

DECISION AND RATIONALE
for the Environmental Assessment for the
Bear Pen Timber Sale
Bear Pen Analysis Area EA Number OR-118-02-003

Decision

It is my decision to implement Alternative 4 and the project design features proposed in the Bear Pen Analysis Area environmental assessment (EA # OR118-02-003). The Bear Pen Planning Area is located approximately 20 miles northwest of the town of Glendale, Oregon and is delineated by the Bear sixth field watershed boundary. The legal description is T31S, R 8W, Sec. 20, 29, 31, 32 and 33; T.32S., R.9W., Sec.3, 24; T.32S.,R.8W., Sec. 3,5,7,9,11,12,15,17,19,21,29,31 within Douglas and Josephine Counties. The BLM administers approximately 7,642 acres (56%) of the total 13,843 acres in the Analysis Area. The remaining 6,050 acres (44%) are under private ownership. Implementation of this sale is planned to occur within the next three years.

My decision includes harvesting 6.0 million board feet of timber (mmbf) under alternative 4. The EA estimated 5.2 mmbf, which was done prior to gathering timber cruise information. As outlined in the EA, approximately 430 acres will be harvested within 29 harvest units. These harvest units include 196 acres of regeneration harvest, 115 acres of overstory removal and 119 acres of commercial thinning. To provide additional watershed protection, about 28.3 miles of natural surface roads have been selected to receive spot rocking.

Regeneration harvest and overstory removal units will retain at least 6-8 large conifers in non-connectivity sections, 12-18 large conifers in connectivity sections, a minimum of three large hardwoods per acre (where present), as well as snags and down logs. An additional green tree will be retained in general forest management areas to provide a source for snags and coarse woody debris or additional shade for seedlings. On commercial thin units, the existing stand will be thinned to release the residual trees. Individual trees along roads in the sale area will be cut where they pose potential safety problems to people using the road.

Fuels treatment will be according to the prescription shown in Table A-3 of the EA. My decision, at this time, does not include the 583 acres of restoration thinning in alternative 4 and the associated fuel treatments. Some surveys for Survey and Manage plant species in these areas have not yet been completed.

Under alternative 4 about 0.1 miles of minimum temporary road will be constructed and approximately 14 miles of existing roads will be renovated. Renovation of existing roads consists of roadside brushing, reshaping and restoring the surface where necessary, applying rock surface where needed and improving drainage. Additional road improvements will include installing waterbars and waterdips where appropriate, replace deteriorating culverts, and install new culverts where needed. These roads are shown on the following table:

Roads to be Renovated

ROAD NUMBER	MILES	CONTROL	SURFACE
32-8-5.2	0.97	BLM	Rock
32-8-7.1	0.74	BLM	Rock
32-8-9.1	1.15	BLM	Rock
32-8-17	0.41	Pvt	Natural
32-8-10.2AB	2.97	Pvt	Rock
32-8-10.2C	0.96	Pvt	Natural
32-8-10.2D	0.45	BLM	Natural
32-8-11	1.55	Pvt	Natural
32-8-12A	0.42	BLM	Rock
32-8-22.1	3.79	Pvt/BLM	Natural

Following completion of the timber harvest, 14.7 miles of existing roads will be gated to protect connectivity/diversity blocks and spotted owl core areas. This will bring the total amount of gated roads 26.4 miles in this area. About 1.3 miles of existing road will be fully decommissioned. Open road density will be about 3.6 miles per square mile, a reduction of 0.8 miles per square mile below existing conditions.

Pit-run rock and crushed rock will be acquired from existing stockpiles shown below. Spot surfacing will be placed on roads or where surfacing has been depleted. The surfacing will reduce road surface erosion (most often a significant source of fine sediments), reduce maintenance costs and extend the log hauling season.

One or more of the following developed rock quarry sites will be used as a source of surfacing material if needed.

1. Slotted PenT32SR8WS5, NE1/4
2. Dad's Creek T32SR7WS21, SW1/4
3. Mt. Ruben T33SR8WS10, NW1/4
4. Private quarry T32SR8WS16, SW1/4
5. Private quarry T32SR8WS14, NE 1/4

Following harvest, many of the units will receive site preparation treatments. Regeneration harvest units will be reforested using planted nursery stock. Additional treatments, such as shade-carding, mulching, deer browse protection and controlling competing vegetation might be done to ensure adequate seedling establishment. Maintenance treatments will be implemented for up to ten years following harvest or until the canopy has closed enough to reduce brush species growth.

Rationale

These actions meet the Purpose and Need identified in the EA and furthers the intent established in the Northwest Forest Plan and RMP to manage the Matrix lands with commercial forest products as a major objective. The National Marine Fisheries Service provided a letter of concurrence that the proposed action is not likely to adversely affect Southern Oregon/Northern California coho salmon and Klamath Mountains Province steelhead trout.

The initial preferred alternative, made available to the public in 1999, included harvesting 11 million board feet of timber (mmbf) across 823 acres within 58 units. The Bear Pen Analysis Area was re-analyzed since that time and the projects was revised to harvest 6.0 mmbf of timber over 430 acres.

There were two letters of comments from the public regarding the Bear Pen Analysis Area EA from Klamath Siskiyou Wildlands Center and Siskiyou Project. The main categories of the relevant comments included 1) disagreement with the management objectives in Matrix lands, 2) objections to harvesting in spotted owl Critical Habitat Unit (OR-67), 3) asking that more detail be provided in the EA such as the survey methodology for the red tree vole, 4) disagreement with many of the management practices and protection measures concerning late-successional associates, especially Survey and Manage species, 5) opinions that contend that only trees less than 60 years be harvested, more roads be decommissioned or gated and prescribed burning be introduced into the area.

While some comments disagree with management objectives for Matrix land allocation, the Bear Pen Analysis Area EA states in the Purpose and Need that it will implement the broader Medford Resource Management Plan and also tiers to that Plan's amendments.

Some comments claim that harvesting in Critical Habitat Unit OR-67 is illegal or in violation of the Endangered Species Act and an Environmental Impact Statement must be prepared. I disagree. The Bureau of Land Management consulted with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act and received Biological Opinion dated October 12, 2001 (#1-7-01-F-032).

One comment stated that the survey results and methodology for various species should be specifically described in the EA. I disagree with that contention, since the methods have been described and those descriptions are available to the public. The National Environmental Policy Act (NEPA) calls for concise and focused descriptions of the proposals and their effects; not all background information is required to be part of the NEPA document. The methods used and the details of the findings are available in the Medford District office. Including that level of background detail will result in extremely unwieldy and unnecessarily large documents and will not lead to better decision making or understanding by the public.

Several comments disagreed with management practices of Survey and Manage species. Many of those concerns have been dealt with in the Northwest Forest Plan in the *Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Related Species Within the Range of the Northern Spotted Owl and the Final*

Supplemental Environmental Impact Statement for Survey and Manage, Protection Buffers and other Mitigating Measures in the Northwest Forest Plan. The Bear Pen Analysis Area EA tiers to the analyses in these documents. The fact that some people disagree with those analyses or the decisions based on those documents is beyond the scope of the EA. I have reviewed the specific protection measures and analysis done for these species in light of the objections raised in the comment letters and can find no basis for modifying the proposed alternative.

Many of the comments are simply stating a disagreement with commercial harvest on Matrix lands. Others allege faulty or incomplete analysis, but do not offer any data or evidence that will indicate that the EA is inadequate. I am confident that the EA represents a thorough analysis of the site-specific impacts to affected habitats and species, in light of the more comprehensive analysis done in the Medford RMP and Northwest Forest Plan to which the EA is tiered.

In summary, I find that the action will be consistent with the *Medford District Resource Management Plan* and amendments, including the Aquatic Conservation Strategy. In accordance with the BLM Forest Management Regulations (**43** CFR 5003.2(1)), the decision for this timber sale will not become effective, or be open to formal protest, until the first Notice of Sale appears in a newspaper of general circulation in the area where the lands affected by the decision are located.



Lynda L. Boody
Field Manager, Glendale Resource Area
Medford District, Bureau of Land Management

Date

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)
for the Environmental Assessment for the
Bear Pen Timber Sale
EA Number OR-118-02-003**

Alternative 4 and the project design features for the Bear Pen Timber Sale are described in the Bear Pen Analysis Area environmental assessment (EA) and can be obtained at the Medford District or on the Medford BLM internet site: <http://www.or.blm.gov/Medford>. The 583 acres of restoration thinning and associated fuel treatments are not included in this FONSI and will not be implemented at this time,

The proposed action is located in: T31S, R 8W, Sec. 20, 29, 31, 32 and 33; T.32S., R.9W., Sec.3, 24; T.32S.,R.8W., Sec. 3,5,7,9,11,12,15,17,19,21,29,31 within Douglas and Josephine Counties.

The following critical elements identified in the BLM handbook will not be adversely affected by this project and have been analyzed in the EA: air quality, areas of critical environmental concern, historical or cultural resources, prime or unique farmlands, floodplains, Native American religious sites, invasive species, energy, threatened or endangered species, known hazardous waste areas, water quality, wetlands, wild and scenic rivers, wilderness and environmental justice. The effects on Threatened and Endangered Species and special status species are described in the EA. Formal and informal consultation requirements, as required under the Endangered Species Act, have been met with US Fish and Wildlife Service's Biological Opinion (# 1-7-01-F-032) and the National Marine Fisheries Service (NMFS) letter of concurrence on "not likely to adversely affect" SONC coho salmon or KMP steelhead. The NMFS also found that the proposed actions are unlikely to adversely affect any designated essential fish habitat (EFH) in the same letter dated July 15,2002. Surveys for Survey and Manage plant and animal species have been completed and appropriate protocol buffer measures will be applied. *Fritallaria gentneri* was not found within the Planning Area.

The estimation of impacts was based on research, professional judgment and experience of the interdisciplinary team. This method of estimating effects to the environment reduces the uncertainties to a level which does not involve highly unknown or unique risks.

FONSI DETERMINATION

I have reviewed the environmental assessment, including the explanation and resolution of any potentially significant environmental impacts and I have reviewed the comments received from the public concerning this proposal. I have determined the action described above will not have any significant impacts on the human environment beyond those already fully described in the Medford District Resource Management Plan and amendments and that an EIS is not required.


Lynda L. Boody
Glendale Resource Area Field Manager
Medford District, BLM

9/4/02
Date