



## United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Coos Bay District Office

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IN REPLY REFER TO

1792/5400 (ORC030)

ORC00-TS-2016.0004

Whistle Stop CT Timber Sale

DOI-BLM-ORWA-C030-2010-0001-EA

Fairview NWFP Project Environmental Assessment

**March 25, 2016**

Dear Concerned Citizen:

We have prepared the Decision Rationale for the *Whistle Stop CT* Timber Sale, ORC00-TS-2016.0004. The BLM analyzed the *Whistle Stop* Timber Sale units in the Fairview NWFP Project Environmental Assessment (DOI-BLM-ORWA-C030-2010-0001-EA).

We have posted the Decision Rationale for the Whistle Stop CT Timber Sale on the BLM NEPA Register website at <http://1.usa.gov/1Op3G9R>.

Please note that the Oregon and Washington BLM Districts began posting all NEPA-related documents to the BLM NEPA Register on October 1, 2015; Coos Bay District BLM documents published *prior* to October 1, 2015 remain posted at the BLM's Historic Listing website at <http://www.blm.gov/or/plans/plans-search.php>.

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 the decision are located. For this project, the BLM will publish the Notice of Sale in *The World* newspaper on March 31, 2016.

Please direct requests for copies, questions, or comments to Coos Bay District BLM, 1300 Airport Lane, North Bend, OR 97459; call (541) 756-0100; FAX (541) 751-4303, or email to [BLM\\_OR\\_CB\\_Mail@blm.gov](mailto:BLM_OR_CB_Mail@blm.gov), ATTN: Heather Partipilo.

Sincerely,

/s/ **Todd D. Buchholz**

Todd D. Buchholz

Umpqua Field Manager



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Whistle Stop CT Timber Sale

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### DECISION RATIONALE

for the

**Whistle Stop CT Timber Sale (ORC00-TS-2016.0004)**

**Fairview NWFP Project Environmental Assessment**

#### Background

The Umpqua Field Office, Coos Bay District Bureau of Land Management (BLM), previously prepared the Fairview NWFP Project Environmental Assessment (EA) (DOI-BLM-ORWA-C030-2010-0001-EA), which contained analysis of the effects of conducting commercial thinning, alder conversion, and density management thinning treatments within the Fairview project area, as well as analysis of a No Action alternative. The Fairview NWFP Project EA, which is incorporated by reference, resulted in a Finding of No Significant Impact (FONSI) signed October 17, 2011. The Fairview NWFP Project proposes to thin approximately 6,370 acres of 40- to 75-year-old stands of conifer, and convert approximately 974 acres of red alder to conifer.

#### Proposed Action

The BLM's *Whistle Stop CT* Timber Sale will implement treatment on 130 acres within portions of EA Units 39 and 71 in T. 27 S., R. 12 W., Sections 4, 5, and 9, Willamette Meridian, in the Catching Slough and Cunningham Creek subwatersheds, to contribute to future resource management objectives, including restoration of conifer species to assist with attainment of Aquatic Conservation Strategy objectives (EA pp. 2, 57–58). The treatment area consists of 46 acres of commercial thinning and 20 acres of alder conversion within the General Forest Management Area (GFMA), and 40 acres of density management thinning and 24 acres of alder conversion within the Riparian Reserve (RR) land use allocation. The BLM reduced the original treatment area in the EA (i.e., 207 acres) by 77 acres to remove areas that were not well suited for harvest at this time and for no-thin buffers on intermittent and perennial streams.

**Table 1** shows the *Whistle Stop CT* Timber Sale unit number and the corresponding Fairview NWFP Project EA analysis units for clarification (EA Table II-3, pp. 13–14). **Table 1** also includes the final field verified forest treatment acreage and the estimated EA acreage.

**Table 1.** Comparison of the EA unit estimates and the final *Whistle Stop CT* acreage

Whistle Stop CT Timber Sale Unit Number	Fairview NWFP Project EA Unit Number	Fairview NWFP Project EA Estimated Unit Area (Acres)	Whistle Stop CT Timber Sale Actual Unit Area* (Acres)
1	39	157	86
	71	50	44
<b>Totals</b>		<b>207</b>	<b>130</b>

\* Includes right-of-way

The BLM's *Whistle Stop CT* Timber Sale will harvest approximately 2.6 MMbf of timber.

The *Whistle Stop CT* Timber Sale will require construction of 0.35 miles of new road, which is an increase from the estimated 0.32 miles of new road construction identified in the EA for this area. New road construction will not occur within the Riparian Reserve land use allocation. The BLM will renovate approximately 2.37 miles of existing road. Upon project completion, the BLM will decommission approximately 0.23 miles of road, which is an increase from the EA estimate of 0.21 miles of road.

**Table 2** shows the comparison between the Fairview NWFP Project EA roadwork estimates for the area and the final *Whistle Stop CT* Timber Sale roadwork. The EA estimates were derived from EA Table B-2 (EA pp. 137–144).

**Table 2.** Comparison of roadwork between the timber sale and the EA

	New Road Construction (Miles)	Road Renovation (Miles)	Road Decommissioning (Miles)	Full Road Decommissioning (Miles)
Fairview NWFP Project EA	0.32	2.37	0.21	0.00
Whistle Stop CT Timber Sale	0.35	2.37	0.23	0.00

The EA included a complete list of Project Design Features (PDFs, EA pp. 17–27), which are measures to avoid and minimize effects on resources, and are included as part of the Proposed Action. These PDFs, and the description of the Proposed Action, are incorporated by reference. The following is a brief summary of some of these design features:

#### Harvest Systems

- The sale area will be harvested with skyline cable and ground-based systems.
- Seasonal timing restrictions would be implemented to minimize soil compaction and damage to residual trees.
- Full log suspension will be required when yarding across flowing streams.

#### Road Decommissioning

- Road decommissioning consists of 0.23 miles of closure, and waterbarring of rock surfaces. Natural surfaces will be seeded, fertilized, and mulched to stabilize the soil.

### Prescription

- The *Whistle Stop CT* Timber Sale is marked using leave tree prescriptions for conifer. The commercial thinning portion of Unit 1 is marked to an average of 170 basal area leave.
- The special cutting area (alder conversion) emphasis is to retain dominant, co-dominant, and healthy shade tolerant conifers without regard to land use allocation. The special cutting area of Unit 1 averages 80 basal area leave through the combination of gap creation/alder removal and conifer retention.
- Non-alder hardwood species  $\geq$  18 inches DBH will be reserved in the special cutting area, except those trees that fall within road rights-of-way, or need to be removed for safety reasons. Non-alder hardwood clumps within the Riparian Reserve will be reserved when their retention would not prevent or delay establishment of conifer or prevent the attainment of late-successional characteristics in the Riparian Reserve.
- No harvest will be permitted within 35 feet of intermittent stream channels.
- All existing standing dead trees would be reserved from cutting, except those snags that must be felled to permit safe working operation. Additional snags would be created by retaining trees used during cable logging operations for lift or intermediate support.
- Following harvest, the special cutting area will be prepared for tree planting by slashing, lopping, and scattering of residual brush and small woody debris.

### **Compliance and Conformance**

The BLM developed the Fairview NWFP Project EA and the *Whistle Stop CT* Timber Sale under the direction of the 1995 *Coos Bay District Record of Decision and Resource Management Plan* (1995 ROD/RMP). The analysis supporting this decision tiers to the *Final Coos Bay District Proposed Resource Management Plan/Environmental Impact Statement* (USDI 1994). This 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 (USDA and USDI 1994).

The *Whistle Stop CT* Timber Sale is consistent with court orders relating to the Survey and Manage mitigation measures of the Northwest Forest Plan, as incorporated into the Coos Bay District Resource Management Plan.

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 had 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 *Whistle Stop CT* Timber Sale in consideration of the October 11, 2006 order. Because the commercial thinning portion of the *Whistle Stop CT* Timber Sale includes thinning only in stands less than 80 years old, I have made the determination that this project meets Exemption ‘a’ of the Pechman Exemptions (October 11, 2006, Order), and therefore may still proceed to be offered for sale.

The alder conversion of the *Whistle Stop CT* Timber Sale is consistent with the 2001 *Record of Decision* (ROD) and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, as incorporated into the Coos Bay District’s Resource Management Plan.

The alder conversion portion of the *Whistle Stop CT* Timber Sale uses the species list and categories from the 2001 ROD. At the time this project was initiated, the BLM was involved in legal proceedings on the Record of Decision to Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans within the Range of the Northern Spotted Owl. Due to uncertainties surrounding these proceedings, this project utilized the last valid ROD, specifically the 2001 ROD and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (not including subsequent Annual Species Reviews). Details of the project surveys are described below:

The Fairview NWFP Project EA analysis concluded that implementation of the Proposed Action would not increase the likelihood or the need to list any Special Status Species as identified in BLM Manual 6840 and BLM OR/WA 6840 policy. The BLM completed botanical Special Status Species surveys on all units for which species surveys are practical, or those species included in the 2008 State Director’s Special Status Species List. The BLM botanist identified several small sites with botanical Special Status Species in the *Whistle Stop CT* Timber Sale area; however, the BLM excluded the sites from the treatment area to ensure persistence. The BLM buffered two Survey and Manage Category B lichen sites (i.e., *Hypotrachyna revoluta* and *Chaenotheca chrysocephala*) to ensure site protection. Additionally, three Bureau Sensitive liverwort sites (i.e., *Metzgeria violacea*) were located; however, these sites were within no-cut riparian buffers.

The BLM submitted proposed activities that may affect listed wildlife species within the project area for consultation with the U.S. Fish and Wildlife Service, in accordance with Section 7(A)(2) of the Endangered Species Act of 1973 [16 U.S.C. 1536(A)(2) and (A)(4) as amended]. The BLM received a Letter of Concurrence (FWS Ref. # 13420-2010-I-10) from the U.S. Fish and Wildlife Service on June 21, 2010. The U.S. Fish and Wildlife Service stated that the proposed actions “may effect, but are not likely to adversely affect” the northern spotted owl or the marbled murrelet.

Based on analysis, the Umpqua Field Office fisheries biologist concluded that the proposed activities in the Fairview NWFP Project EA project area would have ‘no effect’ on threatened Oregon Coast coho salmon and coho critical habitat.

Additionally, project activities would not adversely affect Essential Fish Habitat (EFH). Therefore, consultation with the National Marine Fisheries Service (NMFS) is not warranted (EA p. 73).

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. 3). The BLM has not detected Port-Orford-cedar trees within the sale area.

The Fairview NWFP 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 the *Whistle Stop CT* Timber Sale. There will be no effects to water quality (EA pp. 42–55).

The Aquatic Conservation Strategy (ACS) Objectives (EA pp. 56–67), and relevant findings, were incorporated into the Proposed Action. The Umpqua Field Office hydrologist concluded that the proposed activities in the Fairview NWFP Project EA project area will promote attainment of ACS Objectives.

The Fairview NWFP Project EA is in compliance with the Clean Water Act, the National Historic Preservation Act, and the Clean Air Act. The project area does not contain any Areas of Critical Environmental Concern, designated Wilderness, Wild and Scenic Rivers, or prime and unique farmlands. There were no concerns identified regarding Cultural Resource Values, Native American Religious Concerns, or Environmental Justice issues (EA pp. 110–111).

The Fairview NWFP Project EA (DOI-BLM-ORWA-C030-2010-0001-EA) resulted in a Finding of No Significant Impact (FONSI), thus development of an Environmental Impact Statement (EIS) is not required.

### **Public Involvement**

The BLM informed the public of the availability of the Fairview NWFP Project EA and FONSI for review through a direct notification (June 30, 2011) to those on the District’s mailing list, which included adjacent landowners, the web update group, and others who requested notice on 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 and comment until July 31, 2011. In response to public comments, the BLM added language to the EA to clarify project planning considerations, the need for roads, the effects of treatment within the Riparian Reserve, large woody debris effects, and an explanation on how the project is consistent with Aquatic Conservation Strategy objectives. These additions did not change the Proposed Action or the effects and they did not invalidate the analysis supporting the Fairview NWFP Project FONSI. The Umpqua Field Manager signed the FONSI and the BLM made the updated EA and FONSI available to the public on October 17, 2011 at the website listed above. These historic documents are currently available at the BLM’s NEPA Register at <http://1.usa.gov/1Op3G9R>.

### **Rationale for the Decision**

Using the Decision Factors described in the Fairview NWFP Project EA (EA pp. 7), I am choosing to offer the *Whistle Stop CT* Timber Sale for the following reasons:

- Implementation of the Proposed Action best meets the purpose and need described in the Fairview NWFP Project EA (pp. 1–2); the No Action alternative does not meet the purpose and need for action.
- It is consistent with the 1995 *Record of Decision and Resource Management Plan for the Coos Bay District* of the BLM.

- It reduces competition-based mortality to increase tree growth and vigor in conifer stands, or re-establishes conifer in red alder-dominated stands, to contribute to future management objectives specific to Matrix (GFMA) lands.
- It improves Riparian Reserve stand structure by removing excess trees in overstocked stands, and re-establishes conifer in red alder dominated stands, while retaining structural and habitat components, such as large trees, snags, and coarse wood, which contribute to management objectives for the Riparian Reserve.
- It provides timber resources and revenue to the government from the sale of those resources.
- 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 in 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer, Todd Buchholz, within 15 days of the publication date of the notice of decision/Notice of Sale advertisement in The World newspaper, Coos Bay, Oregon on March 31, 2016.

43 CFR § 5003.3 subsection (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 subsection (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 available to him. 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 at 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 the Coos Bay District Office at 1300 Airport Lane, North Bend, OR 97459; by phone at (541) 756-0100; or by email at [BLM\\_OR\\_CB\\_Mail@blm.gov](mailto:BLM_OR_CB_Mail@blm.gov), Attn: Heather Partipilo.

**Decision Approved by:**

*/s/ Todd D. Buchholz*

*March 25, 2016*

\_\_\_\_\_  
Todd D. Buchholz  
Umpqua Field Manager

\_\_\_\_\_  
Date

Attachments: Timber Sale Prospectus Maps (Exhibits A and A-1, 2 pages)



