

Rickard Creek Timber Sale

Final Decision and Decision Rationale

Environmental Assessment Number (EA) # DOI-BLM-OR-S050-2011-0002

May 4, 2012

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

Township 13 South, Range 6 West, Section 29, Willamette Meridian

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Responsible Official: Rich Hatfield, Field Manager
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As the Nation's principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

1.0 Introduction

This Decision Record (DR) is an update of the *Rickard Creek Timber Sale Final Decision and Decision Rationale* that was issued May 22, 2009 (2009 DR). This *2012 Rickard Creek Timber Sale Revised Final Decision and Decision Rationale* will be called the 2012 DR. The 2009 DR is incorporated by reference and is available for review at the Salem District Office and online at the Salem District website.

Background

The Bureau of Land Management (BLM) conducted the original environmental analysis for the Rickard Creek Timber Sale in 2007, which is documented in the *Rickard Creek Timber Sale Environmental Assessment and Finding of No Significant Impact* (2007 EA) and the associated project file. The decision maker signed the Finding of No Significant Impact (FONSI) on March 11, 2008 and made the 2007 EA and FONSI available for public review from March 17, 2008 to April 15, 2008.

The decision maker signed the 2009 DR on May 22, 2009 and made the 2009 DR available for review from May 27, 2009 to June 10, 2009. The Rickard Creek timber sale was sold on June 22, 2009. The timber sale has not yet been awarded.

The BLM received a protest during the administrative review period. The decision maker granted the protest point regarding carbon storage and climate change and the BLM revised the EA and Finding of No Additional Significant Impact (FONASI) in 2009 to address these issues. The EA and FONASI were available for public review from December 16, 2009 to January 11, 2010. A Decision Record was not issued for the 2009 EA.

In 2010 the decision maker granted an additional protest point relating to Survey and Manage compliance. The BLM revised the EA in 2012 to address this issue and made the revised EA/FONASI available for public review from February 15, 2012 to March 16, 2012.

In this 2012 DR, the original EA will be called the 2007 EA, the Revised EA (December 2009) will be called the 2009 EA, and the Revised EA (February 2012) will be called the 2012 EA. Table 1 is a summary of the Rickard Creek documents and corresponding public review periods.

Table 1. Rickard Creek documents and review periods

Date Issued	Document	Public Review Period
3/11/2008	Rickard Creek Original EA and FONSI (2007 EA)	3/17/2008 – 4/15/2008
5/22/2009	Rickard Creek Thinning Decision Rationale (2009 DR)	5/27/2009 – 6/10/2009 (1 st Protest Period)
12/16/2009	Rickard Creek Revised EA and FONASI (2009 EA)	12/16/2009 – 1/08/2010
2/15/2012	2012 Revised Rickard Creek EA and FONASI (2012 EA)	2/15/2012 – 3/16/2012
5/9/2012	Rickard Creek Decision Rationale	5/10/2012 – 5/24/2012 (2 nd Protest Period)

2.0 Decision

I have decided to implement Rickard Creek Timber Sale as described in the proposed action (2012 EA, pp. 8-10), hereafter referred to as the “selected action.” The selected action is shown on the map on page 3 of this 2012 DR. This decision is based on site-specific analysis in the Rickard Creek Timber Sale EAs, the supporting project record, management recommendations contained in the *Benton-Foothills Watershed Analysis*, 1997, as well as the management direction contained in the *Salem District Resource Management Plan (RMP)* (May 1995), which are incorporated by reference in the EA.

Decision Summary

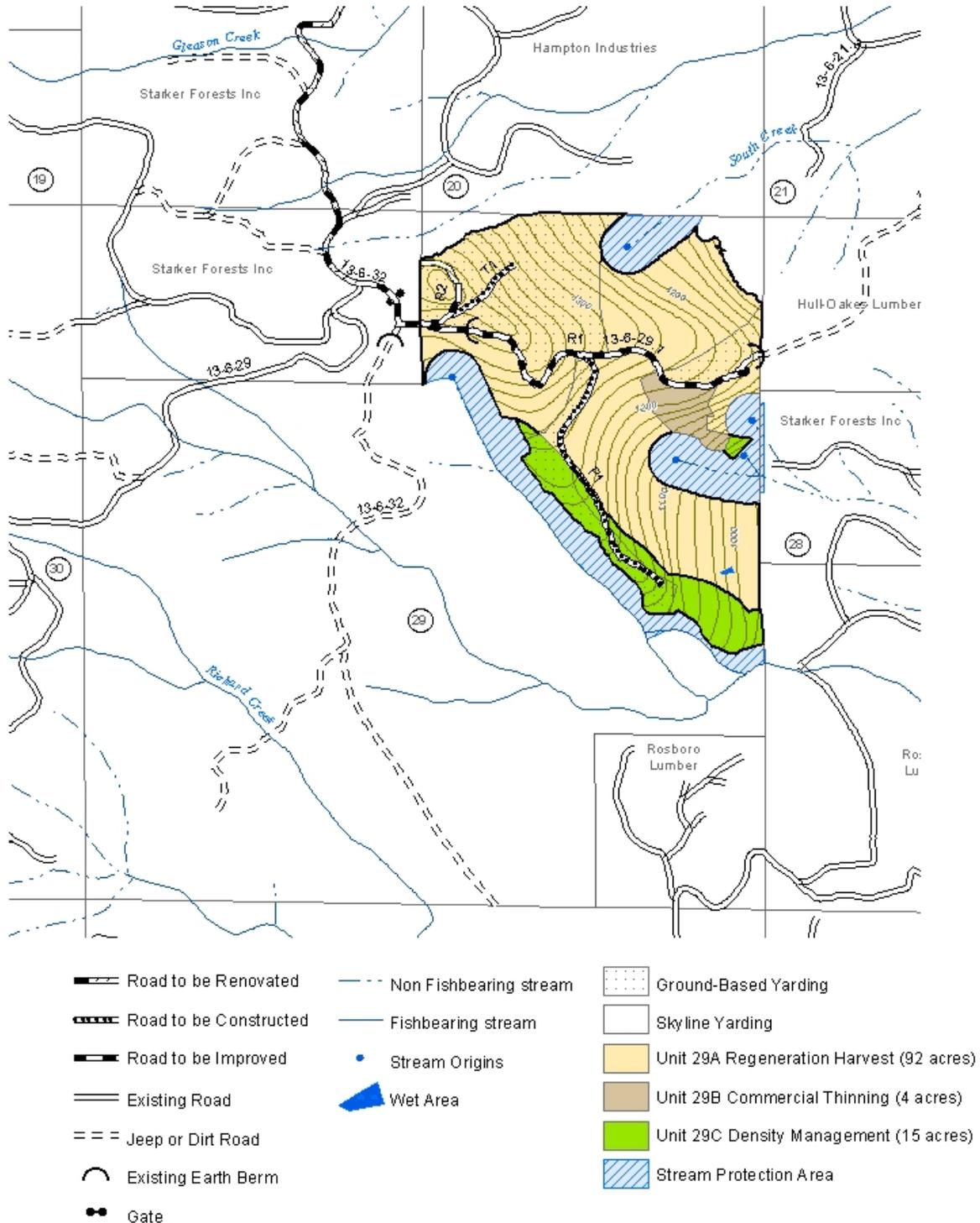
The following is a summary of this decision.

- Regeneration harvest on approximately 92 acres of 80 year old stands within the Matrix land use allocation (LUA).
- Commercial thinning on approximately 4 acres of 74 year old stands within Matrix LUA.
- Density management on approximately 15 acres of 74 and 80 year old stands within Riparian Reserves LUA to create structural diversity and increase the health and vigor of legacy trees. Density management would entail selective tree removal; smaller trees would be cut around dominant overstory and legacy trees selected by the wildlife biologist.
- Road construction totaling approximately 2,960 feet will occur. Following harvest all of the new construction will be decommissioned.
- Road renovation of approximately 6,800 feet and improvement of approximately 4,200 feet will occur. All of the road renovation would be surfaced with 4 to 10 inches of rock. Three culverts will be replaced on the 13-6-21 road.
- Design features and mitigation measures described in the 2012 EA (pp. 15 to 20) will be incorporated into the timber sale contract.
- Monitoring – The BLM has committed to conducting pre-harvest and post-harvest surveys for red tree voles in the Rickard Creek timber sale area. Pre-harvest surveys will occur during the summer and fall of 2012. Surveys will be completed four to five years post-harvest to monitor the change in density estimates. Monitoring results will provide insight into the persistence of voles within scattered legacy trees in the harvest unit and within adjacent reserve areas. This information will help inform future updates of the management recommendations for known vole sites.

The Selected Action map appears on the following page.

Selected Action Map

United States Department of the Interior - BUREAU OF LAND MANAGEMENT
RICKARD CREEK PROJECT MAP (SELECTED ACTION)
 T. 13 S., R. 6 W., Section 29, W. M. - SALEM DISTRICT - OREGON



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. Data was compiled from multiple sources and may not meet U.S. National Mapping Accuracy Standard of the Office of Management and Budget.



0 250 500 1,000 1,500 Feet

April 9, 2012

3.0 Alternatives Considered

Commercial thinning was a previous alternative considered but not analyzed in detail in the 2009 EA. Based on comments received on the 2009 EA and an internal IDT review of the viability of such an alternative, a thinning only alternative was fully developed and analyzed in the 2012 EA. No additional alternatives were considered but not analyzed in detail. Complete descriptions of the No Action and the three Action alternatives are in the 2012 EA, pp. 7-14.

4.0 Decision Rationale

Considering public comment, the content of the EAs and supporting project record, the management recommendations contained in the *Benton Foothills Watershed Analysis*, and the management direction contained in the RMP, I have decided to implement Alternative 2, the Selected Action, as described above.

In arriving at this decision, I considered three primary factors: how well the alternative meets the project's purpose and need, the underlying land use allocation for this project area, and the opportunities to create high quality early seral habitat elsewhere in the Marys Peak Resource Area.

The purpose and need for the project is the basis for undertaking the project. In selecting the Proposed Action, I am selecting the alternative that both maximizes the attainment of objectives outlined in the purpose and need and protects the multitude of other resources that we manage. The purposes of the project are clearly identified in the 2012 EA (pp. 13-14). These purposes are not randomly selected—they tie directly to on-the-ground conditions and direction found in our Salem District Resource Management Plan (RMP). To some extent, all three action alternatives meet the purpose and need. The selected alternative, however, maximizes the attainment of these objectives (see table 3). While Alternative 4 provides a somewhat comparable level of timber volume, it provides no early seral habitat in the project area. By comparison, Alternative 3 provides both a minimal amount of timber and very limited high quality early seral habitat. While looking at the alternative that best maximizes the attainment of project objectives, I also considered and reviewed the environmental impacts associated with these activities. I find that these effects are reasonable and predictable and any short term effects are outweighed by long term benefits. To help minimize these short term impacts, this decision includes a number of project design features (2012 EA, pp. 21-26).

A second important consideration in this decision is the underlying land use allocation for this project. The entire regeneration harvest area is within the general forest/matrix land use allocation. The Northwest Forest Plan (NWFP) anticipated that the majority of the plan's timber volume would be generated in this land use designation (NWFP Record of Decision, p.C-39). As described below, the underlying land use designation allows appropriate management activities and, in some cases, restricts certain activities such as regeneration harvest. Matrix, however, is one designation that was developed to allow regeneration harvest.

Lastly, as described above, one of the project objectives was to create high quality early seral habitat in the project area. The Salem RMP supports this objective by calling for a "...well distributed pattern of early, mid, and late successional forest across the Matrix" (Salem RMP, p. 46). The Rickard Creek EA

clearly demonstrates the limited availability of high quality early seral habitat¹ in the Marys River 5th field watershed (2012 EA, pp. 55-56). The seral breakdown in the Marys River 5th field watershed is fairly typical of conditions across the Marys Peak Resource Area and is compared in the table below. The early seral age class is not only underrepresented in the Marys River 5th field watershed, but also across the Marys Peak Resource Area as a whole.

Table 2. Comparison of Age Class Distribution

Age Class	Marys River 5th Field Watershed	Marys Peak Resource Area
Early Seral	21%	20%
Mid Seral	54%	42%
Late Seral	25%	37%

This project will convert a small percentage of the late seral stands (6.5%) in the watershed and convert them to the underrepresented early seral class.

We received comments stating that the BLM should not focus on creating early seral habitat in this watershed—private lands are already providing this habitat. This notion is erroneous. The high quality early seral habitat created through this project is very different than the industrial-style treatments that occur after private land regeneration. Private lands are often cut without retention of legacy features, are treated intensively with herbicides and/or broadcast burning, and are replanted in a monoculture fashion. The stand that emerges after private land treatment is very different than a stand that is managed in a manner described in the selected action, which will create early seral habitat that contains important habitat features of large green trees, hardwood trees, snags, downed wood and abundant shrub, grass and forb layers (2012 EA, p. 61). This will allow the early seral condition to persist and support a variety of species for a longer period of time. The value of early seral habitat is well documented in the EA (pp. 61, 66, and 73) and helps to support the purpose and need for the project.

One last consideration I weighed as I selected Alternative 2 is the potential for these early seral creation projects within the Marys Peak Resource Area. Although the Marys Peak Resource Area encompasses approximately 125,000 acres, the vast majority of the acreage is in a reserve designation (late successional reserve and adaptive management area/reserve). Only 14% of the acres in the Marys Peak Resource Area are in a land use designation (matrix) that generally supports regeneration harvest and the creation of early seral habitat². The remaining 86% of the land base in the Marys Peak Resource Area is in a land use designation that mostly prohibits the implementation of projects to create early seral habitat. Given the land use designations across Marys Peak, there are limited opportunities to create this valuable early seral habitat.

I have carefully read the comments received on this project and understand that the decision will not be agreeable to all reviewers. In particular, impacts to red tree voles and spotted owls are areas of concern from the public. This project involves a “non-high priority” designation for red tree voles in the project area. Given our management direction and the conditions on-the-ground, I find this designation to be appropriate and prudent. The Survey and Management Record of Decision (2001) allows local

¹ For the purposes of this discussion, early seral is defined as 0-39 years; mid seral is 40-79 years, and late seral is 80 years and older.

² This 14% includes both riparian reserves where the creation of early seral habitat is prohibited under the RMP and old growth stands where the creation of early seral habitat has not received broad social acceptability. Thus, the actual portion of matrix that could accommodate a project such as this is considerably less than the overall 14% of the total.

determination of non-high priority site designation (Standards and Guidelines, p.10). Prior to my decision, I ensured that the appropriate process was followed with the appropriate NEPA disclosures. The Rickard Creek EA contains a discussion and disclosure of red tree vole effects related to the non-high priority designation, including a consideration of the recent US Fish and Wildlife Service “warranted, but precluded” listing. The EA clearly discloses these effects (pp.73-81 and the Wildlife Biological Evaluation). Given that red tree voles are “believed to be more abundant and well distributed than areas farther north in the Oregon Coast range” (2012 EA, p. 73), I do not believe the activities associated with this project will contribute to the need to list the species. Further, I have reviewed the project-level effects to red tree voles. The document acknowledges effects, but I believe these short term impacts are outweighed by the long term benefits associated with the project. To build upon our knowledge of red tree voles and their use of this area, I have included a monitoring requirement in my decision (DR, p. 2).

The 2012 EA and the project’s Biological Evaluation (BE) fully describes and discloses effects to the Northern Spotted Owl (2012 EA, pp. 66-67, 71-72). This project is not located in currently designated or proposed critical habitat. In 2008 a pair of owls was detected about 1.3 miles southwest of the project area. While the project will downgrade 65 acres of “suitable” habitat within the home range of the owl pair, I took notice of several other factors in the EA and BE. The BE (p. 8) states that the owl pair may not be using the Rickard Creek project area. There has been no known historic use in the project area since surveys began in 1990³. During the past 21 years of monitoring and surveying for spotted owls in this vicinity, the closest spotted owl detection to the Rickard Creek timber sale was a single observation of a male spotted owl located at night in 2003 about 0.6 miles southwest of the regeneration harvest unit. Incidental surveys by BLM staff in this vicinity also had no detections of spotted owls during six project planning years. Furthermore, the proposed action would have no effect on habitat conditions within the nest patch (remaining at 96% suitable) or core area (remaining at 64% suitable) of the nearest owl pair.

There are a number of benefits that will be achieved by the project that would not occur with the selection of another alternative. The vast majority of timber management in the Marys Peak Resource Area involves thinning and accelerating the development of late successional characteristics, which are reasonable objectives and actions given the underlying land use designations. For this project, though, attainment of late successional characteristics is not an objective. So, in the final analysis I considered the objectives for the project, the amount of mid and late seral stands that exist in the resource area, and the land use designation mix across the area and determined that this project is needed and placed appropriately on our landscape.

³ The BLM and cooperators have performed owl surveys at known sites in the project vicinity every year since 1990.

Table 3. Comparison of the Alternatives with Regard to the Purpose and Need

Purpose and Need (EA Section 1.6)	No Action (Alternative 1)	Proposed Action (Alternative 2)	Regeneration Harvest with RTV Buffer (Alternative 3)	Commercial Thinning and Density Management (Alternative 4)
Perform commercial thinning on suitable managed timber stands to promote tree growth and survival.	No commercial thinning would occur. Trees would remain at high density, resulting in slow growth and greater mortality.	Commercial thinning would occur on four acres to increase diameter growth and open stand conditions to preserve limbs and high crown ratios.	Same as the No Action alternative.	Commercial thinning would occur on 96 acres to increase diameter growth and create growing space to preserve limbs and high crown ratios.
Contribute to the long-term sustainable supply of timber while maintaining future forest management options and protecting other resource values.	No timber harvest would occur under this alternative, thus no contribution to a supply of timber would occur.	Offers approximately 7,727 MBF of timber for sale through 4 acres of commercial thinning, 15 acres of density management and 92 acres of regeneration harvest.	Offers approximately 1,944 MBF of timber for sale through 24 acres of regeneration harvest.	Offers approximately 6,314 MBF of timber for sale through 96 acres of commercial thinning and 34 acres of density management.
Perform regeneration harvest on stands which have reached CMAI to produce maximum average annual growth.	No regeneration harvest would occur, Unit 29A would reach CMAI within a few years, and growth will slow.	92 acres of regeneration harvest would occur. Achieves maximum MAI for the stand.	24 acres of regeneration harvest would occur. Achieves maximum MAI for the stand.	No regeneration harvest would occur.
Provide early successional habitat and maintain a well-distributed age class distribution across the matrix.	Would not provide early successional habitat. GFMA land in the Marys River 5 th field watershed would remain at 21% early seral forest (aged <40 years), but only 2.5% aged < 20 years.	Adds 92 acres to the early seral component of the BLM land base in the Marys River 5 th field watershed. Early seral forest would increase by 1.6% to total 22.6%; late seral forest would decrease from 25% to 23%.	Adds 24 acres to the early seral component of the land base. Very slight increase in early seral forest (0.4%).	This stand would not contribute to the early seral component of the land base. No change in forest seral stage.

Purpose and Need (EA Section 1.6)	No Action (Alternative 1)	Proposed Action (Alternative 2)	Regeneration Harvest with RTV Buffer (Alternative 3)	Commercial Thinning and Density Management (Alternative 4)
To restore large conifers in the RR LUA (RMP p. 7). To improve structural and spatial stand diversity on a site-specific and landscape level in the long-term (RMP D-6).	Does not meet purpose and need. Acceleration of growth on large conifers within RR LUAs would not occur. Improved structural and spatial stand diversity would not occur beyond what would occur naturally.	Creates patch openings with adjacent clumps of trees. Retains existing limbs on open grown and/or legacy trees through selective cutting. Some larger trees felled for safety or operational reasons would be retained for CWD. Increases quality and value of wildlife habitat.	Same as Alternative 2, but on fewer acres.	Within the density management area, gaps would be created around dominant overstory and legacy trees to create structural diversity
Provide an adequate transportation system to manage timber resources and serve other management needs in a safe and environmentally sound manner.	Road construction, renovation and improvement would not occur. Drainage features, culverts of the 13-6-21 and 13-6-28 roads would continue to degrade and impair aquatic habitat.	Renovates approximately 12,408 feet, improves approximately 4,176 feet, and constructs approximately 2,960 feet of new road.	Renovates approximately 12,408 feet of road, and improves approximately 3,835 feet of road	Renovates approximately 12,408 feet, improves approximately 4,176 feet, and constructs approximately 2,960 feet of new road.

5.0 Compliance with Direction

A recent U.S. District Court ruling in Pacific Rivers Council v. Shepard (No. 3:11-cv-442-HU) (D. Or.) has indicated the Court's intent to vacate the 2008 RODs/RMPs and reinstate the BLM's 1995 RMPs. While a final judgment has not been issued⁴ in the Pacific Rivers Council case, this project is fully consistent with the 1995 RMP.

The following document provided additional direction in the development of the Rickard Creek timber sale: *Benton Foothills Watershed Analysis*, USDI BLM, 1997 and is hereby incorporated by reference. This document is available for review in the Salem District Office. Additional information about the proposed project is available in the Rickard Creek Timber Sale EA Analysis File (NEPA file), also available at the Salem District Office.

Survey and Manage Review

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Sherman, et al.*, No. 08-1067-JCC (W.D. Wash.), granting Plaintiffs' motion for partial summary judgment and finding NEPA violations in the *Final Supplemental to the 2004 Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (USDA and USDI, June 2007). In response, parties entered into settlement negotiations in April 2010, and the Court filed approval of the resulting Settlement Agreement on July 6, 2011. Projects that are within the range of the northern spotted owl are subject to the survey and management standards and guidelines in the 2001 ROD, as modified by the 2011 Settlement Agreement.

The Rickard Creek timber sale is consistent with the Salem District RMP/ as amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001 ROD), as modified by the 2011 Settlement Agreement.

The Rickard Creek timber sale project meets the provisions of the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (not including subsequent Annual Species Reviews). Details of the project surveys are described in the Wildlife section (section 3.7) of the 2012 EA.

6.0 Public Involvement, Consultation, and Coordination

Scoping

A scoping letter, dated May 19, 2005, was sent to 55 potentially affected and/or interested individuals, groups, and agencies. Two responses were received during the scoping period.

EA Comment Period and Comments

2007 EA: The BLM made the 2007 EA and FONSI available for public review from March 17,

⁴ A final ruling had not yet been issued when this Decision Record was signed on May 4, 2012.

2008 to April 15, 2008. Ten comment letters/emails were received during the original EA comment period.

2009 EA: The BLM revised the 2007 EA to address the carbon sequestration and climate change, an issue raised in the original comments and protest. The BLM made the revised EA and FONASI available for additional public comment from December 16, 2009 to January 8, 2010. Four comment letters were received during this comment period.

2012 EA: The BLM revised the 2009 EA to address Survey and Manage compliance. The BLM made the 2012 EA available for public comment from February 15, 2012 to March 16, 2012. Eight comment letters/emails were received during this period.

BLM Response to Comments

Public comments submitted on the 2012 EA, along with comments submitted on prior EAs for the Rickard Creek timber sale, were documented and analyzed using a process called content analysis. Responses to the new comments and issues identified in the comment letters appear in Appendix A of this DR. The BLM incorporates by reference the responses to issues received during previous EA review periods which were addressed in the 2009 DR.

Scoping comments and comment letters received on the EAs are available for review at the Salem District Office.

ESA Section 7 Consultation

Wildlife: United States Fish and Wildlife Service (USFWS)

To address concerns for potential effects to northern spotted owls, the proposed action was consulted upon with the USFWS, as required under Section 7 of the ESA. The project was initially included in a batched Biological Opinion (BO): 13420-2009-F-00012. However, Rickard Creek was not implemented under that consultation. The BLM submitted a subsequent Biological Assessment (BA) of the Rickard Creek timber sale on October 14, 2011. The resulting single project Biological Opinion (issued February 23, 2012; Reference #01EOFW00-2012-F-0057), concluded that the Rickard Creek timber sale “is not likely jeopardize the continued existence of the spotted owl” (BO, p. 49).

This selected action has been designed to incorporate all appropriate design standards set forth in the Biological Assessment and is in compliance with the Terms and Conditions included in the Biological Opinion.

Fish: National Marine Fisheries Service (NMFS)

Consultation with NMFS is required for projects that “may affect” listed species. Protection of Essential Fish Habitat (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 salmon. The Rickard Creek timber sale is not expected to affect EFH due to distance of all activities associated with the project from occupied habitat.

A determination has been made that the proposed project would have “no effect” on UWR steelhead trout, Chinook salmon and Oregon chub. Generally, the “no effect” determination is

based on the distance of a project to ESA listed fish habitat. The distance from ESA habitat is approximately two miles to project activities. Due to the “no effect” determination, this project would not be consulted upon with NMFS.

7.0 Conclusion

Review of Finding of No Significant Impact

I have determined that change to the Finding of No Additional Significant Impact (EA #DOI-BLM-OR-S050-2011-0001-EA, FONASI – pp. i-vii) for the Rickard Creek timber sale is not necessary because I have considered and concur with information in the EA, FONASI, and this Decision Record. I carefully reviewed the EA comments and saw no new information in the comments that lead me to believe the analysis, data, or conclusions are in error or that the selected action needs to be altered. The selected action would not have effects beyond those already anticipated and addressed in the RMP EIS.

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 *Gazette-Times* newspaper on May 9, 2012.

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 May 24, 2012. The regulations do not authorize the acceptance of protests in any form other than a signed, written, and printed original that is delivered to the physical address of the advertising BLM office.

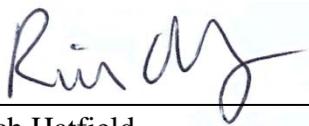
The protest must clearly and concisely state the reasons why the decision is believed to be in error. Any objection to the project design or my decision to go forward with this project must be filed at this time in accordance with the protest process outlined above. If a timely protest is received, this 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).

Protests submitted during this review period are limited to Survey and Manage compliance, carbon storage, and climate change.

Implementation Date

The BLM received a protest during the administrative review period for the 2009 DR and granted in part two of the points within the protest. The BLM defers the final protest decision on the remaining points until the close of this protest period. Any additional protest points relevant to this project decision will be consolidated with those remaining points from the protest on the original 2009 DR. Implementation and award of the Rickard Creek timber sale may be considered pending the final protest decision.

For additional information, contact Stefanie Larew (503) 375-5601, Marys Peak Resource Area, Salem BLM, 1717 Fabry Road SE, Salem, Oregon 97306.

Approved by: 
Rich Hatfield
Marys Peak Field Manager

5-4-2012
Date

Appendix A – Response to Comments on the 2012 EA

Introduction

The 2012 Revised Rickard Creek EA (2012 EA) was available for public review and comment from February 15, 2012 to March 16, 2012. Eight written comments were received during the comment period. The 2009 EA was available for public review from December 16, 2009 to January 8, 2010. Four comment letters were received during this period.

Public responses submitted on the 2012 EA, along with comments submitted on prior EAs for the Rickard Creek timber sale, were documented and analyzed using a process called content analysis. This is a systematic method of compiling and categorizing all of the public viewpoints and concerns submitted during the official comment period for the EA. Content analysis helps the BLM identify issues and concerns with the Environmental Assessment and helps the decision maker arrive at an informed decision.

The comments have been divided into the following categories: Process and Planning, Fish, Wildlife, Silviculture, Carbon and Climate, Coarse Woody Debris, and Compliance with the Aquatic Conservation Strategy. Many of the comments received on the 2012 EA have already been addressed in the 2009 Decision Record, which is incorporated by reference. The primary focus of this effort is to respond to new issues not already considered in the previous analyses or decision. In some instances, direct quotes have been taken from comment letters. Comments or issues that appeared in multiple letters have been summarized.

Carbon and Climate

Comment 1: *BLM still lacks a program-level NEPA analysis of its logging program and how all that logging affects carbon and climate.*

Response to 1: It is beyond the scope of this analysis to analyze the impacts of logging on carbon and climate at the program level. Responsive to public comment, the BLM conducted project-level analysis of the selected action on carbon and climate change in the 2009 and 2012 EAs. The 2012 EA included analysis on the additional two action alternatives not analyzed in previous EAs. The 2012 EA disclosed that greenhouse gases would be emitted (2012 EA, p. 31) and analyzed and disclosed the effects of the selected action on carbon storage. The 2012 EA concluded that the incremental effect of the action alternatives, over time, would be net storage of carbon (2012 EA, p. 78).

Comment 2: *The EA fails to accurately disclose the long-term cumulative impacts of carbon emissions from logging. Although the forest may eventually regrow to catch up to its younger self, it does not catch up to the carbon storage in the unlogged forest under the no action alternative, nor does future forest growth mitigate for the extra carbon in the atmosphere during the time that the logged forest shows a carbon deficit relative to the unlogged forest.*

Response to 2: The 2012 EA discloses cumulative effects of carbon storage over an 80-year modeling period and supports your statement regarding carbon storage. The analysis does not include the effects

of differing levels of carbon in the atmosphere resulting from the alternatives. As noted in Section 3.2 of the EA (p. 29), the U.S. Geological Survey, in a May 14, 2008 memorandum concluded that it is currently beyond the scope of existing science to identify a specific source of greenhouse gas emissions or sequestration and designate it as the cause of specific climate impacts at a specific location.

According to guidance from the BLM National Environmental Policy Act (NEPA) handbook, the BLM may apply mitigation to avoid or reduce potentially significant effects. The analysis in the 2012 EA did not conclude that the selected action would cause significant effects from carbon emissions and therefore mitigation is not required. There is no specific policy or legal requirement to mitigate carbon emissions from land management actions, or to ensure that our land management actions would provide as much carbon sequestration as no action.

Coarse Woody Debris

Comment 3: *The NEPA analysis cannot just focus on recruitment of wood to streams, but must also address the need to recruit optimal levels of snag and dead wood to meet the needs of terrestrial wildlife, which were intended to be benefited by riparian reserves.*

Response to 3: The NEPA analysis adequately describes the purpose and need for the density management project and analyzes the effects on multiple resources. This BLM developed the project to meet the objectives of the Riparian Reserves as directed in the Salem District RMP, which include meeting Aquatic Conservation Strategy Objectives and providing habitat for other terrestrial species (RMP, p. 9). The RMP further allows for the application of silviculture treatments to restore large conifers in Riparian Reserves (RMP, p. 7).

Chapter 5 of the 2012 EA details how this project is consistent with the Aquatic Conservation Strategy (pp. 85-90) and the *Benton Foothills Watershed Analysis* (BFWA). The BFWA (p. 7) found that BLM Riparian Reserves in the analysis area lack older forest characteristics and are overstocked and lacking vertical structure. Density management through the creation of gaps would benefit structural diversity by retaining legacy and dominant overstory trees and their large limbs and deep wide crowns (2012 EA, pp. 7, 86).

Project Design Features were designed to protect and enhance stand diversity and wildlife habitat components, including standing and down CWD, to support a variety of wildlife species. The 2012 EA (p. 17) states:

- Within density management and commercial thinning areas, all open grown trees with high wildlife value, existing snags and CWD would be reserved, except where they pose a safety risk or affect access and operability. Any snags or logs felled or moved for these purposes would remain on site within the project area.

Coarse woody debris levels will not be significantly affected by this action. Stand inventory data collected in 1996 and 2004 found a high level of CWD (4,210 linear feet per acre) of downed conifer logs in the proposed regeneration harvest area, including the southwestern portion of the density management area (2012 EA, p. 66). Snags greater than 10 inches in diameter and 10 feet high

averaged 28 per acre in the density management area. The IDT recognizes the importance of CWD and developed a PDF to monitor levels:

- Three to five years after harvest operations have been completed, CWD would be evaluated and a decision made as to whether more is needed, up to five per acre would be added.

Compliance with the Aquatic Conservation Strategy

Comment 4: *Up to 70% of the trees in the Riparian Reserves would be removed by gap creation to restore large conifers to the Riparian Reserves. This is not an objective of the Aquatic Conservation Strategy and does not justify gap creation in this sensitive land use allocation. The EA lacks analysis to show that logging in Riparian Reserves is “needed” to attain ACS objectives.*

Response to 4: First, the 70% tree removal referenced in this comment is related to Alternative 4 – Density Management and Commercial thinning (2012 EA, p. 39), **not** to the selected tree removal in the selected action (Alternative 2). The proposed treatment is not a typical thin-from-below density management thinning. The density management in the selected action entails thinning around selected legacy trees on 11 sites in the 15 acre unit. Small gaps (less than ½ acre) would be created around the legacy trees to maintain large limbs and full crowns of these trees and prevent competition mortality (2012 EA, p. 61). No other thinning would occur in the Riparian Reserves.

Further, the Aquatic Conservation Strategy does not have an “unless needed” requirement for applying silviculture practices in Riparian Reserves. The Northwest Forest Plan is very clear that “[t]he standards and guidelines focus on “meeting” and “not preventing attainment” of the Aquatic Conservation Strategy objectives” (NWFP ROD, p. B-10). The RMP (p. 11) and NWFP (p. C-32) provide guidelines when silvicultural treatments are appropriate within Riparian Reserves. These documents state: “Apply silvicultural practices for Riparian Reserves to control stocking, reestablish and manage stands, and acquire desired vegetation characteristics needed to attain Aquatic Conservation Strategy objectives.” This project meets RMP and NWFP direction because the interdisciplinary team found the conditions as described in NWFP and RMP references above exist in the density management units.

Fish

Fish Consultation

Comment 5: *Just under half of proposed road construction is within the Riparian Reserves. This construction is adjacent to a fish-bearing stream which contains endangered fish species. Consultation is needed with National Marines Fisheries Service to determine the potential impacts to the species.*

Response to 5: The comment states that project activities occur adjacent to a fish bearing stream which contains endangered fish species. This comment is incorrect. The 2012 EA described the proximity of listed fish to the project areas. Designated critical habitat for Upper Willamette River (UWR) winter steelhead was over 34 miles downstream of the treatment area, UWR spring Chinook were over 5.3 miles downstream of the treatment area, and Oregon Chub were over 19 miles

downstream of the treatment area (2012 EA, pp. 33-34). The 2012 EA states for each listed species in the watershed that based on distance of project activities to listed fish habitat the project would have no effect to listed fish (2012 EA, pp. 33-34). The 2012 EA also states on page 91 that the BLM determined “that the proposed project would have “no effect” on UWR steelhead trout, Chinook salmon and Oregon chub. Generally, the “no effect” determination is based on the distance of a project to ESA listed fish habitat. The distance from ESA habitat is approximately two miles to project activities. Due to the “no effect” determination, this project would not be consulted upon with NMFS.” The two mile distance noted above is based on proximity of hauling from listed fish habitat (2012 EA, p. 33).

Process and Planning

Comment 6: *What is the future management of Section 29? Future management actions in section 29 could seriously degrade the remaining forage and dispersal habitat for owls.*

Response to 6: Currently there are no additional management actions planned in Section 29. Any future management actions in Section 29 would be disclosed in future NEPA documents.

Comment 7: *We are happy that the BLM recognizes the importance of regenerating stands in order to maintain a sustainable supply of timber products as mandated by their RMP.*

Response to 7: Thank you for your comment in support of the Rickard Creek timber sale.

Comment 8: *If Salem Resource Management Plans indicate that Rickard Creek should be clearcut to create more early seral forest in the Marys River drainage, then the plans should be changed. Mature forests, such as Rickard Creek at 80 years of age, should not be harvested and should be rezoned as LSR.*

Response to 8: About 37% of the federal lands (BLM and Forest Service) within the Marys River Watershed are classified as late-seral old-growth forests (LSOG), which includes mature forests (EA, page 66). Alternative 2 would only reduce the watershed percentage of LSOG forests from 37% to 35.5% (EA, page 70). Ninety-eight percent of the remaining LSOG forests on federal lands in this watershed lie within the reserve allocations of LSR or Riparian Reserve (Wildlife Report, Appendix C, page 4). It is beyond the scope of this analysis to redesignate lands to other land use allocations.

Comment 9: *The Salem RMP was developed before the Northern Spotted Owl and carbon sequestration and climate change were issues. The BLM should not log any mature forest in reliance on the RMP.*

Response to 9: As described on Page 3 of the 2012 EA, the BLM has not found new information concerning spotted owls to be in conflict with the management strategies put in place by the Northwest Forest Plan and Salem District RMP.

Comment 10: *An EIS is required because the Rickard Creek timber sale will have significant adverse effects on the NSO, red tree vole, carbon sequestration and climate change, snags and dead wood,*

Riparian Reserves, Aquatic Conservation Strategy objectives, and Off-Highway Vehicle (OHV) use.

Response to 10: The IDT completed a comprehensive analysis of the potential effects of the Rickard Creek timber sale in the 2007, 2009, and 2012 EAs and determined that there would not be significant impacts associated with the project activities as documented in the associated FONSI/FONASIs and decision records. Any potential adverse effects of this proposed action would not exceed those analyzed within the RMP.

Silviculture

Age Determination

Comment 11: *How were stand ages determined? Was the legacy tree component taken into account?*

Response to 11: The BLM retains the discretion to utilize various methodologies for aging a stand appropriate to the land allocation, stand characteristics, and proposed treatment. The BLM used a professionally recognized, standard sampling and stand aging protocol known as the “average age” method to determine stand age (BLM Ecosurvey D.R. Systems Inc., 2004).

Using the average age method of stand aging, BLM conducted a stand exam in 2011 in each of the two stands that comprise Units 29A, 29B, and 29C. In Units 29A and 29C, we placed random plots per stand exam protocol. Of the 173 trees we sampled on 26 plots, we cored 29 trees (17% of the total) for age. (The sub-sample of trees cored for age are considered to represent the age of all 173 trees, and thus the whole stand.). The five largest trees we sampled ranged from 36” to 40” dbh in size and from 84 to 102 years of age.

“Legacy” trees and “predominant” trees are present at Rickard Creek. The larger diameter trees in the sample are considered pre-dominant. They established before the main age class of the stand (over a period of about 50 years); they captured more growing space at a young age and have maintained it. They are well-represented in the sample.

Legacy trees are generally considered remnants from a previous, significantly older stand; trees that are relatively old compared to most trees in the stand. Most of the larger trees at Rickard are pre-dominant trees, not legacy trees. Based on observations while conducting stand exams, we estimate that legacy trees occur at a frequency of approximately one per one to two acres.

Based on the trees sampled on the random plots, we calculated an average stand age of 80 years in the two stands that comprise Units 29A and 29C from all 29 trees cored for age. Legacy trees (larger than 40” dbh trees in the sample) do occur in the stand, but did not occur in the 26 random plots, nor therefore in the random sample of age.

Age Class Distribution

Comment 12: *How would this project contribute to the creation of a desired age class distribution across the landscape? The Marys River watershed already has a significant portion in the early seral age class.*

Response to 12: The direction to provide early successional habitat (RMP, p. 20), and to maintain a well-distributed pattern of early, mid, and late-successional forest across the matrix (RMP, p. 46) is applied to BLM-managed land of the General Forest Management Area (matrix) LUA. In Section 3.6 of the EA, Seral Stage Distribution, the age class distribution on BLM-managed lands in the Marys River Watershed is described in detail.

Further, the EA provides discussion (p. 61) on how the selected action will create high quality early seral habitat that differs from early seral habitat on adjacent private lands. Early seral habitat less than 20 years old (before crown closure of young trees) allows growth of flowering, fruiting, and forage vegetation species. Early seral habitat on privately-managed forest lands typically contain very little of these habitat components, and intensive vegetation management practices accelerate the development of closed canopy young stands, abbreviating the period that early seral habitat is useable to many species.

Wildlife

The BLM completed a non-high priority site analysis for the red tree vole for the Rickard Creek timber sale in 2011. The BLM developed this section to respond to several comments received regarding the Non-High Priority Site designation process, authority, and reasoning.

Red Tree Vole Non-High Priority Site Analysis

Comment 13: *The recent 12-month finding by the U.S. Fish and Wildlife Service (USFWS) has determined that the Red Tree Vole is “warranted, but precluded” for listing. The BLM should implement an alternative that protects the red tree vole population instead of further isolating and fragmenting it. How did the BLM determine that Rickard Creek was appropriate to be designated as a Non-High Priority Site? What does the non-high priority site designation process entail?*

Response to 13: The 12-month finding on the listing petition for red tree voles, which was issued by the USFWS on October 13, 2011, contributed heavily to our analysis of the Rickard Creek timber sale area as a non-high priority site. The BLM followed the process for designation of a Non-High Priority site as described within the 2001 Survey & Manage ROD and detailed in an agency memorandum (BLM-IM-OR-2006-047⁵). This “four-step process allows the local land manager to identify non-high priority sites for Category C and D species on a case-by-case basis,” at the project level. The 2011 Survey and Manage Settlement Agreement maintained the red tree vole’s status as a Category C species.

Following Survey and Manage Program guidance, the designation of a Non-High Priority site must comply with four criteria indicating little to no concern for persistence of the species at the scale of the analysis unit (i.e. the fifth field watershed). The BLM analysis, prepared in accordance with agency and Survey and Manage direction, concluded that the Rickard Creek timber sale area met all criteria for designation as a non-high priority site. Existing land use allocations are sufficient to

⁵ The BLM issued an updated Instruction Memorandum (No. OR-2012-036) on March 7, 2012 that supersedes previous direction and provides updated contact information. The Non-High Priority Site analysis completed for the Rickard Creek timber sale is in conformance with both memoranda.

provide for sites that would maintain the currently well-distributed population of red tree voles on this landscape (Non High Priority Site Analysis, p. 6). The four criteria and a summary of how the Rickard Creek timber sale area meets each of the criteria are included below.

Criteria 1: Moderate-to-High number of likely extant sites/records

All 17 spotted owl sites within 10 miles of the Rickard Creek harvest unit had moderate to high incidence or red tree vole remains in the sampled pellets (Forsman, et al. 2004). While only modest numbers of red tree vole sites have been recorded in agency databases, the prominence of voles remains found at spotted owl sites, the well distributed occurrence of known vole sites, and the relatively high percentage of suitable older forest habitat on federal lands (>35%, see Criteria #2) support the conclusion that there are likely moderate to high numbers of extant vole sites in both watersheds (Wildlife BE, Appendix C – 2).

Criteria 2: High proportion of sites and habitat in reserve land allocations; or limited number of sites within reserves, but the proportion or amount of potential habitat within reserves is high and there is a high probability that the habitat is occupied.

The 15,648 acres of federal lands within the Marys River watershed are:

- 81 percent of federal lands are in LSR or RR within Marys River Watershed;
 - 98 percent of LSOG forests (5,365 acres) are within the network of reserved lands within the Marys River Watershed;
- 89 percent of federal lands are in LSR or RR within the Upper Alsea Watershed;
 - 97 percent of LSOG forests (16,750 acres) are within the network of reserved lands within the Upper Alsea Watershed;
- Very few acres (<130) of LSOG forests in the Marys River Watershed are in Matrix lands (not reserved) and could be available for regeneration harvest.

About 81% of these lands (12,674 acres) lie within reserve allocations from the Northwest Forest Plan (LSR and Riparian Reserve). Over 35% of the federal lands in the watershed are in LSOG forest conditions (>80 years old). Most of these older stands exist within a large block of Forest Service land on the east slope of Marys Peak (about 5 miles northwest). Ninety-eight percent of these older forest stands lie within the reserve allocations (5,365 acres) and are not subject to timber harvest, in accordance with the Salem District RMP (1995). There are less than 130 acres of LSOG forest (>80 years old) on BLM lands that are available for regeneration harvest (Matrix land allocation). A large percentage of the highest quality red tree vole habitat (approximately 98%) is in reserve land allocations that are not subject to timber harvest. The distribution of this habitat throughout the watershed should allow for RTV persistence through time (Wildlife BE, Appendix C-3).

Criteria 3: Sites are relatively well distributed within the species range.

The Rickard Creek project area lies in the central eastern edge of the Central Oregon Coast Range south of Highway 20 (Forsman et al. 2004). This portion of the red tree vole range shows numerous well distributed vole sites (2007 S&M FEIS, current GeoBOB data) and a strong presence of vole remains detected at spotted owl sites on this landscape (Forsman et al. 2004). Within the adjoining Upper Alsea and Marys River watersheds, vole sites appear to be well

distributed and show connectivity with areas of high vole density in the South Coast Range (Forsman et al. 2004, GeoBOB data). Based on the assessment of conditions within the Marys River watershed and adjacent federal lands, vole sites appear to be well distributed (Wildlife BE, Appendix C – 4).

Criteria 4: Matrix Standards and Guidelines or other elements of the Northwest Forest Plan provide a reasonable assurance of species persistence.

As stated above in Criteria 2, both the immediate area surrounding the Rickard Creek timber sale and the larger landscape that includes all the federal lands in the Marys River and Upper Alsea watersheds have a high percentage of well distributed and interconnected reserved lands that would provide a reasonable assurance of vole persistence.

On both LSR and RR land-use allocations, any LSOG forest stands (stands over 80 years old) are reserved from timber harvest in accordance the Northwest Forest Plan (1994) and Salem District RMP (1995). After the planned harvest of the Rickard Creek timber sale there would be 31 acres of the red tree vole Habitat Area that would be excluded from harvest (remaining as suitable habitat for red tree voles), and a majority of the large LSOG trees that were reserved from harvest would remain alive in the regeneration harvest unit. In the Marys River Watershed, red tree voles have been found in several young stands (28 to 40 years old) that lack any legacy tree component, but lie adjacent to an occupied LSOG forest parcel. With the abundance of large legacy LSOG reserved green trees remaining in the harvest unit (approximately 180 large diameter trees), its proximity to occupied habitat (31 acres) and additional adjacent unsurveyed LSOG stands (350 acres) that are likely occupied, it is reasonable to expect the re-establishment and dispersal of red tree voles in the harvested portion of the Rickard Creek timber sale unit within 30 years following harvest.

The 12-month finding on the listing petition for red tree voles contributed heavily to our analysis which concluded that red tree voles within the Rickard Creek timber sale area meet all criteria as a non-high priority site. The 12-month finding did not establish any new management requirements for federal agencies that manage red tree vole sites or their habitat. Alternative 2 and 4 would modify most (but not all) of the Habitat Area recommended for protection of red tree voles, but the localized effects to red tree voles and their habitat are unlikely to diminish the persistence of this species at the watershed scale (2012 EA, pp. 72 and 75).

The memorandum, the Non-High Priority Site Analysis for Rickard Creek (Appendix C of the Wildlife BE), and the concurrence letters received from the adjoining administrative units (Eugene District BLM and the U.S. Forest Service – Siuslaw National Forest) and the U. S. Fish & Wildlife Service are all available for public review at the Salem District Office.

Northern Spotted Owl

Comment 14: *The proposed action would reduce the amount of suitable habitat within the Oliver Valley owl site to 41.7%. Approximately 8.1% of this suitable habitat is currently located on private land and is likely to be logged soon. The BLM should implement an alternative that does not adversely affect the spotted owl.*

Response to 14: Formal consultation with the USFWS, as required under the Endangered Species Act, has been completed for this project area to specifically address the potential adverse affects on spotted owls. The biological opinion received from the USFWS concluded that the proposed action is not likely to “harm” spotted owls since the amount of available habitat within 1.5 miles of the owl site would remain above 40%. Other considerations that support this opinion include the high percentage of suitable habitat within the nest patch (98%) and core area (64%), and the lack of any documented evidence of spotted owls using the project area during the previous 21 year period of owl monitoring in this vicinity (2012 EA, pp. 67, 71).

Comment 15: *The suitable habitat within the Rickard Creek timber sale is being considered for critical habitat designation pursuant to the most recent FWS Proposed Critical Habitat Designation. An alternative should be designed which proceeds in the face of the areas’ designation as such.*

Response to 15: The Rickard Creek timber sale, including the adjacent BLM land in Section 29, has been excluded from the 2012 proposed spotted owl critical habitat designation. Prior critical habitat designations from 2008 and 1992 also excluded this project area from critical habitat designation (EA, p. 67).

Comment Letters

The comment letters listed here are directly addressed in the preceding response to comment. The BLM received eight comments letters on the 2012 EA and four comment letters on the 2009 EA. Additionally, a comment letter from Cascadia Wildlands on the 2007 EA⁶ has been included. All comments were read and subject to the content analysis process described above.

2012 EA

1. Andy Geissler, American Forest Resource Council
2. Nick Cady, Cascadia Wildlands
3. Reed Wilson, member of Benton Forest Coalition
4. Scott Keep, Seneca Sawmill Company
5. Mahogany Aulenbach, member of Benton Forest Coalition
6. Sole Leonard, member of Benton Forest Coalition
7. Doug Heiken, Oregon Wild
8. Rana Foster, member of Benton Forest Coalition

2009 EA

9. Mahogany Aulenbach

⁶ Cascadia Wildlands contended in their 2009 protest that BLM failed to respond to comments they submitted on the 2007 EA. BLM was unable to locate any record of receiving those comments. Cascadia Wildlands resubmitted the comments on the 2007 EA on April 20, 2012.

10. Sole Leonard, member of Benton Forest Coalition
11. Katy Stokes
12. Doug Heiken, Oregon Wild

2007 EA

13. Jay Lininger, Cascadia Wildlands