

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

Thundering Herd Timber Sale

Decision Document

SECTION 1 – THE DECISION

Decision

It is my decision to authorize the Thundering Herd project included in the Proposed Action Alternative 3 that is described in Chapters 1 and 2 of the Thunderbolt Thinning and Hazardous Fuels Environmental Assessment (EA) (DOI-BLM-OR-R040-2010-011-EA; pgs. 1-33) and below (q.v. pgs. 2-4).

The Thundering Herd timber sale will thin approximately 333 acres of second-growth forest stands that are 49-62 years old located in the Middle North Umpqua River and Little River Watersheds in Sections 25, 26 and 33 of T. 26 S., R. 2 W. Willamette Meridian (Figures 1-2). In addition, approximately 4 acres of second-growth forest stands will be removed for the development of spur roads and right-of-ways. The Thundering Herd timber sale will provide approximately 5.6 million board feet of timber available for auction.

The Roseburg District initiated planning and design for this project to conform with the Roseburg District's 1995 Record of Decision and Resource Management Plan (ROD/RMP). Thundering Herd includes lands within the General Forest Management Area (GFMA), Connectivity/Diversity Blocks (C/D), Adaptive Management Area (AMA) and Riparian Reserve land use allocations.

The silvicultural prescription to be implemented in Thundering Herd will include light and moderate thinning as well as skips which include the no-harvest stream buffers (EA, pgs. 16, 33). The EA included analysis for heavy thinning and gap prescriptions however they were not proposed for Thundering Herd units and are not part of the treatment in this decision. A shaded fuel break will be established on approximately 46 acres within the timber sale units through implementation of a moderate thinning prescription, shrub and understory treatment, and hand piling of fuels. The Project Design Features that will be implemented as part of Thundering Herd are described on pages 9-33 of the EA and have been developed into contract stipulations included in the timber sale contract.

Updated Information

The updated information, described below, has been considered, but does not alter the conclusions of the analysis.

1) Unit Configuration:

Of the 430 acres described in the EA (pg. 15) as the Thundering Herd project, thinning will occur on approximately 92 acres within GFMA, 138 acres within C/D, 45 acres within AMA, and 58 acres within the Riparian Reserve land use allocations (Table 1; Figures 1-2). In addition, approximately 4 acres, including 0.4 acres within Riparian Reserve, will be removed for the development of spur roads and right-of-ways within units (Table 1). A yarding wedge (0.5 acres) on private lands, covered under a reciprocal right-of-way agreement, will be harvested to allow logging access from an existing roadway in Unit 2.

Approximately 93 acres will be excluded from this decision for the following reasons:

- Approximately 27 acres will be excluded from thinning because it is within no-harvest stream buffers (i.e. 35 or 60 feet [EA, pg. 6]) or in wet, ponded areas with associated wet soils.
- Approximately 12 acres will be excluded from thinning because field review showed them to not be suitable for treatment at this time.
- Approximately 7 acres will be excluded from thinning to protect unstable soils and cliff areas.
- Approximately 19 acres will be excluded from thinning because of issues related to logging access.
- Approximately 2 acres will be excluded from harvest to protect cultural sites.
- Approximately 26 acres will be excluded from thinning because it is within a known spotted owl nest patch or was determined through field review to be an older stand type and suitable spotted owl habitat.

Within Thundering Herd, there will be approximately 63 acres of ground-based yarding and approximately 270 acres of cable yarding (Figures 1-2). In addition, the four acres removed for the development of spur roads and right-of-ways will be ground-based yarded. The EA (pg. 15) proposed approximately 430 acres of thinning in a combination of ground-based and cable yarding. Helicopter logging was considered as an alternative logging method but was determined to not be economically viable at this time (EA, pg. 34).

Table 1. Thundering Herd Units and Land Use Allocations.

Sale Unit No.	EA Unit	Township-Range-Section	Sale Unit Acres	Land Use Allocation (acres)				Roads/ Right-of-Ways (acres)	
				GFMA	C/D	AMA	RR	GFMA, C/D, AMA	RR
1	33B	T26S-R02W-Secs. 33	113	62	0	41	10	0.1	0
2	26A	T26S-R02W -Sec. 26	35	30	0	2	3	0.6	0
3	25A	T26S-R02W -Sec. 25	185	0	138	2	45	3.3	0.4
Total			333	92	138	45	58	4.0	0.4

2) Roads & Spurs:

The spurs and roads in Thundering Herd have been re-numbered as shown in Table 2.

There will be approximately 6,465 feet (1.2 miles) of new spur road construction (Table 2; Figures 1-2) as part of Thundering Herd with approximately 480 feet (0.4 acres) within Riparian Reserves. New road construction will not occur within no-harvest buffers and will not cross streams. The EA proposed approximately 1.11 miles of new construction in Thundering Herd, with 350 feet falling within Riparian Reserves (EA, pg. 24).

Spur 1 (175 feet) will be constructed in Unit 1 instead of EA Spur TH8 (686 feet). Spur 2 (865 feet) will be constructed within Unit 2 to access cable yarding acres. Spurs 3 and 4 (1,145 feet) will be constructed in Unit 3 instead of proposed EA Spur TH5 which involved approximately 950 feet of new construction. The location of Spur 4 will provide a better landing location and a reduction in adverse haul compared to the location of EA Spur TH5.

Spur 5 (3,795 feet), with 180 feet within Riparian Reserves, will be constructed in Unit 3 instead of EA Spur TH1 which involved 4,424 feet of construction, including 200 feet within Riparian Reserves. The revised location for Spur 5 will avoid road construction within a Northern spotted owl nest patch. The construction of Spur 7 off of Spur 5 will allow for a better landing location and provide for more uphill cable yarding in Unit 3, eliminating some downhill cable yarding.

EA Spur TH7, proposed for renovation in the EA, is shown as optional Spur A (Fig. 1) that may be renovated at the purchaser's expense. If the spur is not used, harvest operations will result in slash being left on the existing road surface. If renovated, the spur will be decommissioned by installing water bars, slash mulching, and blocking.

Approximately 65 percent of the Thundering Herd timber sale will be available for wet season operations due to the rocking of spur roads that will allow timber harvest operations outside of seasonal restrictions. To further increase the economic viability of the timber sale, Spurs 1, 2, 3, 4 and 6 may be rocked at purchaser expense to provide for wet season cable yarding operations on an additional 52 acres.

Approximately 3.8 miles of existing roads will be renovated for harvest operations (Table 2). The EA (Table 4b, pg. 24) proposed renovation of approximately 13 miles of existing roads. Many of the roads proposed in the EA for renovation by the Thundering Herd timber sale have been renovated by other operations within the area resulting in fewer miles of renovation under this sale. Proposed renovation will not occur on roads that will not be used by the Thundering Herd timber sale.

Approximately 7,040 feet (1.3 miles) of roads will be decommissioned as part of Thundering Herd. The EA (pg. 24) proposed decommissioning of approximately 1.42 miles of roads and spurs. Decommissioning will include water-barring, mulching the road surface with logging slash, seeding and mulching where logging slash is unavailable or where access is needed to treat noxious weeds, and blocking with a trench barrier or gate (Table 2; EA, pg. 13).

Mulching of spur roads within harvest units will be done with logging slash, and not with straw, since logging slash serves to discourage unauthorized off-highway vehicle use of the decommissioned spur roads as well as providing erosion control.

Table 2. Thundering Herd Roads and Spurs

Roads & Spurs		New Construction	Renovation	Surfacing		Decommissioning	
(in Decision)	(in the EA)	(feet)	(feet)	Existing	Proposed	(feet)	How Decommissioned
26-2-33.0	26-2-33.0		4,080	Rock	Rock		
26-2-34.2	26-2-34.2		15,520	Rock	Rock		
Spur 1	Spur TH8	175			Native	175	Blade, water bar, slash, block
Spur 2		865			Native	865	Blade, water bar, slash, block
Spur 3	Spur TH5	550			Native	550	Blade, water bar, slash, block
Spur 4	Spur TH5	595			Native	595	Blade, water bar, slash, block
Spur 5	Spur TH1	3795			Rock	3795	Blade, water bar, block
Spur 6	Spur TH2	385	575	Native	Native	960	Blade, water bar, slash, block
Spur 7		100			Rock	100	Blade, water bar, block
Optional Spur A	Spur TH7		(845)				
Totals		6,465 (1.2 miles)	20,175 (3.8 miles)			7,040 (1.3 miles)	

Compliance

Compliance with this decision and the project design features described in the EA will be ensured by frequent on-the-ground inspections by the Contract Administrator.

SECTION 2 – THE DECISION RATIONALE

Chapter 2 of the EA describes a "No Action" alternative and three "Proposed Action" alternatives. The No Action alternative was not selected because it did not meet the stated *need* “to provide substantial timber volume in support of the local economy and provide a potential location to safely fight a wildfire, while protecting northern spotted owl habitat components.” and the stated *purpose* “to reduce stand stocking in a cost-efficient manner that produces commercial timber and reduces the threat of wildfire while enhancing habitat for the northern spotted owl and improving the vigor of the residual stand” (EA, pg. 7).

Proposed Action Alternative 3 was selected because it meets both the *purpose* and *need* as stated in the EA (pg. 7), providing substantial timber volume in a cost-efficient manner and reducing the threat of wildfire while improving vigor in the residual stand and enhancing northern spotted owl habitat. The thinning prescription for Thundering Herd was designed and trees were marked using management direction for Matrix, AMA, and Riparian Reserves land use allocations under the 1995 ROD/RMP. In the Middle North Umpqua River and Little River Watersheds, the total

Riparian Reserve width for perennial, fish-bearing streams is 360 feet (two site potential tree heights on both sides of the stream). The total Riparian Reserve width is 180 feet (one site potential tree height on both sides of the stream) for perennial, non-fish bearing streams and also for intermittent streams. The prescription retains no-harvest buffers of 35 feet along intermittent streams and 60 feet along perennial or fish-bearing stream channels. The outer portions of the Riparian Reserve will be thinned to variable densities to improve riparian vegetative and structural diversity and to produce stands that are more resilient to disturbance (EA, pgs. 40, 87).

The Project Design Features described in the Thunderbolt EA (pgs. 9-28, 30-33) will minimize soil compaction, limit erosion, and protect slope stability, wildlife habitat, fish habitat, air and water quality, as well as other identified resource values. I have reviewed the resource information contained in the EA and the updated information presented in this decision.

Based on the analysis of potential impacts contained in the Environmental Assessment, a Finding of No Significant Impact (FONSI) has been prepared for Thunderbolt Thinning and Hazardous Fuels Treatment Project with a determination that the project, which includes Thundering Herd, would not have a significant impact on the human environment; therefore, an environmental impact statement will not be prepared.

Survey & Manage

On December 17, 2009, the U.S. District Court for the Western District of Washington (District Court) issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects. Plaintiffs and Defendants entered into settlement negotiations that resulted in the 2011 Survey and Manage Settlement Agreement, adopted by the District Court on July 6, 2011.

The Ninth Circuit Court of Appeals issued an opinion on April 25, 2013, that reversed the District Court's approval of the 2011 Survey and Manage Settlement Agreement. The case is now remanded back to the District Court for further proceedings. This means that the December 17, 2009, District Court order which found National Environmental Policy (NEPA) inadequacies in the 2007 analysis and records of decision removing Survey and Manage is still valid.

Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation had entered into a stipulation exempting certain categories of activities from the Survey and Manage standard (hereinafter "Pechman exemptions").

Judge Pechman's Order from October 11, 2006 directs: "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

- A. *Thinning projects in stands younger than 80 years old (emphasis added);*
- B. *Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;*
- C. *Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and*
- D. *The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph A. of this paragraph.”*

Following the District Court’s December 17, 2009 ruling, the Pechman exemptions remain in place. I have reviewed the Thundering Herd project in consideration of both the December 17, 2009 partial summary judgment and Judge Pechman’s October 11, 2006 order. Because the Thundering Herd project includes: no regeneration harvest; thinning only in stands less than 80 years old; and hazardous fuel treatment within stands less than 80 years old where thinning will occur, I have made the determination that this project meets Exemptions A and D of the Pechman Exemptions (October 11, 2006 Order). The Thundering Herd project may proceed to be offered for sale even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision since the Pechman exemptions would remain valid in such case. The first notice for sale will appear in *The News-Review*, Roseburg, Oregon on October 21, 2014.

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 Thunderbolt Thinning and Hazardous Fuels Treatment EA, which included the Thundering Herd project, during a 30-day public comment period from November 12, 2013 to December 12, 2013. Three sets of comments were received as a result of the public comment period.

Upon reviewing the comments, the following topic warrants additional clarification that is pertinent to the Thundering Herd project: 1) Roads and 2) Shaded fuel break.

1. Roads

Comments were received that questioned BLM’s road maintenance and whether roads are ‘bleeding sediment’ into streams because they are “*not fully repaired with road maintenance alone*”. Also, comments were received concerning the definition of road decommissioning: “*The description of “decommission” on page 13 appears to say “decommission” only means the road is “gated” or otherwise closed. Elsewhere on the Roseburg District, this also means the gated road is open to any OHV who can maneuver around the closure. And because it is closed, virtually no monitoring of OHV damage is*

done by the BLM. We object to this definition of “decommission”. The BLM should be more responsible in protecting riparian resources along closed roads.”

The road maintenance performed by BLM each year is prioritized by road conditions and use and is frequently constrained by budgets. The statement on page 6 of the EA is recognition of the fact that there may be sources of sediment from roads that annual road maintenance may not be able to correct due to workload and budgets unless that work can be included in a timber sale contract.

The Thunderbolt EA (pg. 13) states a complete definition of “Road Decommissioning” as it pertains to the project:

“Roads and spurs that are not needed for long-term resource management or require resource protection would be closed to vehicle traffic. Prior to closure, roads would be left in an erosion-resistant condition by applying one or more of the following:

- removal of temporary culverts and/or existing culverts where barriers would prevent culvert maintenance;
- installation of water bars to effectively drain a rock or native road surface;
- mulching the road surface with logging slash to control erosion and deter use by off-highway vehicles;
- mulching the road surface with seed and straw mulch to control erosion where logging slash is unavailable or where future access would be necessary for noxious weed control or power line maintenance;
- blocking the road with a barrier, such as logs, a gate or a trench to prevent access.”

The removal of culverts, installation of water bars, mulching with logging slash, and blocking temporary roads with barriers, including gates, logs and trenches, all serve to deter off-highway vehicle use and protect **all** resources, not just riparian resources.

2. Shaded Fuel Break

Comments were received expressing concern about the long-term maintenance of the fuel break in the Thunderbolt timber sale units.

The BLM recognizes the need to maintain the function of the shaded fuel break. The fuel break will be monitored post-harvest and re-treatment of understory vegetation will be completed as needed and as budgets allow. Similar projects that have been implemented recently on the Roseburg District are showing that control of vegetation is still effective at reducing fuels four years post-treatment. Similar results are expected for the Thunderbolt project.

The remaining comments did not raise substantive issues that would influence my selection of Proposed Action Alternative 3 for implementation of the Thundering Herd Timber Sale as included in the Thunderbolt Thinning and Hazardous Fuels EA and updated above.

SECTION 4 – 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 (Max Yager) within 15 days of the first publication date of the notice of decision/timber sale advertisement in *The News-Review*, Roseburg, Oregon on October 21, 2014.

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 or parties. 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 (4:30 P.M.; Pacific Time Zone) within 15 days after first publication of the decision notice on October 21, 2014, 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 Swiftwater Field Office will issue a protest decision.

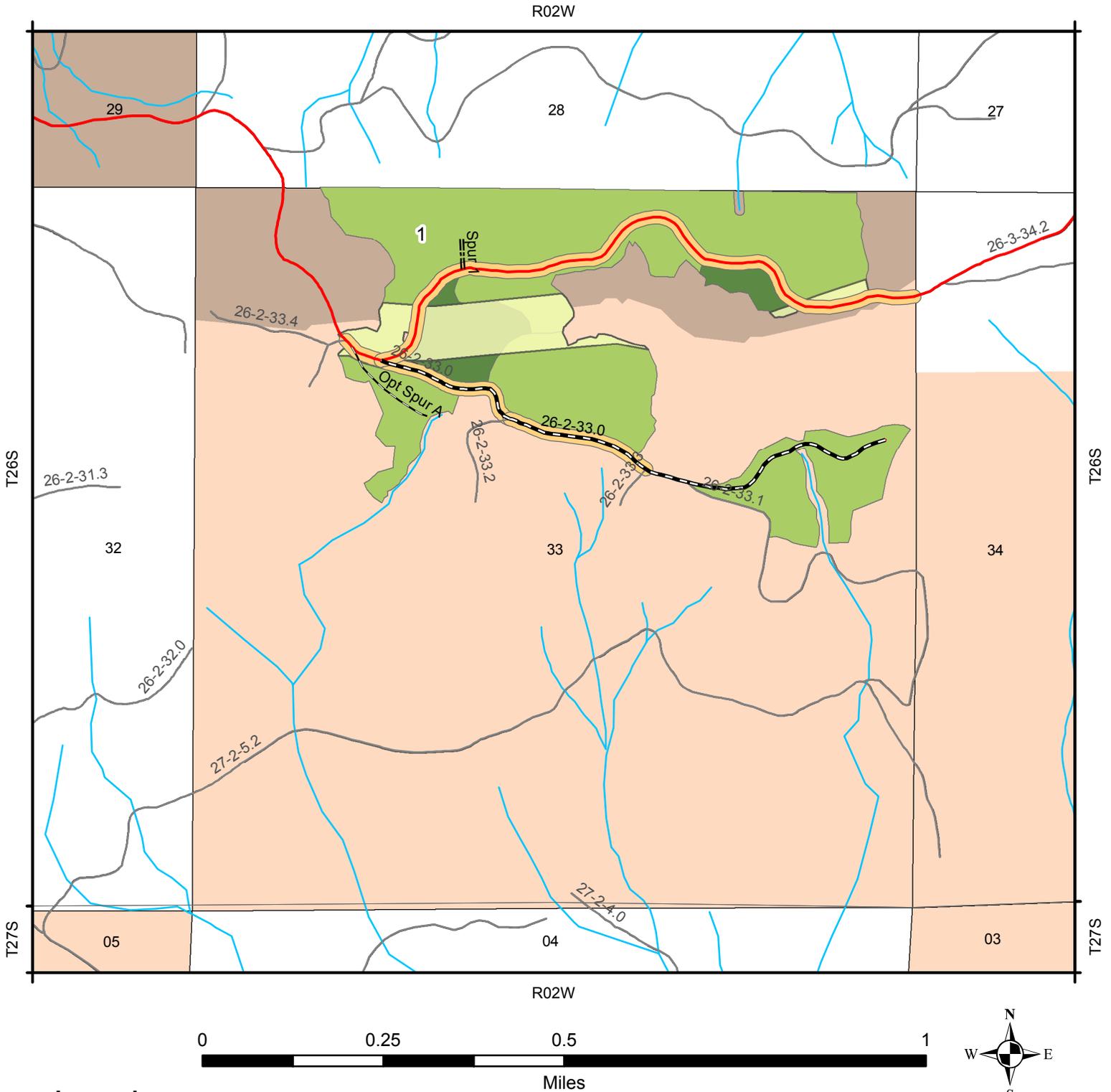
For further information, contact Max Yager, Field Manager, Swiftwater Field Office, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd; Roseburg, OR 97471, (541) 440-4930.



Max Yager, Field Manager
Swiftwater Field Office

Oct. 9th, 2014
Date

Figure 1. Thundering Herd Unit 1



Legend

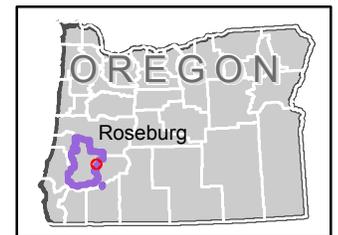
Thundering Herd Units

- Cable Yarding
- Ground-based yarding
- New Road Construction
- Optional Spur
- Road Renovation
- Haul Route
- Existing Roads

- Roadside Fuels Treatment
- Shaded Fuel Break

Land Use Allocations

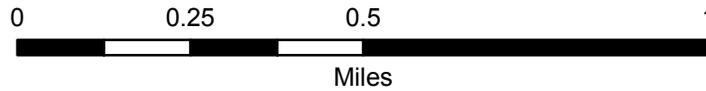
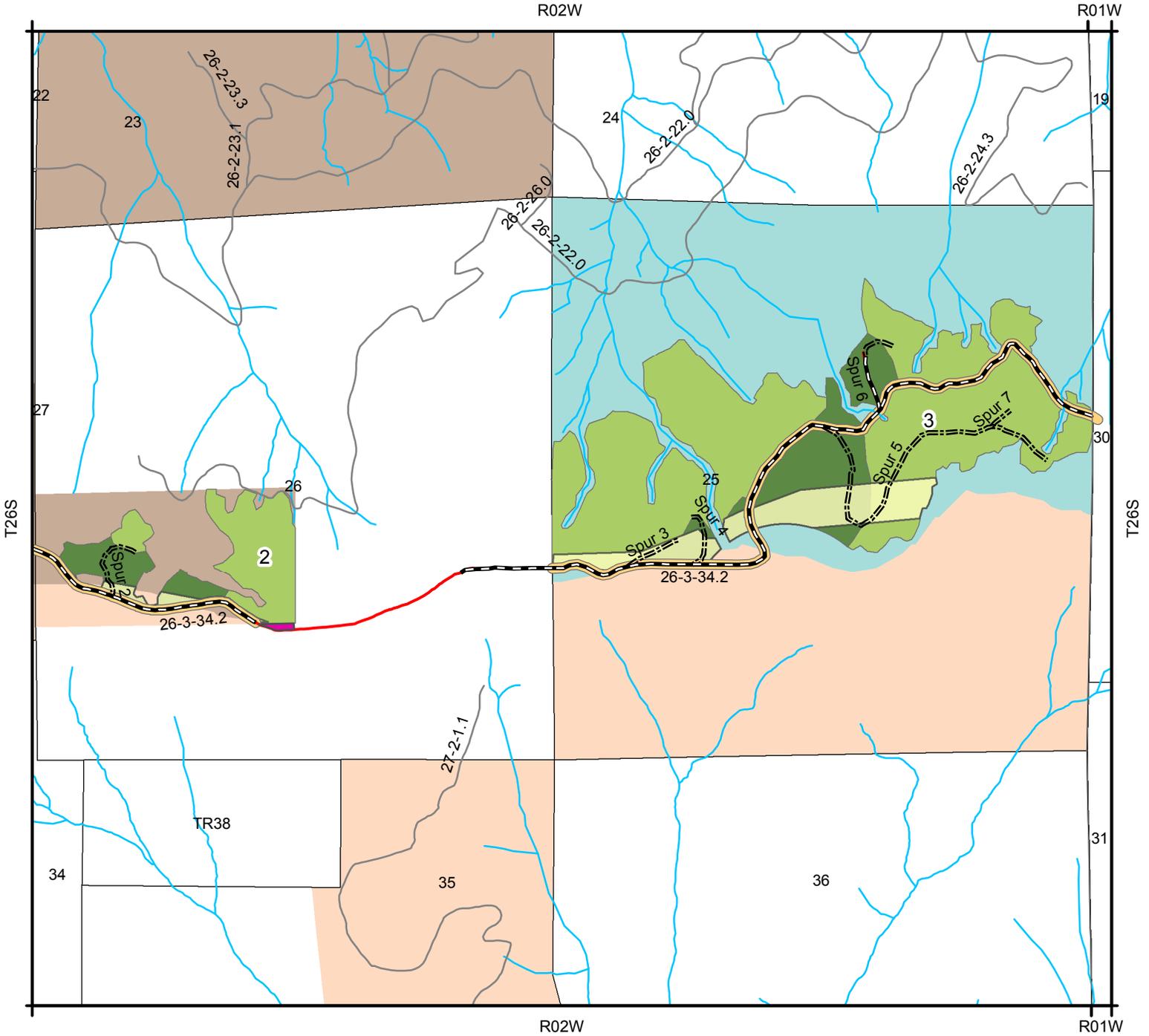
- BLM Administered Lands - AMA
- BLM Administered Lands - GFMA
- Streams



Creation Date: 10/3/2014

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Figure 2. Thundering Herd Units 2 and 3



Legend

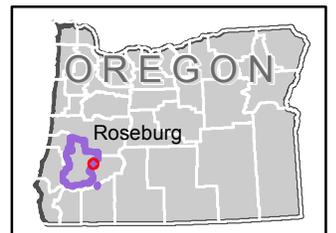
Thundering Herd Units

- Cable Yarding
- Ground-based yarding
- New Road Construction
- Optional Spur
- Road Renovaton
- Haul Route
- Existing Roads
- Streams

- Roadside Fuels Treatment
- Shaded Fuel Break
- Yarding_Wedge

Land Use Allocations

- BLM Administered Lands - AMA
- BLM Administered Lands - GFMA
- BLM Administered Lands - C/D



Creation Date: 10/3/2014

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