

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Oregon State Office
P.O. Box 2965
Portland, OR 97208

In Reply Refer to:
5400 (OR-931) P

January 31, 2003

EMS TRANSMISSION 02/03/2003
Instruction Memorandum No. OR-2003-040
Expires: 9/30/2004

To: District Managers: Lakeview, Salem, Eugene, Roseburg, Medford, and Coos Bay

From: State Director

Subject: Sample Tree Falling Lawsuit

Program Area: Forestry - Timber Management

Purpose: On January 13, 2003, a Stipulation for Dismissal was issued in the Umpqua Watersheds, et. al., v. Bureau of Land Management (BLM) lawsuit against sample tree falling. This Instruction Memorandum (IM) provides limitations on sample tree falling based upon the terms of that Stipulation for Dismissal.

Policy/Action: The Districts are directed that, as it applies to sales prepared under the six western Oregon Resource Management Plans, sample tree falling for timber sale cruising shall *not* occur as follows:

1. In reserve land use allocations (LUA) under the Northwest Forest Plan, such as Late-Successional Reserves and Riparian Reserves, regardless of prescription.
2. On any regeneration timber sales or cutting units.
3. In any wilderness study area.
4. On any trees over 80 years old.
5. On any Douglas-fir trees greater than 20.0 inches diameter at breast height (DBH) or greater.
6. On any other tree species 15.0 inches DBH or greater.

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7. In the "Zane Gray" area which is located in the general vicinity of Townships 33 and 34 South, Ranges 8 and 9 West, Willamette Meridian.

Sample tree felling for timber sale cruising may occur *only*:

1. In the Matrix or Adaptive Management Area LUAs;
2. In previously entered forest stands; and
3. After completion of all surveys that are required by law for plant and wildlife species, such as the surveys required pursuant to the Survey and Manage guidelines of the Northwest Forest Plan and pursuant to the Endangered Species Act.

Where appropriate, these limitations will be applied on a cutting unit-by-cutting unit basis, versus applying to a whole sale. An exception would be cutting units that are multiple LUAs, e.g., Matrix and Riparian Reserve. In this case, sample tree falling on the Matrix portion of the cutting unit may occur (assuming it is not a regeneration prescription or on any trees greater than the DBH limits) if the differing LUAs within the cutting unit are clearly identified on the Exhibit A, with the boundaries clearly designated on the ground.

In the measurement of DBH, 19.99 inches (Douglas-fir) and 14.99 inches (other species) are the maximum size that can be cut.

“Previously entered forest stands” are defined as any stand that has been silviculturally treated, including stands that naturally regenerated following regeneration, clear cut, shelterwood and/or seed tree harvest.

Timeframe: Effective upon receipt.

Background: The Umpqua Watershed et al. v. BLM lawsuit opposing timber sale sample tree falling was settled on January 13, 2003.

Manual/Handbook Sections Affected: Timber Cruising, BLM manual supplement handbook 5310-1.

Coordination: Coordination has occurred with Roger Nesbit of the Regional Solicitor’s Office.

Contact: Please contact Lyndon Werner (OR-931), Forester, at 503-808-6071 if you have any questions.

Districts with Unions are reminded to notify their unions of this IM and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you assistance in this matter.

Signed by
Charles E. Wassinger
Associate State Director

Authenticated by
Mary O'Leary
Management Assisant

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