

Bell Mountain Regeneration and Commercial Thinning Harvest
EA# OR-104-98-03

Decision Document

An Interdisciplinary (ID) Team of the Swiftwater Resource Area, Roseburg District, Bureau of Land Management has analyzed the proposed Bell Mountain Regeneration and Commercial Thinning Harvest project. This analysis and the "Finding of No Significant Impact" (FONSI) was documented in Environmental Assessment (EA) No. OR-104-98-03. The thirty day public review and comment period was completed on August 13th, 1998. One letter with comments was received as a result of public review.

The Swiftwater Resource Area Manager has decided to implement the "Proposed Action Alternative". The proposed action involves the regeneration harvest of mature and old growth forest and the commercial thinning of second growth forest in the Hancock Creek and Lower Elk Creek drainages located in Sections 14, 23, 27 and 28; T22S R7W; W.M. Harvest activities will occur on approximately 210 acres and harvest approximately 7145 CCF of timber.

The following objectives will be met by this proposal:

1. For the Matrix portion:
 - a. "Produce a sustainable supply of timber and other forest commodities " (RMP pg. 33) and meet District ASQ goals (GFMA) and "Provide connectivity ... between late-successional reserves" (RMP, pg. 33) (Connectivity).
 - b. Improve stand health by reducing the excess stocking in the forest stand to increase the growth and vigor of the remaining individual trees.

2. For the Riparian Reserve portion:

Accelerate the development of large conifers of various form and structure for large trees and future recruitment of coarse woody debris (CWD) within the Riparian Reserve and meet the Aquatic Conservation Strategy (ACS) objective of 'restoring structural diversity of plant communities in riparian areas'.

3. Implement ecosystem management as outlined in the ROD and RMP

Decision

It is my decision to authorize the implementation of the Proposed Action Alternative. Section II of the EA describes two alternatives: a "No Action" alternative and a "Proposed Action" alternative. The No Action alternative was not selected because the EA did not identify any impacts that were beyond those identified in the EIS and could not be mitigated through project design features. The No Action alternative would not meet the objective of producing a sustainable supply of timber and other forest commodities.

The following error in the EA should be noted:

Page 6, para. d stated that decommissioning would be pursued on the 22-2-27.2 road. This is a typographical error and should have read 22-7-27.2.

The sale date is planned for September 22, 1998 and the expected implementation of the project would begin in the summer of 1999. The contract duration will be 36 months. The project design features for this alternative are listed on pages 6 through 9 of the EA. These features have been developed into contract stipulations and will be implemented as part of the timber sale contract.

The following specifics are noted as the result of sale layout:

- 1). A total of 3275 ft. (0.6 mi.) of temporary road will be constructed. A total of 1.7 mi. of existing road will be renovated (i.e. brought back to its original design) and 5.1 mi. of existing road will be improved (i.e. improved beyond its original condition). The EA proposed the decommissioning of the 22-7-27.2 road. The permittee (Robert Whipple) has not approved this proposal, therefore this naturally surfaced road will be rocked with eight inches of rock to comply with the RMP (pg. 137, BMP G-11).
- 2). In the GFMA (Unit 2) 147 retention (green) trees greater than 20" DBH will be retained, pre-harvest. This equates to 7.7 green trees/acre. The RMP (pg. 34) requires a retention of 6-8 green trees/acre. In the Connectivity / Diversity units (Units 5, 6, 7 and 9) 518 green retention trees were reserved. This equates to 14.8 green trees/acre. The RMP (pg. 34) requires a retention of 12-18 green trees/acre. Retention trees are reserved in a scattered arrangement of individual trees as well as occasional clumps of two or more trees. The average retention tree diameter is 36" DBH with 81% being Douglas fir. A total of 147 conifers less than 20" DBH were also reserved although not required by the RMP. Additionally, 145 hardwoods (28 being 20" DBH and larger) were reserved equating to 2.7 trees per acre.
- 3). In the harvest areas, approximately 43 snags greater than 16" in diameter breast height (DBH) and 20' in height would be retained, pre-harvest. This equates to 0.8 snags/acre. The RMP (pg. 64) requires that sufficient snags be retained to meet 40% of the potential population level for cavity nesting birds. Wildlife biologists have determined this to be 1.2 snags per acre on a 40 acre basis. The snag retention levels would therefore meet the population needs of cavity nesters at a level of at least 27% within the units, pre-harvest. As specified in the RMP, extra green trees were left to meet this deficit. In this case an additional 0.4 green trees/acre were left.
- 4). Approximately 2,610 linear feet of existing class 1 and 2 down logs (coarse woody debris) were found in the units and will be maintained pre-harvest. This equates to 48 linear feet/acre. The RMP guideline (RMP, pg. 34) is for 120 linear feet/acre. As specified in the RMP, extra green trees were left to meet this deficit. Additionally, 75 conifers (1.4 trees per acre) greater than 16" but less than 20" DBH were left that would also qualify for future recruitment of down logs in the size specified in the RMP.

Decision Rationale

The Proposed Action Alternative meets the objectives for lands in the Matrix and Riparian Reserve Land Use Allocations and follows the principles set forth in the ROD for the Northwest Forest Plan (NFP), dated April 13, 1994 and the RMP, dated June 1995.

Cultural clearance with the State Historical Preservation Office was completed and resulted in a "No Effect" determination.

Consultation with U.S. Fish and Wildlife Service for this project has been completed. The Biological Opinion is summarized as saying that the action is ". . . not likely to jeopardize the continued existence of the bald eagle, peregrine falcon, spotted owl or murrelet, or adversely modify designated critical habitat for spotted owls and murrelets."

Consultation under Section 7(a)(4) of the Endangered Species Act has not been completed with the National Marine Fisheries Service (NMFS) on the Umpqua River cutthroat trout, Oregon Coast steelhead trout and Oregon Coast coho salmon. The sale contract will not be awarded until a final biological opinion or letter of concurrence, which includes a non-jeopardy determination, has been received. The sale was designed to follow the guidance of the RMP and the NFP, and to incorporate mitigations identified in the consultations on previously listed salmonids, as appropriate. Therefore, it is our expectation that the Biological Opinion will not make a jeopardy determination nor prescribe any reasonable and prudent measures or terms and conditions that are not already part of the sale design and mitigation. Because the United States retains the right to reject any and all bids for any reason, the mere offering of the sale does not make any irreversible or irretrievable commitment of resources which have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures. If additional reasonable and prudent alternative measures or terms and conditions are prescribed which would require alteration in the terms of the sale contract, the agency retains the discretion (prior to contract award) to adjust the sale design accordingly and readvertise the sale if necessary.

This project received extensive review for consistency with the Aquatic Conservation Strategy (ACS) objectives by the ID Team as well as the Level I Team during formal consultation with the National Marine Fisheries Service (NMFS). A finding of consistency was made in the FONSI subject to completion of consultation with NMFS.

This decision is based on the fact that the Proposed Action Alternative implements the Standards and Guidelines (S&Gs) as stated in the ROD and RMP. The project design features as stated in the EA would protect the Riparian Reserves, minimize soil compaction, limit erosion, protect slope stability, wildlife, air, water quality, and fish habitat, as well as protect other identified resource values. This decision recognizes that impacts will occur to the resources, however, the impacts to these resource values would not exceed those identified in the Final Supplemental Environmental Impact Statement (FSEIS). This decision provides timber commodities with impacts to the environment at a level within the bounds of the FSEIS.

Comments were solicited from affected tribal governments, adjacent landowners and certain State and local government agencies. No comments were received. During the thirty day public review period, comments were received from Umpqua Watersheds, Inc. (Francis Eatherington). None of the comments provided new information which should be considered in this decision. Most of the comments are the result of a difference of interpretation over the Northwest Forest Plan ROD or opposition to harvest on Federal lands. Several comments warrant clarification:

! Soils - BLM is proposing to log on unstable and potentially unstable soils in violation of the Northwest Forest Plan ROD.

The assumption is made that the NFP requires that all “unstable and potentially unstable areas ” be included within the Riparian Reserve (S&G’s, pg. C-31). This would amount to Riparian Reserve status on nearly all Federal lands. This broad guidance is further clarified in the S&G’s (pg. B-24) which states “There will be cases where entire earthflows will be incorporated into Riparian Reserves and cases where only those portions determined to directly affect the rate of achieving Aquatic Conservation Strategy [ACS] objectives will be incorporated.”

This project has had extensive on-the-ground investigation and analysis by the Area Soil Scientist and review by the District Geotechnical Engineer in order to assess the risk of slope failure and landslide. Three units and portions of two units totaling 30 acres were judged as unstable or potentially unstable and potentially impacting ACS objectives and were therefore dropped from the project and included in the Riparian Reserve (EA; pg. 9, para. D). The soil scientist, in his report, concluded that the probability of a slide of 0.1 to 0.5 acres happening within 35 years was 100% based on historical data. The probability of a slide 0.5 to 2 acres for the same period was 20% and the probability of a slide greater than 2 acres was 2%. These percentages are considered high since high risk sites were excluded from the project and only the low risk of direct impact to streams would remain, and that 73% of the project consists of commercial thinning which would retain much of the cover. A geotechnical evaluation cites a 5% risk of slope failure on slopes of 75-85% or greater and concluded that “... there are no areas in the above risk category.”

We feel that we have complied with the NFP and have fully considered the concern of slope stability and have significantly reduced the risk through the project design features.

! The EA failed to analyze the cumulative effects of basin wide logging. This project will degrade the watershed. Cumulative effects of peak flows must be addressed.

The concern over the cumulative impacts of private logging was acknowledged and the cumulative hydrological impact was selected by the ID Team as a key issue. The effects due to potential increase in peak flow was judged to be the greatest potential cumulative impact that would be added to the impacts of the existing private clearcuts.

This project had on-the-ground analysis by our Area Hydrologist and review by the District Geotechnical Engineer. The hydrologist concluded “... I would not anticipate elevations of peak flows (above current levels) to be an identifiable response ...”. The geotechnical engineer in his review concluded “... no changes in peak and base flows are expected.” The cumulative effects of base flow were addressed. The Biological Assessment concluded that the effect of the action on peak/base flows at the sixth field level was “maintain”. The Level 1 Team concurred with this conclusion. We feel that we have adequately addressed the cumulative impacts to peak flows and the project would not contribute significantly to the current levels.

The NFP requires the ACS objective to be analyzed at the fifth field scale. The Biological Assessment rating Matrix did not show any “degrade” effects of the action, however a “restore” was cited due to the removal of physical barriers to fish migration.

! BLM proposes to decommission road # 22-2-27.2. It is not on Roseburg BLM land. Is BLM proposing to decommission a road on either private land or Eugene BLM land?

The EA contains a typographical error and should have read the 22-7-27.2 road. This road appears on the map in Appendix C which identifies this road as proposed for decommissioning. The proposal to decommission this road was rejected by Robert Whipple.

! The Elkton-Umpqua WA went into great detail on road candidates for decommissioning, including many problem roads within the project area. BLM did not chose one road on this list to decommission.

The WA (fig. 8-7) identified the 22-7-20.0, 22.0, 22.2 and 23.0 roads as “High Risk” roads having a high priority “... for risk reduction and road renovation work. [WA, pg. 8-4]”. These same roads would be improved to fix drainage problems by adding additional drainage structures and erosion problems by rocking roads to reduce sedimentation (EA; pg. 7, para. 2a). The only candidate identified in the WA for decommissioning in the vicinity of this project is the 22-7-23.1 road. This road was not considered because it would require some long-range coordination with the Oregon Department of Parks and Recreation as well as permittees to the road agreements. This road is also off the main haul route and therefore not directly tied to this project.

! BLM is not in compliance with the Survey and Manage requirements of the ROD. Required surveys have not been completed.

Botanical surveys are on going. Some species necessitate surveys after the project is finalized. In these cases provision is made in the sale contract to suspend operations and modify the sale if sensitive species are found.

! Helicopter yarding creates considerable disturbance that was not analyzed in the EA.

This concern was not analyzed because it was not identified as a concern by the Wildlife Biologist. The USF&WS did not identify this as a concern during formal consultation.

Compliance and Monitoring

Monitoring will be conducted as per the guidance given in the ROD and the RMP. An evaluation of the Riparian Reserves will be done by the Silviculturalist 2-4 years after treatment to determine levels of CWD. If natural processes have not contributed adequate amounts, additional trees will be felled to meet CWD levels as shown in table 7-7 in the Umpqua-Elkton watershed analysis (525 ft³/ac).

Protest and Appeal Procedures

Forest Management Regulation 43 CFR 5003.2 states that “[w]hen a decision is made to conduct an advertised timber sale, the notice of such sale shall constitute the decision document.” This notice will be placed in *The News Review* and constitute the decision document with authority to proceed with the proposed action. As outlined in Federal Regulations 43 CFR, 5003.3, "Protests of ... Advertised timber sales may be made within 15 days of the publication of a ... notice of sale in a newspaper of general circulation." Protests shall be filed with the authorized officer (John L. Hayes) and shall contain a written statement of reasons for protesting the decision. Protests received more than 15 days after the publication of ... the notice of sale are not timely filed and shall not be considered. Upon timely filing of a protest, the authorized officer shall reconsider the decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him/her. The authorized officer shall, at the conclusion of his/her review,

serve his/her decision in writing to the protesting party. Upon denial of a protest ... the authorized officer may proceed with the implementation of the decision.

For further information, contact John L. Hayes, Area Manager, Swiftwater Resource Area, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd; Roseburg, OR. 97470, 541 440-4931.

John L. Hayes, Area Manager
Swiftwater Resource Area

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