

Middle South Umpqua/Dumont Creek Commercial Thinning and Density Management Environmental Assessment

Tin Horn Commercial Thinning Decision Document

Bureau of Land Management
South River Field Office, Roseburg District Office

Decision:

It is my decision to authorize the Tin Horn Commercial Thinning project. This project implements Alternative Two of the Middle South Umpqua/Dumont Creek Commercial Thinning and Density Management Environmental Assessment (pp. 4-9). Two thinning units analyzed under Alternative Two of the South Umpqua River Watershed Harvest Plan EA (pp. 5-16) are being combined with this action because of its physical proximity and common access.

The analyses of the Middle South Umpqua/Dumont Creek Commercial Thinning and Density Management EA and South Umpqua River Watershed Harvest Plan EA are consistent with and conform to management direction contained in the 1995 Roseburg District *Record of Decision and Resource Management Plan* (ROD/RMP) as amended prior to December 30, 2008.

The sale consists of seven commercial thinning units totaling 213 acres and is estimated to yield 2,207 thousand board feet. Of this amount, thinning in the Matrix allocations will account for 1,588 thousand board feet that is chargeable to the Roseburg District annual sale quantity. The remaining 619 thousand board feet derived from density management within Riparian Reserves is not chargeable to the annual sale quantity.

Commercial thinning will be accomplished with a combination of cable and ground-based yarding systems. Skyline yarding will require systems capable of maintaining a minimum of one-end log suspension. Ground-based yarding will be accomplished with harvester/forwarder equipment operating on pre-designated skid trails.

The thinning units are located in Sections 3, 9, and 15, T. 30 S., R. 2 W., Willamette Meridian. Unit numbers and corresponding EA designations are displayed in the following table.

Sale Unit	Age (Years)	Analyzed in:	EA Unit Designation
Unit 1	41	Middle South Umpqua/Dumont Creek	30-2-15A
Unit 2	39	Middle South Umpqua/Dumont Creek	30-2-15C
Unit 3	39	Middle South Umpqua/Dumont Creek	30-2-15D
Unit 4	42	South Umpqua River Watershed	30-2-09A
Unit 5 east of Road 30-2-13.1	46	Middle South Umpqua/Dumont Creek	30-2-9C
Unit 5 west of Road 30-2-13.1	42	South Umpqua River Watershed	30-2-09B
Unit 6	40	Middle South Umpqua/Dumont Creek	30-2-3A
Unit 7	40	Middle South Umpqua/Dumont Creek	30-2-3B

Primary access will be provided by existing roads. Four temporary spur roads will be constructed. As described in the Middle South Umpqua/Dumont Creek Commercial Thinning and Density Management EA (p. 8), the intent is to construct, use and decommission unsurfaced temporary roads in the same operating season. The four spurs will total 3,281 feet (~ 0.62 miles) and require the clearing of three acres of right-of-way. Approximately 80 percent of the right-of-way clearing will be within thinning unit boundaries. The portion of Spur #3 not located within the boundaries of Unit 2 passes through stands less than 20 years of age.

Spur #5 is a renovated non-system road. A segment of Road No. 30-2-9.2, approximately 1,584 feet (0.3 miles) in length, will also be renovated. They are located in stands under 45 years-of-age. Upon completion of thinning these road segments will be decommissioned and blocked to vehicular traffic.

Implementation of this decision is subject to the following seasonal restrictions:

- Felling and yarding of timber in commercial thinning units, except for clearing rights-of-way, is generally prohibited from April 15th to July 15th (barkslip period).
- Yarding and hauling of timber on unsurfaced roads is restricted to the period between May 15th and the onset of regular autumn rains, usually around mid-to-late October.
- Road construction and renovation, and thinning operations within 65 yards of any unsurveyed suitable habitat, known nest sites, or known activity centers for northern spotted owls is prohibited from March 1st to July 15th, unless current year surveys indicate that owls are not present, are present but not attempting to nest, or have failed in nesting attempts.

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.

Public Involvement & Response to Comment:

The BLM received comments from one organization during development of the EA. During the period for public review and comment, timely comments were received from two organizations. The comments did not provide new or relevant information that the BLM should have considered and addressed in the EA. Some of the comments misinterpret or misrepresent conditions in the project area, or aspects of the analysis, however, and are addressed below.

Many of the units of the Middle South Umpqua-Dumont project are in the same area, sometimes in the same section, as the South Umpqua Regeneration Harvest DM-CT project.

We asked for you to consider cumulative impacts with the South Umpqua Regeneration Harvest in the same area.

Why weren't all the thinning units from the two projects considered under the same EA. [sic] Not only would it save taxpayer money, it would properly consider cumulative impacts. For instance, there are many new roads proposed for both projects, but only half as many if the projects are not considered together.

Most of the haul roads are the same. Stream [sic] impacted are the same, and the type of forests to be thinned are similar. Why is this a different project?

As discussed in the Middle South Umpqua/Dumont Creek Commercial Thinning and Density Management EA (p. 1), the analysis area encompassed lands managed by the South River Field Office located in the South Umpqua River-Dompier Creek and Deadman Creek sixth-field watersheds of the Middle South Umpqua/Dumont Creek fifth-field watershed. By contrast, the regeneration harvest, commercial thinning and density management projects analyzed in the South Umpqua River Watershed Harvest Plan EA are located in the South Umpqua River fifth-field watershed located immediately to the west.

There is only a single instance where units from the two analyses are located in the same section. This is in Section 9, T. 30 S., R. 2 W., W.M. The two units, combined in this decision, are separated by a ridge that is the demarcation of the watershed boundaries.

Given the spatial separation of units in the two analyses, there is no basis for concluding that separate analyses or a joint analysis would alter the amount of road construction necessary for access to the harvest units.

As the proposed actions occur in two distinctly different fifth-field watersheds, the analyses were conducted separate from one another. Cumulative impacts to aquatic resources were analyzed for the individual watersheds as this is the appropriate scale. The effect of the proposed timber management on the distribution of forest seral stages was addressed at this scale based on age-class information available from watershed analyses. Where the home ranges of northern spotted owls overlaps watershed boundaries, this was also noted and addressed.

With the exception of the single instance just described, none of the haul roads for projects in the two watersheds are shared. In the Middle South Umpqua/Dumont Creek Commercial Thinning and Density Management project, the haul routes are down Deadman creek, Salt Creek and Dompier Creek. Haul routes for timber sales from the South Umpqua River Watershed Harvest Plan analysis will haul out South Myrtle Creek, Coffee Creek, Days Creek, Shively Creek and Beals Creek.

We asked the BLM to consider the unique non-checkerboard nature of this area for rare opportunities, such as decommissioning damaging roads.

Of the units originally proposed for thinning, many of which were subsequently dropped from further consideration, the preponderance are in T. 30 S., R. 2 W., W.M. which is characterized by the typical checkerboard ownership pattern of O&C lands managed by the BLM. This is clearly illustrated by the Vicinity Map contained in Appendix A of the Middle South Umpqua/Dumont Creek Commercial Thinning and Density Management EA.

A large portion of the intermingled private lands are owned and managed by either Roseburg Resources Company or Seneca Jones Timber Company. Reciprocal rights-of-way and road use agreements between the BLM and these companies cover nearly all of the lands and roads in this area. These agreements preclude any unilateral actions by the BLM in terms of road decommissioning.

The EA say, page 12, that the .9 miles of new road will be decommissioned by blocking.

The roads will also be “seeded and mulched” according to the EA. For roads in Riparian Reserves, seeding must be done with tree seedlings. Planted grass seed to inhibit tree reproduction does not meet the purpose of reserves.

The post-harvest disposition of temporary roads is described in Table 2-2 on page 7 of the EA. It states that the temporary roads and renovated/unsurfaced roads would be blocked and decommissioned. The intention of seeding and mulching the decommissioned road beds, none of which pass through Riparian Reserves, is twofold. The first is to reestablish vegetative cover to reduce the potential for erosion. The second, as discussed on page 9 of the EA, is to create an environment that will discourage establishment of noxious weeds and non-native plants.

Additional Information:

Mollusk surveys detected one Chace sideband snail (*Chaceana Monadenia*) site. The boundaries of Unit 2 (30-2-15C) were modified to exclude the site.

Botanical surveys did not detect any special status species.

Rationale for the Decision:

The Middle South Umpqua/Dumont Creek Commercial Thinning and Density Management EA analyzed two alternatives in detail, Alternative One, the alternative of No Action (EA, p. 4), and Alternative Two, The Proposed Action (EA, pp. 4-9).

Alternative Two will achieve the objectives of: managing developing stands in the Matrix to promote tree survival and growth to achieve a balance between wood volume production, quality of wood, and timber value at harvest by implementation of actions that include commercial thinning and density management designed to reduce competition among remaining trees; and managing stand density in Riparian Reserves to control stocking levels, establish and manage non-conifer vegetation, and acquire vegetation characteristics consistent with Aquatic Conservation Strategy objectives. Alternative One will not accomplish these objectives.

As discussed in the Middle South Umpqua/Dumont Creek Commercial Thinning and Density Management EA (p. 14), because of the relatively small tree size, high tree density, and lack of nesting structure the proposed density management units are exclusively dispersal-only and unsuitable habitat. As further described in the EA (p. 34), vertical and horizontal cover would be reduced in treated areas through overstory tree removal. Harvest would also damage existing shrub and herb layers, and may also damage or destroy some coarse woody debris and snags.

Spotted owls would be expected to continue to use these stands, however, because post-project canopy cover would exceed 40 percent and the quadratic mean diameter of the stands would exceed 11 inches diameter breast height, figures widely used as a threshold for dispersal function. Additionally, proposed thinning units are generally at the periphery of affected home ranges and thinning of the stands would generally not limit access to suitable habitat.

The Rondeau Butte site would be most affected because thinning would occur within the core area and within 300 meters of the nest site, both of which are below the 50 percent suitable habitat threshold for home range viability. The Rondeau Butte site was last occupied in 2003, by a pair of non-reproducing spotted owls, and has been unoccupied since. In its Biological Opinion (Ref. No. 13420-2009-F-0125), the U.S. Fish and Wildlife Service found that the action was likely to adversely affect spotted owls but not likely to result in “incidental take” because even though the project “includes a finding that implementation of the proposed action has the potential to cause biological effects to the spotted owl that conform to the regulatory definition of take, the mere potential for take is not a legitimate basis for a take exemption.”

The Tin Horn Commercial Thinning project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Roseburg District Resource Management Plan.

On December 17, 2009, the U.S. District Court for the Western District of Washington 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. 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 Court's December 17, 2009 ruling, the Pechman exemptions are still in place. 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 (including timber sales). Nevertheless, I have reviewed the Tin Horn Commercial Thinning project in consideration of both the December 17, 2009 and October 11, 2006 order. Because, the Tin Horn Commercial Thinning project entails no regeneration harvest, and because all thinning, road road renovation, and road construction will occur in stands less than 80 years old, as described on pages 1 and 2 of this document, I have made the determination that this project meets Exemption A of the Pechman Exemptions (October 11, 2006 Order), and therefore may still 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 newspaper on February 23rd, 2010.

Monitoring:

Monitoring of the effects of the proposed action will be done in accordance with provisions contained in the ROD/RMP, Appendix I (p. 84-85, 190, and 193-199), and will focus on the following land use allocations and resources: Riparian Reserves, Matrix, Air Quality, Water and Soils; Wildlife Habitat; Fish Habitat; and Special Status Species Habitat.

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, Ralph L. Thomas, within 15 days of the publication of the notice of decision/timber sale advertisement on February 23, 2010, 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 the close of business (4:30 P.M., PST) 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.



Ralph Thomas
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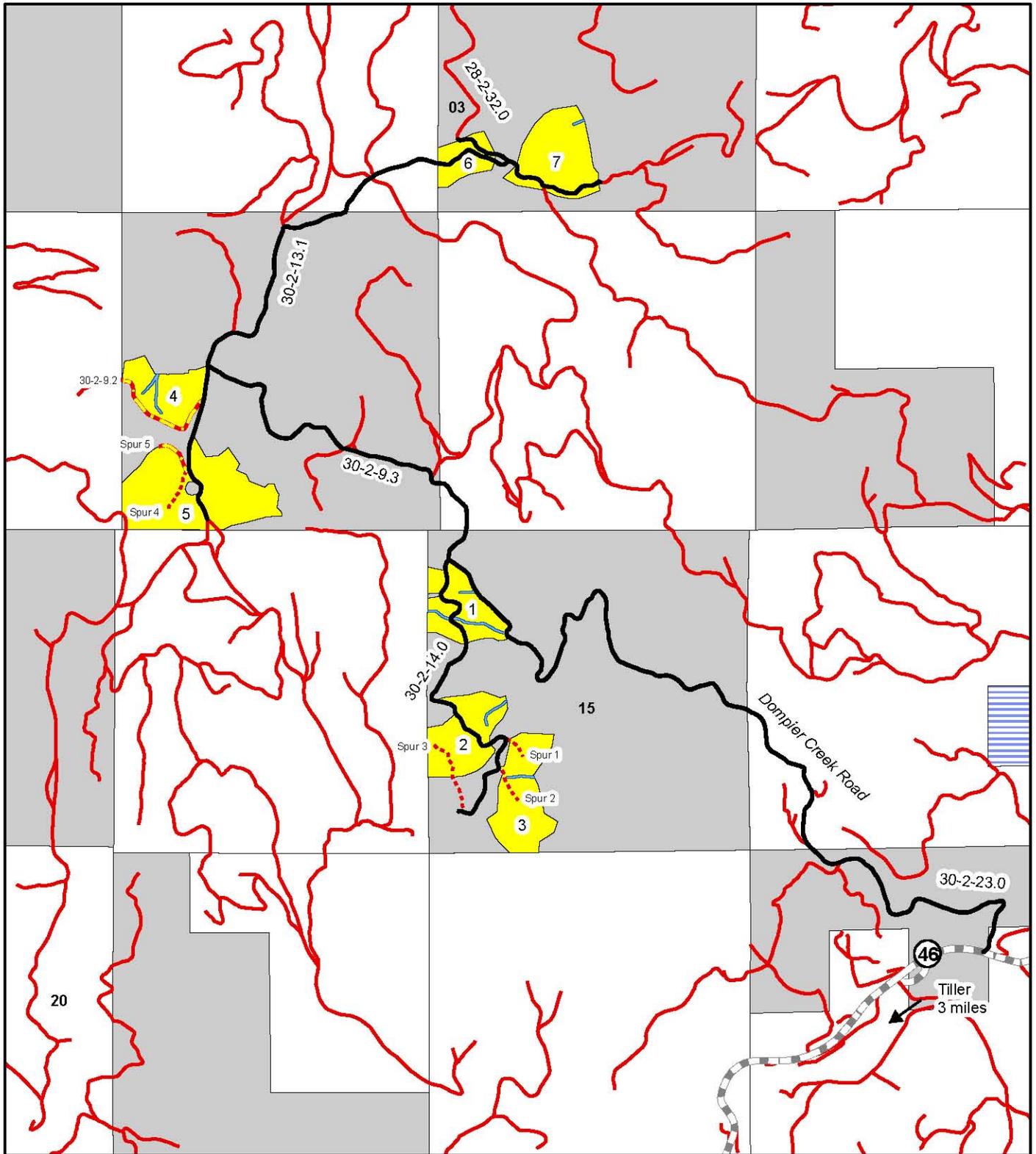
2/22/08
Date

TIN HORN

Commercial Thinning



Final Decision Map



- Existing Road
- Haul Route
- Road to be Renovated
- Road to be Constructed
- Thinning Area
- No Harvest Area
- BLM (O&C) Land
- Non-BLM Land

T30S, R2W

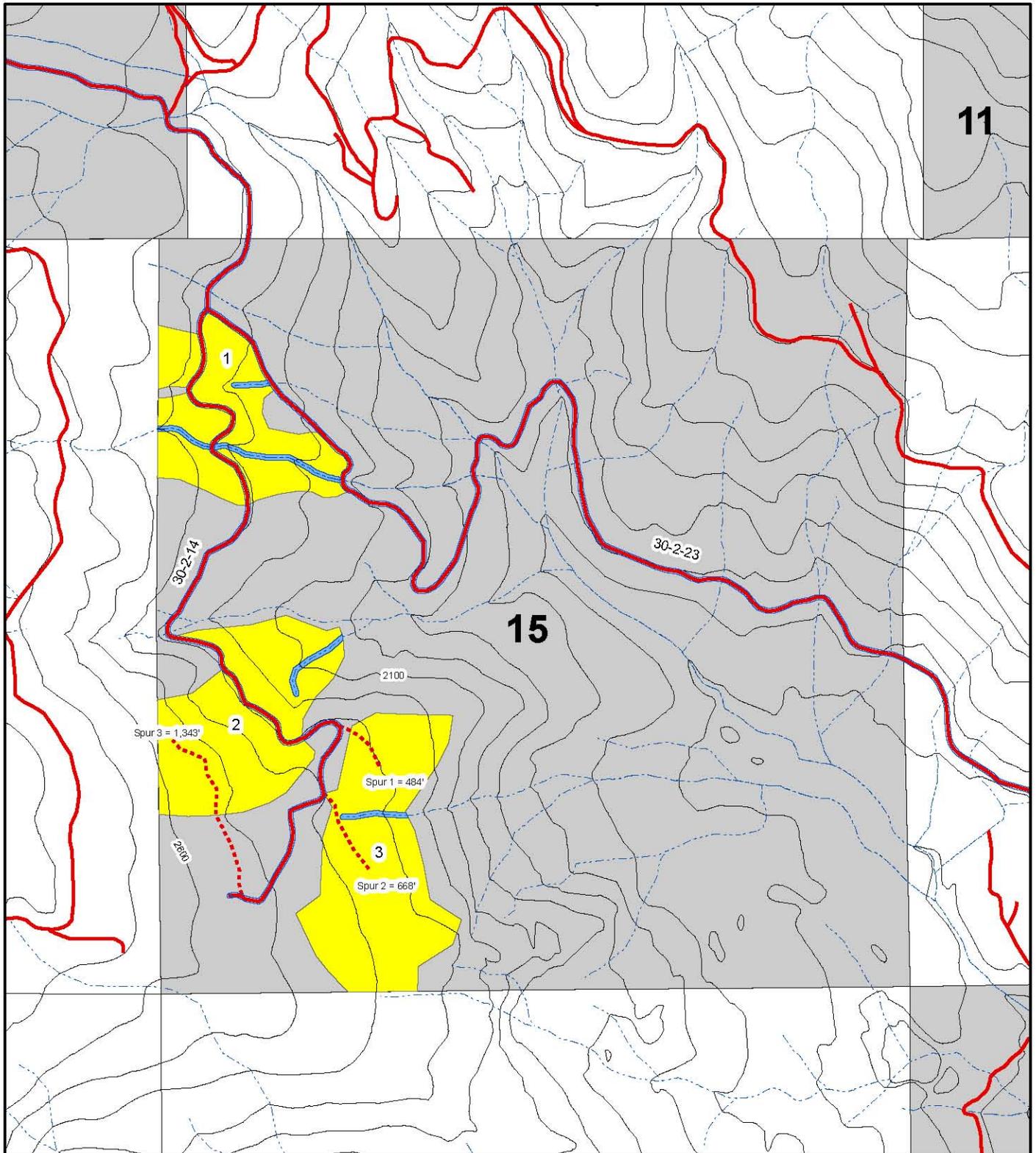
Willamette Meridian, Douglas Co., OR.

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Commercial Thinning



Final Decision Map



T30S, R2W

Willamette Meridian, Douglas Co., OR.



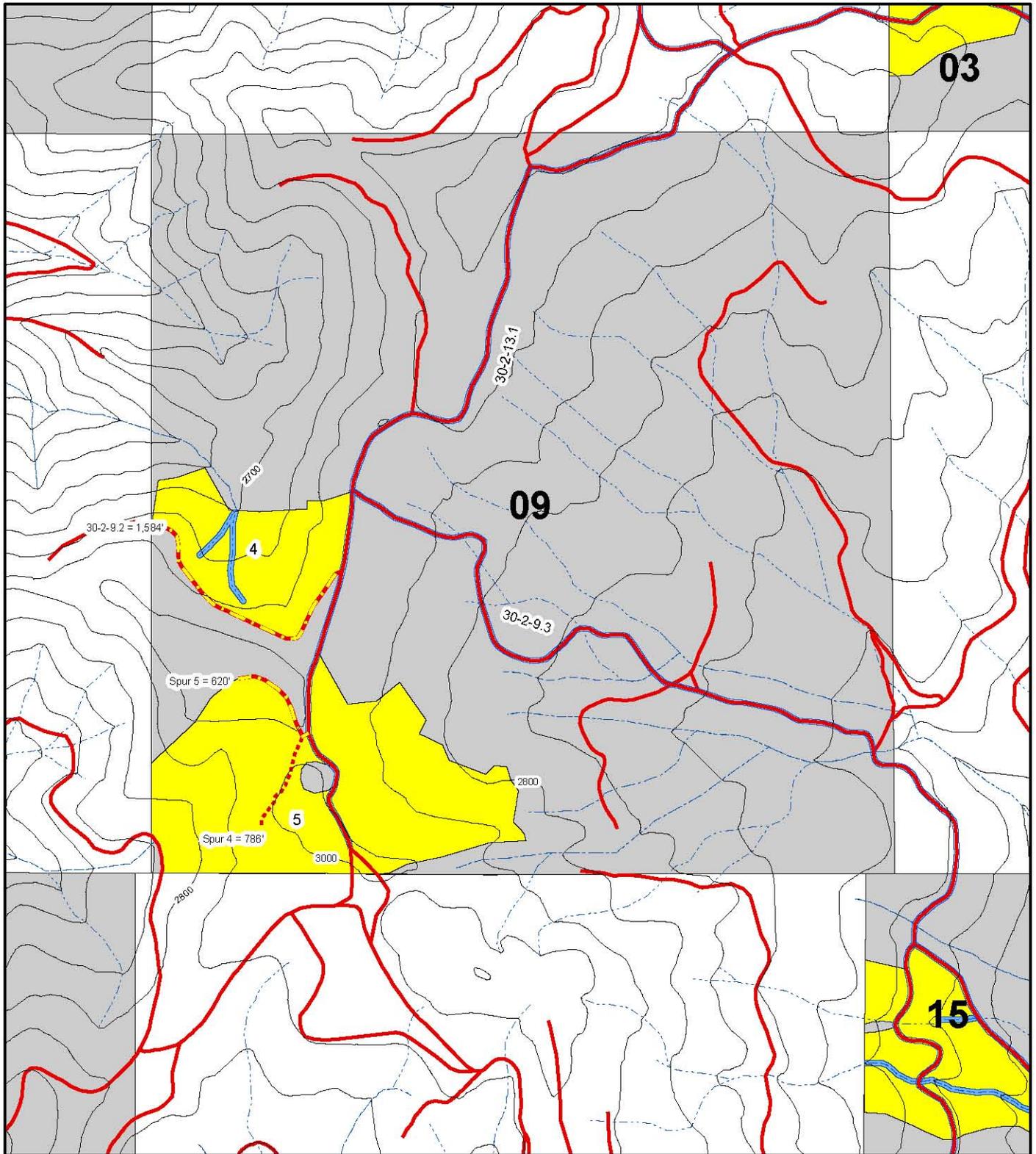
- Existing Road
- Haul Route
- Road to be Constructed
- Stream
- 100' Contour Line
- Thinning Area
- No Harvest Area
- BLM (O&C) Land
- Non-BLM Land

TIN HORN

Commercial Thinning



Final Decision Map



- Existing Road
- Haul Route
- Road to be Renovated
- Road to be Constructed
- Stream
- 100' Contour Line
- Thinning Area
- No Harvest Area
- BLM (O&C) Land
- Non-BLM Land

T30S, R2W

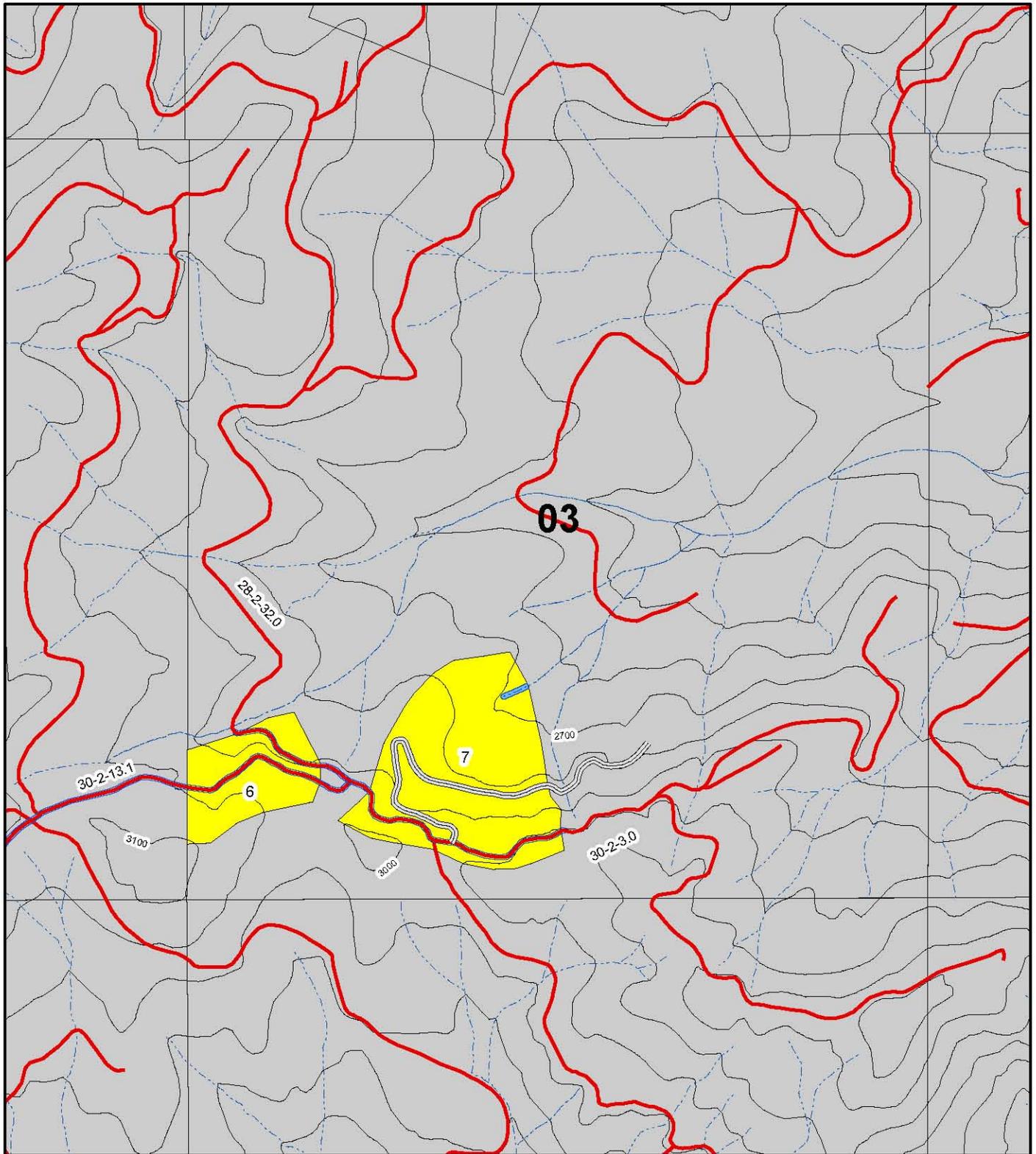
Willamette Meridian, Douglas Co., OR.

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Commercial Thinning



Final Decision Map



T30S, R2W

Willamette Meridian, Douglas Co., OR.



- Existing Road
- Haul Route
- Undrivable Road
- Stream
- 100' Contour Line
- Thinning Area
- No Harvest Area
- BLM (O&C) Land
- Non-BLM Land