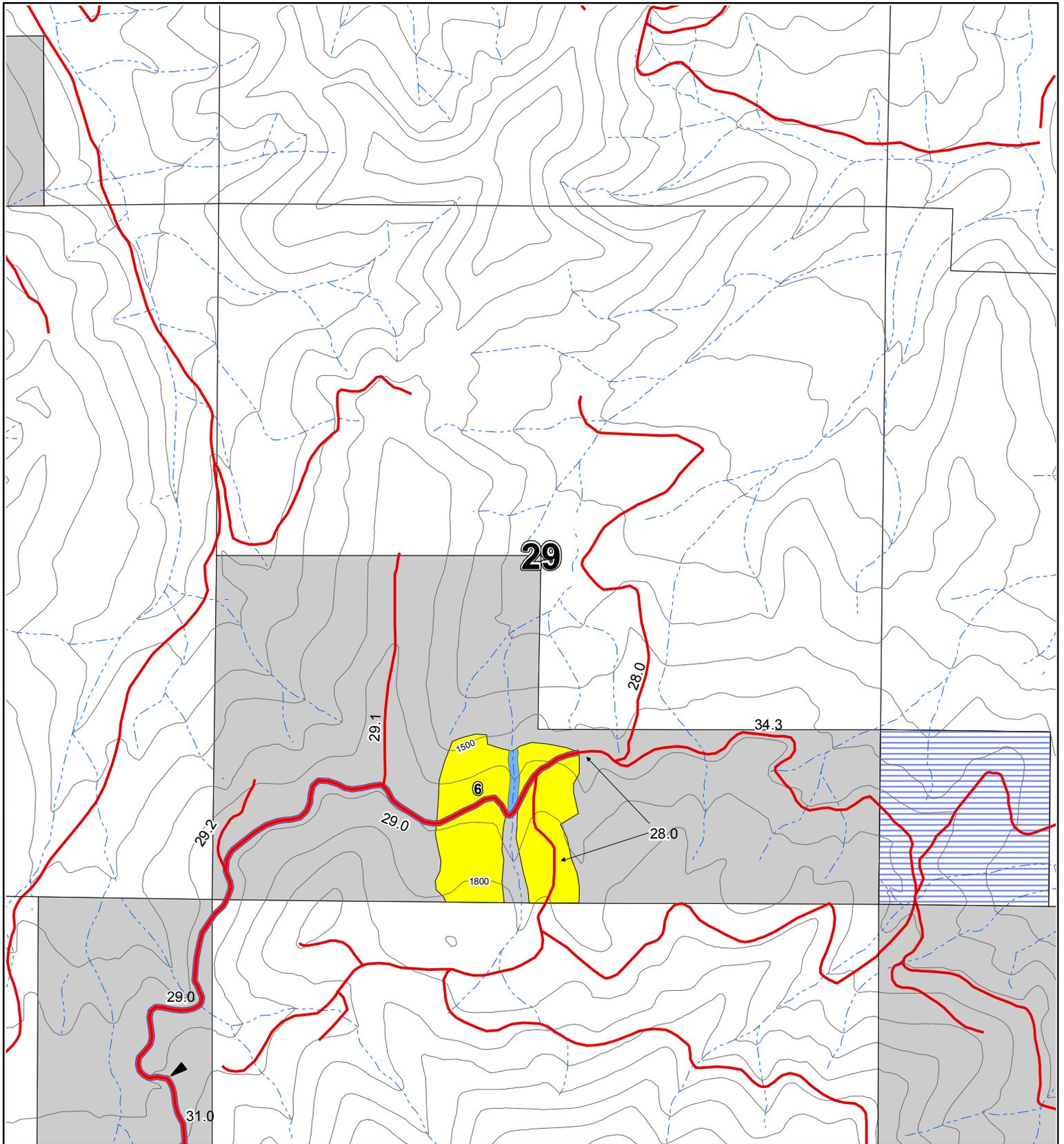
-  Existing Road
-  Access/Haul Route
-  Road to Construct
-  Streams
-  100 Ft. Contour

-  Harvest Area
-  BLM (O&C) Land
-  Non-BLM Land
-  Township/Range

T29S, R6W
Willamette Meridian, Douglas Co., OR.

RICE CAKE

Commercial Thinning



T29S, R6W
Willamette Meridian, Douglas Co., OR.

3-8-2011



0 1,000 Feet

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of this data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

-  Existing Road
-  Access/Haul Route
-  Streams
-  100 Ft. Contour

-  Harvest Area
-  No Harvest Area
-  BLM (O&C) Land
-  Non-BLM Land
-  BLM (PD) Land