

Gilmore Timber Sale

Decision Record

Rickreall Creek Watershed Enhancement Environmental Assessment
DOI-BLM-OR-S050-2010-0004

August 2014

United States Department of the Interior
Bureau of Land Management
Oregon State Office
Salem District
Marys Peak Resource Area

Township 8 South, Range 7 West, Sections 3, 4, 10, 11, Willamette Meridian
Polk County, Oregon

Responsible Agency: USDI – Bureau of Land Management

Responsible Official: Rich Hatfield, Field Manager
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1.0 Introduction

The Bureau of Land Management (BLM) conducted an environmental analysis for the Gilmore Timber Sale, which is documented in the Rickreall Creek Watershed Enhancement Environmental Assessment (Rickreall Creek EA) (EA# DOI-BLM-OR-S050-2010-0004) and the associated project file. This EA analyzed the effects of six timber sales: C-9, Cedar Ridge, Gilmore, Rick-Line, Robb Mill Loader, and Waymire. This decision authorizes the implementation of only those activities directly related to and included within the Gilmore Timber Sale. This sale is within the Adaptive Management Area (AMA), Adaptive Management Area with Late-Successional Reserve overlay (AMR), and Riparian Reserves land use allocations in the Rickreall Creek fifth-field watershed in Polk County, Oregon.

2.0 Decision

I have decided to implement the Gilmore Timber Sale as described in the Proposed Action (EA pp. 15-26), hereafter referred to as the “selected action.” The selected action is shown on the maps included in this Decision Record (DR). This decision is based on site-specific analysis in the Rickreall Creek EA, the supporting project record, management recommendations within the Mill Creek, Rickreall Creek, Rowell Creek, Luckiamute River Watershed Analysis (1998), as well as the management direction within the Salem District Resource Management Plan (RMP) (May 1995), which are incorporated by reference in the EA.

Decision Summary

The following is a summary of components of this decision. The Gilmore Timber Sale consists of timber harvest, yarding, road work, and fuel reduction treatments.

Density Management

Variable density thinning will occur on approximately 179¹ acres of 50-89 year old forest² within the AMA, AMR, and Riparian Reserves.

- Within the AMA – 11 acres (6 percent)
- Within the AMR – 87 acres (49 percent)
- Within the Riparian Reserves – 81 acres (45 percent)
- Approximately 3.6 MMBF of timber will be harvested, averaging 20 MBF/acre.

Timber Yarding

Timber will be yarded by ground-based and skyline yarding systems.

- Ground-based yarding – 20 acres (11 percent)
- Skyline yarding – 159 acres (89 percent)

Fuels

BLM will conduct post-harvest fuel surveys and recommend fuel reduction treatments.

¹ The BLM manages approximately 400 acres in the four sections in which Gilmore is located.

² 2014 ages. Stands naturally regenerated over several years after harvest in the 1920s-1960s. A few areas with trees remain from the original stand. Such trees are often referred to as “legacy” trees.

Road Work

Construction of four spur roads totaling 0.45 miles (2,395 feet, or approximately one acre):

- Within the AMR: 1,893 feet³
- Within the AMA and Riparian Reserves: No road construction.
- All newly constructed roads will be decommissioned after harvest.

Other road activities include renovation of approximately 3.54 miles of existing roads and improvement of 1.27 miles of existing roads.

Following harvest, decommissioning will occur on all newly constructed roads (0.45 miles). Decommissioning entails installing waterbars or other shaping of roads for drainage, placing woody debris, and/or seeding with native species. Earth and debris berms, large boulders, stumps and root wads, or other methods determined to be effective for each site may be used to block these roads.

Project Design Features

Design features described in the EA (pp. 36-43) have been incorporated into the timber sale contract.

Refinements to the Gilmore Timber Sale since the EA was published

Project boundaries and acreage: The EA analyzed 242 acres for the Gilmore Timber Sale: 16 in the AMA, 102 in the AMR, and 124 in the Riparian Reserves. These initial boundaries and fixed-width buffers provided an analysis area for the interdisciplinary team. Throughout the planning process, the BLM refined the unit boundaries to reflect and address on-the-ground conditions, logging feasibility, and resource needs. The final project area was calculated using GPS and geographic information systems (GIS) data in 2014. The final timber sale area amounted to 179 acres. The 63 acre reduction occurred primarily within the Riparian Reserves (reduced by 39 acres), where no-harvest buffer widths often greatly exceeded the 70-75 foot average requirement.

Red tree vole protection areas: The BLM completed transect surveys in portions of EA Units 3A, 3B, 4A, 4B, 4C, and 10A. These units were selected for survey because they had clusters of predominant or legacy trees. Unit 11A is a very young stand with no predominant legacy trees that clearly does not trigger the survey requirements for red tree voles. The BLM chose to conduct surveys for red tree voles in these selected units because very few records of red tree voles are known from this watershed, only a few patches of forest have scattered legacy trees in this watershed, and similar marginal habitat (with scattered legacy trees) in portions of the C-9 Timber Sale and Rick-Line Timber Sale had red tree vole presence.

Ground transect surveys found very few nest structures. Most of the legacy trees evaluated in these units had potential platforms and cavities that could not be adequately viewed during the ground surveys. Tree climbing resulted in finding active red tree voles in three of the four units (Units 3A/B, 4A/C, and 10); the BLM found no red tree vole presence in EA Unit 4B.

³ Approximately 500 feet of one spur will be constructed on adjacent private lands.

Based on these results, the stand age and habitat conditions within the Gilmore Timber Sale, the BLM created three habitat areas for red tree vole conservation in compliance with the 2001 Survey and Manage ROD. These areas and survey results are described below:

The three habitat areas will protect existing forest conditions where active red tree vole nests have been found. The habitat areas include portions of the thinning units (totaling 29 acres) along with portions of adjacent untreated stands that have suitable structure. Implications for these habitat areas for each thinning unit are described below.

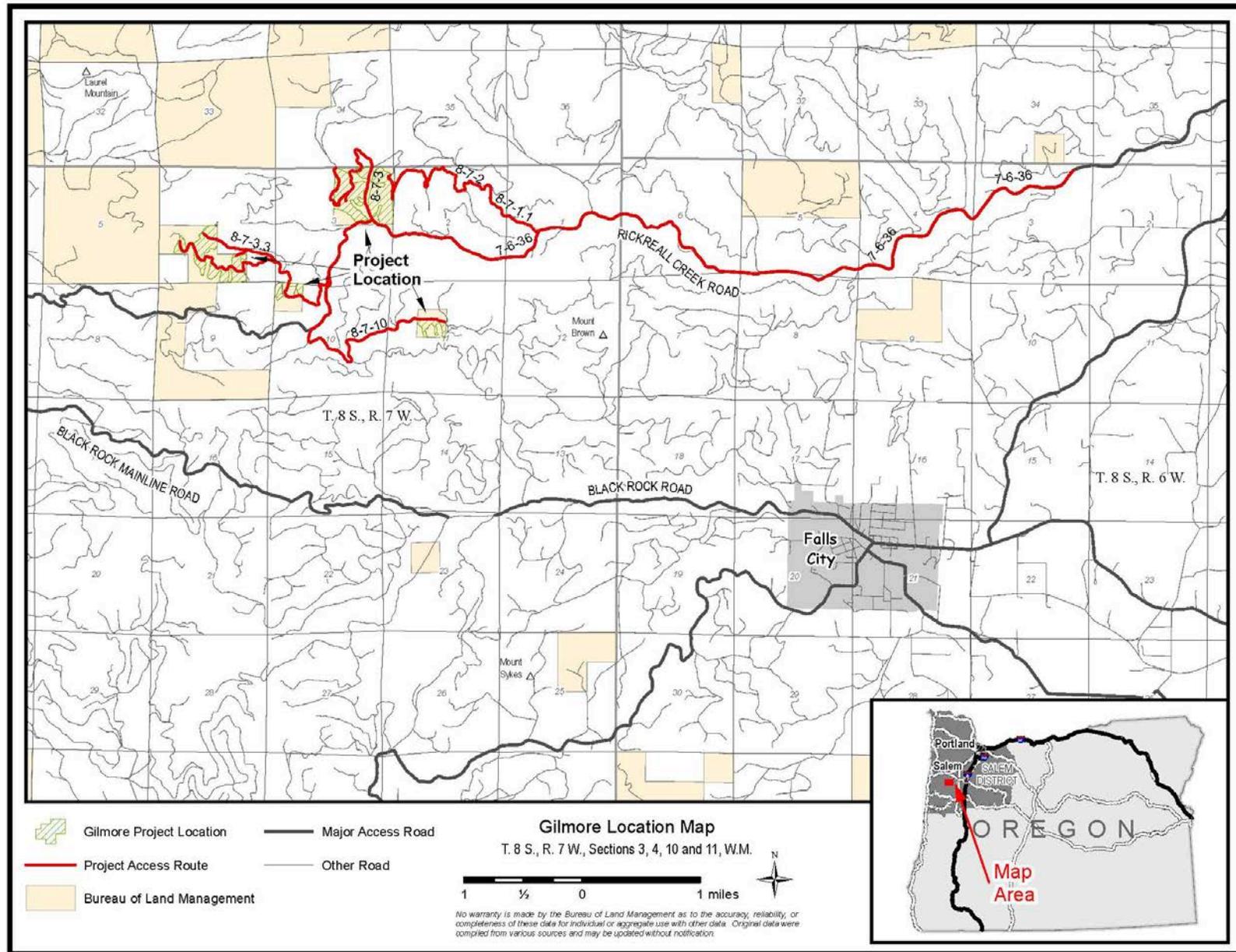
- **EA Units 3A and 3B:** Nine of the 19 trees climbed in this survey unit had evidence of red tree vole presence. A single habitat area (approximately 13 acres) will sufficiently buffer all six active nest trees and include one inactive nest tree. This habitat area drops approximately 8.5 acres from planned harvest units. The habitat area will contain all of the scattered older legacy trees that exist on BLM land in section 3.
- **EA Unit 4A:** Four of the nine trees climbed in this survey unit had evidence of red tree vole presence. A single habitat area (approximately 14 acres) will sufficiently buffer all four trees with red tree vole presence. This habitat area drops approximately 10 acres from EA Unit 4A (no acres dropped from EA Units 4B or 4C) and will contain almost all of the scattered older legacy trees within this unit.
- **EA Unit 10A:** Ten of the 22 trees climbed in this survey unit had evidence of red tree vole presence. A single habitat area (approximately 23 acres) will sufficiently buffer all ten trees with red tree vole presence. This habitat area will drop approximately 10.5 acres that were planned for thinning and will contain almost all of the scattered older legacy trees that exist within this unit.

Snag protection areas: In recent conversations with Benton Forest Coalition, Cascadia Wildlands, and Oregon Wild, concerns were raised about snag patches in EA Unit 4A. The concerns focused on the protection of snag patches below the 8-7-3.2 road and whether they were adequately buffered from timber harvest activities. After a review of the two snag patches, I have decided to modify the unit boundary by approximately two acres and buffer the snag patches. This approach is prudent in this particular situation – the land use allocation is a reserve and the snags are of a quality and quantity that makes their protection desirable. Future management of snag patches will be based on similar site-specific considerations. Selected Action Map 2 of 4 in this DR reflects this change from the EA.

3.0 Location and Selected Action Maps

The maps on the following page show the location of the Gilmore Timber Sale in relation to neighboring communities and other BLM lands in the vicinity and provide detail on each of the four sections of the Gilmore Timber Sale.

Location Map

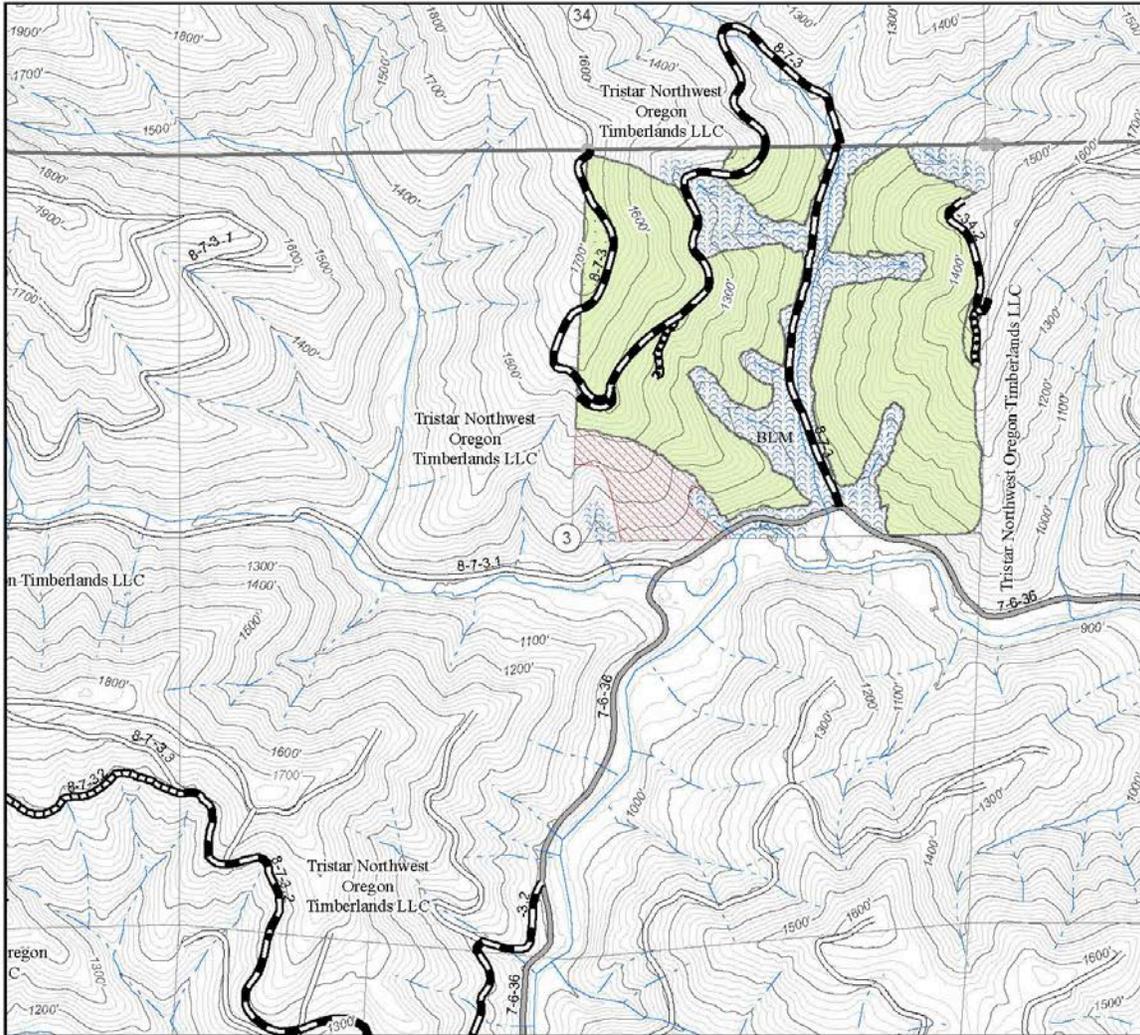


Selected Action – Map 1 of 4



United States Department of the Interior - BUREAU OF LAND MANAGEMENT
GILMORE TIMBER SALE
 Projects in T. 8 S., R. 7 W., Section 3, W. M. - SALEM DISTRICT - OREGON

Selected Action
 Sheet 1 of 4



- | | | |
|-----------------------------|-------------------------------|---|
| Density Management 99 acres | Ground-Based Yarding | Road to be constructed and decommissioned |
| Skyline Yarding | Red Tree Vole protection area | Road to be renovated |
| Fishbearing Stream | Non-fishbearing Stream | Road to be improved |
| Stream protection zone | | Highway or Major Access Road |
| | | Minor Existing Road |



Lidar Derived Contours - Interval: 20'



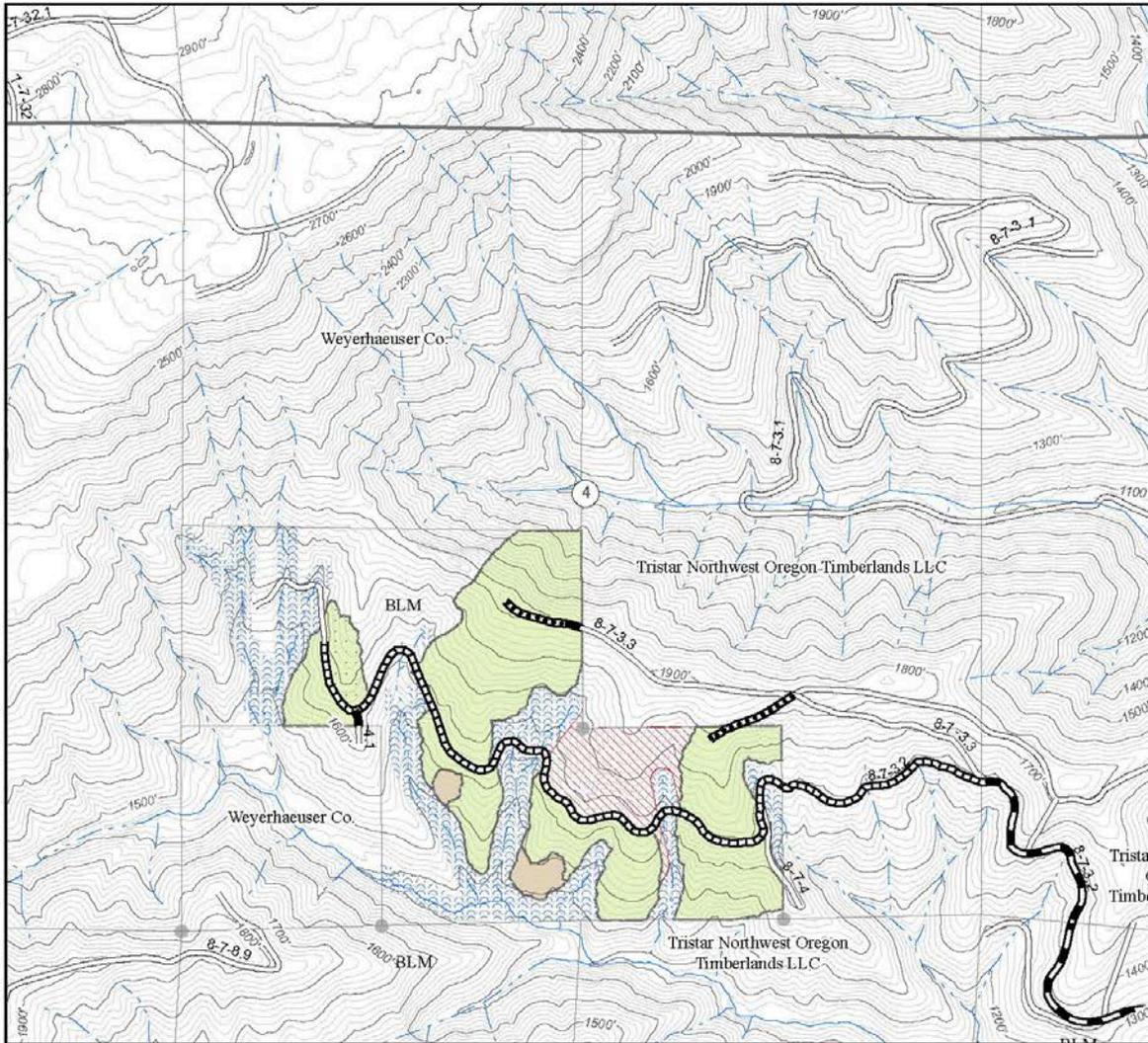
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data was compiled from multiple source data and may not meet U.S. National Map Accuracy Standards of the Office of Management and Budget. This product was developed through digital means and may be updated without notification. Marys Peak Resource Area, Salem District, BLM

Selected Action – Map 2 of 4

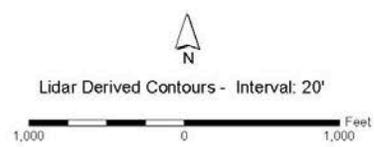


United States Department of the Interior - BUREAU OF LAND MANAGEMENT
GILMORE TIMBER SALE
 Projects in T. 8 S., R. 7 W., Section 4, W. M. - SALEM DISTRICT - OREGON

Selected Action
 Sheet 2 of 4



- | | | |
|-------------------------------|------------------------|---|
| Density Management 58 acres | Ground-Based Yarding | Road to be constructed and decommissioned |
| Skyline Yarding | Snag protection area | Road to be renovated |
| Red Tree Vole protection area | Fishbearing Stream | Road to be improved |
| Non-fishbearing Stream | Stream protection zone | Minor Existing Road |



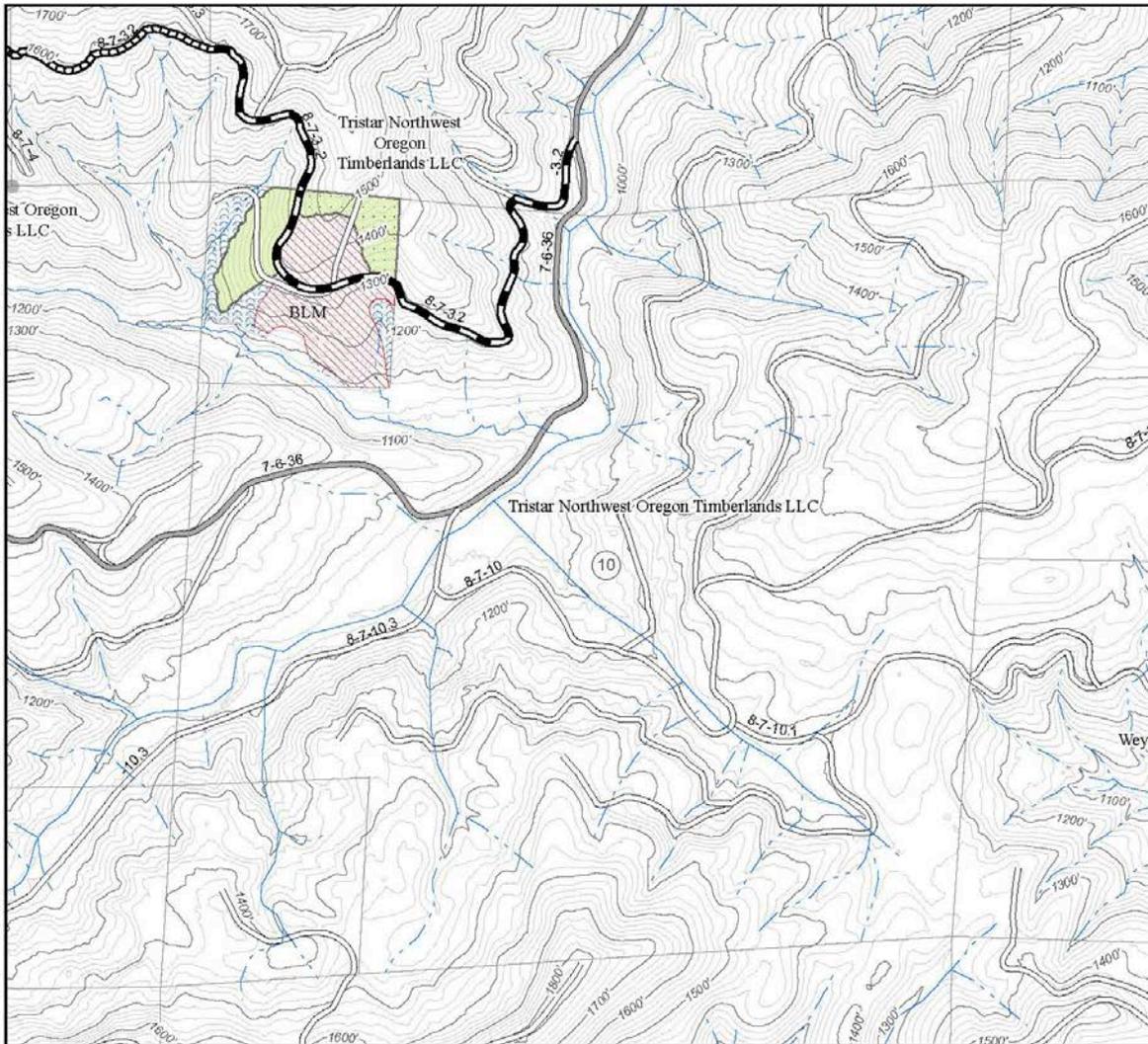
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Selected Action – Map 3 of 4

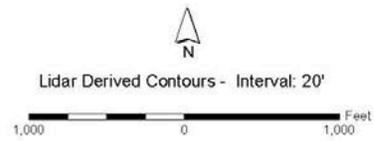


United States Department of the Interior - BUREAU OF LAND MANAGEMENT
GILMORE TIMBER SALE
 Projects in T. 8 S., R. 7 W., Section 10, W. M. - SALEM DISTRICT - OREGON

Selected Action
 Sheet 3 of 4



- | | | |
|----------------------------|-------------------------------|------------------------------|
| Density Management 9 acres | Ground-Based Yarding | Road to be renovated |
| Skyline Yarding | Red Tree Vole protection area | Road to be improved |
| Fishbearing Stream | Stream protection zone | Highway or Major Access Road |
| Non-fishbearing Stream | | Minor Existing Road |



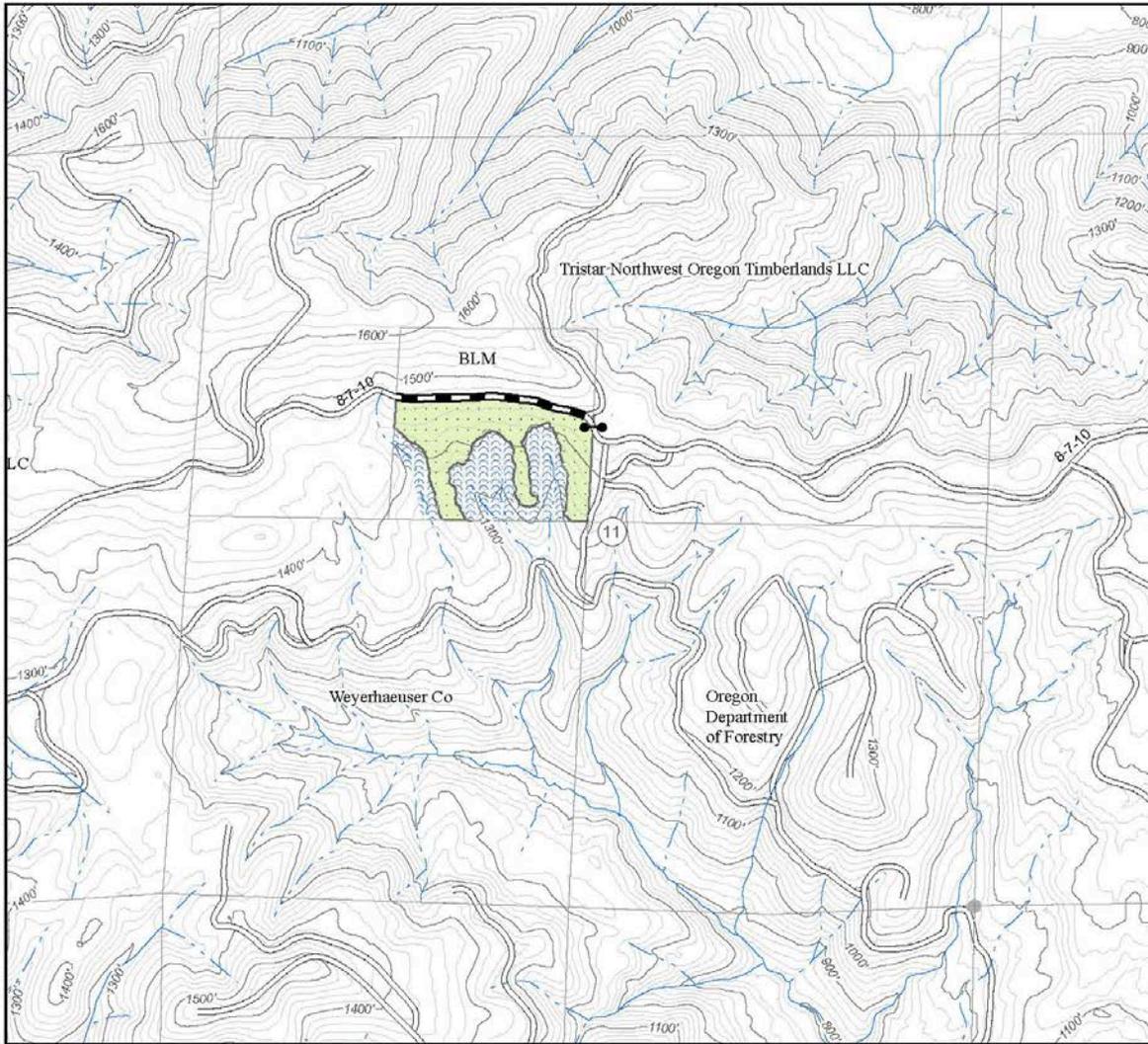
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Selected Action – Map 4 of 4



United States Department of the Interior - BUREAU OF LAND MANAGEMENT
GILMORE TIMBER SALE
 Projects in T. 8 S., R. 7 W., Section 11, W. M. - SALEM DISTRICT - OREGON

Selected Action
 Sheet 4 of 4



- Density Management 12 acres
- Ground-Based Yarding
- Road to be renovated
- Fishbearing Stream
- Non-fishbearing Stream
- Stream protection zone
- Minor Existing Road
- Gate



Lidar Derived Contours - Interval: 20'

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4.0 Alternatives Considered

The EA analyzed the effects of the No Action, Proposed Action, and No New Road Construction alternatives. No unresolved conflicts concerning alternative uses of available resources (section 102(2) (E) of NEPA) were identified. No alternatives were considered, but not analyzed in detail for the Gilmore Timber Sale. Complete descriptions of the three alternatives are in the EA (pp. 15 to 36).

5.0 Decision Rationale

Considering public comment, the EA and supporting project record, management recommendations within the Mill Creek, Rickreall Creek, Rowell Creek, Luckiamute River Watershed Analysis, and the management direction within the RMP, I have decided to implement Alternative 2, the selected action, as described in section 2.0 of this DR. The following is my rationale for this decision.

The Selected Action:

- Best meets the purpose and need of the project (EA section 1.6).
- Complies with the Salem District RMP.
- Will not have significant impacts on the affected elements of the environment (2012 FONSI) beyond those already anticipated and addressed in the RMP FEIS.
- Is economically viable. This sale will produce revenue for the Federal Government and provide jobs for Oregonians.
- Meets Aquatic Conservation Strategy Objectives (EA pp. 128-138).
- Has been adequately analyzed.

The No Action alternative was not selected because it does not meet the Purpose and Need directly, or delays the achievement of the Purpose and Need, as shown in Table 1 of this DR.

Alternative 2 (Proposed Action) and Alternative 3 are fairly similar; the primary difference is that Alternative 3 does not include new road construction and treats 69 fewer acres⁴. Alternative 2 includes 0.45 miles of new, temporary road construction. I carefully reviewed the effects analysis for these roads in the resource reports of the EA (pp. 66, 69-71, 82, and 89). In my reading, the effects of these new, temporary roads are fairly minimal and negligible. In balancing the additional acres that can be treated by building these roads with the potential negative effects of the roads, I clearly see Alternative 2 as the preferred option for accomplishing project objectives.

The red tree vole habitat areas (or buffers) will protect the known active sites and ensure that project activities will not contribute to the need to list the species. In addition, thinning around the legacy trees outside the red tree buffers will have the added benefit of reducing competition around these trees. Legacy trees provide a plethora of ecosystem values. Reducing vegetative competition increases their chance of continued survival.

In selecting the Proposed Action, I also considered the land use allocations for this area. The AMA land use allocation calls for a “testing of technical and social approaches to achieving desired ecological, economic, and other social objectives” (Northwest Forest Plan Standards and Guidelines p. C-21). Portions of the Gilmore Timber Sale are within the North Coast AMA. This AMA emphasizes

⁴ Comparison of acres analyzed in the EA.
Gilmore Timber Sale Decision Record
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developing old forest habitat, restoring and maintaining fisheries and biological diversity, and providing stable income to local communities⁵. I believe the selected action best meets this balance by both advancing late-successional forest objectives and providing timber products to the local communities.

As stated previously, the BLM manages approximately 400 acres in sections 3, 4, 10, and 11. Harvest units in the Gilmore Timber Sale include 179 acres (approximately 45 percent of the total BLM acres in the sections). The remaining acres in the sections will not be treated for a number of reasons, including but not limited to their inclusion in no-cut riparian, snag protection, or red tree vole buffers, or the stands do not need treatment to meet management objectives. Therefore, more than half of the BLM lands in these sections will not be harvested and will continue to develop on a natural trajectory. The remaining acres will be harvested and provide economic benefits while also accelerating the path towards late-successional forest conditions.

⁵ <http://www.fsl.orst.edu/ncama/intro.htm>, accessed 8/11/2014.
Gilmore Timber Sale Decision Record
EA # DOI-BLM-OR-S050-2010-0004

Table 1. Comparison of the Alternatives with Regard to the Purpose of and Need for Action

Purpose and Need (EA Section 1.6)	Alternative 1 No Action	Alternative 2 Proposed Action	Alternative 3 Limited Road Construction
Restore and maintain late-successional forest conditions which serve as habitat for late-successional forest species (RMP p. 19).	Understory regeneration (shrubs, seedlings, etc.) would be lacking. The current pattern of habitat use by wildlife species within the project area would be expected to continue unchanged. Dispersal habitat conditions for spotted owls would remain unchanged. No timber harvest would occur; consequently, no spatial and structural diversity would occur.	Short-term: increases horizontal spatial variability (gaps and clumps), minor reduction and disturbance to existing CWD material (snags and down logs) from project activities. Reduced recruitment rate of small sized CWD will be partially offset by immediate creation of larger CWD of desirable size, and augmentation of decadence processes; retention of hardwood tree and shrub diversity. Long-term: the gradual transition in structural characteristics will more closely resemble late-seral forest (larger diameter trees and limbs, sub-canopy development, greater tree species diversity, greater volume and size of hard CWD, and canopy gaps) and extends persistence of hardwood tree and shrub cover diversity.	Similar to Alternative 2, except fewer acres would receive treatment in the AMA and AMR.
Accelerate growth of trees to restore large conifers to RR (RMP p. 7).	Without treatment stand structure would remain relatively uniform, except for gaps created by disturbance.	Retains trees which will reach larger diameters earlier compared to the no treatment option, creating natural opportunities for higher quality LWD recruitment in the long-term.	Similar to Alternative 2, but would occur on 34 fewer acres of Riparian Reserve.
Enhance or restore habitat for populations of native riparian-dependent plants, invertebrates, and vertebrate species (RMP p. 7).	Would maintain existing forest conditions, which is lacking CWD and snags, particularly in decay class 1 and 2.	Increases snags and CWD, providing habitat for amphibians, small mammals, invertebrates, bryophytes, and fungi.	Similar to Alternative 2, though fewer acres would acquire desired vegetation characteristics.
Provide appropriate access for timber harvest and silvicultural practices used to meet the objectives above.	No change. Would maintain existing road densities.	Constructs 0.45 mile of new roads, renovates 3.54 miles and improves 1.27 miles of existing roads. Following harvest, the new construction will be decommissioned. Renovations will improve drainage and road surface conditions, resulting in less road surface erosion into streams.	Would construct no new road. Renovation work and benefits would be comparable to Alternative 2.

6.0 Compliance with Direction

The Gilmore Timber Sale has been designed to conform to the following documents, which direct and provide the legal framework for management of BLM lands within the Salem District:

- Salem District Record of Decision and Resource Management Plan (RMP), May 1995: The RMP has been reviewed and it has been determined that the Gilmore Timber Sale conforms to the land use plan terms and conditions (i.e.: complies with management goals, objectives, direction, standards and guidelines) as required by 43 CFR 1610.5 (BLM Handbook H-1790-1). Implementing the RMP is the reason for doing this project (RMP pp. 1-3);
- Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (the Northwest Forest Plan, or NWFP), April 1994;
- Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M ROD, January 2001).

The analysis in the Rickreall Creek EA is site-specific and supplements analyses found in the Salem District Proposed Resource Management Plan/Final Environmental Impact Statement (RMP/FEIS), September 1994. The RMP/FEIS includes the analysis from the Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl, February 1994.

Survey and Manage Review

The Gilmore Timber Sale is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Salem District RMP.

In December 2009, the District Court for the Western District of Washington issued an order on partial summary judgment in favor of the Plaintiffs finding inadequacies in the NEPA analysis supporting the Record of Decision to Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans within the Range of the Northern Spotted Owl (BLM et al. 2007) (2007 ROD). The District Court did not issue a remedy or injunction at that time.

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 Defendant-Intervenor subsequently appealed the 2011 Settlement Agreement to the Ninth Circuit Court of Appeals. The April 25, 2013, ruling in favor of Defendant-Intervenor remanded the case back to the District Court.

On February 18, 2014, the District Court vacated the 2007 RODs. The District Court and all parties agreed that projects begun in reliance on the Settlement Agreement should not be halted. The District Court order allowed for the Forest Service and BLM to continue developing and implementing projects

that met the 2011 Settlement Agreement exemptions or species list, as long as certain criteria were met. These criteria include:

- a. Projects in which any Survey and Manage pre-disturbance survey has been initiated (defined as at least one occurrence of actual, in-the-field surveying undertaken according to applicable protocol) in reliance upon the Settlement Agreement on or before April 25, 2013;
- b. Projects, at any stage of project planning, in which any known site (as defined by the 2001 Record of Decision) has been identified and has had known site-management recommendations for that particular species applied to the project in reliance upon the Settlement Agreement on or before April 25, 2013; and
- c. Projects, at any stage of project planning, that the agencies designed to be consistent with one or more of the new exemptions contained in the Settlement Agreement on or before April 25, 2013.

This project is consistent with Criteria A above, because the BLM conducted RTV surveys and evaluated survey needs for mollusks (none were needed due to 2011 Settlement Agreement list) prior to April 25, 2013, and Criteria B, because the BLM applied buffers for known red tree vole sites.

Compliance with the Aquatic Conservation Strategy

This BLM reviewed the alternatives against the ACS objectives at the project scale. The No Action alternative does not retard or prevent the attainment of any of the nine ACS objectives because this alternative would maintain current conditions (EA pp. 130-138). The Proposed Actions do not retard or prevent the attainment of any of the nine ACS objectives.

Over the long-term, this project will aid in meeting ACS objectives by speeding the development of older forest characteristics in the Riparian Reserves. In addition, more open stands will allow for the growth of important riparian species in the understory. The Gilmore Timber Sale promotes stand structural diversity, provides more light to accelerate growth of conifers, and promotes species diversity. The creation of snags and CWD will restore watershed conditions by providing a gradual transition in structural characteristics of the treated stands that more closely resembles a late-seral forest (EA p. 138).

7.0 Public Involvement, Consultation, and Coordination

Public Scoping

The BLM mailed a scoping letter, dated August 19, 2010, to 19 potentially affected or interested individuals, groups, and agencies. The BLM received two responses during the scoping period and used comments in the responses to develop issues for analysis and refine the action alternatives (EA pp. 7-8).

EA and FONSI Comment Period and other Public Involvement

The BLM made the EA and FONSI available for public review from March 8, 2012 to April 6, 2012 and receive three comment letters during this period. Responses to the substantive public comments

relevant to the Gilmore Timber Sale can be found in Appendix A of this DR. The scoping and EA comment letters and emails are available for review at the Salem District BLM Office.

The BLM hosted a field trip in May 2012 with interested members of the public to the Rickreall Creek project area, during which the Gilmore and C-9 timber sales were reviewed and discussed. As discussed in section 2.0 of this DR, conversations with interested groups in summer 2014 resulted in additional modifications to the final project.

Consultation and Coordination

Wildlife: United States Fish and Wildlife Service (USFWS)

Due to potential affects to spotted owls, marbled murrelets and their designated critical habitat, Section 7(a) of the Endangered Species Act (ESA) requires that this proposed action receive consultation with the U.S. Fish and Wildlife Service. Consultation has been addressed by inclusion of the proposed action within a batched Biological Assessment (BA) that analyzed all projects that may modify the habitat of listed wildlife species on federal lands within the Northern Oregon Coast Range during fiscal years 2013 and 2014. All projects of the proposed action have been designed to incorporate all appropriate design standards included in the BA. A Biological Opinion (#01E0FW00-2013-I-0094, dated April 15, 2013) was received from the USFWS that concluded the proposed action was not likely to jeopardize the continued existence of the spotted owl or marbled murrelet, and is not likely to adversely modify spotted owl or marbled murrelet critical habitat.

The original BA included an analysis of impacts to the proposed revised critical habitat for spotted owls which was included to meet the requirements for conferencing. Following the publication of the final rule for revised critical habitat for the spotted owl (Federal Register, vol. 77, 71875-72068), the BLM requested that the USFWS provide confirmation that their conferencing opinion meets the requirements for consultation as addressed in the final rule. On January 3, 2013, the USFWS provided formal concurrence that the proposed actions (including the Gilmore Timber Sale), which were covered by the Letter of Concurrence, will not likely adversely affect the revised critical habitat for the spotted owl.

Fish: National Marine Fisheries Service (NMFS)

Consultation with USFWS or NMFS is required for all actions which “may affect” ESA listed fish species and critical habitat. The project will have “no effect” to Upper Willamette River Spring Chinook salmon and Oregon chub. Generally, the “no effect” determination is based on the distance upstream of project activities (approximately eight miles) from ESA listed Chinook salmon critical habitat and historic habitat for Oregon chub. Consultation with NMFS is not required for UWR Spring Chinook salmon, nor is it required with the USFWS for Oregon chub for this project.

Upper Willamette River winter steelhead is listed as threatened under the ESA, as amended, and is known to occur within the Rickreall Creek system. The BLM determined the project “may affect but was not likely to adversely affect” (NLAA) listed UWR winter steelhead. The proposed action was informally consulted upon with NMFS, as required under Section 7 of the Endangered Species Act. Informal consultation on Gilmore Thinning Project was completed by receipt of a Letter of Concurrence from NMFS on April 21, 2014 (NMFS No: WCR-2014-590).

Protection of EFH as described by the Magnuson/Stevens Fisheries Conservation and Management Act and consultation with NMFS is required for all projects which may adversely affect EFH of Chinook

and coho salmon. The treatment area is over 70 feet upstream from nearest habitat potentially utilized by coho salmon. Portions of the unpaved haul route, and stream crossings on the haul route, are adjacent to EFH. Proposed haul route adjacent to EFH will be seasonally restricted to dry conditions. The project is not expected to adversely affect EFH. The determination is based on distance of vegetation treatment activities from occupied habitat and the dry season of use for hauling on unpaved roads in the watershed. Consultation with NMFS on EFH is not required for this project.

8.0 Conclusion

Review of Finding of No Significant Impact

I have determined that change to the Finding of No Significant Impact (FONSI, April 2012) for the Gilmore Timber Sale is not necessary because I have considered and concur with information in the EA and FONSI. I reviewed the comments on the EA and no information was provided in the comments that leads me to believe the analysis, data, or conclusions are in error or that the selected action needs to be altered. There are no significant new circumstances or facts relevant to the selected action or associated environmental effects that were not addressed in the EA.

Administrative Review Opportunities

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 5003, protests of this decision may be made within 15 days of the publication of a notice of decision in a newspaper of general circulation. The notice of decision will be published in the Polk County Itemizer-Observer newspaper on August 20, 2014.

To protest this decision a person must submit a written protest to Rich Hatfield, Marys Peak Field Manager, 1717 Fabry Rd SE, Salem, Oregon 97306 by the close of business (4:30 p.m.) on September 4, 2014. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

The protest must clearly and concisely state the reasons why the decision is believed to be in error. Any objection to the project design or my decision to go forward with this project must be filed at this time in accordance with the protest process outlined above. If a timely protest is received, this decision will be reconsidered in light of the statements of reasons for the protest and other pertinent information available and the BLM shall serve a decision in writing on the protesting party (43 CFR 5003.3).

Implementation

If no protest is received within 15 days of publication of this Decision Record (Gilmore Timber Sale) this decision will become final. The planned sale date is September 17, 2014. For additional information, contact Stefanie Larew, NEPA Coordinator, at (503) 375-5601 or slarew@blm.gov.

Approved by: /s/ Rich Hatfield
Rich Hatfield
Marys Peak Field Manager

August 13, 2014
Date

Appendix A: Response to Public Comments Received on the Rickreall Creek Watershed Enhancement Environmental Assessment (EA#: DOI-BLM-OR-S050-2010-0004)

The BLM received three comment letters during the comment period for the Rickreall Creek EA. It is the BLM's intent in this DR to respond to substantive comments directly related to the Gilmore Timber Sale. Many comments are statements of opinion, generic in nature, or do not pertain to the Gilmore Timber Sale. The BLM will address project-specific comments in their respective DRs. In some cases the comments have been quoted directly from commenter's responses and in some cases they have been paraphrased. Comments are in *italics*. The BLM response follows each comment.

- 1. Comment:** *"It appears all of the proposed timber sales are within the LSR. Therefore, stands within the LSR that are over 80 years of age cannot be logged in any fashion...Road construction in Late-Successional Reserves for silvicultural, salvage, and other activities generally is not recommended unless potential benefits exceed the costs of habitat impairment."*

Response: You are correct that timber harvest is restricted in LSRs over 80 years of age. However, no timber sales are proposed within the Late-Successional Reserves. As stated on page 17 of the EA, the six timber sales are located within the Adaptive Management Area (AMA) and Riparian Reserves. A portion of the AMA is "designated as Late-Successional Reserves within the Adaptive Management Area" (RMP p. 19), referred to in the EA as Adaptive Management Reserves (AMR). Within the AMR, timber harvest may occur up to the 110 year age class (106 – 115 years) to meet LSR objectives.

The stands at Gilmore are 50 to 89 years of age and are within the AMA, AMR, and Riparian Reserves land use allocations. No road construction is proposed within the LSR or Riparian Reserves within the Gilmore Timber Sale. Approximately 0.36 miles (1,893 feet) of road construction will occur within the AMR⁶. All new road construction will be decommissioned following harvest activities.

The BLM thoroughly analyzed the proposed actions and their potential impacts in the Rickreall Creek EA. The BLM disagrees that the effects of logging are adverse and has instead determined that the treatments designed for the Gilmore Timber Sale will result in long-term benefits and accelerate the development of late-successional forest conditions.

- 2. Comment:** *Logging in the Riparian Reserves isn't needed. Logging captures mortality and will reduce recruitment of snags and large wood over a long period of time. Without logging more wood will be available over time for recruitment as snags, dead wood, and instream woody structure.*

Response: Approximately 81 acres (or 45 percent) of the Gilmore Timber Sale is within the Riparian Reserves. The BLM developed the purpose and need for the Riparian Reserves portion of the sale based on guidance in the Salem RMP, NWFP, and the applicable watershed analyses (EA section 1.6). The BLM is directed to apply silvicultural practices to control stocking, reestablish and manage stands, and acquire desired vegetation characteristics for attaining ACS objectives (RMP p. 11).

⁶As stated previously, approximately 500 feet of road construction will occur on adjacent privately-owned land. The remaining 1,900 feet will be constructed in the AMR.

Desired vegetation characteristics required for proper Riparian Reserve function include large trees, abundant and well-distributed mature and understory conifers, diverse shrub species, and large woody debris in stream channels and on floodplains. The stands in the project area (within the Riparian Reserves and the AMA/AMR) lack many of these characteristics (Gilmore prescription pp. 4, 8-10). The variable density thinning is designed to develop these characteristics. A moderate-intensity thinning within the Riparian Reserves (but outside the 70-75 foot no-cut buffer on streams) will allow more light to the understory, which will stimulate the growth of a diversity of understory shrub and tree species.

The density management is a “thin from below” treatment in which trees in the smaller diameter classes are cut and the larger, more vigorous trees are left standing. This type of thinning captures smaller, suppressed trees that would likely succumb to density mortality at some point in the future, though the timing is hard to predict. Density management will delay the input of small diameter CWD; however, to prevent a future shortage of CWD, the project includes provisions for monitoring and future activities to create downed logs and snags to meet ACS objectives (Gilmore prescription p. 13).

The BLM determined that the implementation of project design features will be adequate for protecting future wood recruitment. Wood recruitment studies conducted in the Pacific Northwest have shown the majority of woody debris recruitment occurs within 18 to 20 meters (59 to 65 feet) of the stream edge (McDade et al. 1990, Van Sickle and Gregory 1990, Meleason et al. 2002) (EA p. 70). The no-harvest buffers along streams within the timber sale were designed to be a minimum of 70 to 75 feet wide on each side of the stream. The SPZ widths at Gilmore are greater than this woody debris recruitment zone, and will be anticipated to maintain instream wood recruitment rates (EA pp. 71, 134, 136).

3. **Comment:** *Because this project involves thinning in stands over 80 years old, this is not a project within the purview of the Pechman exemption and every individual sale involved needs to be surveyed and discovered sites managed when required by the 2001 ROD.*

Response: The Gilmore Timber Sale is in compliance with Survey and Manage. As stated in section 2.0 of this DR, the BLM completed protocol surveys for the red tree vole, a Category C species. The BLM encountered multiple sites with red tree vole presence and, in conformance with management recommendations, created habitat areas to protect these sites (as shown on the selected action maps in this DR). Creation of habitat areas (or protection buffers) resulted in dropping approximately 34 acres from planned harvest units.

As described in Section 6.0 of this DR, the February 18, 2014 District Court decision and subsequent court order allowed the BLM to utilize the 2011 Settlement Agreement concerning the management of Survey and Manage species. There was no need to conduct surveys for any mollusk species, since the 2011 Settlement Agreement removed species that were likely to occur within this part of the Oregon Coast Range and within the affected habitat conditions.

4. **Comment:** *We believe that logging would adversely affect marbled murrelet habitat and the northern spotted owl.*

Response: There is very little suitable habitat for northern spotted owls in the Rickreall Creek watershed. As described in the EA (p. 110), the only known site lies on Oregon State lands near

Dutch Creek which is adjacent to EA Unit 11A. The EA (p. 116) acknowledged that the harvest of EA Unit 11A “may likely adversely affect the spotted owl”. However, this owl site has been vacant since 2011; therefore, the proposed action will have no effect on any resident owls. The proposed units that are in Section 3 and 4 are designated as critical habitat for the spotted owl. The treatments will maintain the dispersal habitat quality of critical habitat in these units, are not likely to adversely affect the CHU (EA p. 116).

There are no known marbled murrelet sites in the Rickreall watershed. The timber sale units in sections 3 and 4 are designated as critical habitat for the marbled murrelet. The scattered older legacy trees in portions of Section 4 have been recognized as potential suitable structure for marbled murrelets. As described in the EA (p. 111), the project design features for this proposed action will manage this potential structure in compliance with Option 3 of the Policy for the Management of Potential Marbled Murrelet Nesting Structure within Younger Stands, issued by the Level 2 Streamlined Consultation Team for the North Coast Planning Province, Oregon (USFWS et al., 2011). Table 22 in the EA (p. 116) lists the effects to marbled murrelets and shows that the treatments in critical habitat are not likely to have adverse effects.

To address all concerns for these federally listed wildlife species, the BLM consulted with the USFWS on the projects analyzed in the Rickreall Creek Watershed Enhancement EA. As stated in section 7.0 of this DR, a Biological Opinion (#01EOFW00-2013-I-0094, dated April 15, 2013) was received from the USFWS that concluded the proposed action was not likely to jeopardize the continued existence of the spotted owl or marbled murrelet, and is not likely to adversely modify spotted owl or marbled murrelet critical habitat.

5. **Comment:** “You state that a growing body of literature supports the fact that this gap creation ensures the survival of legacy trees. NEPA requires you reveal and discuss this literature.”

Response: By thinning around legacy trees, we are applying basic forestry textbook concepts. Thinning reduces competition for resources (e.g., light, soil moisture, and growing space) thereby increasing the residual trees' vigor, diameter, crown size, and decreasing the height to diameter ratio (windfirmness), thereby extending the life of these larger trees. If competition were not removed from around the larger trees, their diameter growth would not accelerate, they will lose their lower branches from shade (reduce crown size), and potentially increase their chance of windthrow. Trees with less competition maintain deeper live crowns, maintaining a lower center of gravity and decreasing their height/diameter ratios, reducing susceptibility to wind damage. Latham and Tappeiner (2002) concluded that the old-growth trees responded positively to a range of density reduction treatments. Their results showed even small reductions in density improved growth and vigor.

Crown ratios are predicted to fall to an average of .24 within 30 years without treatment, but remain higher, at a ratio of .38, in treated stands. Research (Poage 2001) indicates that windfirmness and individual tree stability are factors in a tree reaching age 300 and over. With treatment, the ratio of height to diameter on remaining trees will be maintained or decreased, such that stability and windfirmness will improve over time. Epicormic branching often develops on large Douglas-fir trees after removal of competition increasing the crown length over time.

Tappeiner et al. (1997) concluded that thinning 40- to 100-year-old Douglas-fir stands in the

Coast and Cascade ranges of western Oregon promotes tree regeneration, shrub growth, and multi-storied stand development, and thinning that incorporates retention of large remnant trees, snags, and down wood, and hardwoods accelerate the development of old-growth characteristics.

6. **Comment:** *We urge BLM to avoid new road construction, especially in reserves. The adverse effects of road construction offset any restoration benefits.*

Response: Approximately 1,893 feet of new construction will occur within the Adaptive Management Reserves. No road construction will occur within the Riparian Reserves. Renovation and improvement of existing roads in the Riparian Reserves will allow for proper drainage and reduce the likelihood of road-related sediment delivery to streams. All new road construction will be decommissioned following harvest activities.

The BLM has adequately analyzed and described the environmental effects of road construction in the Rickreall EA, which included two action alternatives: Alternative 2 (Proposed Action) included new road construction, and Alternative 3 (No New Road Construction) was void of new road construction (EA pp. 15-34). Effects of road construction are fully disclosed in the EA (pp. 65-66 and 82). The effects of not implementing the project (or portions of the project) are fully disclosed in the EA's No Action alternative (EA pp. 64-65, 96-99, 112-113) and within the Gilmore Timber Sale prescription (pp. 10-11).

BLM specialists reviewed each segment of planned road construction and adequately documented potential effects in the Rickreall EA. The potential effects associated with road construction will not be significant (FONSI p. III) and the BLM found any effects to be minor or too small to be measurable (EA pp. 121, 127-138).

7. **Comment:** *We urge the BLM to find the optimal mix of treated and untreated stands. In order to achieve all the objectives for optimal late successional forest conditions, restoration projects must contain both thinned and unthinned patches.*

Response: Scoping comments on the Rickreall EA encouraged the inclusion of gaps and clumps within the harvest units: "gaps should not be clearcut but rather should retain some residual structure in the form of live or dead trees...even small clumps and patches of trees are desirable." The BLM included both clumps and gaps within the design of the Gilmore Timber Sale. Clumps, approximately one-tenth of an acre in size, may occur at a rate of one per five acres. Within the 179 acre timber sale, that equates to up to approximately four acres of unthinned clumps. Clumps and gaps, up to one-half acre in size, will occur in Unit 4A, which is the oldest of the Gilmore Timber Sale units.

Gilmore Timber Sale Prescription (p. 31):

***“Retain unthinned clumps:** leave one un-thinned clump per approximately 5 acres within the project area. Each clump will consist of 15-25 trees, approx 40' radius, and may be sited adjacent to snags or other natural features, or randomly located.*

Create gaps and clumps of approximately .5 acre (80' radius): In Unit 4A create one clump and one gap within largest contiguous unit area in eastern portion. Leave only largest 5 conifer trees per acre, and all hardwood. Do not site gap within 100 feet of SPZ (stream buffer)."

In addition to the clumps (or skips) that occur within the Gilmore boundaries, approximately 220 acres of BLM managed lands in these sections will remain untreated.

The Gilmore Timber Sale, as designed with variable density harvest and gap and clump creation, will meet the purpose and need to accelerate the development of late-successional forest conditions.

- 8. Comment:** *Thinning captures mortality and results in a long-term reduction in recruitment of functional down wood. The BLM needs to provide a more rigorous analysis to prove that the harvest activities will not harm future CWD and LWD recruitment. Don't discount the value of large quantities of small-diameter wood. BLM must account for the effects of logging on both the quantity and the quality of wood.*

Response: The Gilmore Timber Sale adequately provides for future recruitment of standing and down coarse woody debris and large woody debris. The BLM has addressed the "quality vs. quantity" issue as it relates to CWD. The EA directly states that treatment would result in a reduction in the quantity of available future CWD. The BLM did not state nor imply that this volume will be offset by growth of remaining conifers; however, the future wood available for CWD will be of higher quality.

Thinning dense stands will capture some density-dependent suppression mortality; however, the recruitment of dead wood within treated stands and adjacent untreated habitat is an ongoing and age-independent natural process involving biotic and abiotic forces. Biotic mechanisms, in addition to density-dependent suppression mortality, include disease, insects, and animal damage. Abiotic processes include fire, wind, ice glazing, snow loading, flooding, landslides, debris torrents, and crushing (trees falling on trees). Abiotic processes, unrestricted by tree densities, provide a constant supply of dead wood by damaging or destroying individual trees, patches of trees within stands, stands within watersheds, and entire watersheds themselves (Bauhus et al. 2009).

Of the 400 acres of BLM land in sections 3, 4, 10, and 11, 179 acres will be treated within the Gilmore Timber Sale. Approximately 220 acres, over half of BLM's ownership in the sections, will be left untreated. Many of these acres are within the no-harvest buffers along streams. These acres are not aggregated in one area; rather, they are distributed across section, injecting into and splitting up the units. The no-harvest buffers, greater than 70 feet on each side of the stream, provide places where competition-related mortality will continue and natural LWD recruitment processes will be maintained.

The Rickreall Creek EA addressed effects on wood recruitment of thinning adjacent to no-treatment zones and compliance with ACS objectives (pp. 128-138). Wood recruitment studies conducted in the Pacific Northwest have shown the majority of woody debris recruitment occurs within 18 to 20 meters (59 to 65 feet) of the stream edge (McDade et al. 1990, Van Sickle and Gregory 1990, Meleason et al. 2002). The SPZ widths at Gilmore, 70-75 feet, are

greater than this woody debris recruitment zone and are anticipated to maintain instream wood recruitment rates (Rickreall EA pp. 71, 134, 136).

Additionally, the silviculturist prescribed unthinned clumps (up to one-tenth acre in size) within the timber sale units at a rate of one clump per five acres. Within Gilmore, this equates to an additional four acres of untreated area. These untreated acres will allow for continued biotic and abiotic processes that provide all sizes of CWD and LWD independent of active management intervention.

- 9. Comment:** *The BLM does not disclose that the No Action alternative will provide continued diameter growth on far more stems and greater total future recruitment of large wood compared to the logging alternatives.*

Response: See response to Comment 8, above. Over half of BLM's ownership in the sections will be left untreated and will continue to provide for uninterrupted biotic and abiotic processes that produce CWD and LWD of all sizes (including much of the smaller diameter material that succumbs to density mortality).

The Gilmore Silviculture Prescription, which was incorporated by reference into the Rickreall Creek EA, provides a description of the affected environment and the predicted effects of selecting the No Action alternative (Gilmore prescription pp. 10-11). The prescription (p. 10) indeed discloses the predicted effects of the No Action alternative:

“Without treatment, stand structure would become increasingly uniform, except for gaps created by disturbance. Hardwood tree species would become overtopped and most of them lost from the stand. The main input of coarse woody debris would come from density mortality, disturbance events and endemic levels of insects and disease, resulting in more snags and downed logs than with treatment. In general, the quantity of mortality would be much greater than if the stands were thinned, but dead trees would be smaller in size.”

The BLM adequately analyzed and disclosed the predicted effects of the No Action alternative and determined it does not meet the purpose and need to meet RMP direction and accelerate the development of late-successional forest conditions. The BLM determined that the benefits of density management, which include stimulation of understory development, increased health, stability, and vigor of remaining trees, and immediate creation of CWD, outweigh the loss of small-diameter CWD associated with harvest.