Rickard Creek Timber Sale

Final Decision and Decision Rationale for Rickard Creek Timber Sale

Environmental Assessment Number OR080-07-13

May 2009

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
Marys River Watershed
Benton County, Oregon

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BLM
Salem District

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.

BLM/OR/WA/AE-08/003+1792

I. Introduction

The Bureau of Land Management (BLM) has conducted an environmental analysis for the Rickard Creek Timber Sale Project, which is documented in the *Rickard Creek Timber Sale Environmental Assessment* (Rickard Creek Timber Sale EA) (EA# OR080-07-13) and the associated project file. The proposed action is to perform regeneration harvest on approximately 87 acres, commercial thinning on approximately six acres of General Forest Management Area (GFMA), and density management on approximately 21 acres of Riparian Reserves (RR) land use allocations (LUAs). A Finding of No Significant Impact (FONSI) was signed on March 11, 2008 and the EA and FONSI were then made available for public review.

II. Decision

I have decided to implement Rickard Creek Timber Sale as described in the proposed action (EA pp. 7 to 11), hereafter referred to as the "selected action". The selected action is shown on the map attached to this DR. This decision is based on site-specific analysis in the Rickard Creek Timber Sale EA, 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 (May 1995), which are incorporated by reference in the EA.

Changes to EA

In order to insure that skid tail construction during ground-based yarding will not increase OHV use in the project area after harvest operations are completed, this DR modifies the EA by including the following design feature:

- All skid trails would be blocked after harvest operations are completed.

In order to clarify impacts to soils in the project area, this DR modifies the EA with the inclusion of the following language to section *3.2.2.2 (ID team report incoporated by reference: Updated Soils water report pp. 1-11)**:***

- There are existing OHV trails in the project area. These trails are allowed under the current Resource Management Plan (RMP) and are not having long-term detrimental impacts to the soils resource. The project proposes to block off skid trails and decommission one rutted road that is currently being used by OHV riders. The placement of large debris in these trails would effectively close off the trails to OHV use. This would result in a net decrease in OHV disturbance in the project area.
- Existing OHV use in the area would be reduced by the decommissioning of one road and the skid trail closing work described above.
- Existing OHV use in the project area is not having a detrimental impact on water quality through sediment introduction to stream channels because the ruts do not generate sediment that reaches a water source. The proposed closing of the project skid trails and the decommissioning on one rutted road that is currently used by OHV riders will result in an overall decrease in OHV use in the project area. The existing OHV use is allowed under the current RMP.

Since the release of the Rickard Creek EA, the BLM has established updated guidance concerning compliance with the Migratory Bird Treaty Act. The following discussion updates the Affected

Environment and the Environmental Consequences of the Wildlife Issues section of the EA.

Affected Environment: All of western Oregon, including this project area, lies within the Northern Pacific Forests Bird Conservation Region. Within this region there are several migratory land birds which are considered Bird Species of Conservation Concern (BSCC) because they appear to be exhibiting downward population trends for several years (Altman 2008; Rich et al. 2004, USDI-FWS 2002). Thirty-three of the 88 landbird species that regularly occur in the Marys Peak Resource Area are considered BSCC species (See Table 1). Sixteen of the BSCC species have a high likelihood of occurring within the Rickard Creek project area. Incidental observations during marbled murrelet surveys and related field work have confirmed that two of these 16 BSCC species have nested within the project units; 8 have been confirmed present during the breeding season and are likely nesting; and 6 have a high likelihood of breeding but have not been confirmed present. See Appendix B of the Wildlife Report in Analysis File for all currently listed migratory birds and Species of Conservation Concern that occur in the Marys Peak Resource Area.

Table 1. Bird Species Likelihood of Occurrence within the Rickard Creek Project Area.

Bird Species Grouping	Within MPRA	Likelihood of occurrence in Project Area			
		High	Moderate	Low	Not Present
Bird Species of Conservation Concern	33	16	8	8	1
Other Regularly Occurring Landbirds	55	24	11	14	6
Total bird species	88	40	19	22	7

Environmental Consequences: In the central Oregon Coast Range the majority of birds complete their breeding cycle within the April 15 to July 15 time period, while some birds (eagles, owls, hawks, woodpeckers) begin breeding as early as February or March and others (flycatchers, finches) do not finish breeding until August. Due to the ubiquitous nature of breeding birds within their suitable habitat, it is reasonable to expect that soil disturbance (affecting ground-nesting birds) and vegetation manipulation may have a direct negative impact on bird nesting success if it occurs during the breeding season. Felling and yarding trees during the breeding season in the proposed units would likely destroy some nests and disrupt normal breeding behavior of any BSCC species that nest or forage in these units.

Following the harvest operations in the regeneration harvest unit (87 acres) the resulting habitat conditions would be unfavorable to some bird species, while benefitting those species that prefer open shrubby habitats that have a prominent snag component. The resulting habitat conditions within the thinning and density management units (27 acres) would still provide similar habitat conditions for species that might currently nest in those stands.

At the local scale (within 2 miles of project units: 10,580 acres), all forest seral stage and habitat conditions would continue to be present in the short-term. But bird species that are associated with late-seral and old-growth (LSOG) forest conditions are more likely to be negatively affected because LSOG forests would decline slightly, from 12% down to 11% of the local landscape (across all ownerships). The proposed action represents a very small proportion of the LSOG forests at the watershed scale (Marys River Watershed: 80,650 acres) where the cumulative loss on federal lands has reduced late-seral forests from 37% to 35.5% over the past 10 years (remaining well above the 15% threshold required by the Northwest Forest Plan). While this

proposed action does add to the incremental loss of LSOG forest, it does not exceed the cumulative effects analyzed within the Salem District RMP (USDI-BLM 1994). A recent analysis at the sub-regional scale of western Oregon anticipates a continued net recovery of LSOG forests (structurally complex stands) on federal lands over the next 50 years (USDI-BLM 2008).

Of the BSCC birds that utilize LSOG habitats, most species (besides the northern spotted owl and marbled murrelet which have been discussed elsewhere in the EA) are also found in other seral stages or utilize structural components (snags, hardwoods, etc) that are found in several seral stages. All of these BSCC species are widely distributed throughout the conifer-dominated forests of this Bird Conservation Region (Altman 2008). Thus, the potential negative impacts to BSCC bird populations resulting from the proposed action would likely be very minor and localized.

Decision Summary.

The following is a summary of this decision.

- Conduct regeneration harvest on approximately 87 acres of 77 year old stands within GFMA LUA.
- Conduct commercial thinning on approximately 6 six acres of 60 year old stands within GFMA LUA.
- Conduct density management on approximately 21 trees of 60 and 75 year old stands within RR LUA. The 21 trees will have trees removed within 60-80 feet.
- Road construction totaling approximately 2,990 feet will occur. Following harvest all of the new construction will be decommissioned.
- Road renovation totaling approximately 16,330 feet will occur. Approximately 15,900 feet of existing Roads 13-6-21, 13-6-32 and 13-6-29.1 will be surfaced with 4 to 8 inches of rock. Three culverts will be replaced on Road 13-6-21 and one culvert will be installed along Road 13-6-32.
- All design features and mitigation measures described in the EA (pp. 8 to 11)and modifications made as described in changes to EA will be incorporated into the timber sale contract.

III. Compliance with Direction:

This decision is in conformance with the Salem District's 2008 Record of Decision and Resource Management Plan (2008 ROD/RMP). The analysis supporting this decision tiers to the 2008 Final Environmental Impact Statement for the Revision of the Resource Management Plan of the Western Oregon Bureau of Land Management (2008 Final EIS).

Revision of a resource management plan necessarily involves a transition from the application of the old resource management plan to the application of the new resource management plan. A transition from the old resource management plan to the new resource management plan avoids disruption of the management of BLM-administered lands and allows the BLM to utilize work already begun on the planning and analysis of projects.

The 2008 ROD allowed for such projects to be implemented consistent with the management direction of either the 1995 resource management plan, as amended (1995 RMP), or the 2008 RMP, at the discretion of the decisionmaker.

This project is in compliance with the 1995 RMP, and meets the requirements designated in the 2008 ROD for such transition projects:

1. A decision was not signed prior to the effective date of the 2008 ROD.
2. Preparation of National Environmental Policy Act documentation began prior to the effective date of the 2008 ROD with a scoping letter on May 14, 2005 and the start of the EA comment period on March 17, 2008.
3. A decision on the project will be signed within two years of the effective date of the 2008 ROD.
4. Regeneration harvest would not occur in a Late-Successional Management Area or in a Deferred Timber Management Area.
5. There would be no destruction or adverse modification of critical habitat designated for species listed as endangered or threatened under the Endangered Species Act.

Since the planning and design for this project was initiated prior to the 2008 ROD, it contains certain project design features that are not consistent with the management direction contained in the 2008 RMP. Table 2 describes the design features not consistent with the 2008 RMP.

Table 2 . Design features which are consistent with 1995 RMP but not with 2008 RMP

Design Feature	Rickard Creek Project	2008 ROD
Width of the Riparian Reserve Land use allocation on fish bearing streams	two site potential trees or 420 feet	One site-potential tree height or 210 feet
Width of the Riparian Reserve Land use allocation on non-fish bearing perennial streams	One site-potential tree height or 210 feet	One site-potential tree height or 210 feet
Width of the Riparian Reserve Land use allocation on intermittent streams	One site-potential tree height or 210 feet	Half of one site-potential tree height or 105 feet
Stream protection zone on non fish-bearing intermittent streams	50 feet (EA p. 9)	35 feet (ROD p 38)
Green tree retention	Six to eight conifer trees per acre and all existing CWD will be retained to provide for structural diversity and wildlife values in the post-harvest stand.	No conifer trees or CWD will be retained

The 2008 ROD anticipated these inconsistencies and projected they would not alter the analysis of effects in the associated final environmental impact statement. The 2008 ROD anticipated that the primary inconsistency with the 2008 RMP would be the retention of merchantable material in regeneration harvest units for green tree retention, snags, and coarse woody debris where the management direction in 2008 RMP would direct the removal of all merchantable material. This type of inconsistency would result in less change to the current condition of the affected environment described in the 2008 EIS than if the project was consistent with the management direction in the 2008 RMP.

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

The analysis documented in the Rickard Creek Timber Sale EA is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS).

IV. Alternatives Considered

The EA analyzed the effects of the proposed action and the no action alternatives. No unresolved conflicts concerning alternative uses of available resources (section 102(2) (E) of NEPA) were identified. No action alternatives were identified that will meet the purpose and need of the project and have meaningful differences in environmental effects from the proposed action (EA Section 3.2). Complete descriptions of the "action" and "no action" alternatives are contained in the EA, pp. 18 to 42.

V. Decision Rationale

Considering public comment, the content of the EA 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, hereafter referred to as the selected action as described above. The following is my rationale for this decision.

1. The selected action:
   - Meets the purpose and need of the project (EA section 1.6), as shown in *Table 1*.
   - Complies with the Salem District's 2008 Record of Decision and Resource Management Plan (2008 ROD/RMP)
   - Will not have significant impact on the affected elements of the environment (EA FONSI pp. i to iii) beyond those already anticipated and addressed in the RMP FEIS.
   - Has been adequately analyzed.

2. 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 3*.

Table 3: Comparison of the Alternatives with Regard to the Purpose of and Need for Action (EA Section 2.4)

Purpose and Need (EA Section 1.6)	No Action (Alternative 1)	Proposed Action (Alternative 2)
Perform commercial thinning on suitable managed timber stands to promote tree growth and survival.	Does not meet this purpose and need. Individual tree growth and survival on suitable managed timber stands would not be achieved.	Reduces tree densities within stands to increase diameter growth and more open stand conditions to preserve limbs and high crown ratios. Increases species diversity and understory regeneration, shrubs, forbs etc.
Contribute to both the immediate and long-term sustainable supply of a marketable timber while maintaining future forest management options and protecting other resource values.	Does not meet this purpose and need. No timber harvest would occur under this alternative, thus no contribution to a supply of timber would occur.	Offers approximately 6,990 MBF of timber for sale through six acres of commercial thinning, 21 acres of density management and 87 acres of regeneration harvest.
Perform regeneration harvest on stands which have reached Culmination of Mean Annual Increment to produce maximum average annual growth over the lifetime of the timber stand and develop a desired age class distribution across the landscape.	Does not meet purpose and need. Maximum Mean Annual Increment for the timber stand would not be achieved. This stand would not contribute to the early successional component of the land base.	Creates an 87 acre regeneration harvest area. Harvest 87 acres of mature timber and start a new vigorous growing stand in the early seral age group. Over time, achieve the maximum mean annual increment for the stand.
In the riparian reserve, accelerate the growth of trees to restore large conifers to, enhance and restore habitat (e.g. CWD, snag habitat) and to improve structural and spatial stand diversity on a site-specific and landscape level in the long-term.	Does not meet purpose and need. Acceleration of growth on large conifers within RRs would not occur. Improved structural and spatial stand diversity would not occur beyond what would occur naturally. A lost opportunity to maintain and improve the structure and vigor of dominant and remnant trees in the riparian reserve area.	Creates patch openings with adjacent clumps of trees. Retains existing limbs on open grown trees through selective cutting of trees. Some larger diameter trees felled for safety or operational reasons will be retained for CWD. Increases the quality and value of wildlife habitat.
Provide an adequate transportation system to manage timber resources and serve other management needs in a safe and environmentally sound manner	Road construction and renovation is not needed under No Action Alternative.	Renovation of approximately 15,900 feet of road and road construction of approximately 3,000 feet of new road will occur, providing access to timber.
	Delay maintenance on feeder roads (13-6-32 and 13-6-29.1), the Beaver Creek Road (13-6-21) would be maintained.	Four culverts will be replaced and rock will be added to the haul route which leads to less erosion.

VI. Public Involvement/Consultation/Coordination

Public 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.

- To solicit comments on the proposed project, a description of the project was included in all project updates since June 2005.

EA and FONSI Comment Period and Comments:

The EA and FONSI and/or notice of availability of the EA were made available for public review March 17, 2008 to April 15, 2008. Eight comment letters [Oregon Wild, American Forest Resources Council, Reed Wilson, Rana Foster, Howard Stokes, Francis Stillwell, Mahogany Aulenbach and and C.L. Plotner**]** were received. Responses to their comments can be found in Appendix A of the Decision Rationale.

Consultation/Coordination:

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. Consultation for this proposed action was facilitated by its inclusion 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 2009 and 2010. The resulting Biological Opinion (issued 4/2/2009; Reference #13420-2009-F-0012; USDI-FWS 2009), concluded that this action would not result in jeopardy to listed species and would not adversely modify critical habitat for any species. This proposed 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: US Department of Commerce National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS)
A determination has been made that the proposed project will 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 2 miles to project activities. Due to the "no effect" determination this project will not be consulted upon with the NOAA NMFS.

Consultation with NOAA NMFS is required for projects that 'may affect' listed species. Protection of EFH (Essential Fish Habitat) as described by the Magnuson/Stevens Fisheries Conservation and Management Act and consultation with NOAA NMFS is required for all projects which may adversely affect EFH of Chinook salmon. The proposed Rickard Creek Timber Sale Project is not expected to affect EFH due to distance of all activities associated with the project from occupied habitat.

VII. Conclusion

I have determined that change to the Finding of No Significant Impact (FONSI – March 2008) for the Rickard Creek Timber Sale is not necessary because I've considered and concur with information in the EA and FONSI. The comments on the EA were reviewed and no information was provided 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. There are no significant new circumstances or facts relevant to the selected action or associated environmental effects that were not addressed in the EA.

Protests: In accordance with Forest Management Regulations at 43 CFR 5003.2, the decision for this timber sale will not become effective or be open to formal protest until the Notice of Sale is published "in a newspaper of general circulation in the area where the lands affected by the decision are located". Protests of this sale must be filed within 15 days of the first publication of the notice. For this project, the Notice of Sale will be published in the *Gazette Times* newspaper on or around May 27, 2009. The planned sale date is June 24, 2009.

Contact Person: For additional information concerning this decision, contact Phil Sjoding (503) 315-5980, Marys Peak Resource Area, Salem BLM, 1717 Fabry SE, Salem, Oregon 97306.

Approved by: Trish Wilson 5-22-09

Trish Wilson
Marys Peak Resource Area Field Manager

Date

VIII. Appendix A: Response to Public Comments Received on the Rickard Creek Timber Sale (EA#OR080-07-13)

Eight letters were received commenting on the Rickard Creek Timber Sale Environmental Assessment. Although the letters communicated a number of issues and opinions on forest management in general, the response to comments below only discusses those specifically directed to the Environmental Analysis which was made available for public review from March 17, 2008 to April 15, 2008. Comments are in *italics*. The BLM response follows each comment.

The following table shows how land use allocations changed within the Mary's River watershed from the 1995 RMP to the 2008 RMP.

Table 4: Comparison of LUA acreages within the Mary's River Watershed between 1995 RMP and 2008 RMP

1995 RMP		2008 RMP	
Adaptive Management Areas (less riparian reserves)	36 acres	Administratively Withdrawn	345 acres
General Forest Management Areas (less riparian reserves)	2513 acres	Timber Management Areas	3810 acres
Late Successional Reserve (less riparian reserves)	377 acres	Late Successional Management Areas	455 acres
Riparian Reserves (estimate)	3670 acres	Riparian Management Areas	1855 acres
		Deferred Timber Management Areas	114 acres

Also, 17 percent of the Marys Peak Resource Area is Timber Management Area under the 2008 RMP.

Oregon Wild, Doug Heiken
Received April 15, 2008

1. **Comment:** *Given the sub-prime mortgage crisis which is expanding into a broader credit crisis, plus declining residential real estate values in most US markets, and a looming recession, the market for timber is very bad. There is no "immediate" need (EA p 6) for the federal government to put wood on the market when demand is so low.*

Response: The Rickard Creek Timber Sale is scheduled to be sold in June 2009 with a three year contract length. The project is included in the Fiscal Year 2009 Salem District Sale Plan to help meet the annual allowable sale quantity within the Matrix LUA as required by the RMP (p. 46). The deferral of the project would not meet the following purpose and need of the project (EA Section 1.6):

> To contribute to both the immediate and long-term sustainable supply of timber and other forest products which would contribute to local and state economic diversity, as described in the RMP (pp. 20 and 46 to 48) while maintaining future forest management options and protecting other resource values.

In addition, the BLM timber sale planning process is scheduled according to quarterly sale dates on a yearly basis. Market fluctuations (high or low) have not historically influenced the marketability of timber sales within the BLM Salem District. Considering the project will be offered for sale with a three year contract period and that BLM Salem District timber sales have a historical high rate of being sold and awarded, we believe the Rickard Creek Timber Sale will be successfully sold in June of 2009 and implemented within a three year contract period.

2. **Comment:** *BLM considered only one action alternative and the no action alternative. NEPA requires consideration of all reasonable alternatives.*

Response: The purpose and need statement dictates the range of alternatives, because action alternatives are not "reasonable" if they do not respond to the purpose and need for the action. The range of alternatives explores alternative means of meeting the purpose and need for the action. As stated in the NEPA Handbook (p. 36)**,** the purpose and need statement helps define the range of alternatives. The decision maker must analyze those alternatives necessary to permit a reasoned choice (40 CFR 1502.14).

3. **Comment:** *The EA (p. 7) says that "no unresolved conflicts were identified" concerning alternative uses of resources. This is a very surprising conclusion given all the ongoing social controversy and scientific attention focused on how to protect spotted owls, and how to store more carbon in forests and/or reduce carbon emissions from forests, etc.*

Response: We agree that the issue of how to protect and manage northern spotted owls has received a substantial amount of interest in the Pacific Northwest for the last 15 to 20 years. The adoption of the 1995 RMP was the culmination for meeting the need to protect and enhance habitat for species that in-habit late successional forest. Late Successional Reserves and RR LUAs were developed in the 1995 RMP to meet the objectives of protecting existing habitat and enhancing and developing future habitat for late successional species.

The area where Rickard Creek Timber Sale Project is located consists of the Matrix and Riparian

Reserve LUAs. The Matrix LUA objectives are to contribute to both the immediate and long-term sustainable supply of timber and other forest products which will contribute to local and state economic diversity while maintaining future forest management options and protecting other resource values.

As stated in the EA (p. 35) "This proposed action is considered to be a "may affect, but not likely adverse affect" to northern spotted owls. The planned regeneration harvest will remove 87 acres of suitable foraging habitat for the northern spotted owl, but this loss will occur beyond the likely home range (1.5 miles) of any known active northern spotted owl site. Also, the continued presence of breeding barred owls in this vicinity is likely to preclude any substantial use of this area by northern spotted owls (Gutiérrez et al. 2007). Dispersal habitat conditions for northern spotted owls on BLM-managed lands within two miles of the proposed project area will incur a negligible drop from 84 percent to 81 percent following harvest, remaining well above 50 percent threshold for concern.

The following is new information since release of the Rickard Creek Timber Sale EA. As stated in the 2008 FEIS (pp. 537 to 539) Under the Proposed Resource Management Plan (PRMP) and all alternatives, total carbon storage would increase over time from current levels. The annual increase in carbon storage under all alternatives over the next 100 years would represent less than 1% of the current increase in carbon storage in forests and harvested wood nationally. The PRMP would average an annual accumulation of 0.96 million tonnes of carbon over the next 100 years. All alternatives would result in an increase in total carbon storage, in large part because all alternatives would increase the abundance of mature and structurally complex forest, which store more carbon than young or stand establishment forests. All of the alternatives would continue to constitute 1% of the total carbon currently stored in forests and harvested wood in the United States and 0.02% of total carbon currently stored in vegetation, soil, and detritus globally.

4. **Comment:** *BLM has misread the RMP, which discourages BLM from cutting before culmination, but does not prevent BLM from cutting later than culmination.*

Response: It is true that CMAI could very likely be extended by thinning this stand. By thinning, individual trees will respond to the additional growing space with increased growth. Thinning extends the period of maximum growth, and growth does not slow until competition again increases or the trees get so old their growth slows as vigor declines. However, the direction in the RMP for timber resources in Matrix LUA (p. 48) is not to extend CMAI indefinitely, but to manage using regeneration harvests timed at CMAI of a well-stocked stand. Regeneration harvest maximizes mean annual growth.

5. *This project violates the spirit (if not the letter) of the Northwest Forest Plan requirement that 15% of each 5th field watershed be retained as late successional forest. Page 32 of the EA admits that this stand is beginning to exhibit late successional forest characteristics, yet only 3% of the Mary's River Watershed and only 12% of the "vicinity" is late successional forest.*

Response: You have misinterpreted the 15% rule. The 15% rule is specific to percentage of late successional forest on Forest Service and BLM lands within a 5th field watershed. The 3% figure includes total lands within the watershed and is not specific to Forest Service and BLM. We clearly understand the importance of late successional forest on the landscape. As stated on page 39 of the EA, "The harvest of this stand represents a loss of potential late seral forest conditions within this watershed, where the cumulative loss on federal lands has reduced late seral forest

conditions from 37 percent to 35.5 percent over the past 10 years (remaining well above the 15 percent threshold required by the 1995 RMP). While this proposed action does add to the incremental loss of late seral forest recruitment, it does not exceed the cumulative effects analyzed within the Salem District RMP (USDI-BLM 1994)."

6. *A new programmatic EIS is needed to address the significant new threat that barred owls pose to spotted owls, to address the fact that barred owls displacement means that spotted owl populations are now partially decoupled from suitable habitat, and to consider alternatives such as protecting additional suitable habitat (such as this stand) which will increase the likelihood that spotted owls and barred owls can co-exist and decrease the likelihood of competitive exclusion. The EA implies that the stand would not provide benefits to spotted owls because the stand is occupied by barred owls, but this conclusion fails to recognize that barred owls may not continuously occupy this stand due to natural population dynamics and/or population control efforts which are being actively discussed*

Response: About 90 percent of the BLM managed lands within the Marys Peak Resource Area are managed as Late-Successional Reserves or RR LUA. Late-Successional Reserves are managed for the benefit of late-successional species including northern spotted owls. Protecting more habitats to benefit northern spotted owls is beyond the scope of this project. We agree that barred owls may not continuously occupy this stand, but their current presence diminishes the immediate direct effects of this action to northern spotted owls, especially since there are no active northern spotted owl sites within 1.5 miles of this project area.

We have stated that this action "may affect" northern spotted owls and therefore it was subject to Section 7 Consultation as prescribed by the Endangered Species Act (ESA). Consultation for this proposed action was facilitated by its inclusion 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 2009 and 2010. This consultation was completed when the U.S. Fish and Wildlife Service provided a Biological Opinion (FWS Reference Number 13420-2009-F-0012), that issued incidental take and concluded that the collective actions would not jeopardize the spotted owl or any other listed wildlife species. Their opinion was reached after the Service published a Final Northern Spotted Owl Recovery Plan in June, 2008 and a Final Rule for Northern Spotted Owl Critical Habitat in July, 2008. These two documents have addressed the concern regarding the effects barred owls, and the recent Biological Opinion has not required any new design features to be incorporated into this project.

7. *Climate change and the carbon consequences of logging and forest conservation represent significant new information that was not adequately considered in any programmatic NEPA analysis. Regeneration logging of this site will result in a relatively large net pulse of carbon to the atmosphere at a time when we should be taking every necessary step to reduce carbon emissions. This logging project needs both programmatic and site-specific carbon/climate analysis*.

Response: In accordance with (40 CFR 1508.9), EA's are prepared in order to "briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact." As documented in the FONSI dated, March 11, 2008, a finding was made by the Field Manager that "Based upon review of the EA and supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other

actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed."

In addition as stated in 40 CFR Part 1500.1 (b), "…Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail." And (c), "…NEPA's purpose is not to generate paperwork-even excellent paperwork-but foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore and enhance the environment."
The following is new information since release of the Rickard Creek Timber Sale EA. As stated in the 2008 FEIS (pp. 537 to 539) Under the Proposed Resource Management Plan (PRMP) and all alternatives, total carbon storage would increase over time from current levels. The annual increase in carbon storage under all alternatives over the next 100 years would represent less than 1% of the current increase in carbon storage in forests and harvested wood nationally. The PRMP would average an annual accumulation of 0.96 million tonnes of carbon over the next 100 years. All alternatives would result in an increase in total carbon storage, in large part because all alternatives would increase the abundance of mature and structurally complex forest, which store more carbon than young or stand establishment forests. All of the alternatives would continue to constitute 1% of the total carbon currently stored in forests and harvested wood in the United States and 0.02% of total carbon currently stored in vegetation, soil, and detritus globally.

8. **Comment:** *The EA says that this project has no effect on environmental justice, but this assertion conflicts with the reality that logging this mature forest will exacerbate climate change and climate change is expected to have disproportionate impacts on low income and less developed communities. IPCC says "Adverse health impacts will be greatest in low-income countries. Those at greater risk include, in all countries, the urban poor, the elderly and children, traditional societies, subsistence farmers, and coastal populations.*

   Response: The potential environmental affects the Rickard Creek Timber Sale Project will have on climate change (if any), and its disproportionate impacts on income and communities is beyond the scope of this project (see response #7).

9. **Comment:** *The snag habitat standards in the current Salem RMP are based on biological potential but this method is scientifically discredited. BLM needs to prepare a new programmatic EIS to consider the impacts of its outdated snag standards and to consider alternatives that will do a better job of providing the ecosystem services offered by snags and dead wood.*

   Response: Setting a new standard for management of CWD is beyond the scope of this EA. However, the BLM is not relying on out-dated science concerning management of snags and down logs. Several up-to-date references for CWD have been reviewed and are cited in the Biological Evaluation of wildlife resources for the Rickard Creek Timber Sale project. As noted in the EA, the post-harvest CWD component would remain at moderate to high levels for this landscape since existing snags and logs are reserved from harvest and since high quality snags and down logs would be recruited from reserved green trees due to post-harvest mortality (Busby et al. 2006, Halpern and Halaj 2005).

10. **Comment:** *The EA (p. 14) says that one of the objectives of this project is to accelerate the*

development of CWD and snag habitat, but this ignores the fact that thinning will capture mortality and increase vigor and result in a significant reduction and delay of recruitment of CWD and snags.

Response: The statement on page 14 that you are referring to is specific to RR LUA, in which thinning will not occur . Another statement on page 14 which is specific to commercial thinning is "Perform commercial thinning on suitable managed timber stands to promote tree growth and survival." The design features for commercial thinning and density management are appropriate for the LUA's in which they occur.

11. **Comment:** *The EA (p. 35) describes the effects of the proposed action as "recruitment of new CWD of larger size and higher quality" but the EA fails to disclose and consider the effects of "captured mortality" from thinning, and the "snag gap" from regen harvest. The EA gives great credit to CWD recruitment from reserved trees but fails to disclose the long-term consequences of reduced CWD recruitment from a pool of 9 to 11 trees per acre after regen harvest vs. a pool of 70 to 100 tpa after no action or thinning.*

Response: The BLM has considered the many values of snags and down wood, and the EA discusses both snag and down log retention on Pages 10 and 33. Stand inventories found over 4,210 linear feet of down logs and 32 snags per acre in the regeneration harvest area. While some of this material may be damaged or lost during harvest, the EA (p. 33) states that "the CWD component would remain at moderate to high levels for this landscape since existing snags and down logs are reserved from harvest, and since high quality snags and down logs would be recruited from reserved green trees due to post-harvest mortality".

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12. **Comment:** *Removing trees from riparian reserves will reduce the recruitment of large wood to streams and nearby forests thereby retarding attainment of ACS objectives in violation of the Salem RMP. The riparian reserves were intended to serve two purposes, aquatic and terrestrial. The new road in the riparian reserve would violate the purpose of the ACS to maintain natural conditions in riparian reserves, especially ACSO #8 (structural diversity of plant communities).*

Response The proposed riparian treatments are intended to directly benefit the riparian stands. The proposed action within the RR LUA was specifically described on pp. 9 to 10 to be limited to the following "Within the density management areas, trees within 60 to 80 feet of dominant overstory trees will be cut (gap created). These gaps will average up to one per two acres. The cut trees will be harvested". These treatments were intended to enhance a limited number of trees to increase crown ratio and diameter. In the development of the proposed action, thinning of the RR LUA was considered and several supporting documents included commercial thinning treatments in the RR LUA (eg. fisheries). However, the final project proposal did not include commercial thinning in the RR LUA, actions will be limited to gap and individual tree enhancements consistent with the design features.

The fisheries analysis indicated that no impacts to riparian LWD or CWD recruitment will be anticipated (p. 30). The fisheries analysis identified several tributaries in the project area, where no treatments will occur within 1 site potential tree height of the stream. Actions within one site potential distance from stream channels were not anticipated to affect woody debris recruitment due to distance of treatments and terrain to which treatments are located.

The fisheries analysis also included discussion of thinning treatments in the riparian of an eastern draining tributary. The commercial thinning aspects of the project have been dropped, with only gaps and individual tree treatments proposed, hence lesser impacts may occur in this portion of the project area than analyzed. Treatments in the eastside of the project area will not occur closer than 50 feet from stream channels and actions were not on steep slopes. The fisheries analysis did not anticipate any short-term or long-term negative impacts. The existing stand within the SPZs will continue to recruit small woody debris. In the long-term, beneficial growth in the size of individually released trees in RR LUA could beneficially affect LWD recruitment to the stream channel, thus potentially improving the quality/complexity of aquatic habitat adjacent to the treatment areas in the future.
The new road within RR LUA is temporary, and is purposely located on the opposite side of a ridge and stream so as to not affect the maintenance and restoration of species composition and structural diversity of plant communities in riparian areas and wetlands.

13. **Comment:** *With the Western Oregon Plan Revision (WOPR), BLM plans to throw the Northwest Forest Plan out the window. This represents significant new information and dramatically increases the value of all remaining mature and old-growth forest in the Coast Range. BLM should defer all regeneration harvest until the Western Oregon Plan Revision is resolved.*

Response: The LUAs adopted in the 2008 ROD/RMP where the Rickard Creek Timber Sale Project is located did not substantially change from the 1995 RMP (see Table 2). To defer regeneration harvest would not meet the purpose and need of the 2008 ROD/RMP. The amount of remaining old growth forest in the coast range is not expect to change under the 2008 ROD/RMP. No harvest of 160 year or older forest will occur for the next 15 years. The amount of LSMA doesn't substantially change in the coast range under the 2008 RMP vs LSR under the 1995 RMP.

14. **Comment:** *The EA says that this stand is being regenerated because it has reached the CMAI. First of all BLM could extend CMAI by thinning this stand and should have considered such an alternative. Second, Congressman Peter DeFazio is considering new legislation (posted on his website but not yet introduced) that would prohibit logging of trees and stands that have reach CMAI. This new approach should be considered as a reasonable alternative.*

Response: The need for regeneration harvest is based on the Stand Projection System (SPS) growth model that indicates that the 77 year old stand reached CMAI at about age 76. According to the RMP (p. Appendix D-1), a regeneration harvest is appropriate for stands that have reached CMAI in the approximate age of 70 to 110 years.

As the EA states (P. 12) **"**An alternative that would commercially thin the proposed regeneration harvest area was considered. The stands proposed for regeneration harvest have met culmination of mean annual increment (data indicates the stands have produced the maximum average annual growth over the lifetime of a timber stand)". It is true that CMAI could very likely be extended by thinning this stand. By thinning, individual trees would respond to the additional growing space with increased growth. Wider spacing progressively delays maximum growth, because growth does not slow until competition again increases, or when trees began to senesce from age. However, the direction in the RMP for timber resources in Matrix LUA (p. 48) is not to extend CMAI indefinitely, but to manage using regeneration harvests timed at CMAI of a well-stocked stand.

Thinning the stands would not meet the purpose and need of the project as the RMP(p. 48) states "to schedule regeneration harvests to assure that, over time, harvest will occur in stands at or above the age which produces maximum average annual growth over the lifetime of a timber stand". Subsequently, this alternative was not analyzed.

According to your information, Congressman Peter DeFazio is "considering" legislation to prohibit logging within stands that have reached CMAI on federal lands. Since the bill has not yet been introduced nor signed into law, the BLM cannot legally implement this approach at this time.

15. **Comment:** *The project area has numerous trails created by off-road vehicles. These trials are harmful to soils and water and wildlife. BLM should be enforcing rules to limit their damage. This logging project will adversely affect the recreation experience and the combination of logging and "dirt bikes" will cause cumulative adverse impacts on soil, water, and wildlife.*

Response: The EA (p. 38) states, "Current recreation use of the project area would be restricted in the short-term during operations. Use of the project area is expected to remain constant upon completion with the exception of the decommissioned road segment 13-6-29.1. Closing this road may shift use to other areas". The BLM anticipates that OHV use in the project area may be reduced. Further analysis as discussed on pages 1 and 2 of this document found no change in cumulative effects on soils and water as a result of OHV. In view of the fact that there are no special status species in the project area, there would be no cumulative effects to wildlife as a result of this project.

16. **Comment:** *The EA fails to specify what a well-distributed pattern of early, mid and late seral forests would be and how this logging would contribute to it".*

Response: The RMP (p. 46) prescribes management direction for timber resources in the Matrix LUA to "Maintain a well-distributed pattern of early, mid- and late-successional forest across the matrix." The direction applies to spatial distribution, as no direction is given for relative proportion. "Well-distributed" is not further defined in the RMP. It is considered a guideline to avoid aggregations of any one seral stage and was applied at the project level by examining spatial adjacency of the three forest age classes. The stands in the Rickard Creek project are currently mid-seral forest (40 to 79 years), are approaching late-seral (80+ years), and a portion will become early seral forest (0 to 39 years) after harvest, so a look at all three classes was involved (EA p. 33).

The spatial adjacency or pattern of late-successional habitat is currently determined by existing late-successional habitat maintained to meet 15 percent of the watershed on federal lands(EA p. 39). The pattern of late-successional forest will also be determined by the network of Riparian Reserve LUA adjacent to the Matrix. That portion of the 77-year old stands within the project area that are in the RR LUA will remain and become late-successional forest.

The Rickard Creek project lies within a 520-acre parcel (Township 13 South, Range 6 West, Section 29) of BLM-managed land bounded by private lands. Section 29 contains 32 acres of late-successional stands and another 45 acres occur about a half-mile from the project area on BLM-managed land in Section 21. The IDT concluded that adequate late-successional forest exists in the project area to meet a well-distributed pattern, without the potential addition of the Rickard Creek stands.

Mid-seral habitat which includes the Rickard Creek stands, are very abundant in the vicinity of the project area, making up 488 acres of the 520 acres of BLM-managed lands in Section 29, and a majority of BLM-managed lands in the nearest sections to the south, west and northwest. The IDT also considered the adjacency of existing early seral forest to the project area. As noted (EA p. 39), the BLM has conducted regeneration harvest on five units in the Marys River Watershed over the past 10 years, totaling 145 acres (two percent of BLM-managed land in the Marys River Watershed). Nine acres of that occurs within the sections nearest the project area, or within approximately 2 miles. Within the last 15 years about 115 acres of regeneration harvest occurred within the nearest sections. The pattern of seral stage distribution led to the conclusion that within the vicinity of the project area, the RMP direction would not be best met through the no-action alternative.

17. **Comment:** *The EA says that failure to conduct density management would forgo "improvement of stand structure" in the riparian reserves. What's the definition of "improvement"? Riparian areas are supposed to be managed for aquatic objectives which are primarily benefited from shade and large wood inputs. Density management may improve some aspects of terrestrial ecology (large trees) but it will decrease both shade and large wood inputs to both aquatic and terrestrial systems. By reducing shade and capturing mortality density management therefore degrades rather than improves stand structure.*

Response: The improvement refers to the discussion in the EA, p. 44: "Density management would restore watershed conditions by providing a gradual transition in structural characteristics of the treated stands that would more closely resemble late seral forest and promote stand diversity, provide more light to accelerate growth of selected conifers and promote species diversity." Similarly, on page 20: "Deferring the density management treatment would result in the delay in enhancement and maintenance of some dominant and remnant trees (removing nearby trees in 0.25 acre gaps) and the improvement of stand structure in the RR LUA."

Specifically, the effects to shade are addressed in the EA (p. 27): "For the protection of stream channels and aquatic resources, riparian buffers or no-treatment zones were applied to all stream channels and high water table areas (small wetlands, ponds, marshes, etc.) in the project area. Stream shading would exceed the widths recommended to maintain a minimum of 80 percent effective shade resulting in no change to water temperature from the activities proposed in this project." Two stream reaches along the north side of the project area would be protected by SPZs. No changes in primary or secondary shade zones associated with these streams are anticipated, therefore, no effect to stream temperature would occur."

Specifically, large wood inputs are addressed in the EA (p. 30): "With the protection of one site potential tree buffer width in the RR, CWD and LWD recruitment is not anticipated to be affected by the proposed action" With density management: "in the short–term, the smaller woody debris would continue to fall from within the untreated SPZ, and larger wood would begin to be recruited from farther up the slopes as the treated stands reach heights of 200 feet. Thus, wood with a larger range of sizes would potentially be recruited into streams over the long-term in treated stands. As short-term recruitment of the existing CWD is expected to be maintained, the proposed action is not expected to affect fish habitat downstream. In the long-term, beneficial growth in the size of trees in RR LUA could beneficially affect LWD recruitment to the stream channel, thus potentially improving the quality/complexity of aquatic habitat adjacent to the treatment areas in the future."

18. Comment: *The EA says that regen harvest will result in a vigorous young stand of trees, but the EA skips a step. Before a young stand is established, regen harvest results in a soil and vegetation wasteland.*

Response: The EA addressed effects to soils and associated vegetation. As stated in the EA (p. 24), "The proposal includes broadcast burning of the skyline yarding area. This burned area would be expected to re-establish vegetation entirely within one to two growing seasons. No burning would occur within SPZs and the remaining vegetated buffer would filter out any sediment delivered from upslope areas. Broadcast burning would be completed at a time of the year when soil moistures are higher and the soil is not likely to be impacted by the low intensity heat generated from the burning. This lower heat type of burn does not kill the shallow roots of shrubs and forbes and the short-term flush of nutrients from the ash helps to generate a more healthy understory component in the area (Reference: Piatek, K., B., 2003. Site Preparation Effects on 20 Year Survival and Growth of Douglas -Fir and on Selected Soil Properties. Western Journal of American Forestry (WJAF -18), p 44 to 51.). It is not expected that any additional erosion would occur. Thus there would be no impact to sediment generation or nutrient levels available to the remaining vegetation (which would maintain the productivity of the stand)." In addition, planting will occur soon after logging and slash treatment occurs.

19. Comment: *The description of effects on vegetation fails to note that the construction of a spur road in the riparian reserve will greatly reduce recruitment of large trees and snags in that area. This is a violation of the ACS (objective #8) which requires that growing large trees in riparian reserves not be retarded.*

Response: The EA analysis (p. 31) indicates the proposed new road construction will not impact aquatic habitats. The new road that will be constructed in the RR LUA will be located so as to drain away from the nearby fish bearing stream. Construction will not occur closer than 300 feet from stream channels, and is outside of the primary and secondary shade zones. In addition, this spur road is temporary and that the spur road affects a very small area and that snag management guidelines are not intended to be evaluated on each and every acre, but rather are assessed over larger portions of the project area.

20. Comment: *The EA states there's no evidence that surface soil erosion occurs where slash is burned (it's easily observable at most logging sites after burning)*

Response: The EA (p. 24) and some clarifying information describes effects on surface soil erosion as a result of burning as follows:

"Observations over three decades of burning piled slash in this area of the Oregon Coast Range has resulted in no evidence of surface erosion from areas where piled slash has been burned. Based on this local experience, no increase in surface erosion is expected from this proposed activity.

The proposal includes broadcast burning of the skyline yarding area. This burned area would be expected to reestablish vegetation entirely within one to two growing seasons. No burning would occur within SPZs and the remaining vegetated buffer would filter out any sediment delivered from upslope areas. Broadcast burning would be completed during the spring or early summer season, a time of the year when soil moistures are high and the soil is not likely to be impacted by the low intensity heat generated from the burning. Fuel conditions during "spring broadcast

burns" are such that only the finer fuels are available to burn (generally only the 1" diameter and smaller fuels are consumed to any great extent. Only a small fraction of the fuels larger then 1" diameter are burned). This low consumption of fuel results in a lower fire intensity and more importantly a very short fire duration. The flaming phase of the fire will generally be less then 10 minutes for most areas of the burn. The smoldering phase will last longer but generally within 20 to 30 minutes the fire will be out over the majority of the area within a burn strip. Research and past experience both have shown that short duration of the burning phase and high soil moisture content result in very minimal soil heating. (Barnett, Dwight., 1989 Fire Effects on Coast Range Soils of Washington and Oregon and Management Implications. USDA R-6 Soils Technical Report). Much of the compacted duff and litter will remain as do the shallow roots of shrubs and forbes. The short-term flush of nutrients from the ash helps to generate a more healthy understory component in the area (Reference: Piatek, K., B., 2003. Site Preparation Effects on 20 Year Survival and Growth of Douglas -Fir and on Selected Soil Properties. Western Journal of American Forestry (WJAF -18), p 44 to 51.). It is not expected that any additional erosion would occur. Thus there would be no impact to sediment generation or nutrient levels available to the remaining vegetation (which would maintain the productivity of the stand).

With slash and existing undergrowth being left on nearly all of the ground based yarding areas no measurable amounts of surface erosion are expected from the forested lands treated under this proposed action."

21. Comment: *The EA states the project is not located in areas prone to extreme precipitation events (it's in the Oregon Coast Range!)*

Response: The hydrology analysis describes in the EA (p. 25) that the project area is located in the Oregon Coast Range and receives between 75 and 80 inches of rain annually. The project area description also includes the fact that the area is located 30 miles from the coast and is situated on the east side of the Oregon Coast Range summit. These 2 factors along with the areas elevation (below 1300 feet) leave it less prone to the effects of extreme precipitation driven flood events (rain-on snow type events).

22. Comment: *Short-term recruitment of LWD would be maintained and in the long-term thinning would beneficially affect LWD recruitment in riparian reserves; (Models show otherwise. Thinning captures mortality and increases vigor, thereby reducing and delaying recruitment of LWD.)*

Response: There will be no thinning in riparian reserves. The proposed action within the RR LUA was described in the EA (pp. 9, 10) to be limited to the following:

- Trees within 60 to 80 feet of dominant overstory trees would be cut (gap created). These gaps would average up to one per two acres. The cut trees would be harvested. These treatments were intended to enhance a limited number of trees to increase crown ratio and diameter.
- Inputs of CWD would be achieved by indirect harvest activities (e.g. breakage, limbs and tops). In addition up to two trees per acre that are intended to be part of the residual stand but are incidentally felled or topped (i.e. tailtrees, intermediate supports, guyline anchors, hang-ups) would be left on site to function as CWD. The trees which are intended to be retained as CWD would be stand average diameter breast height outside bark (DBHOB) or larger.
- There would be no gaps within 50 feet of streams.

In the development of the proposed action thinning of the RR LUA was considered and several supporting documents included commercial thinning treatments in the RR LUA (e.g. fisheries). However, the final project proposal did not include commercial thinning in the RR LUA, (actions will be limited to gap and individual tree enhancements consistent with the design features from pp. 9 and 10). Large wood inputs are addressed in EA (p. 30): "With the protection of one site potential tree buffer width in the RR LUA, CWD and LWD recruitment is not anticipated to be affected by the proposed action."

23. Comment: *The EA asserts that this project would not likely affect the persistence of the red tree vole in this watershed (This ignores the fact that late successional forests (most suitable for red tree voles) make up less than 3% of the Mary's River watershed).*

Response: As stated in the EA (pp. 35 to 36) **"**No known special status wildlife species are known to occur within the planned harvest areas. The red tree vole may likely occur within the proposed harvest areas and adjacent older forest patches. This species has been removed from special status species wildlife lists because it has been found to be common and well distributed within the watershed in this portion of its range (USDA-FS and USDI-BLM 2007). While the loss of individual red tree voles is possible due to regeneration harvest, the proposed action would not affect the persistence of this species within this watershed".

Though not a special status species, the following design features will protect potential red tree vole habitat:

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

- ✓ Within the regeneration harvest unit, between 9 and 11 trees per acre will be reserved from harvest to meet the following objectives:

    - Green Tree Retention. Six to eight conifer trees per acre, (representative of the co-dominant and dominant trees), will be retained to provide for structural diversity and wildlife values in the post-harvest stand. Preference in green tree selection will be given for those trees located safely away from landings and right-of-ways, and for the oldest trees, or trees with complex structure, crown defects, deeply furrowed bark, or which have visible nest structures.
      .
    - Future snags and down logs. Two conifer trees per acre will be retained to minimize the potential deficit of large hard snags and down logs in the post-harvest stand. Site preparation and post harvest processes (e.g. wind, bugs, disease) will likely convert some or all of this allotment into snags and down logs within the first decade.
    - Habitat Diversity. Up to one hardwood tree per acre (primarily large big-leaf maples) will be retained to provide for post harvest wildlife habitat diversity. All other hardwoods will be felled and could be removed.

- ✓ Reserve snags, trees with high wildlife value, and coarse woody debris (CWD) where possible.

- ✓ Reserve all trees over 40 inches DBHOB where possible.

It should also be noted that as stated on page 39 of the EA, "The harvest of this stand represents a loss of potential late seral forest conditions within this watershed, where the cumulative loss on federal lands has reduced late seral forest conditions from 37 percent to 35.5 percent over the past 10 years (remaining well above the 15 percent threshold required by the 1995 RMP).

24. Comment: *Regen logging will make it easier to walk through and hunt. (Recent clearcuts full of mud and slash and dense young plantations are among the least walkable forest types. Mature forest with a dense canopy and patchy understory is much better in that regard.)*

Response: We agree that walking may be easier now than after harvest.

25. Comment: *In case nearby Hull-Oakes Lumber Company bids on this sale, BLM must consider the consequences of this timber sale perpetuating the Hull-Oakes Lumber Company mill and their in-stream log pond that causes an ongoing blockage of passage for native cutthroat trout, as well as in-stream temperature increases due to boiler discharge. BLM needs to analyze this effect because this is a connected-action directly related to BLM's stated purpose and need to produce wood products.*

Response: As stated in the National Environmental Policy Act Handbook H-1790-1 (p. 45) **"**Connected actions are those actions that are "closely related" and "should be discussed" in the same NEPA document (40 CFR 1508.25 (a)(1)). Actions are connected if they automatically trigger other actions that may require an EIS; cannot or will not proceed unless other actions are taken previously or simultaneously; or if the actions are interdependent parts of a larger action and depend upon the larger action for their justification (40 CFR 1508.25 (a)(i, ii, iii)). Connected actions are limited to actions that are currently proposed (ripe for decision). Actions that are not yet proposed are not connected actions, but may need to be analyzed in cumulative effects analysis if they are reasonably foreseeable".

Since the purchaser of the Rickard Creek Timber Sale Project cannot be pre-determined, project actions do not automatically trigger other actions or are not interdependent parts of perpetuating Hull Oakes Lumber Company's Mill operations. The sale of the Rickard Creek Timber Sale Project to Hull Oaks Lumber Company is not a part of the proposed action of the project and thus is not a connected action. Since the purchaser of the project is not reasonably foreseeable, cumulative effects analyses concerning Hull Oakes Lumber Company's Mill operations were not within the scope of the project.

26. Comment: *The EA discusses water quality and aquatic impacts from the perspective of fish, but they are just one of the many values that the Northwest Forest Plan intended to protect and restore with the Aquatic Conservation Strategy. The EA needs to conduct a more thorough analysis that considers impacts to non-fish aquatic organisms like amphibians and insects.*

Response: The EA considered impacts to non-fish aquatic organisms like amphibians and insects. From Table 6, ACSO #9, "Maintain and restore habitat to support well distributed populations of native plant, invertebrates, and vertebrate riparian-dependent species. The EA (p. 47) concluded the proposed action affects on riparian dependent and riparian associated species will be restorative by reducing overstocked stands, moderating tree species diversity, altering

forest structural characteristics and amending CWD conditions.

Aquatic habitat condition in the project area streams were assessed in the fisheries/aquatic habitat analysis (pp. 28 to 32). Aquatic insects are dependent on aquatic habitat and are interrelated to the fishery/aquatic habitat needs. The fisheries analysis indicated that impacts to aquatic habitat were not anticipated (EA pp. 30 to 31); therefore, impacts to aquatic insects and amphibians will similarly not be anticipated. The wildlife analysis (EA, page 35) noted that there are no Special Status wildlife species (including amphibians and insects) known to occur within the harvest areas. The EA on page 35 concludes that "Many of the wildlife species that may currently use the late-seral forest stand would be diminished or displaced to adjacent mid-seral and late-seral forest stands" This would include terrestrial amphibians that may occur outside of riparian reserves.

27. Comment: *The EA notes the beneficial effect of logging in terms of increasing the spacing between tree crowns, but fails to acknowledge the equally significant adverse fire/fuel effects of logging, e.g., increased solar exposure and wind makes the resulting stand, and the extra slash, hotter, dryer and windier.*

Response: As noted in the EA (pp. 36 and 37) "Risk of a fire start in the untreated slash would be greatest during the first season following cutting, the period when needles dry out but remain attached. Within one year the risk of a fire start greatly diminishes. For the thinned areas, fire risk would continue to diminish as the area greens up with understory vegetation, and as the fine twigs and branches in the slash begin to break off and collect on the soil surface. Past experience, in the geographic area of this proposed action, has shown that, in approximately 15 years, untreated slash would generally decompose to the point where it no longer contributes substantially to increased fire risk".

The EA (p. 37) acknowledges that "In the first few years following harvest, if a fire started under dry, summer or early fall conditions, the increased slash loading in the thinned stands would likely result in high mortality from scorch".

The EA (p. 37) also acknowledges that "for the slash created in the regeneration harvest area, fire risk and resistance to control would be mitigated by prescribed broadcast and pile burning of much of the slash loading. Once burned, the risks would be lower than the surrounding untreated timber stands – both thinned and un-thinned".

28. Comment: *The EA fails to discuss the polluting effects of logging and fuel reduction which cause a net increase in atmospheric carbon which is causing profound and dangerous climate change.*

Response: The EA (p. 37) states "An estimate for the total amount of slash and road clearing debris expected to be piled for burning is 1,850 tons. Burning approximately 1,850 tons of dry, cured, piled fuels under favorable atmospheric conditions in the Oregon Coast Range is not expected to result in any long-term negative effects to air quality. If a temperature inversion develops over the area during the night time hours, smoke may be trapped under the inversion and accumulate resulting in a short-term impact to the local air quality. The accumulated smoke generally clears out by mid-morning as the inversion lifts. Due to the location of this project, it is unlikely that inversions would present a problem".

"An estimate for the total amount of slash expected to be consumed by the broadcast burning is 1,080 tons. Burning approximately 1,080 tons of dry fuels under favorable atmospheric conditions in the Oregon Coast Range is not expected to result in any long-term negative effects to air quality. Locally within ¼ to ½ mile of the area, there may be some very short-term smoke impacts during the early part of the ignition phase from drift smoke. Once a column develops, the smoke would be carried up and dispersed in the air mass. Under spring like conditions, the fuel bed generally burns in the flaming stage for 10 to 20 minutes in a given area and then begins to rapidly go out and cool down. Smoke production drops off rapidly during this time and within an hour of ignition the area is cool enough to walk through and smoke production is at a very low level. Scattered areas of concentrated fuels would burn longer but by the following morning there would be very little smoke production. The area is expected to be mopped up with no visible smokes within two days of ignition".

Burning of slash will be coordinated with Oregon Department of Forestry in accordance with the Oregon State Smoke Management Plan which serves to coordinate all forest burning activities on a regional scale to prevent cumulative negative impacts to local and regional air sheds.

See response # 7 for potential effects to climate change.

29. Comment: *The EA admits that logging might increase OHV use on skid trails, but the EA fails to disclose the effects of this activity on soil and water quality Nor does the EA describe and consider the hazards of fire ignition when motorcycles ride through logged lands with lots of slash other than merely mentioning the risk.*

Response: The affects of off-highway-vehicle (OHV) use on soil and water quality was addressed in Response #15. Fire ignition hazards following logging are addressed by the following design feature (EA p. 11) "The areas would be monitored for the need of closing or restricting access during periods of high fire danger. During the closed fire season the first year following harvest activities, while fuels are in the "red needle" stage, the areas may be posted and closed to all off road motor vehicle use." Also, the EA on pages 36-37 states "Risk of a fire start in the untreated slash would be greatest during the first season following cutting, the period when needles dry out but remain attached.Within one year the risk of a fire start greatly diminishes. For the thinned areas, fire risk would continue to diminish as the area greens up with understory vegetation, and as the fine twigs and branches in the slash begin to break off and collect on the soil surface. Past experience, in the geographic area of this proposed action, has shown that, in approximately 15 years, untreated slash would generally decompose to the point where it no longer contributes substantially to increased fire risk."

Depending on the amount of large, down wood left on site from the logging, resistance to control would also decrease over time but more slowly. This is what is expected to occur for the areas considered in this proposed action where the slash created would be left in place, untreated. The resulting total residual dead fuel loading would vary throughout the site ranging from 10 to 45 tons per acre. It is expected that half of the dead fuel tonnage to be left on site following treatment would be in the form of down logs and pieces in the 10 inch and larger size class.

Increasing the spacing between the tree crowns would have the beneficial result of decreasing the potential for crown fire occurrence in the treated stands once the slash breaks down. In the first few years following harvest, if a fire started under dry, summer or early fall conditions, the increased slash loading in the thinned stands would likely result in high mortality from scorch.

For the slash created in the regeneration harvest area, fire risk and resistance to control would be mitigated by prescribed broadcast and pile burning of much of the slash loading. Once burned, the risks would be lower than the surrounding untreated timber stands – both thinned and un-thinned.

The effect of decommissioning the majority of the roads in the project area would be an increase in the response time and the effort needed to control a fire in the area since access is restricted. This negative effect is somewhat offset by the fact that most fires in this area are human caused, so by restricting access, the risk of a fire starting in the area should be lower."

30. Comment: *BLM should continue to fulfill the promise of the Northwest Forest Plan to survey and protect sites for rare and uncommon wildlife associated with late-successional old-growth forests.*

Response: As stated in the EA (p. 4) "On July 25, 2007, the Under Secretary of the Department of Interior signed the Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Forest Service Land and Resource Management Plans Within the Range of the Northern Spotted Owl that removed the survey and manage requirements from all of the BLM resource management plans (RMPs) within the range of the northern spotted owl. The decision is consistent with the Northwest Forest Plan, including all plan amendments in effect on the date of the decision. The Rickard Creek Timber Sale project conforms with the *2007 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*. There are no Bureau Special Status species located within or adjacent to the harvest area. The red tree vole does not have Bureau Special Status in this area.

31. Comment: *The 2007 survey and manage FEIS/ROD is invalid because among other things it completely failed to address several important issues such as the WOPR plan to eliminate reserves, spotted owls' reliance of protection buffers established for survey and manage species, and failed to evaluate whether the proposal would in fact cause trends toward ESA listing for vulnerable species.*

Response: The 2007 *Final Supplement to the 2004 Final Supplemental Environmental Impact Statement to Remove or Modify The Survey and Manage Mitigation Measure Standards and Guidelines* protects sensitive species so as to not elevate their risk toward listing to threatened and endangered. This Record of Decision is valid.

As stated in the EA (p. 34) "the nearest known spotted owl site is located about 1.6 miles to the south of the project area, although a vacant spotted owl nest site is located about 1.3 miles southwest. The vicinity of this project area including the proposed harvest areas and adjacent owl sites has been surveyed for northern spotted owls with nearly complete annual coverage since 1990. No northern spotted owls were ever detected within the project area. The nearest spotted owl detection was 0.6 miles to the west of the proposed harvest areas in 2003. Incidental owl surveys during the planning process for this action failed to detect any northern spotted owls, but did locate a nest site of a breeding pair of barred owls within the proposed regeneration harvest area".

The recent expansion of barred owls into the range of the northern spotted owl has been recognized as serious threat to the recovery of northern spotted owl populations (Courtney et al.

2004). The proposed harvest areas provide foraging and dispersal habitat for northern spotted owls. About 64 percent of lands in the immediate vicinity (two mile buffer around project areas) meet dispersal habitat conditions for the northern spotted owl. This is largely due to BLM-managed lands in this vicinity, where currently 84 percent of BLM-managed land provides dispersal habitat conditions. This project area is not within Critical Habitat that has been designated for this species.

32. Comment: *The FONSI erroneously concludes that the project would not affect health and safety (ignoring the fact that logging will exacerbate climate change which threatens the health and safety of a huge fraction of all humanity).*

Response: See Response # 7

33. Comment: *The FONSI erroneously concludes that the project would not affect "ecologically critical areas" (ignoring that in areas with such a severe shortage of late successional forests, the last 3% late-successional forests left in the watershed it should be considered "ecologically critical"*

Response: As stated in the EA (p. 39) the harvest of this stand represents a loss of potential late seral forest conditions within this watershed, where the cumulative loss on federal lands has reduced late seral forest conditions from 37 percent to 35.5 percent over the past 10 years (remaining well above the 15 percent threshold required by the 1995 RMP)."

34. Comment: *The FONSI erroneously concludes that the project would not be controversial (ignoring that BLM has not found it easy or uncontroversial to conduct regen harvest in over a decade).*

Response: As stated in the National Environmental Policy Act Handbook H-1790-1 (p. 84) (40 CFR 1508.27(b)(4) the decision maker must consider the degree to which the effects are likely to be highly controversial. Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the proposed action or preference among the alternatives.

There will always be some disagreement about the nature of the effects for land management actions, and the decision-maker must exercise some judgment in evaluating the degree to which the effects are likely to be highly controversial.

This decision is in conformance with the Salem District's 2008 Record of Decision and Resource Management Plan (2008 ROD/RMP).

Revision of a resource management plan necessarily involves a transition from the application of the old resource management plan to the application of the new resource management plan. A transition from the old resource management plan to the new resource management plan avoids disruption of the management of BLM-administered lands and allows the BLM to utilize work already begun on the planning and analysis of projects.

The 2008 ROD allowed for such projects to be implemented consistent with the management direction of either the 1995 resource management plan (1995 RMP) or the 2008 RMP, at the discretion of the decision maker.
Since the planning and design for this project was initiated prior to the 2008 ROD, it contains

certain project design features that are not consistent with the management direction contained in the 2008 RMP.

The design features for this project that are consistent with the 1995 RMP but not consistent with the 2008 RMP include:

Design Feature	Rickard Creek Project	2008 ROD
Width of the Riparian Reserve Land use allocation on fish bearing streams	two site potential trees or 420 feet	One site-potential tree height or 210 feet
Width of the Riparian Reserve Land use allocation on non-fish bearing perennial streams	One site-potential tree height or 210 feet	One site-potential tree height or 210 feet
Width of the Riparian Reserve Land use allocation on intermittent streams	One site-potential tree height or 210 feet	Half of one site-potential tree height or 105 feet
Stream protection zone on non fish-bearing intermittent streams	50 feet (EA p. 9)	35 feet (ROD p 38)
Green tree retention	Six to eight conifer trees per acre and all existing CWD will be retained to provide for structural diversity and wildlife values in the post-harvest stand.	No conifer trees or CWD will be retained

The Rickard Creek Timber Sale Project has been designed to be in compliance with the *Salem District Record of Decision and Resource Management Plan***,** May 1995 (RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA pp. 3 to 4).

35. Comment: *The FONSI erroneously concludes that the project would use "design features" to minimize the "intensity" of impacts (ignoring that those design features mainly apply to the thinning portions of this sale, while most of the project is regen harvest which represents a very intense and unmitigated removal of virtually everything of ecological value from the site).*

Response: Design features were incorporated into the EA (pp. 8 to 11) to reduce the risk of effects of regeneration harvest as well as commercial thinning, density management and connected actions. The following design features were specifically targeted to reduce the risk of effects of regeneration harvest.

- ✓ Within the regeneration harvest unit, between 9 and 11 trees per acre will be reserved from harvest to meet the following objectives:

    - Green Tree Retention. Six to eight conifer trees per acre, (representative of the co-dominant and dominant trees), will be retained to provide for structural diversity and wildlife values in the post-harvest stand. Preference in green tree selection will be given for those trees located safely away from landings and right-of-ways, and for the oldest trees, or trees with complex structure, crown defects, deeply furrowed bark, or which have visible nest structures.
    - Future snags and down logs. Two conifer trees per acre will be retained to minimize the potential deficit of large hard snags and down logs in the post-harvest stand. Site

preparation and post harvest processes (e.g. wind, bugs, disease) will likely convert some or all of this allotment into snags and down logs within the first decade.

- Habitat Diversity. Up to one hardwood tree per acre (primarily large big-leaf maples) will be retained to provide for post harvest wildlife habitat diversity. All other hardwoods will be felled and could be removed.

- ✓ Within the regeneration harvest unit, all existing down logs in decay class 3 to 5 (see Figure 1) will be retained where possible. Down logs in decay class 1 and 2 that are greater than 20 inches DBHOB on the large end will be retained.
- ✓ Within the regeneration harvest unit, all existing snags greater than 12 inches DBHOB will be retained on site except where they pose a threat to on-site workers or are within rights-of-ways and landings. Within a minimum 50 feet distance on the north, west and east sides of the wet area located in the regeneration harvest area all green trees will be retained. Within a minimum 75 feet distance on the south side of the wet area located in the regeneration harvest area all green trees will be retained.
- ✓ In the regeneration harvest area debris accumulations within the ground based yarding area will be machine piled and/or chipped. For all areas to be piled or chipped, at least 75 percent of the slash in the ¼ inch to 6 inch diameter range will be piled for burning or chipped with the chips being spread out on the site or removed from the site. At least 75 percent of the slash in the ¼" to 6" diameter range will be piled for burning. All piles will be located at least ten feet away from reserve trees and snags. Larger piles will be preferable over small piles. Wind rows will be avoided unless approved in advance by the Authorized Officer contract administrator.
- ✓ Approximately 9,000 feet of hand fire lines will be constructed along regeneration harvest boundaries where broadcast burning will occur.
- ✓ Approximately 5,000 feet of 50 foot wide fuel free zones will be created along regeneration harvest boundaries or along adjacent commercial thinning boundaries.
- ✓ Within the regeneration harvest area, following yarding, all remaining brush taller than two feet will be cut (slashed).
- ✓ Within the regeneration harvest area, pull back of logging debris within five feet from reserved trees will be required.
- ✓ Within the regeneration harvest area, logging slash and brush will be broadcast burned in the skyline yarding area.
- ✓ Broadcast burning will occur under spring-like conditions. All burning will be in compliance with the Oregon Smoke Management Plan (RMP pp. 22, 65).
- ✓ The areas will be monitored for the need of closing or restricting access during periods of high fire danger. During the closed fire season the first year following harvest activities, while fuels are in the "red needle" stage, the areas may be posted and closed to all off road motor vehicle use.
- ✓ Following site preparation, the regeneration harvest area will be planted with a mixture of Douglas-fir, western hemlock, and western red-cedar at a rate of 500 trees per acre.

36. Comment: *The FONSI says that the duration of effects will be only 4 to 6 years (ignoring that regen harvest will remove virtually all the large trees and will take at least 80 years to return. This represents long-term impacts on spotted owls and other species associated with late successional forest.);*

Response: The FONSI states (p. iii) that "direct effects would occur over a maximum period of

four to-six years".

37. Comment: *The FONSI erroneously concludes that the project would not cause significant cumulative impacts (ignoring that the significant impacts of past logging are still with us (lag effects) and the resulting deficit of old forests will not be fixed until many more decades of forest regrowth, so any further loss of mature forest today, exacerbates those significant cumulative impacts)*

Response: No significant cumulative effects have been identified. As stated in the EA (pp. 40 to 42) the available habitat for late seral forest associated wildlife species will be reduced to 35.5 percent on federal lands for this watershed, which is well above the 15 percent required by the 1995 RMP. This action will not contribute to need for listing any special status wildlife species. Dispersal habitat for northern spotted owls will be negligibly affected (reduced to 81 percent), but will remain well above the threshold of 50 percent for this landscape.

The analysis indicates that the proposed project is considered unlikely to have detectable affects on soil erosion, or soil productivity. There will be no measurable cumulative impact to the soils resource outside the project area.
The risk of increases to peak flows based on the proposed management activity falls well below the line indicating a potential risk of peak flow enhancement. Therefore, based on this analysis and the analysis described above, the risk of peak flow enhancement based on the proposed management activity was determined to be low to very low and cumulative impacts are not expected to be measurable either in the project watershed or downstream of the project watershed.

With the implementation of SPZs, the proposed stand treatments (regeneration harvest and commercial thinning harvest) are not expected to alter LWD recruitment, stream bank stability, and sediment supply to channels at the 5th field watershed scale in the short-term or long-term. The proposed density management project, (primarily conifer release), would be unlikely to affect fish habitat directly and would not be expected to have any cumulative impacts to aquatic habitat.

As stated on page one of this document , "Existing OHV use in the area would be reduced by the decommissioning of one road and the skid trail closing work described above"

Current recreation use of the project area would be restricted in the short-term and is expected to remain constant upon completion of operations. There are alternative areas in the vicinity to do recreational activities while this project is occurring. This project would have minimal to no impact on recreational uses, but have major visual impacts to those who use the project area.

38. Comment: *The FONSI erroneously concludes that the project would not violate any laws imposed for the protection of the environment (ignoring that the BLM lacks adequate programmatic NEPA documentations for climate change, carbon storage/emissions, barred owls, outdated snags standards, young plantations as fire hazards, etc. and ignoring that BLM intends to rely on the "annual species reviews" which have been found by the courts to violate NEPA.)*

Response: The decision is consistent with the Northwest Forest Plan, including all plan amendments in effect on the date of the decision. The Rickard Creek Timber Sale EA conforms with the *2007 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 and Instruction Memorandum No. OR-2007-072 (Update to the State Director's Special Status Species List, July 2007).

See Response # 7 in relation to climate change.

See Response # 6 in relation to barred owls.

See Response # 9 in relation to snag standards.

See Response #27 and #29 in relation to young plantations as fire hazards.

39. Comment: *BLM should not approve FONSIs without first considering public comment. Making a finding without considering public input implies that BLM is "all knowing" and violates the public involvement requirements of NEPA.*

Response: With the National Environmental Policy Act Handbook H-1790-1 (p. 45) the CEQ regulations direct agencies to encourage and facilitate public involvement in the NEPA process to the fullest extent possible (40 CFR 1500.2(d), 40 CFR 1506.6). This means that while some public involvement is required in the preparation of an EA, the decision maker has the discretion to determine how much, and what kind of involvement works best for each individual EA. For preparation of an EA, public involvement may include any of the following: external scoping, public notification before or during preparation of an EA, public meetings, or public review and comment of the completed EA and FONSI. The type of public involvement is at the discretion of the decision-maker.

For the Rickard Creek Timber Sale Project, a scoping letter, dated May 19, 2005, was sent to 55 potentially affected and/or interested individuals, groups, and agencies. In addition, a description of the project was included in all project updates since June 2005. The EA and FONSI was made available for public review March 17, 2008 to April 15, 2008. The notice for public comment was published in a legal notice by the *Gazette Times* newspaper

When the Marys Peak Resource Area releases future EA's and FONSI's for public comment, the FONSI will be un-signed. The FONSI will be signed after public review and any necessary changes are made to the EA.

American Forest Resource Council

1. Comment: *"The AFRC would like to see all timber sales be economically viable."*

Response: Economic feasibility is one of the many factors taken into account when offering a timber sale. Road work costs, yarding costs and other incidental costs versus the acreage and volume taken are calculated and an Interdisciplinary Team of specialists including those in EA Section 6.0, Table 11, come to a consensus on what alternative to pursue for analysis. Alternatives

2. **Comment:** *"For this reason AFRC supports the Alternative 2 (the proposed alternative) as it best meets the purpose and need of the project while maximizing revenues to the government, all while protecting natural resource values. AFRC supports the regeneration harvest of stands that have reached Culmination of Mean Annual Increment(CMAI) on lands that are designated*

General Forest Management in the RMP

Response: We concur. See response to comments #2 and #14 on pages 11 and 16.

3. Comment: *"Seasonal, recreational, and wildlife restrictions often make timber sales extremely difficult to complete within contract timelines"*

Response: The Ability of our purchasers to complete sales within contract timelines is considered by our Interdisciplinary Team of specialists.

4. Comment: "*AFRC also would like to voice support for thinning treatments in the riparian areas of the Rickard Creek Timber Sale"*

Response: We are not conducting traditional thinning in the riparian reserves. The EA design features on page on 10 state"Within the density management areas, trees within 60 to 80 feet of dominant overstory trees would be cut (gap created). These gaps would average up to one per two acres. The cut trees would be harvested."

Reed M. Wilson
April 15, 2008

1. Comment: *"Why clearcut? After implementing several effective thinning projects within ten miles of Rickard Creek, I don't understand why the BLM made the decision to revert to the ecologically damaging practice of clearcutting mature forests"*

Response: This timber sale is in matrix which allows for both thinning and regeneration harvest. The EA on page 6 under **Purpose of and Need for Action** says "To perform regeneration harvest on stands which have reached or are close to reaching Culmination of Mean Annual Increment (CMAI) (typically between 70 and 110 years of age) to produce maximum average annual growth over the lifetime of the timber stand and develop a desired age class distribution across the landscape (RMP p. 48)."We are not proposing clearcutting. The EA design features on page 13 state "

- ✓ Within the regeneration harvest unit, between 9 and 11 trees per acre would be reserved from harvest to meet the following objectives:

    - Green Tree Retention. Six to eight conifer trees per acre, (representative of the co-dominant and dominant trees), would be retained to provide for structural diversity and wildlife values in the post-harvest stand. Preference in green tree selection would be given for those trees located safely away from landings and right-of-ways, and for the oldest trees, or trees with complex structure, crown defects, deeply furrowed bark, or which have visible nest structures.
    - Future snags and down logs. Two conifer trees per acre would be retained to minimize the potential deficit of large hard snags and down logs in the post-harvest stand. Site preparation and post harvest processes (e.g. wind, bugs, disease) would likely convert some or all of this allotment into snags and down logs within the first decade.

- Habitat Diversity. Up to one hardwood tree per acre (primarily large big-leaf maples) would be retained to provide for post harvest wildlife habitat diversity. All other hardwoods would be felled and could be removed.

✓ Within the regeneration harvest unit, all existing down logs in decay class 3 to 5 (see Figure 1) would be retained where possible. Down logs in decay class 1 and 2 that are greater than 20 inches DBHOB on the large end would be retained.

✓ Within the regeneration harvest unit, all existing snags greater than 12 inches DBHOB would be retained on site except where they pose a threat to on-site workers or are within rights-of-ways and landings. Within a minimum 50 feet distance on the north, west and east sides of the wet area located in the regeneration harvest area all green trees would be retained. Within a minimum 75 feet distance on the south side of the wet area located in the regeneration harvest area all green trees would be retained.

2. Comment : "*In a clearcut, loggers have a way of labeling legacy trees as "hazard trees" and cutting them down, or using them for boom anchors, which also requires falling them"*

Response: We recognize that cutting some legacy trees may be necessary to prevent safety hazards during harvest. For this reason as stated on page 13 of the EA, "Six to eight conifer trees per acre, (representative of the co-dominant and dominant trees), would be retained to provide for structural diversity and wildlife values in the post-harvest stand." Also as stated on page 13 of the EA, "Preference in green tree selection would be given for those trees located safely away from landings and right-of-ways, and for the oldest trees, or trees with complex structure, crown defects, deeply furrowed bark, or which have visible nest structures." By locating trees safely away from landings and right-of-ways we are reducing the probability that they may need to be cut for safety reasons.

3. Comment: *"Isn't the BLM required by NEPA to provide the public with a "reasonable range of alternatives"? Since the No Action alternative is rarely if ever adopted, the EA presents only one option, clearcutting. That makes this project EA both inadequate from a conservation standpoint, and illegal. Where is the thinning alternative?*

Response: See our response to comment #2 on page 11 of this document.

4. Comment: *"Both Congressman DeFazio, and Senator Wyden are developing legislation to protect old growth and mature forests, and promote the thinning of younger plantations on the west side of the state."*

Response: See our response to comment #14, starting on page 15 of this document.

5. Comment: *"Climate change and the necessity for carbon retention are no myth. The BLM should thoroughly analyze the cumulative impact of all its harvest projects, and scale back accordingly."*

Response: See our response to comment #7, starting on page 25 of this document.

6. Comment: "*If we gradually destroy the soil in the Coast Range, and can't maintain healthy forest ecosystems on our public lands, how will we ensure clean air and water for future*

generations".

Response: We have analyzed the cumulative effects that this project may have on the soils resource. The EA states on page 40 "The analysis indicates that the proposed project is considered unlikely to have detectable affects on soil erosion, or soil productivity. There will be no measurable cumulative impact to the soils resource outside the project area."

Rana Foster
Received April 15,2008

1. Comment: *"The NEPA process is violated in the Rickard Creek Timber Sale EA which offers only two alternatives"*

Response: See our response to comment #2 on page 11 of this document.

2. Comment: *"hopefully the sale will be clearly marked to provide protections to the ancient age class which exists here"*

Response: The stand where sale is located is 77 years old with scattered old growth which are less than 200 years old. The EA (page 10), lists a design feature that targets the types of trees which you may be describing:

- Green Tree Retention. Six to eight conifer trees per acre, (representative of the co-dominant and dominant trees), would be retained to provide for structural diversity and wildlife values in the post-harvest stand. Preference in green tree selection would be given for those trees located safely away from landings and right-of-ways, and for the oldest trees, or trees with complex structure, crown defects, deeply furrowed bark, or which have visible nest structures.

In addition, retained trees would in fact be clearly marked with orange paint to insure that they are reserved from cutting.

3. Comment: *"I disagree with cutting of any of the trees over 90-200 years. This age class is very important to retain for NSO, RTV use. I noted in the lower orange blaze, flag and signed Southern ROW is flagged a tree over 200 years is marked inside the south edge of this yet to be bulldozed in ROW"*

Response: The specific tree you are talking about would be tagged to exclude from the ROW.

4. Comment: *"RTV, are possibly present in this complex emerging ancient forest, due to the stand variability, structural habitat areas, open forest floor and bounded by more native forest to the west and south."*

Response: See comment response #23 on page 19.

5. Comment: *"If the WOPR Alternative #2 is implemented the Rickard Creek Timber Sale EA alternative discussion and analysis should take this into consideration as a problem as the entire drainage will be removed of perhaps all O and C native forest here in the Rickard, Oliver and*

Greasy Creek watersheds"

Response: Table 2 on page 8 shows acreages of 1995 RMP land use allocations and 2008 RMP land use allocations within the Mary's River watershed. Revision of a resource management plan necessarily involves a transition from the application of the old resource management plan to the application of the new resource management plan. A transition from the old resource management plan to the new resource management plan avoids disruption of the management of BLM-administered lands and allows the BLM to utilize work already begun on the planning and analysis of projects.

The 2008 ROD allowed for such projects to be implemented consistent with the management direction of either the 1995 resource management plan (1995 RMP) or the 2008 RMP, at the discretion of the decision maker.

This project meets the requirements designated in the 2008 ROD for such transition projects:

1. A decision was not signed prior to the effective date of the 2008 ROD.
2. Preparation of National Environmental Policy Act documentation began prior to the effective date of the 2008 ROD.
3. A decision on the project will be signed within two years of the effective date of the 2008 ROD.
4. Regeneration harvest would not occur in a late-successional management area and no harvest would occur in deferred timber management area.

There would be no destruction or adverse modification of critical habitat designated for species listed as endangered or threatened under the Endangered Species Act.

6. Comment: *"While out hiking in this area we noted native uncommon forbs/bulbs and heard many types of birds when the back ground ATVers were further away. I wondered if these understory plants are rare such as Calypso Orchid, and could the BLM plan to be salvaging these species and relocating them in stands without these species diversity/presence?"*

Response: The EA page 17 says **"**This project would not directly affect any T&E or Bureau special status vascular plant, lichen, bryophyte or fungi species since there are no known sites within the project area or adjacent to the project. No SSS wildlife species are known to occur within the planned harvest areas". No design features to protect specific plants or animals within the project area were included within the EA.

7. Comment: *"We wonder how long it will take to reestablish this same mixture of age class and forest structure if it is cleared as regeneration removal logging for profit by one purchaser for a one time deal."*

Response: Re-establishing the same mixture of age class and forest structure is not the goal for the LUA where this project is located. Having said that, the following list of design features were targeted to mitigate effects on age class and structure in the regeneration harvest area:

- ✓ Within the regeneration harvest unit, between 9 and 11 trees per acre will be reserved from harvest to meet the following objectives:

- Green Tree Retention. Six to eight conifer trees per acre, (representative of the co-dominant and dominant trees), will be retained to provide for structural diversity and wildlife values in the post-harvest stand. Preference in green tree selection will be given for those trees located safely away from landings and right-of-ways, and for the oldest trees, or trees with complex structure, crown defects, deeply furrowed bark, or which have visible nest structures.
- Future snags and down logs. Two conifer trees per acre will be retained to minimize the potential deficit of large hard snags and down logs in the post-harvest stand. Site preparation and post harvest processes (e.g. wind, bugs, disease) will likely convert some or all of this allotment into snags and down logs within the first decade.
- Habitat Diversity. Up to one hardwood tree per acre (primarily large big-leaf maples) will be retained to provide for post harvest wildlife habitat diversity. All other hardwoods will be felled and could be removed.

✓ Within the regeneration harvest unit, all existing down logs in decay class 3 to 5 (see Figure 1) will be retained where possible. Down logs in decay class 1 and 2 that are greater than 20 inches DBHOB on the large end will be retained.

✓ Within the regeneration harvest unit, all existing snags greater than 12 inches DBHOB will be retained on site except where they pose a threat to on-site workers or are within rights-of-ways and landings. Within a minimum 50 feet distance on the north, west and east sides of the wet area located in the regeneration harvest area all green trees will be retained. Within a minimum 75 feet distance on the south side of the wet area located in the regeneration harvest area all green trees will be retained.

8. Comment: "*Recreationally this entire basin area is under siege by multiple types of gas powered ATV. Do the fees or permit payments stay in the area they are paid from to use again to keep this sale from being regenerated/cleared?"*

Response: The BLM does not collect fees from ATV users.

9. Comment: *"ATV users are actively able to continue and encourage the region wide spread of all types of weeds as they move and erode the entire watershed as they use the system on private and public land three days a week."*

Response: The effects of ATV use throughout the watershed are beyond the scope of this project.

10. Comment: *"Topographically this sale is hummocked by small micro slides, depressions, berms and man skid ditches. Or are these soils unstable at low slope angles and need vegetation to stabilize them, and if the area is geologically unstable, perhaps the next regeneration plantation here may have a harder time establishing on land that is always moving geologically.*

Response: Soil stability has not been identified as a management concern for the project area. The EA (page 22) states, "The major management concern with the soils is their sensitivity to compaction when moist or wet and its subsequent reduction in infiltration rate when compacted. On steeper sites (greater than 25 percent) run off rates and hazard of erosion can be high for bare soil."

11. Comment: *"I hope aquatic species who are using and presently housed within the watersheds of Beaver Creek and Rickard Creek are not adversely impacted by this sale as more sediment may entire these drainage way. Native eel, amphibians, herps may be impacted with timber removal/regeneration mg."*

Response: See response to comment #26 of this document.

Francis Stillwell
Received April 15, 2008

Comment: *The Rickard Creek timber sale is an artist's paradise and should not be cut considering the present real estate slump. The BLM should delay all cutting in the Oregon Coast Range until the final plan for managing the Oregon Coast Range until the WOPR has been approved.*

Response: About 90 percent of the BLM managed lands within the Mary's Peak Resource Area are protected by management as Late-Successional Reserves or Riparian Reserve land use allocations where the objectives are to develop and enhance late successional forests and aquatic habitat. See Table 4 for a comparison of land use allocations within the Mary's River watershed between 1995 RMP and 2008 RMP**.** The Rickard Creek timber sale project occurs within the Matrix land use allocation where the objectives are to contribute to both the immediate and long-term sustainable supply of timber and other forest products which will contribute to local and state economic diversity while maintaining future forest management options and protecting other resource values.

Market fluctuations (high or low) have not historically influenced the marketability of timber sales within the BLM Salem District. Considering the project will be offered for sale with a three year contract period and that BLM Salem District timber sales have a historical high rate of being sold and awarded, we believe the Rickard Creek Timber Sale will be successfully sold in June of 2009 and implemented within a three year contract period. The deferral of the project would not meet the purpose and need of the project (EA Section 1.6).

Howard Stokes
Received April 15, 2008

Comment: *As a long time resident within the Beaver Creek area I have watched the local forest being cut and turned into tree plantations. The Rickard Creek area is a checkerboard of public and private land and the BLM should set-aside some mature forest and thin the younger stands. This area has more value to the public as a mature forest than another overstocked plantation.*

Response: See table 2 on page 8 of this document for a comparison of land use allocation acreages within the Mary's River watershed under the 1995 RMP and the 2008 RMP**.** Under the 1995 RMP, the Rickard Creek timber sale project occurs within the Matrix land use allocation where the objectives are to contribute to both the immediate and long-term sustainable supply of timber and other forest products which will contribute to local and state economic diversity while maintaining future forest management options and protecting other resource values.

We clearly understand the importance of late successional forest on the landscape. As stated on page 39 of the EA, "The harvest of this stand represents a loss of potential late seral forest

conditions within this watershed, where the cumulative loss on federal lands has reduced late seral forest conditions from 37 percent to 35.5 percent over the past 10 years (remaining well above the 15 percent threshold required by the 1995 RMP). While this proposed action does add to the incremental loss of late seral forest recruitment, it does not exceed the cumulative effects analyzed within the Salem District RMP (USDI-BLM 1994)."

C.L. Plotner
Received April 15, 2008

Comment: *As a native Oregonian I have seen environmental degradation caused by clearcut harvest activities. The herbicide use, landslides and the dramatic impact on wildlife species is difficult to witness. Please protect a healthy forest ecosystem for future generations by dropping the proposed Rickard Creek timber sale project.*

Response: Since adoption of the 1995 RMP about 90 percent of the BLM managed lands within the Marys Peak Resource Area have been protected by management as Late-Successional Reserves or Riparian Reserve land use allocations where the objectives are to develop and enhance late successional forests and aquatic habitat.

Currently the only application of herbicides within BLM managed lands is to control non-native plants. The control of non-native plants is extremely beneficial in restoring forest habitats.

As stated in the Rickard Creek Timber Sale EA (p. 27) the proposed road system is located in a stable geologic landform and there is no risk of road related landslides. Historically, landslide frequency has been low. As noted in the EA (p. 43), The Benton Foothills Watershed Analysis stated "although harvest activities are expected to increase due to the land use allocation, substantial increases in land sliding rates are not expected (p. 4)". The EA (p. 46) states the project is designed to minimize the risk of a mass soil movement event (slump/landslide). Stream protection zones and project design features would minimize any potential sediment from harvest and road-related activities from reaching water bodies. Road renovation on existing roads would help to restore the sediment regime to streams in the area.

The change in habitat conditions over most of the project area would benefit those wildlife species that prefer more open and shrubby habitats in the short-term, and would hamper the retention and recovery of older-forest associated species in this immediate vicinity. However, no known special status wildlife species are known to occur within the planned harvest areas.

Mahogany Aulenbach
Received April 13, 2008

Comment: *The Rickard Creek proposed timber sale area contains potential nesting habitat for northern spotted owls. The BLM needs to set aside forests for stressed species such as northern spotted owls, marbled murrelets, and red tree voles. With so much of the adjacent private land being cut, the public forests need to be protected for endangered species, clean air, global warming and mature forests.*

Response: As stated in the EA (p. 34) "the vicinity of this project area including the proposed harvest areas and adjacent owl sites has been surveyed for northern spotted owls with nearly complete annual coverage since 1990. No northern spotted owls were ever detected within the

project area. The nearest spotted owl detection was 0.6 miles to the west of the proposed harvest areas in 2003. Incidental owl surveys during the planning process for this action failed to detect any northern spotted owls, but did locate a nest site of a breeding pair of barred owls within the proposed regeneration harvest area". There is no known special status or threatened and endangered wildlife species known to occur within the planned harvest areas.

As noted in the EA (p. 37) burning approximately 1,080 tons of dry fuels under favorable atmospheric conditions in the Oregon Coast Range is not expected to result in any long-term negative effects to air quality. Locally within ¼ to ½ mile of the area, there may be some very short-term smoke impacts during the early part of the ignition phase from drift smoke. Once a column develops, the smoke would be carried up and dispersed in the air mass. Under spring like conditions, the fuel bed generally burns in the flaming stage for 10 to 20 minutes in a given area and then begins to rapidly go out and cool down. Smoke production drops off rapidly during this time and within an hour of ignition the area is cool enough to walk through and smoke production is at a very low level. Scattered areas of concentrated fuels would burn longer but by the following morning there would be very little smoke production. The area is expected to be mopped up with no visible smokes within two days of ignition.

See response # 7 for effects to climate change.

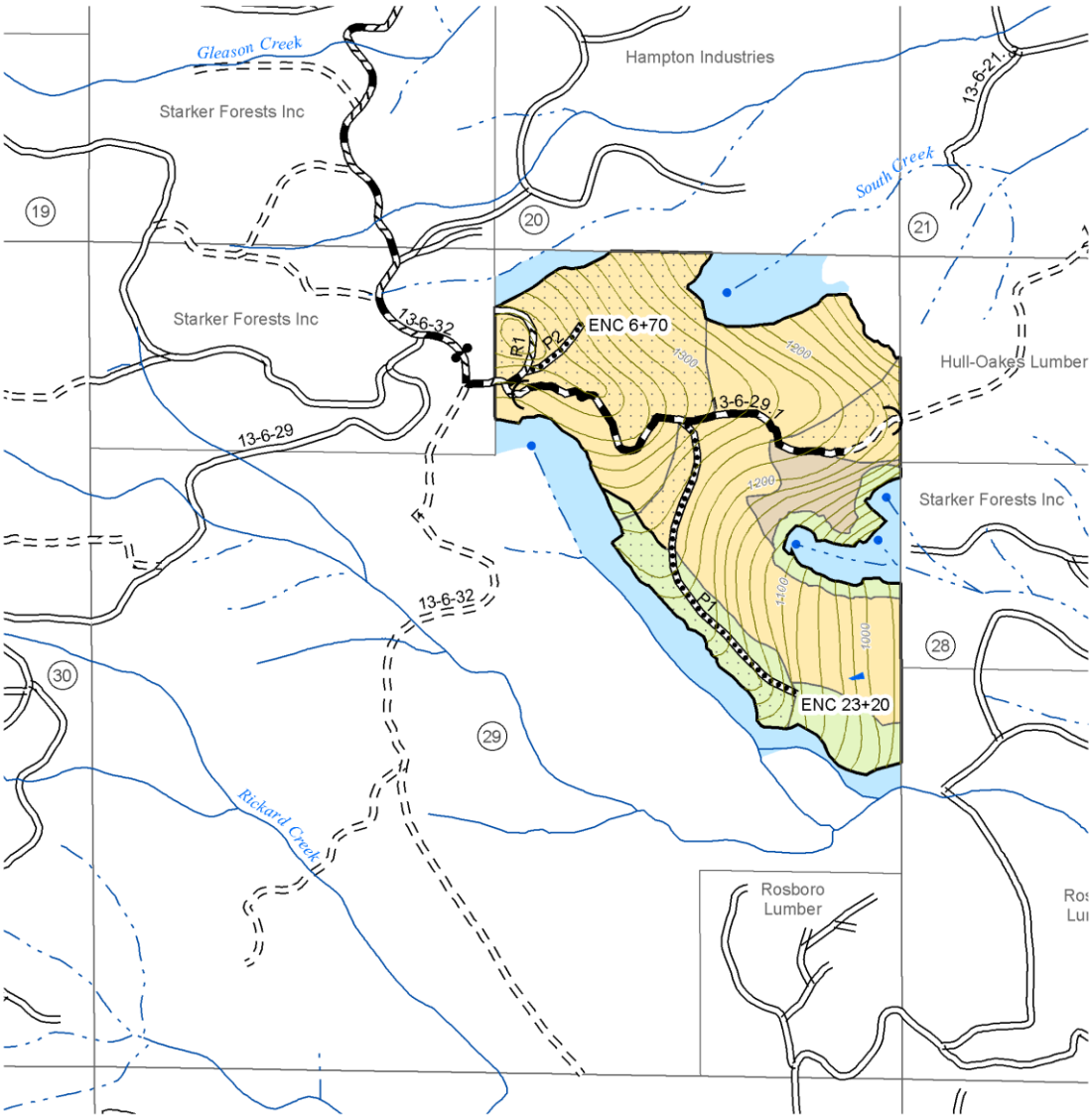
Since adoption of the 1995 RMP, about 90 percent of the BLM managed lands within the Marys Peak Resource Area have been protected by management as Late-Successional Reserves or Riparian Reserve land use allocations where the objectives are to develop and enhance late successional forests and aquatic habitat to benefit late successional species and their habitats.

See Table 4 for a comparison of land use allocations within the Mary's River watershed between 1995 RMP and 2008 RMP**.**

United States Department of the Interior - BUREAU OF LAND MANAGEMENT

RICKARD CREEK TIMBER SALE SELECTED ACTIVITIES MAP

T. 13 S., R.6 W., Section 29, W. M. - SALEM DISTRICT - OREGON



- Stream Origins
- Existing Earth Berm
- Gate
- Road to be Renovated
- Road to be renovated and decommissioned
- Road to be constructed and decommissioned
- Existing Road
- Jeep or Dirt Road
- Non Fishbearing stream
- Fishbearing stream
- Wet Area
- Stream Protection Zones
- Ground-Based Yarding
- Skyline Yarding
- Commercial Thinning - 6 acres
- Density Management - 21 acres
- Regeneration Harvest -87 acres

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.

N

0 250 500 1,000 1,500 Feet

July 2, 2008