

**DECISION RECORD  
Cove Fuels Treatment  
OR-030-2003-05**

**Vale District Bureau of Land Management  
Baker Field Office  
Baker City, Oregon**

This decision record documents my decision to adopt the Cove Fuels Treatment Project as presented under the Proposed Action in Environmental Assessment (EA) OR-030-2003-05. Fuels treatments will be conducted on approximately 406 acres of BLM lands in the Cove Project area for the primary purposes of reducing fuel loads that currently impose a high risk of uncharacteristic high intensity stand replacement fire; particularly as such a fire would impact urban interface areas.

Subsidiary goals include improving stand health, reducing the incidence of forest insect and disease problems within the stands, and encouraging the growth of desirable hardy tree species.

Included in my decision are mitigation measures identified by my staff and concurred upon by the U.S. Fish and Wildlife Service (USFWS) through consultation required under Section 7 of the Endangered Species Act (ESA). The project has been surveyed for cultural resources. Any newly located cultural sites found during the implementation of this project will be avoided if possible and mitigated if necessary. The EA is tiered to and the project is within the bounds of the Baker Resource Management Plan (RMP) Record of Decision (ROD), 1989).

**Public Comments Review**

An open house was hosted by the BLM to provide information and answer questions and listen to public comments about the proposed actions. This was held at the Ascension School, Kimsey Commons, 1006 Church St. Cove, Oregon, on April 16, 2002. All members of the public were invited to attend. Five individuals from the local area attended the meeting and two letters were received.

A public scoping letter was mailed to local and tribal governments, area landowners, recreation users, and other members of the public on December 5, 2002 to solicit additional comments on the proposed project.

Subsequent to the preparation of the EA, a Legal Notice setting forth the EA's availability for public comments was published and a letter was sent out with a copy of the Draft EA to interested publics on May 28, 2003. During the 30-day public comment period, two comment letters were received. A summary of the comments and how the comments were considered is attached to the EA.

These letters indicated a concern that this project was not designed primarily for fuels treatments or to reduce the risk from wildfire to local communities and, that the project was a timber sale, instead. The BLM contracted the Dynamac Corporation to determine wildfire risk areas adjacent to urban areas. This Wildland Urban Interface study determined that the areas adjacent to Cove were at high risk of uncharacteristic high intensity wildfire and stand replacement fire. The BLM used the Dynamac study to guide future projects but not to determine location or priority of project areas.

## **Decision**

My decision to select Alternative A (Proposed Action), is based upon the interdisciplinary analysis contained in the Environmental Assessment #OR-030-2003-05, a copy of which is attached or which may be obtained as indicated below, as well as the supporting record, field review, public comments received, and consultation with the regulatory agencies (USFWS) and the Oregon State Historic Preservation Office (SHPO).

All mitigating measures, stipulations, design features, and monitoring described in the EA and concurred upon by the regulatory agencies are incorporated into project implementation plans. Among these are:

- Minimal Soil Compaction
- Sediment control
- Seeding of disturbed areas and temporary roads
- Noxious weed control
- Protection of cultural resource by avoidance or mitigations

The proposed Project would affect no sites eligible for listing on the National Register of Historic Places.

Four action alternatives and a no action alternative were considered. The “No Action” alternative was not chosen because active management is needed to mitigate negative effects caused by the current fuel loading risk.

The other action alternatives were not selected even though they address many of the concerns of fuels treatment and forest health. These other alternatives did not, however, completely address the concerns relative to fuels treatment or forest health and did not meet the objectives necessary to minimize the risk of wildfire within the urban interface areas.

## **Rationale for the Decision**

The proposed project will have no effects on Areas of Critical Environmental Concern, Cultural Resources, Prime Farmlands, Threatened and Endangered plants, Native American Treaty Rights, hazardous wastes, Wild and Scenic Rivers, or Wilderness

Areas.

There is Canada lynx habitat within the project area and the Canada lynx is listed as threatened under the Endangered Species Act (ESA). The effects from the plan have been analyzed and mitigation measures have been adopted. This has resulted in a “may effect, not likely to adversely affect” determination. USFWS has formally concurred with this determination for the entire project and has issued a Biological Opinion concurring with the determination.

No disproportionately high adverse human or environmental impact on minority or low-income populations or Indian tribes is likely to result from the proposed action.

This plan meets none of the criteria for significance. This action is consistent with the Baker Resource Area Resource Management Plan (1989) Record of Decision.

### **Appeal Rights**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken, a notice of appeal must be filed in the BLM office at 3165 10<sup>th</sup> Street, Baker City, Oregon, 97814 within 30 days from the date that a notice of this decision is published in the La Grande Observer. The appellant has the burden of showing that the decision being appealed is in error.

If you wish to file a petition (request), pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993), for a stay (suspension) of effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be also submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant’s success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

s/Penelope Woods

February 24, 2004

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Penelope Woods  
Field Manager  
Baker Field Office, Vale District BLM

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Date