

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

**Sutherlin Creek Crossing Access  
Decision Document**

**SECTION 1 – THE DECISION**

**Decision**

It is my decision to authorize the Sutherlin Creek Crossing Access as described in the *Sutherlin Creek Crossing Access Environmental Assessment* (EA) in Chapters 1 and 2 (NEPA#: DOI-BLM-OR-R040-2010-018-EA; pgs. 6-8). The Project Design Features that will be implemented as part of Sutherlin Creek Crossing Access are described on pages 6-8 of the Sutherlin Creek Crossing Access EA. These project design features will be incorporated into approval letter to Douglas County of Lands and will be implemented as part of this decision.

This decision grants Douglas County's request for a three-year road-use permit and authorizes the construction of approximately 135 feet of new natural surface road with a 14 foot subgrade as described in the EA (pg. 6). Road construction will include the removal of approximately 12 trees, 8 inches to 28 inches diameter at breast height (dbh) with a combined volume of 2.5 thousand board feet (2.5 MBF; EA, pg. 20). The EA stated that approximately nine trees would be removed through this project (EA, pg. 6); but after verifying the information from the preliminary cruise, there are 12 trees that will be removed with a combined volume of 2.5 MBF.

The road will be located in the Lower North Umpqua River Watershed in Section 19, T. 25 S., R. 4 W., Willamette Meridian (EA, pgs. 27-28). This project is within the Timber Management Area under the 2008 *Roseburg District Record of Decision and Resource Management Plan* (2008 ROD/RMP). Formerly, as noted in the EA (pg. 1), this project was within the Connectivity/Diversity land use allocation under the 1995 *Roseburg District Record of Decision and Resource Management Plan*.

**Compliance and Monitoring**

Compliance with this decision will be ensured by frequent on-the-ground inspections by the Contracting Officer's Representative. Implementation of the action and monitoring will be consistent with the conformance requirements outlined in the EA (pgs. 5).

**SECTION 2 – THE DECISION RATIONALE**

I have reviewed the resource information contained in the EA and it is my finding that the Project Design Features described in the Sutherlin Creek Crossing Access EA (pgs. 6-8) will minimize soil compaction, limit erosion, protect slope stability, protect wildlife habitat, protect fish habitat, protect air and water quality, as well as protect other identified resource values.

Conformance

The Roseburg District initiated planning and design for this project to conform and be consistent with the Roseburg District's 1995 RMP. Following the March 31, 2011 decision by the United States District

Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Roseburg District's 2008 ROD/RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD/RMP. Based upon this review, there were no features of the selected alternative that were not mentioned specifically in the 2008 ROD/RMP. Accordingly, this project is consistent with the Roseburg District's 1995 RMP and the 2008 ROD/RMP.

The implementation of this project will not have significant environmental effects beyond those already identified in the 2008 Final EIS/Proposed RMP. Sutherlin Creek Crossing Access does not constitute a major federal action having significant effects on the human environment; therefore, an environmental impact statement will not be prepared.

Chapter 2 of the EA describes two alternatives: a "No Action" alternative and a "Proposed Action" alternative. The No Action alternative was not selected because it did not meet the stated purpose of the Sutherlin Creek Crossing Access project (EA, pg. 1) to provide the owners of private land (i.e. Douglas County) located in Section 19, T. 25 S., R. 4 W., W.M. with legal access across public land managed by the BLM.

### SECTION 3 – PUBLIC INVOLVEMENT

The BLM solicited comments from affected tribal governments, adjacent landowners, affected State and local government agencies, and the general public on the Sutherlin Creek Crossing Access EA, during a 30-day public comment period (March 1, 2011 – March 30, 2011). One set of comments were received as a result of this public comment period.

Upon reviewing the comments, the following topics warrant additional clarification that is pertinent to the Sutherlin Creek Crossing Access project: 1) Road Decommissioning, 2) Connected Actions, 3) Cost Recovery, and 4) Red Tree Vole Management.

#### 1) Road Decommissioning

Comments were received that claimed the BLM should have permanently decommissioned the new road and should have used logging slash as mulch on the road to discourage motorized use.

The BLM will decommission the road when the three year unilateral permit expires as described in the EA (pgs. 4, 6). The road will be decommissioned by water-barring, mulching the road surface with straw, and blocking with trench barriers (EA, pgs. 4, 6). In addition, existing locked gates on the road system (i.e. at Fraser Canyon [25-5-24.0 road] and Bonanza Mine Road [25-4-8.0 road]) are expected to discourage unauthorized access and unauthorized motorized use (EA, pgs. 4, 6). Therefore, placing logging slash on the 135 foot Sutherlin Creek Crossing Access road to discourage motorized use will not be done since there are already existing gates to control motorized use.

#### 2) Connected Actions

Comments were received that asserted the timber harvest on the adjacent parcel of land owned by Douglas County and the construction of the 135 foot long road are connected actions that should have been analyzed as such in the EA.

The timber harvest on Douglas County lands was included in the cumulative effects analysis in the EA but was not considered a connected action to the construction of the Sutherlin Creek Crossing Access road. Based on guidance in the BLM NEPA Handbook (H-1790-1, 6.5.2.1, pg. 47), if the non-federal action (i.e. Douglas County's timber harvest) cannot be prevented or modified by BLM decision-making and its effects cannot be modified by BLM decision-making,

the effects of the non-Federal action may still need to be analyzed in the cumulative effects analysis for BLM action, if they have a cumulative effect together with the effects of the BLM action. While analysis of the effects of this non-Federal action provides context for the analysis of the BLM action, its consideration in the determination of significance of the BLM action is limited (BLM NEPA Handbook, 6.5.2.1, pg. 47). In this project, the BLM has no decision that it can make that would prevent or modify Douglas County's ability to harvest the timber on their parcel. Douglas County has identified that they have alternative access to the parcel, as was noted in the EA (pgs. 4-5).

The cumulative effects of timber harvest on Douglas County's parcel of land were considered in the EA. Cumulative effects to noxious weeds (EA, pg. 11), wildlife habitat (EA, pgs. 15-16; Table 5), soils (EA, pgs. 16-17), hydrology and fisheries (EA, pg. 17), and carbon storage (EA, pgs. 21-22; Table 8) were analyzed in the Sutherlin Creek Crossing Access EA.

### 3) Cost Recovery

Comments were received that inquired if there would be any cost recovery on behalf of the BLM for the potential expense of treatments for those noxious weeds that are expected to increase along the constructed road (as stated in the EA, pg. 10).

There is no cost recovery for noxious weed treatments along the Sutherlin Creek Crossing Access road. Noxious weed populations will continue to be monitored and treated as the need arises under the District's weed program (EA, pg. 10). The limited scale of the Sutherlin Creek Crossing Access road (i.e. 135 feet long) will not noticeably add to the workload or expenses incurred by the BLM for the District's noxious weed program since the adjoining road system is already included in this program.

### 4) Red Tree Vole Management

Comments were received that expressed concern that the "boundary of the protected RTV site is less than 100 meters from the active site as required in the Management Recommendations".

A habitat area for the Oregon red tree vole site in the project area was established following the *Management Recommendations for the Oregon Red Tree Vole, Version 2.0* (2000). The Management Recommendations (pg.14) state that the habitat area should be equal to 1.0 acre for each undetermined nest tree; thus 36 acres for the Sutherlin Creek Crossing red tree vole site (EA, pg. 13).

However, remaining adjacent stands are only 30-40 years old or are located on private lands, thus unsuitable or unavailable for designation as red tree vole habitat. Therefore, the best available habitat for the red tree vole, 31 acres, has been delineated to protect the undetermined red tree vole site (EA, pg. 13). None of the 36 unconfirmed, arboreal nest structures are located within 180 feet of the proposed road construction; therefore, the proposed road location was not included within the habitat area for the undetermined red tree vole site (EA, pg. 13). In addition, the portion of the stand (0.1 acre) within the clearing limits of the road has thin, open conifer crowns that are isolated from the rest of the stand giving the area approximately 30-35 percent crown closure (EA, pgs. 11, 13). Since red tree voles may spend the majority of their life in the canopy travelling from tree to tree; the thin, isolated conifer crowns within the clearing limits of the proposed road are not well suited for use by red tree voles (EA, pg. 13).

The 100 meter distance referred to in the public comments is used to determine the extent of the red tree vole site (*Management Recommendations for the Oregon Red Tree Vole, Version 2.0*, pgs. 14-15) but not the size of the habitat area. Habitat areas are established around the red tree vole site once the site is delineated, as was done in the Sutherlin Creek Crossing Access project.

The remaining comments did not raise substantive issues that would influence my selection of the Proposed Action Alternative for the Sutherlin Creek Crossing Access EA.

#### SECTION 4 – ADMINISTRATIVE REMEDIES

Parties adversely affected by this decision may appeal under 43 CFR §4.410. Appeals of the decision must be filed with the authorized officer (Max Yager) within 30 days of publication of this notice in *The News-Review*, Roseburg Oregon, on June 14, 2011. In filing an appeal, there must be strict compliance with the regulations.

If you choose to appeal, a notice of appeal must be filed in this office within thirty (30) days of receipt of this decision for transmittal to the Board. If your notice of appeal does not include a statement of reasons, one must be filed with the Board within thirty (30) days after the notice of appeal was filed.

A copy of your notice of appeal and any statement of reasons, written arguments, or briefs, must also be served upon the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97232. In any appeal, you should consider Douglas County as an adverse party to whom you must also serve these documents. Their address is: Douglas County Lands Department, ATTN: Jon Everett, Douglas County Courthouse, 1036 S.E. Douglas, Roseburg, OR 97470. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with appeal regulations.

As provided by 43 CFR Part 4, you have the right to petition the Office of Hearings and Appeals to stay implementation of the decision; however, you must show standing and present reasons for requesting a stay of the decision that address your interests and the manner by which they would be harmed.

A petition for stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) The relative harm to the parties if the stay is granted or denied; (2) The likelihood of the appellant's success on the merits; (3) The likelihood of immediate and irreparable harm if the stay is not granted; and (4) Whether the public interest favors granting the stay.

Should you choose to file one, your stay request must accompany your notice of appeal. A notice of appeal with petition for stay must be served upon the Board, Regional Solicitor, and adverse parties at the same time such documents are served on the deciding official at this office. The person signing the notice of appeal has the responsibility of proving eligibility to represent the appellant before the Board under its regulations at 43 CFR § 1.3.

For further information, contact Max Yager, Field Manager, Swiftwater Field Office, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd; Roseburg, OR. 97471, (541) 440-4930.

  
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Max Yager, Field Manager  
Swiftwater Field Office

6-10-2011  
Date