United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Coos Bay District Office
1300 Airport Lane, North Bend, OR 97459
Web Address: http://www.blm.gov/or/districts/coosbay
E-mail: BLM_OR_CB_Mail@blm.gov
Telephone: (541) 756-0100 Toll Free: (888) 809-0839 Fax: (541) 751-4303

IN REPLY REFER TO
1792/5400 (ORC040)
ORC00-TS-2016.0035
Yankee Panky CT Timber Sale
DOI-BLM-ORWA-C040-2011-0006-EA
Lone Pine Environmental Assessment

March 29, 2016

Dear Concerned Citizen:

We have prepared the Decision Rationale for the *Yankee Panky CT* timber sale, ORC00-TS-2016.0035. The *Yankee Panky CT* timber sale is composed of units from the Yankee project area included in the Proposed Action of the Lone Pine Environmental Assessment (EA).

We have posted the Decision Rationale to the BLM NEPA Register website: http://1.usa.gov/1hHAc8v

In accordance with Forest Management Regulations under 43 CFR 5003.2, the decision for this timber sale will not become effective until the Notice of Sale is published in a newspaper of general circulation in the area where the lands affected by decision are located. For this project, the Notice of Sale will be published in The World newspaper.

Please direct requests for copies, questions, or comments to Coos Bay District BLM, 1300 Airport Lane, North Bend, OR 97459-2000; call (541) 756-0100; FAX (541) 751-4303, or email to BLM_OR_CB_Mail@blm.gov, ATTN: Racheal Jones.

Sincerely,

/s/ Kathy Westenskow
Kathy Westenskow
Myrtlewood Field Manager

United States Department of the Interior

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DECISION RATIONALE
For the
Yankee Panky CT Timber Sale (ORC00-TS-2016.0035)
Lone Pine Environmental Assessment

Background:
The Myrtlewood Field Office, Coos Bay District Bureau of Land Management, previously prepared the Lone Pine Environmental Assessment (DOI-BLM-ORWA-C040-2011-0006-EA), which contained analysis of the effects of conducting commercial thinning, density management thinning, and hardwood conversion treatments within the Lone Pine project area, as well as analysis of a No Action alternative. This EA, which is incorporated by reference, resulted in a FONSI (Finding of No Significant Impact) signed August 19, 2013. The *Yankee Panky CT* timber sale is composed of some of the units from the Yankee project area of the Proposed Action of this EA and is located in T. 28 S., R. 11 W., Sec. 7 & 17, Willamette Meridian. Table II-3 and Map 4a of the EA showed that the Yankee project area totaled 449 acres of proposed treatment. The *Yankee Panky CT* timber sale consists of 4 harvest units totaling 191 acres.

Proposed Action:
The *Yankee Panky CT* timber sale occurs in the East Fork Coquille and North Fork Coquille 5th Field Watersheds and consists of 188 acres of commercial thinning and 3 acres of right-of-way clearing in the Matrix and Riparian Reserve land use allocations (LUAs). The *Yankee Panky CT* Timber Sale will require construction of 0.47 miles of new road and renovation/reconstruction of 7.26 miles of existing road. This timber sale will include decommissioning of 1.01 miles of newly constructed and renovated roads.

The following table (**Table 1-1**) shows the timber sale unit number and the corresponding EA harvest area for clarification. Table 1-1 also includes the timber sale final acreage and the EA estimated acreage.

Table 1-1 Comparison of the final timber sale numbers and EA estimates for units and final acreage.

	Unit #	Acreage	Right-of-way	Total
Yankee Panky CT Timber Sale	1	188	3	191
Lone Pine EA	Yankee	449	N/A	449

The following table (**Table 1-2**) shows the comparison between the EA estimates and the final timber sale roadwork. EA Tables II-5 and II-6 show the EA estimates.

Table 1-2 Comparison of road work between the timber sale and the EA.

	New Road Construction (Miles)	Road Renovation/ Reconstruction (Miles)	Road Decommissioning (Miles)	Full Road Decommissioning (Miles)
Yankee Panky CT Timber Sale	0.47	7.26	1.01	0.00
EA Estimate for Yankee	0.35	7.23	0.43	0.00

The 258-acre difference between the acreage analyzed in the EA and the acreage included in the *Yankee Panky CT* timber sale timber sale is a result of dropping 110 acres west of unit 4 and 16 acres west and east of unit 1 for difficult yarding, poor stocking, or no access. Additionally, the BLM dropped 132 acres west of units 2 and 3; those acres would be offered for sale under a future decision anticipated in fiscal year 2018.

The BLM will conduct thinning treatments on forest stands to achieve the timber harvest and stand management objectives for Matrix lands while still maintaining or restoring ecological health to the adjacent Riparian Reserves (EA pp. 3-4). The project is in conformance with the Endangered Species Act.

The EA included a complete list of project design features (pp. 17-23), which are measures to avoid, minimize, or rectify impacts on resources and are included as part of the Proposed Action. These project design features and the description of the proposed action are hereby incorporated by reference. The following is a brief summary of some of these design features:

- Trees, including hardwoods, 24 inches in diameter and larger will be retained in Riparian Reserves.
- Harvest activities will use a combination of skyline cable and ground-based equipment.
- Snags and/or down wood creation will be conducted as per EA Table II-4.
- All road-related activities will use applicable Best Management Practices as described in the EA (pp. 19-22).
- The presence of occupied marbled murrelet habitat restricts the operating period for portions of the sale after August 6.

Compliance and Conformance

The BLM developed the Lone Pine EA under the management direction of the 1995 Coos Bay District Record of Decision and Resource Management Plan (ROD/RMP). The analysis supporting this decision tiers to the Final Coos Bay District Proposed Resource Management Plan/Environmental Impact Statement. The 1995 Record of Decision is also supported by, and consistent with, the 1994 Final Environmental Impact Statement on Management of Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl and its associated Record of Decision.

As there are infected Port-Orford-cedar (POC) trees within the project area, this project includes implementing management practices from the 2004 Final Supplemental Final Environmental Impact Statement (FSEIS) for Management of Port-Orford-cedar in Southwest Oregon and its Record of Decision (EA p. 11).

The project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the district ROD/RMP.

In 2006, the District Court for the Western District of Washington (Judge Pechman) invalidated the agencies' 2004 RODs eliminating Survey and Manage due to National Environmental Policy Act (NEPA)

violations. Following the District Court's 2006 ruling, parties to the litigation entered into a stipulation exempting certain categories of activities from the Survey and Manage standard (hereinafter, "Pechman exemptions").

Judge Pechman's Order from October 11, 2006 directs:

> "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:
> a. Thinning projects in stands younger than 80 years old;
> b. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;
> c. Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and
> d. The portions of projects involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph."

I have reviewed the *Yankee Panky CT* timber sale in consideration of Judge Pechman's October 11, 2006, order and have determined that the *Yankee Panky CT* timber sale may proceed to be offered for sale because the project includes thinning in stands less than 80 years old, which meets Exemption A of the Pechman Exemptions (October 11, 2006, Order).

The BLM requested formal consultation with the U.S. Fish and Wildlife Service for evaluation of effects to the northern spotted owl and the marbled murrelet. On August 1, 2013, the BLM received a Biological Opinion, which includes a finding that "implementation of the proposed actions would not jeopardize the continued existence of the spotted owl or the marbled murrelet, and will not adversely modify designated critical habitat for the spotted owl or murrelet."[1]

Consultation with the National Marine Fisheries Service is not required, as the *Yankee Panky CT* timber sale has been determined to have "no effect" to threatened Oregon Coast coho salmon and its associated critical habitat. Additionally, project activities will not result in adverse effects to Essential Fish Habitat under the Magnuson-Steven Fishery Conservation and Management Act (16 U.S.C. 1855(b)).

Analysis has also concluded that implementation of the Proposed Action will not increase the likelihood of or the need for listing of any Special Status Species under the ESA as identified in BLM Manual 6840 and BLM OR/WA 6840 Policy. Botany Special Status Species surveys are complete on all units for species in which surveys are practical and are included in the State Director's Special Status Species List.

This project complies with the Coastal Zone Management Act and I have determined that there will be no adverse effects to Coastal Zone resources from implementing this project. There will be no effects to water quality (EA pp. 43-47) and the Aquatic Conservation Strategy Objectives will be restored or maintained (EA pp. 64-73).

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[1] Biological Opinion on the Lone Pine Timber Harvest Project. August 1, 2013. FWS# 01EOFW00-2013-F-0159.

The Lone Pine EA complies with the Clean Water Act, the National Historic Preservation Act, and the Clean Air Act. This project area does not contain any Areas of Critical Environmental Concern, designated Wilderness, Wild & Scenic Rivers or prime or unique farmlands. There were no concerns identified regarding Cultural Resource Values, Native American Religious Concerns or Environmental Justice issues. The Lone Pine EA (DOI-BLM-ORWA-C040-2011-0006-EA) resulted in a Finding of No Significant Impact (FONSI), thus development of an Environmental Impact Statement (EIS) is not required.

Public Involvement

The public was informed of the availability of the EA and preliminary FONSI for review through a direct notification (May 17, 2013) to those on the District's mailing list, which included adjacent landowners, the web update group, and others who requested notice of this type of project. The BLM also posted an announcement on the District's website, http://www.blm.gov/or/districts/coosbay/plans/index.php . The EA and preliminary FONSI were available for review until June 17, 2013. The BLM received three comments. Upon reviewing the external and internal comments, the BLM made one change to the EA to clarify project design features listed under Harvest Volume (sample tree falling) on page 18-19 of the EA.

This change in the EA did not invalidate the analysis supporting the Lone Pine FONSI, which was signed on August 19, 2013.

Rationale for the Decision

Using the Decision Factors for this project (EA p. 4), I am choosing to offer the *Yankee Panky CT* timber sale for the following reasons:

- Implementation of the Proposed Alternative best meets the purpose and need described in the Lone Pine EA (pp. 3-4); the No Action Alternative does not meet the purpose and need.
- It reduces competition mortality and will increase tree vigor and growth on these Matrix lands.
- It improves Riparian Reserve stand structure by enhancing residual tree growth and vigor while retaining structural and habitat components.
- It is consistent with the 1995 Record of Decision and Resource Management Plan for the Coos Bay District of the Bureau of Land Management.
- It provides economic benefits to the local community and society.
- It complies with other major applicable laws, regulations, and Bureau policies.

Administrative Remedies

The decision described in this document is a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations under 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer, Kathy Westenskow, within 15 days of the publication date of the notice of decision/timber sale advertisement in The World newspaper, Coos Bay, Oregon.

43 CFR 5003.3(b) states: "Protests shall be filed with the authorized officer and would contain a written statement of reasons for protesting the decision." This precludes the acceptance of electronic mail (email) or facsimile (fax) protests. Only written and signed hard copies of protests that are delivered to the Coos Bay district office will be accepted. The protest must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.
43 CFR 5003.3(c) states: "Protests received more than 15 days after the publication of the notice of decision or 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 project decision to be implemented in light of the statement of reasons for the protest and other pertinent information to her. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the

authorized officer may proceed with the implementation of the decision as permitted by regulations under 5003.3(f).

If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of the decision notice, this decision will become final. If a timely protest is received, the project decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Coos Bay district office will issue a protest decision.

For further information contact Racheal Jones at 1300 Airport Lane, North Bend, OR 97459; by phone at (541) 756-0100; or by email at BLM_OR_CB_Mail@blm.gov, Attn: Racheal Jones.

Decision Approved by:

/s/ Kathy Westenskow	***March 29, 2016***
Kathy Westenskow Myrtlewood Field Manager	Date

Attachments: Timber Sale Prospectus maps (Exhibit A, and A-1; 3 pages)

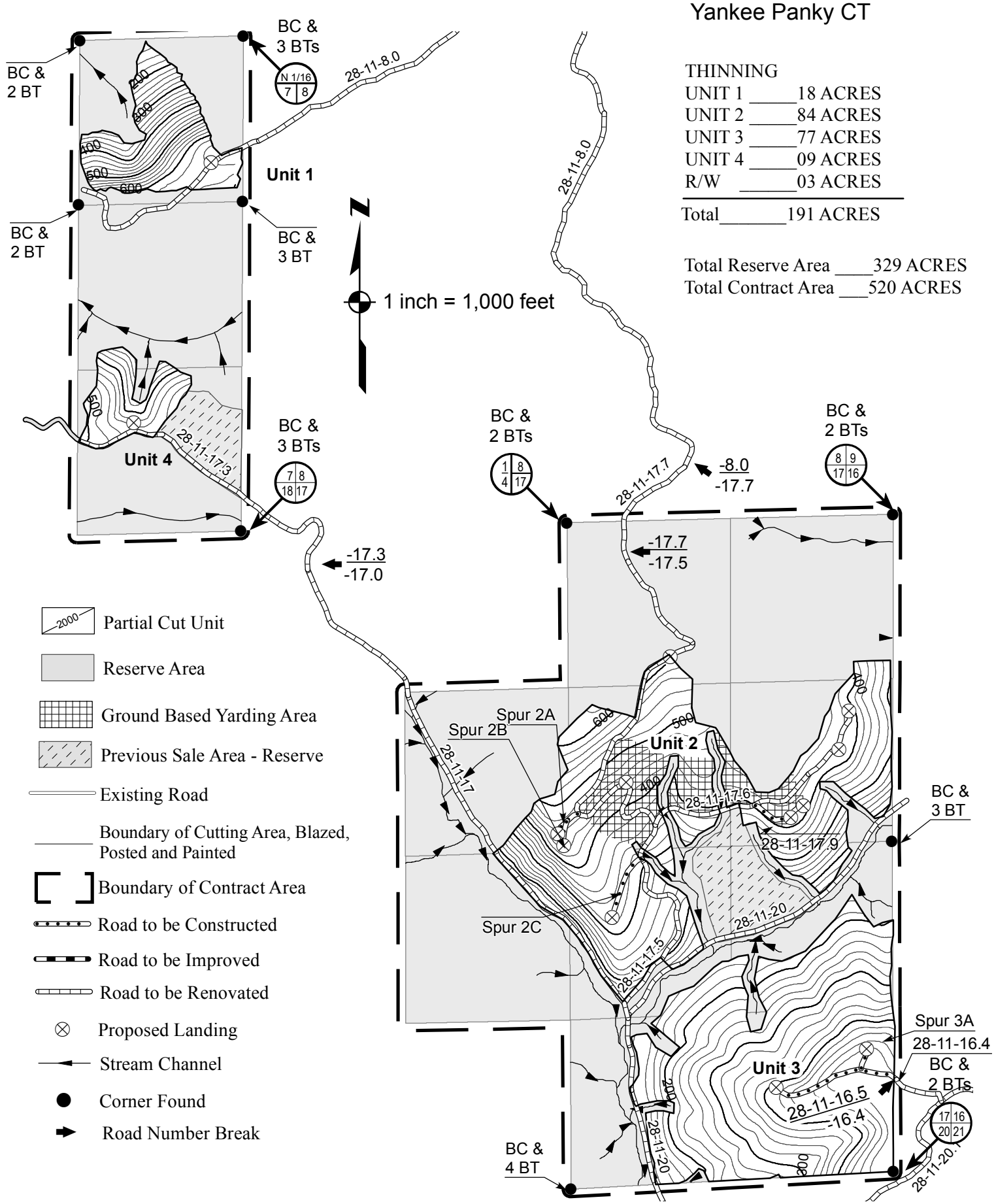
TIMBER SALE CONTRACT MAP
USDI-BLM COOS BAY DISTRICT
T. 28 S., R. 11 W., Secs. 7 & 17 Will. Mer.

ORC00-TS-2016.0035
EXHIBIT A
Page 1 of 2
Yankee Panky CT

THINNING
UNIT 1 _____18 ACRES
UNIT 2 _____84 ACRES
UNIT 3 _____77 ACRES
UNIT 4 _____09 ACRES
R/W _____03 ACRES

Total_____191 ACRES

Total Reserve Area ____329 ACRES
Total Contract Area ___520 ACRES



TIMBER SALE CONTRACT MAP
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EXHIBIT A
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Yankee Panky CT

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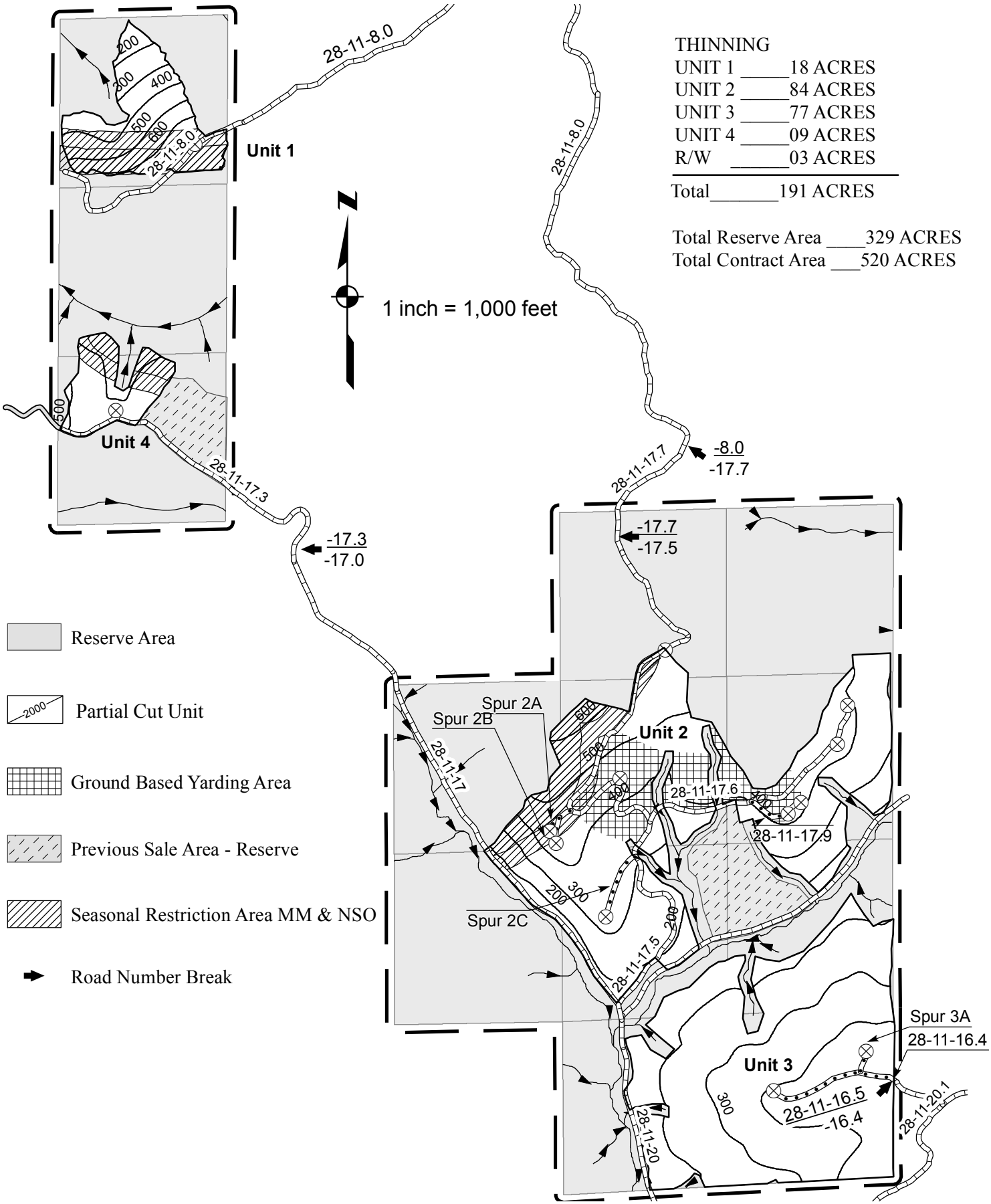

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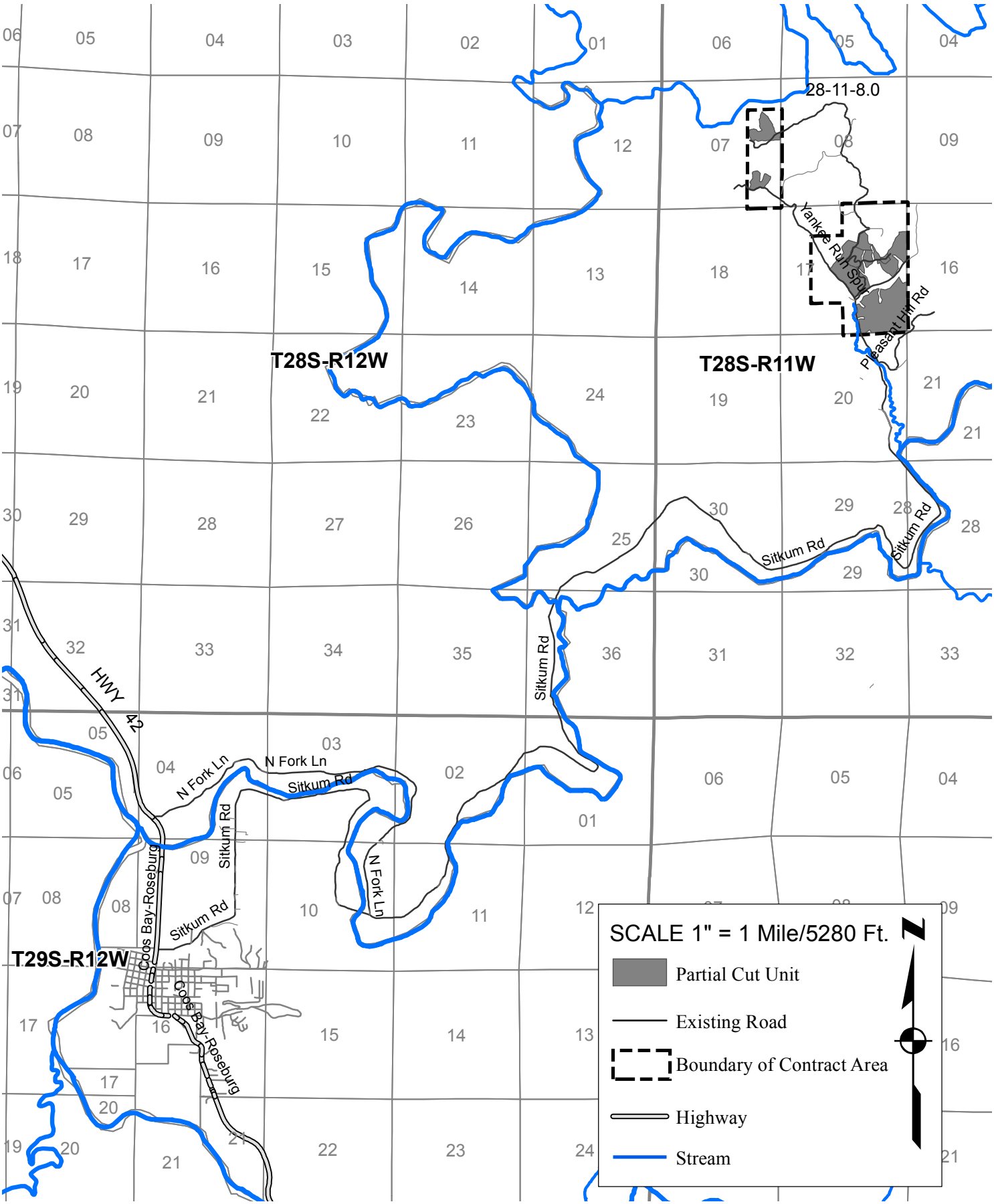
ORC00-TS-2016.0035
EXHIBIT A-1
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