

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

Shingle Lane Commercial Thinning Harvest

Decision Document

An Interdisciplinary (ID) Team of the Swiftwater Field Office, Roseburg District, Bureau of Land Management has analyzed the proposed **Shingle Lane Commercial Thinning and Regeneration Harvest** project. This analysis was documented in Environmental Assessment (EA) No. OR-104-99-10 and a "Finding of No Significant Impact" (FONSI) was signed on April 12, 2005. The thirty day public review and comment period was completed on June 25, 2004. Two letters with comments were received as a result of public review. This decision is for the commercial thinning and density management portions only.

This proposal is in conformance with the "*Final - Roseburg District Proposed Resource Management Plan / Environmental Impact Statement (PRMP/EIS)*" dated October 1994 and its associated *Roseburg District Record of Decision and Resources Management Plan (RMP)* dated June 2, 1995.

The EA analyzes the implementation of the "Proposed Action Alternative". The proposed action involves the commercial thinning and density management harvest of second-growth timber in the Elk Creek Watershed in Section 27; T23S R4W, W.M.

The following changes to or clarifications of the EA should be noted: 1) the EA (pg. 5) stated that partial cut harvest "would occur on one acre adjacent to Unit 6". This is in error and should have stated "adjacent to Unit 2". This change does not alter the analysis or conclusions of the EA.

Decision

It is my decision to authorize the implementation of the Proposed Action Alternative as outlined in the EA (Section II, pg. 4) with the following exceptions:

1. The regeneration units (Units 8 and 9) are not included in this decision.
2. The partial cut adjacent to Unit 2 is not included in this decision.

This decision incorporates the following changes from the EA:

1. The EA (pg. 4) specified that 2.5 miles of road would be renovated. Final engineering design resulted in this as being categorized as road improvement since these roads will be upgraded to a higher standard.
2. The 23-4-27.8 road will not be renovated as specified in the EA (pg. 8) since it is associated with Unit 9 which is excluded from this decision.

Since the regeneration portion of the project has been deferred the commercial thinning portion would result in environmental effects that are less than those analyzed in the EA. It is my determination that additional analysis would not be necessary and the analysis described in the EA is adequate.

The project design criteria for this alternative are listed on pages 6-12 of the EA. These features have been developed into contract stipulations and will be implemented as part of the timber sale contract. Several of these design criteria will be accomplished through District resources and personnel. This includes:

- 1). Prior to wet season haul on surfaced roads, the stream crossings along the haul route will be evaluated by Field Office personnel for the need for sediment reducing measures such as placement of straw bales in ditch lines to prevent sediment from entering streams. If needed, these structures will be put in place by the purchaser prior to haul.
- 2). The Swiftwater Field Office Soil Scientist will evaluate temporary spurs and skid trails used for ground-based logging as well as other areas of compaction after completion of operations for the need for subsoiling in accordance with RMP criteria (BMP III B3; RMP, pg. 139). If subsoiling is determined to be necessary it will be accomplished by the Roseburg District Road Maintenance work group.

The following specifics should be noted as the result of project layout. The figures cited in the EA may vary from those cited and are considered as preliminary estimates and not final figures. The fact that the EA figures were preliminary estimates has not limited my ability to determine and evaluate the impacts of this action.

- 1). Harvest activities will occur on 158 acres (121 acres of commercial thinning, 32 acres of density management, and five acres of road right-of-way) and yield approximately 1400 MBF of timber.
- 2). A total of 4000 ft. (0.8 mi.) of temporary road will be constructed. A total of 4.8 mi. of existing road will be improved (i.e. improved beyond its original design). This includes the brushing, grading, shaping, placement of aggregate surfacing where deficient, cleaning culvert inlets and outlets, replacement of 26 existing culverts, installing three new additional culverts, and replacing one cattleguard.
- 3). The average tree to be harvested is 11 inches DBH (range 7 - 28”).
- 4). The harvest area will include approximately 153 acres of cable logging and five acres of ground-based road right-of-way logging.
- 5). The girdling of one to three trees per acre for interim snag creation and falling two trees per acre to provide a source of interim down woody debris will occur within the no-harvest buffer of the Riparian Reserve (10 acres).

Decision Rationale

The Proposed Action Alternative meets the objectives for lands in the Matrix and Riparian Reserve Land Use Allocations and follows the management actions/directions set forth in the *Final - Roseburg District Proposed Resource Management Plan / Environmental Impact Statement* (PRMP/EIS) dated October 1994 and its associated *Roseburg District Record of Decision and Resources Management Plan* (RMP) dated June 2, 1995.

Section II of the EA describes two alternatives: a “No Action” alternative and a “Proposed Action” alternative. The No Action alternative was not selected because it would not meet the objective of producing a sustainable supply of timber and other forest commodities (RMP pg. 33 and 60) and because the EA did not identify any impacts of the Proposed Action that would be beyond those identified in the EIS.

Cultural clearance with the State Historical Preservation Office was completed and resulted in a “No Effect” determination.

The actions anticipated under this analysis are covered under the *Formal consultation and written concurrence on FY 2003-2008 management activities* (Ref. # 1-15-05-I-0511). FWS issued a Letter of Concurrence (June 24, 2005) which concluded that this action is “. . . not likely to adversely affect the bald eagle, spotted owl, spotted owl critical habitat, murrelet, and murrelet critical habitat” (pg. 30).

Conferencing with the National Oceanic and Atmospheric Administration – Fisheries for candidate Threatened and Endangered aquatic species concurred with BLM’s determination that the project is “not likely to adversely affect” Oregon Coast coho salmon (Letter of Concurrence, October 28, 2004). In addition, the proposed activities were analyzed for, and determined to not adversely affect Essential Fisheries Habitat (EFH).

This decision is based on the fact that the Proposed Action Alternative implements the Management Actions / Directions of the RMP. The project design criteria as stated in the EA would protect the Riparian Reserves, minimize soil compaction, limit erosion, protect slope stability, wildlife, air, water quality, and fish habitat, as well as protect other identified resource values. This decision recognizes that impacts could occur to some of these resources, however, the impacts to resource values would not exceed those identified in the *Final - Roseburg District Proposed Resource Management Plan / Environmental Impact Statement* (PRMP/EIS). The Decision provides timber commodities with impacts to the environment at a level within those anticipated in the RMP/EIS.

Comments were solicited from affected tribal governments, adjacent landowners and affected State and local government agencies. No comments were received from these sources. During the thirty day public review period, comments were received from two organizations. None of the comments provided new information, showed flawed analysis or assumptions, or revealed an error in data that would alter the conclusions of the analysis thereby requiring new analysis or reconsideration of the proposed action. Some of the comments were beyond the scope of this analysis. These comments objected to much of the rationale involved in plan level decisions, objections to the Survey and Manage SEIS Record of Decision, and regeneration harvest in particular. These comments, although appreciated, are more appropriately addressed during public comment for those documents. Several comments warrant clarification:

- The EA failed to mention Red Tree Voles (RTV), even though numerous trees are marked in the units as nest trees for the voles.

This project was initiated in April 1999. The Red Tree Vole was a Survey and Manage species under the Northwest Forest Plan. This species has been re-designated as a Bureau Tracking species. Protocols in place at that time required that pre-disturbance surveys be conducted and all active sites be buffered with a minimum of ten acres. Surveys (modified line-transect method) were conducted in the Shingle Lane sale units in December, 1999 and 83 potential platform nest trees were discovered, one of which was a RTV nest of unconfirmed activity. Unit 6 was the only unit that did not have any potential platform nests detected. Verification of the status of the 83 potential nest trees by tree-climbing was not undertaken since previous efforts indicated that approximately 31% of un-verified nest trees turn out to be RTV nests. The buffers required to manage the estimated 26 RTV nest trees in Shingle Lane made it unlikely there would be sufficient operable acreage for the proposed project to remain viable, therefore the project was deferred indefinitely.

A Supplemental EIS was finished in November 2000 and a Record of Decision signed in January 2001 that changed the status to Category C which meant that pre-disturbance surveys were required but only high-priority sites needed to be managed. Until high-priority could be determined all known sites were to be treated as high priority sites (*Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*, pg. 10). Therefore nothing changed for this sale.

A further requirement of the SEIS was that an annual species review be conducted. The 2002 Annual Species Review (FS/BLM Memo, March 14, 2003) resulted in the red tree vole's status changing to Category D which eliminated the need for pre-disturbance surveys but still required that high priority sites be managed. High priority sites included all known sites until high priority sites were defined. This meant that all sites on Shingle Lane were considered managed sites until their status could be resolved.

The 2003 Annual Species Review (FS/BLM Memo, December 19, 2003) resulted in the red tree vole's status changing once again. This time it was removed as a Survey and Manage species in the mesic zone of its range which includes Shingle Lane. These series of changes in status were the result of field survey data that showed that the RTV was more plentiful in the mesic zone than originally thought. The 2003 Annual species review cleared the way for the known sites in Shingle Lane to be released and the project to proceed. This project was reinitiated on December 17, 2003 and the previous EA was substantially rewritten due to new information. The new EA does not address the RTV because the species currently is a Bureau Tracking species in Oregon (March, 2004). Under BLM 6840 Policy, Districts are encouraged to collect occurrence data on tracking species for which more information is needed to determine status within the state or which no longer need active management. Until status of such species changes to federal or state listed, candidate or assessment species, or Bureau Assessment or Sensitive, "tracking species" will not be considered as special status for management purposes. The information regarding RTV's in Shingle Lane was documented in ISMS (February, 2002) and no further management of those sites is necessary as a tracking species.

- The U.S. Fish and Wildlife Service [USFWS] is doing an Endangered Species Act review of the Northern Spotted Owl, with preliminary results currently available. The BLM must consider this new information . . . Barred owl numbers are clearly increasing . . . One of the implications of barred owls competition is that the agencies may need to protect all the remaining mature and old growth forest habitat in order to increase the chances that spotted owls and barred owls can coexist. BLM must reconsult on the Northern Spotted Owl.

The Bureau of Land Management (BLM), Forest Service (FS), and US Fish and Wildlife Service (Service) coordinated review of four recently completed reports containing information on the Northern Spotted Owl (NSO). These agencies reviewed the following four reports (hereinafter collectively referred to as “the reports”):

- *Scientific Evaluation of the Status of the Northern Spotted Owl* (Sustainable Ecosystems Institute, Courtney et al. 2004);
- *Status and Trends in Demography of Northern Spotted Owls, 1985-2003* (Anthony et al. 2004);
- *U.S. Fish & Wildlife Service 5-Year Status Review* (USFWS, November 2004); and
- *Northwest Forest Plan – The First Ten Years (1994-2003): Status and trend of northern spotted owl populations and habitat, PNW Station Edit Draft* (Lint, Technical Coordinator, 2005).

The most important conservation concerns addressed in the reports are: 1) the precipitous NSO population declines in Washington, and declining trends in the three northern Oregon demographic areas, as described by Anthony et al. 2004; and 2) the three major current threats identified by Courtney et al. (2004), i.e., lag effects from prior harvest of suitable habitat, habitat loss due to wildfire in portions of the range, and competition from Barred Owls.

Anthony et al. (2004) indicated that NSO populations were doing poorest in Washington, with precipitous declines on all four study areas. The number of populations that declined, and the rate at which they declined, were noteworthy (Anthony et al. 2004). In northern Oregon, NSO population declines were noted in all three study areas. The declines in northern Oregon were less than those in Washington, except in the Warm Springs study area, where the decline was comparable to those in Washington (Anthony et al. 2004). The NSO has continued to decline in the northern portion of its range, despite the presence of a high proportion of protected habitat on federal lands in that area. Although Courtney et al. (2004) indicated that population declines of the NSO over the past 14 years were expected; they concluded that the accelerating downward trends on some study areas in Washington where little timber harvest was taking place suggest that something other than timber harvest is responsible for the decline. Anthony et al. (2004) stated that determining the cause of this decline was beyond the scope of their study, and that they could only speculate among the numerous possibilities, including competition from Barred Owls, loss of habitat from wildfire, timber harvest including lag effects from prior harvest, poor weather conditions, and defoliation from insect infestations. Considering the fact that the NSO is a predator species, Anthony et al. (2004) also noted the complexities of relationships of prey abundance on predator populations, and identified declines in prey abundance as another possible reason for declines in apparent survival of NSO.

In southern Oregon and northern California, NSO populations were more stationary than in Washington (Anthony et al. 2004). The fact that NSO populations in some portions of the range were stationary was not expected within the first ten years, given the general prediction of continued declines in the population over the first several decades of NWFP implementation (Lint 2005). The cause of the better demographic performance on the southern Oregon and northern California study areas, and the cause of greater than expected declines on the Washington study areas are both unknown (Anthony et al. 2004). Courtney et al. (2004) noted that a rangewide population decline was not unexpected during the first decade, nor was it a reason to doubt the effectiveness of the core NWFP conservation strategy.

Lint (2005) indicated that loss of NSO habitat did not exceed the rate expected under the NWFP, and that habitat conditions are no worse, and perhaps better than expected. In particular, the percent of existing NSO habitat removed by harvest during the first decade was less than expected. Courtney et al. (2004) indicated that models of habitat growth suggest that there is significant ingrowth and development of habitat throughout the federal landscape. Courtney et al. (2004) also noted that management of matrix habitat has had a lower impact on NSO populations than predicted. Owls are breeding in substantial numbers in some matrix areas. The riparian reserve strategy and other habitat management guidelines for the matrix area appear to preserve more, better, and better-distributed dispersal habitat than earlier strategies, and there is no evidence to suggest that dispersal habitat is currently limiting to the species in general (Courtney et al. 2004). Anthony et al. (2004) noted declining NSO populations on some study areas with little harvest, and stationary populations on other areas with consistent harvest of mature forest. No simple correlation was found between population declines and timber harvest patterns (Courtney et al. 2004). Because it was not clear if additional protection of NSO habitat would reverse the population trends, and because the results of their study did not identify the causes of those trends, Anthony et al. (2004) declined to make any recommendations to alter the current NWFP management strategy.

Reductions of NSO habitat on federal lands are lower than those originally anticipated by the Service and the NWFP (Courtney et al. 2004). The threat posed by current and ongoing timber harvest on federal lands has been greatly reduced since 1990, primarily because of the NWFP (Courtney et al. 2004). The effects of past habitat loss due to timber harvest may persist due to time-lag effects. Although noting that it is probably having a reduced effect now as compared to 1990, Courtney et al. (2004) identified past habitat loss due to timber harvest as a current threat. The primary current source of habitat loss is catastrophic wildfire (Courtney et al. 2004). Although the total amount of habitat affected by wildfires has been small, there is concern for potential losses associated with uncharacteristic wildfire in a portion of the species range. Lint (2005) indicated that the NWFP recognized wildfire as an inherent part of managing NSO habitat in certain portions of the range. Courtney et al. (2004) stated that the risk to NSO habitat due to uncharacteristic stand replacement fires is sub-regional, confined to the dry eastern and to a lesser extent the southern fringes of the NSO range. Wildfires accounted for 75 percent of the natural disturbance loss of habitat estimated for the first decade of NWFP implementation (Courtney et al. 2004). Lint (2005) cautioned against relying solely on the repetitive design of the conservation strategy to mitigate effects of catastrophic wildfire events, and highlighted the potential to influence fire and fire effects through active management.

Anthony et al. (2004) indicated that there is some evidence that Barred Owls may have had a negative effect on NSO survival in the northern portion of the NSO range. They found little evidence for such effects in Oregon or California. The threat from Barred Owl competition has not yet been studied to determine whether it is a cause or a symptom of NSO population declines, and the reports indicate a need to examine threats from Barred Owl competition.

The synergistic effects of past threats and new threats are unknown. Though the science behind the NWFP appears valid, new threats from Barred Owls, and potential threats^a from West Nile Virus and Sudden Oak Death may result in NSO populations in reserves falling to lower levels (and at a faster rate) than originally anticipated. If they occur, such declines could affect NSO recovery (Courtney et al. 2004). According to Courtney et al. (2004), there exists a potential for habitat loss due to Sudden Oak Death in the southern portion of the range, however the threat is of uncertain proportions. In addition, Courtney et al. (2004) indicated there is no way to predict the impact of West Nile Virus, which is also identified as a potential threat. The reports do not provide supporting analysis or recommendations regarding how to deal with these potential threats. Courtney et al. (2004) concluded that the risks currently faced by the Northern Spotted Owl are significant, and their qualitative evaluation is that the risks are comparable in magnitude to those faced by the species in 1990.

According to the Service (November 2004), the current scientific information, including information showing declines in Washington, northern Oregon, and Canada, indicates that the NSO continues to meet the definition of a threatened species. Populations are still relatively numerous over most of the species' historic range, which suggests that the threat of extinction is not imminent, and that the subspecies is not endangered even in the northern part of its range where greater than expected population declines were documented (USFWS, November 2004). The Service (November 2004) did not consider the increased risk to NSO populations due to the uncertainties surrounding Barred Owls and other factors sufficient to reclassify the species to endangered at this time.

In summary, although the agencies anticipated a decline of NSO populations under the LRMPs during the past decade, the reports identified greater than expected NSO population declines in Washington and northern portions of Oregon, and more stationary populations in southern Oregon and northern California. The reports did not find a direct correlation between habitat conditions and changes in NSO populations, and they were inconclusive as to the cause of the declines. Lag effects from prior harvest of suitable habitat, competition with Barred Owls, and habitat loss due to wildfire were identified as current threats; West Nile Virus and Sudden Oak Death were identified as potential new threats. Complex interactions are likely among the various factors. The status of the NSO population, and increased risk to NSO populations due to uncertainties surrounding Barred Owls and other factors, were reported as not sufficient to reclassify the species to endangered at this time. The reports did not include recommendations regarding potential changes to the basic conservation strategy underlying the NWFP, however they did identify opportunities for further study.

^aCourtney et al. (2004) distinguish between operational threats (perceived as currently negatively influencing the status of the NSO) and potential threats (factors that could become operational threats in 15-20 years, or factors that may be threatening the NSO currently and for which the extent of the threat is uncertain).

- The consultations and resulting biological opinions . . . are not valid because they relied upon compliance with the Standards and Guidelines of the Northwest Forest Plan . . . However, . . . BLM has decreased the protection provided for the red tree vole . . . [which] . . . will cause impacts on the northern spotted owl not considered in the initial biological opinions.

Both the Biological Assessment (BLM 2002) and the Biological Opinion (USFWS 2003) state that the proposed action will be conducted in accordance with the Northwest Forest Plan. The Biological Opinion on the proposed action made no specific assumption in regards to the role of red tree vole management. The proposed action adheres to the Northwest Forest Plan and all of its supplements. The *FSEIS to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (USDA and USDI 2004) amended the Northwest Forest Plan by removing the Survey and Manage Mitigation Measure Standard and Guidelines and provided for the diversity of plant and animal communities with agency special status species programs. The FSEIS (Appendix 5) determined that (1) the red tree vole would have sufficient habitat to support stable populations within the Northwest Forest Plan area except for the northern Coast Range of Oregon, and (2) neither the No-Action alternative nor the two action alternatives would affect the original basis for the assessment or the conclusions of the effects to spotted owls as presented in the Northwest Forest Plan Final SEIS. This is especially true since the Roseburg District is not located in the northern Coast Range.

Since this decision is for commercial thinning, density management, and road right-of-way clearing; the action has been determined not to make irreversible or irretrievable commitment of resources. This project has been determined to be insignificant or discountable and would not violate Section 7(a) (2) or 7(d) of the Endangered Species Act.

The comment raises the question under CFR§402.16(c), whether the action has been modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion. The *FSEIS to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* concluded that the original basis for the effects to spotted owl as presented in the Northwest Forest Plan Final SEIS has not changed. Therefore we believe that the FSEIS does not modify the proposed action so as to cause an effect not considered in the original BO (USFWS 2003).

- There is an old cabin in unit 1 . . . The EA should have disclosed the existence of this cabin, the history, what need there is for cleanup, and any relevant history.
This cabin was noted by the Roseburg District Archeologist in Oct. 1999 as follows: “An historic period log cabin was identified . . . The cabin was built about 1954 as a club-house by two boys who lived nearby. The cabin is not considered to be a significant historic property.” The EA did not mention this cabin because it was not considered significant since the cabin site (OR-10-50H) does not meet the National Register of Historical Places criteria for significance (36CFR60.4). The State Historical Preservation Office concurred with this determination and that this cabin would have "No Effect" on historic properties. This cabin was documented in the Analysis File (Appendix F) which did disclose its existence and relevant history. A Level I HAZMAT Site Survey was conducted for this sale (March - June 1999) and no need for cleanup was considered necessary.

Compliance and Monitoring

Compliance with this decision will be ensured by frequent on the ground inspections by the Contracting Officer’s Representative.

Monitoring will be conducted as per the direction given in the RMP (Appendix I).

Protest Procedures

Forest Management Regulation 43 CFR 5003.2 states that “[w]hen a decision is made to conduct an advertised timber sale, the notice of such sale shall constitute the decision document.” This notice will be placed in *The News Review* and constitute the decision document with authority to proceed with the proposed action. As outlined in Federal Regulations 43 CFR, 5003.3, “Protests of ... Advertised timber sales may be made within 15 days of the publication of a ... notice of sale in a newspaper of general circulation.” Protests shall be filed with the authorized officer (Marci L. Todd) and shall contain a written statement of reasons for protesting the decision and specifically state which portion or element of the decision is being protested and cite applicable Code of Federal Regulations (CFR) pertinent to the point(s) of protest. Protests received more than 15 days after the publication of the notice of sale are not timely filed and shall not be considered. The regulations do not authorize the acceptance of protests in any form other than a written hard copy that is delivered to the physical address of the advertising BLM office. Upon timely filing of a protest, the authorized officer shall reconsider the decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to her. The authorized officer shall, at the conclusion of his review, serve her decision in writing to the protesting party. Upon denial of a protest ... the authorized officer may proceed with the implementation of the decision.

For further information, contact Marci L. Todd, Field Manager, Swiftwater Field Office, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd; Roseburg, OR. 97470, 541 440-4931.

Marci L. Todd
Swiftwater Field Manager

Date