ADDENDUM 1

PUBLIC COMMENTS TO ENVIRONMENTAL ASSESSMENT
AND
BUREAU OF LAND MANAGEMENT RESPONSE

Willy's Elk Project
Environmental Assessment Number OR-086-98-05
3 March 1999
Revised on 27 September 2001

On November 25, 1998, a predecision letter, along with a copy of the EA (Environmental Assessment Number OR-086-98-05), was mailed to 5 interested individuals, groups, and agencies (Project Record documents 41, 42, 43). Additionally, legal notices for public comment appeared in the Headlight Herald on December 2, 1998 (Project Record documents 35 and 39) and the News-Register on December 3, 1998 (Project Record documents 35 and 40), newspapers respectively of Tillamook and McMinnville, Oregon. The end of the comment period was 4:00 P.M., January 4, 1999.

An additional copy of the EA was sent to the American Lands Alliance on January 20, 1999. Other factors had stalled progress on the project, factors for which resolution was expected on or proximate to February 12, 1999. Therefore, the ALA was informed that if they submitted comments on the EA prior to February 12, 1999, those comments would be considered in the final decision for the project.

As a result of the notice for public comment, 2 letters were received (Project Record documents 38 and 48). Although some comments were received after the close of the public comment period, they were considered by the responsible official in reaching a final decision as noted above. The Bureau's response to public comments is contained in this document. All comments presented are direct quotes from said letters.

COMMENT RECEIVED FROM ROBERT FRERES, JR.. VICE PRESIDENT FRERES LUMBER COMPANY (Project Record document 38)

"We strongly oppose the B.L.M. proposal to destroy public assets. Obliterating 3700 feet of existing road Is folly. The public deserves the use and enjoyment of assets they have paid for. The roads need to exist for protection , recreation, access and land management purposes. Destroying roads is offensive to taxpayers' sensibilities and is unacceptable."

BLM RESPONSE: Roads can adversely impact hydrologic function and fisheries resources through soil compaction which decreases infiltration and increases runoff, increasing drainage density which increases runoff, and increasing delivery of sediment to streams through mass wasting and surface erosion.

Road densities are high within the Willamina Creek drainage. The *Deer Creek, Panther Creek, Willamina Creek, and South Yamhill Watershed Analysis* (WA) (BLM 1998) states that many of the BLM roads are not maintained and have deteriorated or will in the future, leading to erosion problems and unacceptable amounts of sediment entering surface waters. The WA contains a recommendation to obliterate roads not needed for future management to benefit hydrology. In addition, part of the Aquatic Conservation Strategy (ACS) contained in the Northwest Forest Plan is Watershed Restoration. A major focus of Watershed Restoration is the reduction of road-related runoff and sediment production. Obliteration of the identified roads in this project is consistent with the WA recommendations and ACS objectives, and would not adversely impact recreational access to the area or future land management.

THE FOLLOWING COMMENTS WERE SUBMITTED BY GEORGE SEXTON FOR THE ALA (AMERICAN LANDS ALLIANCE) on February 3, 1999 (Project Record document 48)**.**

ALA Comment 1: "*Since the public failed to scope on this project, the range of alternatives is limited to the proposed action and the no action alternative. Unfortunately the no action alternative is not "fleshed out" and fails to provide an analytical baseline by which to compare the proposed action. The EA identifies the negative environmental impacts of soil compaction, new roading, skid trails, increased sediment loading and base flows, the spread of noxious weeds, and a "may affect likely to adversely effect" finding for Upper Willamette Steelhead. Without a reasonable range of alternatives it is impossible for the reader to know of these risks are justified by the silvicultural prescription designed to hasten late successional characteristics*".

BLM RESPONSE: During the development of the proposed action (Alternative 1 in the EA), five logging systems (i.e., horse, cable, balloon, skidding, and helicopter) were considered. In light of preliminary environmental effects and economic feasibility, the responsible official selected for detailed analysis a combination of both cable and ground-based yarding. The reasons for dropping the other logging systems from further analysis are contained in section 2.1 of the EA. Subsequently, in compliance with NEPA (National Environmental Policy Act), public comment to the proposed action was solicited by the Bureau through the listing of the proposed action in the March, June, and September 1998 editions of the quarterly *Salem District Project Update* which was mailed to over 1,000 addresses, as well as a letter which was mailed to 118 potentially affected and/or interested individuals, groups, and agencies. This extensive scoping process resulted in a total of 3 comment letters. The disposition of those public comments are contained in Appendix 1 of the EA. The public, as well as the IDT, did not identify any major problem or dispute that would be created by the

proposed action, as described in the EA.

The phrase "range of alternatives" refers to the alternatives discussed in the environmental analysis document. It includes all reasonable alternatives which were analyzed in detail and those that were dropped from detailed study. A reasonable alternative must be responsive to the purpose and need for action **and** resolve one or more major issues. In this case, since there were no major (significant) issues identified that needed to be resolved, there was no procedural requirement to develop and analyze additional "action" alternatives. As established in case law interpreting NEPA, the phrase "all reasonable alternatives" has not been interpreted to require an infinite or unreasonable number of alternatives be analyzed. A reasonable range of alternatives depends on the nature of the proposal. Regulation requires the alternative analysis in an environmental document to include the alternative of no action. There are two interpretations of the no action alternative. One interpretation is continuing current management and the other interpretation is not doing the proposed action. The Willy's Elk IDT (interdisciplinary team) used the latter interpretation in the development of the no action alternative (Alternative 2) contained in the EA. This no action alternative sets the environmental baseline for comparing effects of the action alternative (Alternative 1 - Proposed Action). Specifically, on pages 14-38 of the EA, the predicted environmental effects of the no action alternative on the five standard elements of the environment (i.e., vegetation, soil, water, wildlife, and air) are discussed in detail. As such, the Bureau does not agree with your statement that the "no action alternative ... fails to provide an analytical baseline by which to compare the proposed action."

ALA comment 2: *"...the proposed new roading is of the most concern to ALA. Please note that S&G C-16 states that "Road construction in LSRs for silvicultural, salvage or other activities is generally not recommended unless potential benefits exceed the costs of habitat impairment." It is difficult for the public or the decision maker to know if the potential benefits exceed the costs of habitat impairment when other reasonable alternatives are not illuminated. Furthermore, the proposed new roading is through a late seral stand. Again, we recognize that this might have been prevented by scoping comments requesting a "no new roads" alternative."*

BLM RESPONSE: Before responding to your comment, the Bureau would like to clarify two points. First, regarding your reference to the LSR (Late-Successional Reserve) land use allocation for the Willy's Elk Project location, the BLM would like to point out that, as stated on page 1 of the EA, the project is actually located in our AMR (Adaptive Management Reserve). AMR is the BLM term for Federal Lands designated LSR which are located within the northern coast range AMA (Adaptive Management Area). Second, to correct a misquote, the S&G C-16 states, "Road construction in Late-Successional Reserves for silvicultural, salvage, and other activities generally is not recommended...".

In order to avoid duplicate discussion relative to your comment concerning "reasonable alternatives,"

please refer to our previous discussion under "ALA comment 1."

The Willy's Elk Project is a silvicultural project to enhance wildlife habitat, as such the C-16 S&G is applicable. In addition to the above corrected quote, the C-16 S&G goes on to state, "If new roads are necessary to implement a practice that is otherwise in accordance with these guidelines, they will be kept to a minimum, be routed through non-late successional habitat where possible, and be designed to minimize adverse impacts. Alternative access methods, such as aerial logging, should be considered to provide access for activities in reserves."

In compliance with the stated S&G, the BLM did consider alternative access methods, such as helicopter and balloon logging. Due to the size of the Willy's Elk harvest units, these logging systems were determined not to be economically feasible and were dropped from further consideration (EA, section 2.1). Specifically, the IDT determined the cost of those logging systems were greater than the estimated value of the timber proposed to be harvested from public land. As such, the purpose and need for the action, as described in section 1.3 of the EA, would not have been met by employing these logging systems because the project would not have been implemented due to the Bureau's inability to secure a successful bidder to a timber sale contract. In conclusion, if the BLM had analyzed in detail a "no new road" alternative as you suggest, the environmental effects would have been similar to those disclosed for the no action alternative.

Although the new road construction would occur through a stand defined in the LSRA as "late seral," it should not be confused with "late-successional" or "old-growth." The stand was previously thinned, is composed of pure Douglas-fir, and does not have the complex character of those older stands that support marbled murrelets and spotted owls. The road construction would not change the current character of the stand in any appreciable way and would not be expected to open the canopy in excess of that analyzed under the density management project.

As noted in the EA, sections 3.5.1.2.1 and 3.5.2.2.1, the proposed action is not expected to create any long-term habitat impairment to wildlife species listed or proposed for listing under the Endangered Species Act. In fact, the project is expected to enhance habitat value for spotted owls, marbled murrelets and a myriad of other wildlife species as identified in EA section 3.5.1.2.1. Moreover, as disclosed in the EA, pp. 14-38, the proposed action minimizes adverse impacts to the environment while improving the coarse wood component of the stands, hastening the attainment of late-successional structure, and helping to restore proper hydrologic function in the watershed.

ALA Comment 3: *"ALA is concerned with the EA treatment of the issue of noxious weeds. The EA contends on page 16 that "some degree of noxious weed introduction or spread is probable as management activities occur." Undoubtedly habitat functions provided by the LSR* [AMR] *will be impaired by the spread of noxious weeds. Rather than addressing these impacts and*

contrasting them with the no action alternative, the EA concludes that "Both alternatives are predicted to avoid increasing noxious weeds beyond controllable levels." EA page 39. This is and inadequate analysis. The EA should explain the actual significant differences in the spread of noxious weeds that result from the implementations of these two alternatives."

BLM RESPONSE: The EA states on page 16, in section 3.2.2.2, "Some degree of noxious/exotic weed introduction or spread is probable as management activities occur in the project units." The EA goes on to state that "Skid roads and landings would be the most likely places for weed establishment. The cumulative effects can, however, be restored by planting native species (as planned) and, if given enough time, the land could return to its historical characteristics." Since the project area is located in the northern coast range AMR, with the maximum treatment age of 110 year age class, this area would not be treated again using timber harvest methods. Following the proposed treatment, all newly constructed temporary roads, utilized skid roads and other compacted surfaces would be subsoiled and planted with native grasses and shrubs as planned and outlined in EA sections 2.2.1.4 7 d and e. These and other control measures scheduled to be implemented within the watershed are predicted to slow the spread of existing noxious/exotic weed populations and limit new introductions (EA, p.17). Even though the proposed action has a higher potential to increase the spread of noxious weeds due to the ground disturbance than does the no action alternative, for the reasons previously stated, the differences in the effects of the two alternatives on the spread of noxious weeds should not be classified as "significant**."** Moreover, the proposed action, as discussed in EA section 3.5.1.2.1 (and our response to ALA comment 2), is not expected to impair the "habitat functions provided by the LSR" as you suggest.

The statement referenced from page 39 of the EA is contained under a section entitled "Conformance with Land Use Plans, Policies and Programs" and should not be confused with the noxious weed environmental consequences discussion contained in section 3.2.2.2 of the EA. The statement on page 39 was derived from the discussion in section 3.2.2.2 and is the IDT's rationale for its determination as to whether the alternatives are consistent with the *Salem District Record of Decision and Resource Management Plan*.

ALA comment 4: "*ALA is concerned with the harvest prescription for area 32-1 which has achieved the late-seral age classification by the BLM standards. According to the EA this stand already possess many standing snags which will inevitably become the down wood that the project is designed to produce, without the negative effects of sediment loading, soil compaction and the spread of noxious weeds."*

BLM RESPONSE: Treatment Area 32-1 is in the 90 year age class. While this stand meets the age class definition for Late-Seral Mature, there are some structural features which are missing. Early decay class (decay classes 1 and 2) CWD (Coarse Woody Debris) are two of those features, as

described in EA sections 3.2.3 and Appendix 2. CWD is defined in the LSRA (*Late-Successional Reserve Assessment for Oregon's Northern Coast Range Adaptive Management Area*, dated January 1998) and the EA, as both snags and down wood. The EA notes, on page 5, that "numerous case hardened soft snags are found in this area, but the area is lacking in decay class 1 and 2 down wood." As stated on page 14 of the EA, LSRA CWD Strategy # 2 would be implemented in this project. As state in the LSRA, page 97, an element of this CWD strategy in stands meeting the late-seral stage definition, is to "create large snags and down logs to achieve moderate levels of CWD in Decay Classes I, II and III, while retaining future options for CWD creation when Decay Classes IV and V are more abundant and Decay Classes I-III are deficit." To help meet this management objective, an element of the Willy's Elk Project is increasing decay class 1 and 2 down wood. Sediment loading and soil compaction are addressed below in our response to your comment number 5. Noxious weeds are addressed above in response to your comment number 3.

ALA Comment 5: *"Please note that the project calls for 1,000 feet of new roading (through a 105 year old stand) and 10,600 feet of skid roads and 10 landings (the location to be identified by the Purchaser). The EA acknowledges that these conditions create the possibility of intercepting subsurface flows, and increasing sediment loading and base flows. EA page 22. Yet appendix 7-2 contends that ACS objective 5 (maintain and restore sediment regime) will not be retarded or prevented by the project. The justification is that "potential impacts to the sediment regime are minimized by using existing roads...". While it may be true that impacts will be minimized by mitigation, mitigation does not equate to a lack of negative impacts. The project may retard the attainment of ACS 5."*

BLM RESPONSE: The EA, pages 22-23, addresses the impacts of road construction and use on water resources. Upon project completion there will be approximately a 3,710 ft. reduction in road length from the current condition, as some of the skid roads that will be subsoiled are considered to be existing roads, and all skid roads and natural-surfaced roads and landings used in the project are to be subsoiled. The net impact on sediment resulting from the proposed action is "a reduction in sediment delivery potential from the existing condition because of the net reduction in road mileage and the fact that these are naturally-surfaced roads that are being treated" (EA, p. 23). Accordingly, the ACS discussion for objective 5 ("Maintain and restore the sediment regime under which aquatic ecosystems evolved") in appendix 7-2 correctly states that the sediment regime would be maintained (in the long-term) and the net reduction in roads (compacted surfaces) would tend toward restoration of this objective.

ALA comment 6: *"It is the increased risk of sediment loading (which retards attainment of ACS 5) that leads to the "may effect likely to adversely affect" finding for the evolutionary significant unit of upper Willamette Steelhead for which the planning area provides the headwaters. This is a significant impact that should be soberly weighed by the agency before*

proceeding with the project."

BLM RESPONSE: As stated in BLM's response to ALA comment 5 and in Appendix 7-2, ACS objective 5 would be maintained or restored under the proposed action. The November 1998 EA, page 35 in section 3.5.2.2.1, effects determination of "May Affect, Likely to Adversely Affect" was due to the potential for sediment entering streams. The expected potential for sediment was very low due to the design of the project, and that the project is expected to maintain or restore all indicators, including sediment (Appendix 6-1 to 6-6, and Appendix 7-1 to 7-3). In addition, the EA clearly states on page 35 that "This project would not jeopardize the continued existence of Upper Willamette Steelhead." The cumulative effects discussion for this and other projects in the watershed (EA pp. 22-24, 35) indicates that there would be no adverse cumulative effects to water quality or fish habitat, and that the watershed indicators and long-term viability of fish species would be maintained or restored.

On March 17, 2000 the Upper Willamette ESU was designated critical habitat for the Upper Willamette steelhead trout and Upper Willamette Chinook salmon. As stated above, the EA, which was produced prior to this designation, did include a discussion on the effects of the project on fish habitat. In an effort to further reduce the potential impacts to fish resulting from the implementation of this project the haul route was modified to avoid Willamina Creek Road and use the paved Bald Mountain Road.

A new Biological Assessment was written for the project with the revised haul route and it was "determined to be *may affect, not likely to adversely affect* Upper Willamette steelhead trout, and designated critical habitat for Upper Willamette steelhead trout and Upper Willamette chinook salmon" (Project Record Document 59). The revised project was submitted to NMFS for informal ESA section 7 consultation and a letter of concurrence was received by BLM on April 17, 2001 (Project Record Document 63).

As such, the BLM does not agree with your assertion that the proposed action would have "a significant impact."

ALA Comment 7: *"These are not matrix lands designated for timber production. It is an LSR* [AMR]*, which will attain late-successional characteristics by itself (witness the blow down of the Douglas firs* (sic) *with root rot) and water quality, soil health, and hydrology should not be harmed in order to "speed things up"."*

BLM RESPONSE: You are correct in your statement that these are not matrix lands. As stated on page one of the EA, appendix 2 page 2-1 and clarified in BLM's response to your comment 2, these lands are located in our AMR land use allocation. In the AMR, LSR management direction is applicable at this time. As stated in the EA section 1.2 "Background" and appendix 2 sections A and B the management direction for this area includes protecting and enhancing late-successional and old-

growth forest conditions, which would provide habitat for species such as the northern spotted owl and marbled murrelet. The project objectives, as stated in EA sections 1.3 "Purpose and Need", 1.3.2 "Project Objectives", 1.4 "Proposed Action", Appendix 2 section B "Selection of Proposed Treatment Areas" and Appendix 2 section F "Silvicultural Objectives", the objectives of this project are to accelerate the development of late-successional features such as large trees, snags, down logs, variable overstory density, and understory development.

As noted in Appendix 2 section D, the native root pathogen *Phellinus weirii* which causes laminated root rot, a natural part of many forest ecosystems, probably affects less than 10 percent of the proposed treatment area. Douglas-fir is highly susceptible to this disease (it is readily infected and killed by it). *Phellinus weirii* disease centers create openings in the canopy where shrubs, hardwoods, or shade- and disease-tolerant conifer species may become established and can be a source of snags and down wood. Therefore, we see *P. weirii* as beneficial in this stand toward developing late-successional forest conditions. The disease centers, however, expand relatively slowly at the rate of approximately 1 foot per year and are not expected to make a large contribution to the attainment of late-successional characteristics.

Currently, as stated in EA section 3.2.3 Forest/Riparian and Appendix 2 section C, all of the areas proposed for treatment included in the Willy's Elk density management project consist of relatively dense, evenly spaced, single-storied Douglas-fir stands with a Relative Density range of 54 to 77. As stated in EA section 3.2.3.2.2, according to stand growth projections for the next 50 years, the Relative Density of these units will continue to increase or stabilize at relatively high levels without treatment. EA Appendix 2 section E describes that the development toward late-successional forest conditions in these stand types is expected to continue to slow unless some form of disturbance occurs that creates openings in the stand to permit accelerated growth of some overstory trees and provides an opportunity for understory trees, shrubs, and herbs to develop. As the level of competition among the trees remains high, live crown ratios will decrease, diameter growth can be expected to decline, competition-related mortality will increase, coarse woody debris additions will be from the small trees that slowly die from suppression (except in a few small areas where *P. weirii* infection has resulted in windthrow of some larger-sized Douglas-fir trees), and further understory development will be limited. Therefore, development of late-successional forest structural characteristics is expected to be greatly delayed without treatment.

In regard to your stated concern for water quality, soil health, and hydrology, as disclosed in the EA, pp. 20-24, and Appendix 6-4, the proposed action is predicted to meet State of Oregon water quality standards, to have minimal impacts on soil productivity, and would not result in a measurable change in peak or base flows.

ALA Comment 8: *"The road density in this watershed is an incredible 5 miles per square mile. Please consider future projects that reduce road density without the construction of additional*

temporary roading (which can intercept sub-surface flows and cause sediment pulses.) The EA accurately notes that "surface erosion on compacted and otherwise disturbed surfaces such as roads are likely a major chronic source of sediment." EA page 24. And, "most of the water quality indicators are at present not properly functioning or at risk." Id. This is not a watershed or an LSR [AMR] *that will benefit from additional temporary roading, landings or skid trails."*

BLM RESPONSE: The Water Quality Environmental Consequences for the proposed action (EA section 3.4.2.1, p. 24) summary paragraph from which you quote goes on to state that "The anticipated activities are expected to maintain the condition of these indicators, with the exception of road density which would be restored toward a properly functioning condition. There will be no degradation of water quality indicators as a result of this action, therefore there will be no cumulative effects on water quality." This watershed may not benefit from increased road density, but it would benefit from the decrease in roads and compacted areas resulting from this action.

ALA comment 9: *"The few large remnant old growth trees that remain in the planning area receive cursory treatment in the EA. ALA requests that these large trees, that already have the ability to provide Murrelet habitat, receive buffers of at least 300 feet in which no thinning activities are permitted. Such buffers (as recommended by USFW) provide protection against windthrow and damage from logging operations."*

BLM RESPONSE: Discussions between the BLM and USFWS regarding adequate buffers for the unsurveyed potentially suitable marbled murrelet habitat with the project area proved unfruitful. For this reason marbled murrelet surveys were conducted to protocol within the project area including all of the suitable habitat along the haul route between the harvest units and the paved Bald Mountain Road, where hauling activities are not expected to exceed the ambient noise level. Those surveys indicate that the habitat is not occupied (Project Record Document 65), as such the project is compliant with the stipulations of the Programmatic Habitat Modification Biological Opinion # 1-7-00-F-649 dated October 4, 2000. The Willy's Elk Project does not contain any potential marbled murrelet nest trees within any of the density management units. In addition, a density management project of this sort will not increase the potential for windthrow of any potential nest tree that may be in stands adjacent to the density management units.

ALA comment 10: *"ALA is concerned that "the project would occur within 1/4 mile of suitable [owl] habitat that has not been surveyed to protocol in the resent past". EA page 26. Please explain why has the area around the LSR* [AMR] *not been recently surveyed?"*

BLM RESPONSE: Projects that conform to the Northwest Forest Plan do not require spotted owl surveys. The entire plan was consulted on under Section 7 of the Endangered Species Act and was found to provide for the recovery of the owl, therefore as long as projects conformed to the plan there would be no jeopardy for the owl. The Willy's Elk project conforms to the Northwest Forest Plan

(EA, pp. 38-39). Reference to unsurveyed suitable owl habitat within 1/4 mile of the proposed project is for analyzing potential disturbance impacts that may occur if owls are present. The analysis of those impacts were included in the Section 7 consultation with the United States Fish and Wildlife Service. USFWS concurred and on October 4, 2000 issued habitat modification BO # 1-2-00-F-649 which completed consultation for the Willy's Elk Project.

ALA comment 11: *"In General, the EA is helpful and clarifies many of the environmental issues."*

BLM RESPONSE: Thank you. BLM would like to point out however, that our scoping process did not reveal any major issues (major problem or dispute created by the proposed action).

ALA comment 12: *"What I would like to see is a more detailed balancing of the benefits of accelerating late successional characteristics with the adverse impacts of soil compaction, new roading, new landings, sediment loading, and increased base flows."*

BLM RESPONSE: The concerns you specify in this comment have been previously addressed in BLM's responses to ALA comments 2, 5, 6, 7, 8.

ALA comment 13*: "In the vast majority of the lands covered by the Northwest Forest Plan these stands would not be offered for commercial harvest due to the lower age cut-off for projects in LSRs."*

BLM RESPONSE: This comment is beyond the scope of this project. The *Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (February 1994), Appendix B3 page B-61 and the *Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (April 1994), page D-15, in their respective description for the "Northern Coast Range Adaptive Management Area, Oregon" specify that "the maximum age for thinning within Late-Successional Reserves in this Adaptive Management Area is 110 years." Since the Willy's Elk Project is located in the NCRAMA it is appropriate for the bureau to have proposed this silvicultural treatment.