FINDING OF NO SIGNIFICANT IMPACT
FOR THE
COLD ELK FOREST MANAGEMENT PROJECT
DOI-BLM-ORWA-M070-2016-0001-EA

United States Department of the Interior
Bureau of Land Management
Medford District, Grants Pass Field Office

I. INTRODUCTION

The Grants Pass Resource Area, Medford District Bureau of Land Management (BLM), Cold Elk Forest Management Environmental Assessment (EA) was made available for public comment from July 5, 2016 to August 4, 2016. The BLM has a statutory obligation under the Federal Land Policy Management Act which directs that "The Secretary shall manage the public lands . . . in accordance with the land use plans developed by him under section 202 of this Act when they are available . . ." The Medford District's Record of Decision and Resource Management Plan (1995 ROD/RMP) guides and directs management of BLM lands.

One of the primary objectives identified in the RMP is implementing the O&C Lands Act which requires the Secretary of the Interior to manage O&C lands for permanent forest production in accordance with sustained yield principles.

The purpose and need for proposed treatments in the Cold Elk Project is to produce wood volume at the present time, increase conifer growth rates for wood volume production in the future, and maintain/improve tree vigor of retained conifers and other vegetation while managing northern spotted owl habitat.

The EA analyzes the effects of the Proposed Action to treat approximately 3,702 acres in the Matrix and Riparian Land Use Allocations. Treatments include variable density thinning, understory reduction, disease management, and roadside management prescriptions.

II. DETERMINATION OF SIGNIFICANCE

The discussion of the following significant criteria applies to the intended actions and is within the context of local importance. Chapter 3 of the EA describes the effects of the Proposed Action. None of the effects identified, including direct, indirect and cumulative effects, are considered to be significant and do not exceed those effects described in the 1995 Medford District Resource Management Plan/Final Environmental Impact Statement (1994 RMP/EIS). The environmental effects of the Proposed Action do not meet the definition of significance in

context or intensity as defined in 40 CFR § 1508.27. Therefore, an environmental impact statement is not necessary and will not be prepared.

Context. The Cold Elk Forest Management Project Action analyzes treatment of approximately 3,702 acres in the Matrix and Riparian Land Use Allocations. Treatments include variable density thinning, understory reduction, disease management, and roadside management prescriptions. The PA is located within the West Fork Cow Creek Watershed, in Coos and Douglas Counties and a small portion of Curry County of Oregon. The Proposed Action by itself does not have international, national, region-wide, or state-wide importance.

Intensity. The following discussion is organized around the Ten Significance Criteria described in 40 CFR § 1508.27(b) as they pertain to the context of the Cold Elk Forest Management Project Alternative.

1. Impacts that may be both beneficial and adverse. The most noteworthy predicted environmental effects of the Proposed Action Alternative include:

a) **Vegetation.** Silvicultural treatments proposed in Alternative 2 would increase species diversity, develop habitat conditions, and reduce stand densities. Increased growing space following management intervention would contribute to larger scale benefits to the watershed where the aggregate effect results in improved conifer growth, habitat conditions, and persistence of diverse species composition. (EA, p. 63). With silvicultural manipulation, active creation of structural complexity can be achieved where the resulting lowered densities would reallocate growing space to more desirable diverse tree species and larger tree structure desired by wildlife, and improve stand resiliency and tree vigor (EA, p. 63). Decreased stand densities would improve short term (0-20 years) and long term (> 21 years) forest health and resiliency (EA p. 64).

b) **Fire and Fuels.** The Cold Elk Project would implement forest management activities to move toward meeting fuels reduction objectives for these areas and enhancing fire-adapted ecosystems by reducing fire hazard. Treatments could create defensible areas within the PA and move those treated areas to near historical ranges. Alternative 2 would have a short term increase of fine fuels deposited on the forest floor resulting in an immediate increase in fire hazard until activity fuels are treated. Activity fuels treatments are proposed that would reduce this immediate deposition of fuels as described in Chapter 2.4, Project Design Features (PDFs) and Best Management Practices (BMPs) and the Fire and Fuels write-up, Chapter 3.2 (EA, p. 62). Long-term beneficial effects are anticipated in terms of decreased fire hazard on approximately 3,702 acres which could be utilized as strategic holding points for fire suppression personnel for the next 10 to 20 years (EA, p. 73).

Alternative 2 would help restore, maintain, and enhance fire-adapted ecosystems by reducing fire hazard within the PA (PA). In the event of a wildfire, strategic locations may be utilized for fire suppression activities to contain a fire within the PA, or conversely, to prevent a fire from entering it. Alternative 2 reduces fuels to decrease the intensity and severity of future fires at the stand level within the PA (EA, p. 63).

c) **Soil Compaction and Productivity.** Direct effects to soils from timber thinning include soil displacement and compaction from forest management activities (EA, p. 130). In density reduction projects on BLM administered lands, a reduction in either overstory and/or understory stand density would improve conifer growth and contribute to developing habitat conditions. Long term soil productivity benefits where site conditions for residual conifer growth improve (EA, p. 124). The proposed silvicultural treatments would increase the long-term (after 3-5 years) productivity of residual trees by effectively increasing their access to additional light, water, and nutrients. Thinning would improve or maintain stand vigor and growth rates. Many of these stands are currently showing reduced growth rates as a result of overstocked conditions for light, soil nutrients, and water (EA, p. 124).

   Each proposed Cold Elk Project harvest unit would be below 12% compaction and 5% productivity loss as analyzed in the 1994 Medford District FEIS RMP (EA, p. 124). Units proposed for Understory Reduction would not contribute to soil compaction or productivity loss, since no extraction is proposed for these units (EA, p. 121). Residual vegetation is expected to respond to the stimulus of increased growing space and to the newly available growth factors necessary for survival (increased availability of water, nutrients, and sunlight) which would help improve site productivity.

d) **Soils Sedimentation and Erosion.** It was determined that little to no sedimentation would occur from individual units, landings, and crossings along haul routes. In other words, no measureable sedimentation would occur above natural background levels described for the No Action alternative. No-treatment buffers Environmental Protection Zones (EPZs), Best Management Practices (BMPs), and specific associated project design features (PDFs) identified in section (2.3), would result in no direct or long term erosion (EA, p. 136). There would be no long-term increase in road density under this alternative, but a slight increase in roaded area during harvest (about 0.5% in the West Fork of Cow Creek). With this slight increase in roaded area, the total roaded area for the project area would still be below 4%, and therefore not expected to result in any measureable change in effects beyond baseline conditions (EA, p. 132). Harvest activities would add an estimated maximum of 148 acres to the Equivalent Clearcut Area (ECA) during the short-term (1-2) years, but with successful reclamation no long-term increase in the ECA area would occur (EA, p. 153). No new permanent roads would be built and

all temporary routes would be fully-decommissioned, therefore there would be no long-term increase in road density under this alternative (EA, p. 153).

Because of the type of actions proposed and the PDFs, BMPs and seasonal restrictions that would be implemented, there would be no instances of chronic erosion or excessive soil displacement that will occur as a result of actions associated with the Proposed Action Alternative. The magnitude and extent of soil erosion from all activities associated with the Proposed Action Alternative will be consistent with the impact analysis and conclusions provided in the 1994 Medford RMP/EIS.

e) Hydrology. It was determined that little to no sedimentation would occur from individual units, landings, and crossings along haul routes. In other words, no measureable sedimentation would occur above natural background levels described for the No Action alternative. Therefore, water quality measures would not be negatively affected. Some short-term direct and indirect effects to water quality were identified due to pulse increases in sediment and turbidity from road work, generally during the first significant storm event of the wet season. While these effects from sediment could potentially occur, it would still remain within acceptable water quality limits for turbidity, and sediment loads would be difficult to distinguish from background levels (EA, p. 168).

EPZs, BMPs, and specific associated PDFs identified in EA Section 2.3, would result in no direct or long-term sediment input to streams and thus no cumulative effects to water quality. In addition to sediment filtering, the EPZs would also retain trees that contribute to the primary shade zone for streams, and thus would maintain stream temperatures (EA, p. 169).

The risk of negative effects to water quality from the Proposed Action is low. There would be no changes to current slope stability or risk of slope failure. The potential for periodic slope failures within the range of natural variability would still remain in association with areas exhibiting an historic disposition to soil movement, particularly in the event of a major storm (EA, p. 169).

Based on the data analyzed, the risk of peak flow enhancement from roads alone would be low. All roads in the PA currently occupy less than 5% of the land base. Statistically significant increases in peak flows have been shown to occur only when roads occupy at least 12% of the watershed. The Proposed Action would not increase road densities since all temporary roads would be fully decommissioned after use. Landings constructed in new disturbance would be rehabilitated, therefore no increase in ECA or road densities, and no perceptible increase in peak flows would be expected (EA, p. 164).

The Proposed Action and the implementation of PDFs, BMPs and seasonal restrictions that will be implemented, there would be no enhancement to peak flows, low flows,

water yield, or temperature. The effects to water resources from all activities associated with the Proposed Action Alternative would be consistent with the impact analysis and conclusions provided in the 1994 Medford RMP/EIS.

f) Northern Spotted Owl. See 9 below.

g) Botany. See T&E plants in 9 below.

In the short term (0-3 years), proposed management actions would result in soil displacement and erosion, potentially affecting fungi species recolonization efforts within treatment units and along roads (EA, p. 190).

h) SocioEconomics. Two timber sales are anticipated to be generated from this project, with an estimated total from both sales of 9 – 15 mmbf. The two sales would produce between 98 and 163 direct jobs. Additional jobs, called indirect and induced jobs, could result from expenditures by forest sector employees and producers. The sales would generate O&C payments to the counties. This employment and county payments would be a benefit especially given the presence of environmental justice populations due to low-income status and the counties' distressed economic condition (EA, p. 210).

2. The degree to which the Proposed Action Alternative will affect public health or safety. The roadside management proposal would improve motorist's safety (EA, p. 26) by increasing sight distance around corners (EA, p. 61). The treatment would reduce future road maintenance costs and improve wildfire defensibility (EA, p. 26).

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas. There are no park lands, prime farm lands, wetlands, or ecologically critical areas in the PA. The Proposed Action Alternative would not have any direct or indirect effects on cultural resources. There are no eligible properties located within the Area Potentially Effected (APE) as defined by Section 106 of the National Historic Preservation Act NHPA (EA, p. 178). To ensure protection of possibly undetected sites during project implementation the Interdisciplinary Team (IDT) designed PDFs that direct operators to cease all operations immediately and contact the project archaeologist if unidentified cultural or paleontological resources are encountered. If cultural resources are discovered during project implementation, the project would be redesigned to protect the cultural resource values present, or evaluation or mitigation procedures would be implemented based on recommendations from the Resource Area Archaeologist with input from federally recognized Tribes, approval from the Field Manager, and concurrence from the State Historic Preservation Office, (EA, p. 177).

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. The effects of the Proposed Action Alternative on the quality of the human environment were adequately understood by the IDT to provide analysis in the EA.

Public comments and input have been considered throughout the analysis for this project and the interdisciplinary team responded to those comments in Appendix E of the EA. The Proposed Action analyzed in the Cold Elk Forest Management Project are within the scope of effects identified in the 1995 Medford District RMP. The predicted effects of the Proposed Action are disclosed in Chapter 3 of the EA. The IDT utilized the best available science to determine the effects of the activities analyzed in the Proposed Action Alternative as disclosed in Chapter 5, References.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The effects of the Proposed Action are not unique or unusual. The BLM has experience with similar forest management projects and have found the effects to be reasonably predictable. The environmental effects to the human environment are fully analyzed in Chapter 3 of the EA. Public concerns and input have been considered throughout the analysis; see Chapter 1.7 and Appendix E of the EA. The activities analyzed in the Proposed Action are routine in nature, which includes standard PDFs, BMPs, and seasonal restrictions. These effects are well known and do not involve unique or unknown risk to the human environment.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. The Proposed Action does not set precedent for future actions that might have significant effects nor do they represent a decision in principle about future considerations. The Proposed Action adheres to the direction provided in the 1995 Medford District Resource Management Plan.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The IDT team evaluated the Action Alternatives in the context of past, present, and reasonably foreseeable actions. Significant cumulative effects outside those already disclosed in the 1995 RMP/EIS are not predicted. Complete disclosures of the effects of the Action Alternatives are disclosed in Chapter 3 of the EA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. There are no eligible properties located within the Area of Potential Effect as defined by Section 106 of the NHPA (EA, p. 178). To ensure protection of possibly undetected sites during project implementation the IDT designed PDFs that direct operators to cease all operations immediately and contact the project archaeologist if unidentified cultural or paleontological resources are encountered. If cultural resources are discovered during project implementation, the project

would be redesigned to protect the cultural resource values present, or evaluation or mitigation procedures would be implemented based on recommendations from the Resource Area Archaeologist with input from federally recognized Tribes, approval from the Field Manager, and concurrence from the State Historic Preservation Office (EA, p. 177).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

a) Fish. Stand treatments, yarding, landing construction and rehabilitation, temporary route construction and reconstruction (including route decommissioning), road maintenance, hauling, and activity fuels treatments would have no effect on Oregon Coast Coho Salmon (ESA-Threatened) and designated Coho Critical Habitat (CCH). For the PA, the closest CCH to any proposed treatment units is on Elk Valley Creek, East Fork Elk Valley Creek, Panther Creek, Walker Creek, and adjacent to the West Fork Cow Creek mainstem. Treatments in these units would be 120 feet from the watercourses, consistent with the EPZ established for treatments on any fish-bearing stream (EA, p. 170).

Sediment would likely not enter CCH from hauling or maintaining haul roads because implementation of PDFs such as dry condition haul, properly functioning cross drains, and installation of sediment barriers would help to prevent sediment delivery into CCH. Project activities would follow all provisions of the Clean Water Act (40 CFR Subchapter D) and Oregon DEQ's provisions for maintenance of water quality standards. Table 32 Haul Route Crossings at Fish Bearing Streams (EA, p. 171).

The direct and indirect effects to fish and aquatic resources anticipated as a result of implementing the actions proposed in Alternative 2 are expected to be negligible due to the implementation of BMPs and PDFs. Some examples include: the use of variable sized EPZs, directional felling away from aquatic features, installing and/or using water bars, berms, sediment basins, gravel pads, straw bales, straw waddles, small dense woody debris, seeding and/or mulching, to reduce sediment runoff and divert runoff water away from aquatic features (EA, p. 173).

b) Plants.

There are three federally listed plants on the Medford District (*Fritillaria gentneri, Limnanthes flocossa* ssp. *grandiflora*, and *Lomatium cookii)*. Final units within the Cold Elk Project Area do not fall within the range of any of Medford District's listed T&E plants as determined by the 2004 US Fish and Wildlife Service (USFWS) Biological Opinion. Final units were surveyed according to the USFWS's protocol; vascular plant surveys were conducted in the springs of 2015 and 2016, and no new T&E plant sites were

found. There would be no anticipated effect from the Proposed Action on any federally listed plant (EA, p. 183).

c) Northern Spotted Owl.

Northern Spotted Owls (NSO)

Twenty-five owl sites would be affected by proposed treatments of Nesting Roosting and Foraging (NRF) and dispersal habitat within the home range, and thirteen within the core area. Nesting, roosting, and foraging (NRF) function would be maintained with 60% canopy closure on approximately 996 acres (only 1.4% of NRF within CHU and 7.2% in the PA). Only up to 270 acres (1.9%) of NRF habitat in the PA would be downgraded. Approximately 9 acres (.07%) of NRF removal is distributed throughout the PA and owls sites as removal or temporary spurs, landings, or roadside vegetation management (EA, pp. 106-110).

Thirteen owl sites would be affected by proposed treatments of NRF and dispersal habitat in the core area, with the majority of treatments as NRF Treat and Maintain and Dispersal Treat and Maintain habitat, and minimal (0.3 acres or less) NRF removed for landings or temporary road construction (EA, p. 106). One low priority site core area is affected by 4 acres of Downgrade and Treat and Maintain of NRF habitat. Seven owl sites have substantial amount of Treat and Maintain or downgrade prescriptions in the core or home range. There are six total sites that would be adversely affected. Four of those are unoccupied sites, and spotted owls are not reasonably likely to reside at those sites. Spotted owl life history behaviors are not anticipated to be impaired due to the implementation of the Proposed Action (BiOp, p. 79). Two of the total six sites will have NRF habitat quantity greater than what best available information suggests that supports habitat-fitness. For this reason, spotted owl life history behaviors are not anticipated to be impaired due to the implementation of the Proposed Action (BiOp, p. 79).

Northern Spotted Owl (NSO) Critical Habitat (CHU)

Habitat Effects to NSO Critical Habitat - The Proposed Action would negligibly affect the intended conservation function of CHU subunit KLW-1. This subunit is expected to function for demographic support to the overall population and for north-south and east-west connectivity between subunits and critical habitat units. This subunit sits at the western edge of an important connectivity corridor between coastal Oregon and the western Cascades. KLW-1 would still maintain the intended function of providing demographic support for NSOs because only 0.39% of CHU would be negatively impacted, and key habitat features of coarse wood, legacy/remnant trees, hardwoods, healthy pines and cedars, and moderate canopy cover would be retained, providing structural elements that support prey and foraging opportunities with the edges of

treatment areas. NSO sites that are likely to be occupied would not have substantial removal within the core or home range, and treatment areas occur on the landscape near ridgetops and upper slopes where foraging use is less than lower and midslope areas (EA, p. 110).

Compliance with NSO Recovery Plan

The effects of the Proposed Action are anticipated to increase the health and vigor of the residual stands post-treatment within 30 years recommended in the NSO recovery plan. It is likely that the treated stands will develop into more complex, structurally diverse forests in the long-term in comparison to the No Action Alternative. In fact, thinning dense stands may be necessary in order to achieve old-growth forest characteristics in the absence of natural disturbance events (Tappeiner et al. 1997). Thinning younger forest stands may provide growing conditions that more closely approximate those historically found in developing old growth stands (Hayes 1997). Many of the treatments proposed, especially those that would occur in dispersal quality habitat, would have long-term beneficial effects to NSOs by increasing growth rates of the residual stand and accelerating the development of late-successional structural complexity within the treated areas than would occur if left untreated (EA, p. 112). The Proposed Action is expected to accelerate the development of structural complexity and biological diversity to improve spotted owl habitat over the long term (BiOp, p. 90).

Recovery Action 10

Maintaining NRF habitat or improving dispersal or capable habitat conditions within Alternative 2 meets the intent of Recovery Action #10 (RA 10) of the 2011 Recovery Plan, by NSO home ranges and core-use areas, and deferring treatment within high quality and nesting habitat within high suitable habitat on lower slopes within drainages (USFWS 2011) (EA, p. 114-115). Treatment was deferred in 430 acres for NSO nest patch areas. Approximately 2,500 acres of NRF habitat were deferred from NSO core areas, with contributing factors including high quality NSO habitat and critical habitat, NSO nest patches, red tree vole buffer areas, fragile soil or slope classifications, riparian reserves, and nesting habitat for the threatened marbled murrelet. Downgrade of NSO habitat would be limited to outside or near the outer edge of NSO site home ranges, and on or near ridgetops where NSO roosting and foraging is less or avoided (Blakesley et al. 1992) and where NSO Relative Habitat Suitability (RHS) is low according to the MaxExtent Model (USFWS 2011).

Recovery Action 32

Approximately 1,188 acres were considered but not analyzed in detail for treatment within RA 32 stands (EA, p. 15). Maintaining or restoring forests with high-quality

habitat will provide additional support for reducing key threats faced by NSOs. Protecting these portions of forests stands aid in providing NSOs with high-quality refugia habitat from the negative competitive interactions with barred owls (EA, p. 115).

d) **Marbled Murrelet.** The Proposed Action would not remove or downgrade suitable murrelet habitat, does not occur within designated marbled murrelet critical habitat, would avoid potential disturbance, and occurs in a zone where no nesting murrelets have been detected in southwest Oregon, therefore no substantial negative impacts to murrelets are expected (EA, p. 114). The Proposed Action *may affect but is not likely to adversely affect murrelets* because no treatment would occur in high quality suitable murrelet habitat; dominant remnant trees and adjacent trees would be retained; no gaps greater than 0.25 acre would be created within a distance equal to one site potential height of potential structure; and 60% of canopy cover would be retained that are suitable NSO NRF habitat (BO, p. 97).

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The Proposed Alternative does not violate any known federal, state, or local law or requirement imposed for the protection of the environment. Furthermore, the Proposed Action is consistent with applicable land management plans, policies, and programs.

III. FINDING

I have determined that the Proposed Action Alternative does not constitute a major federal action having a significant effect on the human environment; an environmental impact statement is not necessary and will not be prepared. This conclusion is based on my consideration of the Council on Environmental Quality's criteria for significance (40 CFR §1508.27), with regard to the context and the intensity of the impacts described in the EA, and on my understanding of the project, review of the project analysis, and review of public comments. As previously noted, the analysis of effects has been completed within the context of the 1995 Medford District's Resource Management Plan and the Northwest Forest Plan. This conclusion is consistent with those plans and the anticipated effects are within the scope, type, and magnitude of effects anticipated and analyzed in those plans. The analysis of project effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts and the effects were determined to be insignificant.

Allen Bollschweiler, Field Manager
Grants Pass Resource Area

8/25/16
Date

DECISION RECORD #1 FOR THE COLD ELK FOREST MANAGMENT PROJECT ENVIRONMENTAL ASSESSMENT DOI-BLM-ORWA-M070-2016-0001-EA

United States Department of the Interior
Bureau of Land Management
Medford District, Grants Pass Field Office

I. INTRODUCTION

This Decision Record#1 (DR#1) addresses forest management activities analyzed in the Cold Elk Forest Management Project Environmental Assessment (EA), DOI-BLM-ORWA-M070-2016-0001-EA. Activities analyzed in this EA are within the Matrix and Riparian Reserve (RR) Land Use Allocations (LUA), under the Medford District's 1995 Resource Management Plan (RMP).

This DR#1 authorizes forest management activities to provide a sustainable supply of timber, improve forest resiliency, and enhance or maintain northern spotted owl habitat. Forest management is appropriate at this time because existing forest stand conditions demonstrate there is a need to treat in the West Fork Cow Creek watershed to meet multiple objectives under the Medford District RMP and other regulatory directives, such as the O&C Act (EA, p.9).

The Proposed Action in the EA analyzed for approximately 3,702 treatment acres which included 2,116 acres within the Matrix LUA and 1,586 acres within the RR LUA (EA, p. 20). Treatments analyzed include variable density thinning (VDT), understory reduction (UR), VDT and UR; roadside management and disease management. In addition to DR#1, a subsequent decision is expected to be forthcoming in 2017.

Forest management activities authorized in this DR#1 include:

- 490 acres of total treatment which includes 338 acres in Matrix and 152 acres in Riparian Reserve, specifically:
    - 435 acres of VDT
    - 53 acres of VDT and UR
    - 2 acres of disease management
- Construction of 1.23 miles of temporary routes;
- Reconstruction/renovation of 0.41 miles of existing routes; and
- Maintenance of approximately 72 miles of existing roads.

Project Design Features (PDFs), Best Management Practices (BMPs), and seasonal restrictions will be implemented with this decision, and are disclosed in the EA, pp. 27-43.

The PA (PA) is located within Coos and Douglas Counties, and a small portion in Curry County of Oregon. Units covered by this DR#1 are within the West Fork Cow Creek Hydrologic Unit Code (HUC) 10 watershed. This watershed drains into the Umpqua River. Throughout the PA BLM lands are intermixed with private and county lands, creating a mosaic of ownership patterns. Appendix A provides a detailed description of the units and Appendix B provides maps of the units authorized in this DR#1.

II. PURPOSE AND NEED

The BLM has a statutory obligation under the Federal Land Policy Management Act which directs that "The Secretary shall manage the public lands . . . in accordance with the land use plans developed by him under section 202 of this Act when they are available . . ." The Medford District's Record of Decision and Resource Management Plan (1995 ROD/RMP) guides and directs management of BLM lands.

One of the primary objectives identified in the RMP is implementing the O&C Lands Act which requires the Secretary of the Interior to manage O&C lands for permanent forest production in accordance with sustained yield principles.

The purpose and need for proposed treatments in the Cold Elk Forest Management Project is to produce wood volume at the present time, increase conifer growth rates for wood volume production in the future, and maintain/improve tree vigor of retained conifers and other vegetation while managing northern spotted owl habitat.

Any action alternative to be given serious consideration as a reasonable alternative must meet the objectives provided in the RMP for projects to be implemented in the PA. The RMP and statutes specify the following objectives to be accomplished in managing the lands in the PA:

- Produce a sustainable supply of timber and other forest commodities to provide jobs and contribute to economic sustainability in the Matrix LUA (RMP, p. 38);

- Contribute to local, state, national, and international economies through sustainable use of BLM-managed lands and resources and use of innovative contracting and other implementation strategies (RMP, p. 80);

- Improve the health of the forest and associated habitats, to reduce tree mortality, and to restore the vigor, resiliency and stability of forest stands that are necessary to meet land use allocation objectives (RMP, p. 62);

- Maintain or restore components of the Aquatic Conservation Strategy in Riparian Reserves (RMP, p. 22);

- Develop and maintain a transportation system that serves the needs of users in an environmentally sound manner (RMP, p. 84);
- Manage and design road systems that reduce hazards to public health and safety, fire risks, and vandalism to public and private property (RMP, p. 88); and

- Maintain haul roads to accommodate the safe movement of vehicles and machines (Oregon OSHA Chapter 437, Division 7, Section F).

Existing forest stand conditions demonstrate there is a need to treat in the West Fork Cow Creek watershed to meet multiple objectives under the Medford District RMP and other regulatory directives. The proposed treatments are designed to provide a sustainable supply of timber, improve forest resiliency and enhance or maintain northern spotted owl habitat. There is a need to apply silvicultural treatments that reduce the long-term risk of disturbances such as disease outbreaks or potential catastrophic wildfire.

The inability to proceed with a given sale in the Medford District Sale plan for any particular fiscal year has the potential to prevent the district from meeting Annual Sale Quantity targets, as directed in the O&C Act and the 1995 ROD/RMP.

III. PUBLIC INVOLVEMENT

External Scoping

The BLM initiated external scoping for this project on December 29, 2015. A scoping letter and a map describing potential project activities were sent to approximately 95 recipients, including federal, state, county, and municipal government agencies; tribal governments; adjacent landowners; and interested parties on the GPRA mailing lists. The scoping letter along with a map of areas being considered and a scoping guide was also posted to the BLM's ePlanning website at http://tinyurl.com/BLMePlanning-ColdElk. Scoping guides were provided at the Grants Pass Interagency Office, Josephine County Library, Riddle Branch Library, and Douglas County Library. Notice of project planning was also available in the Medford District BLM's quarterly publication, *Medford's Messenger*, beginning in April of 2015. A total of three comment letters were received and considered during the scoping period. Responses to the comments are found in the Appendix E of the EA.

Scoping Public Meeting

The GPRA sent post cards to approximately 95 recipients, including federal, state, county and municipal government agencies, federally recognized Tribes, adjacent landowners, and interested parties on the GPRA mailing lists informing them of the public meeting. Public meeting fliers and project information was provided at the Grants Pass Interagency Office, Roseburg BLM office, Wolf Creek Library, Glendale Library, Josephine County Library, Riddle Branch Library, and Douglas County Library. On the evening of April 26, 2016, a public meeting was held at the Glendale People's Deport in Glendale, Oregon. A total of five members of the public attended the meeting. No comments were submitted.

EA 30-day Public Comment Period

A legal notice was published in the *Grants Pass Daily Courier* and the *Roseburg News Review* on July 5, 2016 that initiated the 30-day public comment period. The GPRA sent letters to approximately 91 recipients, including federal, state, county and municipal government agencies, federally recognized Tribes, adjacent landowners, and interested parties on the GPRA mailing

lists informing them of the 30 day comment period. The GPRA requested comments on the EA to be submitted by August 5, 2016 for consideration during the decision making process. Two comment letters were received during the EA public comment period from the American Forest Resource Council (AFRC) and Klamath Siskiyou Wildlands Center (KSWild). Responses to these comments can be found in Appendix C of this DR.

EA 30-day Public Comment Period Public Meeting

A public meeting was held July 11, 2016, at the Grants Pass Interagency Office from 3:00 pm to 5:00 pm. The purpose of the meeting was to provide an opportunity for the public to get information about the project. The GPRA sent letters to approximately 89 recipients, including federal, state, county and municipal government agencies, federally recognized Tribes, adjacent landowners, and interested parties on the GPRA mailing lists informing them of the public meeting. No members of the public, tribes, local governments or organizations attended the public meeting.

IV. PLAN CONFORMACE, CONSULTATION, COORDINATION & COOPERATION

1995 Land Use Plan Conformance

The area in this decision falls within the Matrix and Riparian Reserve (RR) Land Use Allocations (LUA) as defined in the Northwest Forest Plan/Medford District Resource Management Plan, Record of Decision 1995. Management in these LUAs specifically directs the BLM to:

- Produce a sustainable supply of timber and other forest commodities to provide jobs and contribute to economic sustainability in the Matrix LUA (RMP, p. 38);

- Contribute to local, state, national, and international economies through sustainable use of BLM-managed lands and resources and use of innovative contracting and other implementation strategies (RMP, p. 80);

- Improve the health of the forest and associated habitats, to reduce tree mortality, and to restore the vigor, resiliency and stability of forest stands that are necessary to meet land use allocation objectives (RMP, p. 62);

- Maintain or restore components of the Aquatic Conservation Strategy in Riparian Reserves (RMP, p. 22);

- Develop and maintain a transportation system that serves the needs of users in an environmentally sound manner (RMP, p. 84);

- Manage and design road systems that reduce hazards to public health and safety, fire risks, and vandalism to public and private property (RMP, p. 88); and

- Maintain haul roads to accommodate the safe movement of vehicles and machines (Oregon OSHA Chapter 437, Division 7, Section F).

2016 Land Use Plan Conformance

The BLM signed a Record of Decision approving the Southwestern Oregon Resource Management Plan (2016 ROD/RMP) on August 5, 2016. Because the BLM approved the 2016 ROD late in fiscal year 2016 and because the BLM completed preparation of timber sales for fiscal year 2016 prior to approving this 2016 ROD, the 2016 ROD incorporated transition language to be consistent with the 1995 RMP and portions of the new 2016 RMP.

Revision of an RMP necessarily involves a transition from the application of the old RMP to the application of the new RMP. The planning and analysis of future projects such as timber sales requires several years of preparation before the BLM can design a site-specific project and reach a decision. Allowing for a transition from the old RMP to the new RMP avoids disrupting the management of BLM-administered lands and allows the BLM to utilize work already begun on the planning and analysis of projects.

The ROD/RMP indicates how BLM can move forward if projects started prior to the ROD/RMP, but decided after the ROD/RMP was signed (pgs. 10-11):

Projects Begun Prior to the ROD/RMP, but Decided After the ROD/RMP

The BLM may implement projects consistent with the management direction of either the 1995 RMP or the approved 2016 RMP, at the discretion of the decision maker, if—

- The BLM had not signed a project-specific decision prior to the effective date of this ROD;

- The BLM began preparation of NEPA documentation prior to the effective date of this ROD; and

- The BLM signs a project-specific decision on the project within 2 years of the effective date of this ROD.

    - *The Grants Pass Resource Area began preparation of NEPA documentation prior to the effective date of the 2016 ROD/RMP, as the District initiated planning and NEPA documentation for this project on December 9, 2015. This project was designed to conform to and be consistent with the Medford District's 1995 Record of Decision and Resource Management Plan (1995 ROD/RMP). This project meets the criteria described in the 2016 ROD/RMP that allows the BLM to implement projects that conform and are consistent with the 1995 ROD/RMP, with the exception of five categories of prohibited carry-over actions (2016 ROD, p. 10-11). The Cold Elk project does not include any actions that are excepted and therefore precluded from the 2-year transition period under the 2016 ROD/RMP.*

- Regeneration harvest (construction of roads or landings does not constitute regeneration harvest) within the Late-Successional Reserve allocated by this ROD that is inconsistent with the management direction for the Late-Successional Reserve contained within the approved RMP.
    - *There is no regeneration harvest treatments proposed in the Cold Elk Project.*

- Issuance of right-of-way grants within the Late-Successional Reserve allocated by this ROD that are inconsistent with the management direction for the Late-Successional Reserve contained within the approved RMP.

    - *This exception does not apply to the Cold Elk project because the activities being decided upon do not authorize or issue a right-of-way grant.*

- Commercial thinning within the inner zone of the Riparian Reserve allocated by this ROD that is inconsistent with the management direction for the Riparian Reserve contained within the approved RMP.

    - *Treatments within the Cold Elk project are consistent with the inner zone treatment Riparian Reserve management direction contained within the approved 2016 RMP/ROD.*

- Projects within the District-Designated Reserve – Lands Managed for their Wilderness Characteristics allocated by this ROD that are inconsistent with the management direction for the District-Designated Reserve – Lands Managed for their Wilderness Characteristics contained within the approved RMP.

    - *There are no Lands Managed for their Wilderness Characteristics in the Cold Elk project.*

- Timber harvest that would cause the incidental take of northern spotted owl territorial pairs or resident singles and does not have a signed Biological Opinion and Incidental Take Statement that predates the effective date of the Biological Opinion for the approved RMP.

    - *The Cold Elk project does not include actions that would cause incidental take of northern spotted owls* (Biological Opinion TAILS-#: 01EOFW00-2016-F-0366).

<u>Endangered Species Act, Section 7 Consultation</u>

Northern Spotted Owl

Medford BLM submitted a Biological Assessment (June 7, 2016 BA) to the U.S. Fish and Wildlife Service (USFWS) stating the Proposed Action "may affect and is likely to adversely affect northern spotted owls and their critical habitat" (a portion of the project is in the 2012 Revised Designated Northern Spotted Owl (NSO) critical habitat [77 Federal Register 233:71876-72068])." The USFWS provided a Biological Opinion (August 15, 2016 BO, Tails #:

TAILS-#: 01EOFW00-2016-F-0366) stating that the Proposed Action is not likely to jeopardize the continued existence of the spotted owl or adversely modify spotted owlcritical habitat at the subunit or range wide scale. Additionally, based on the findings in the BiOp, incidental take of listed species is not reasonably certain to occur; therefore, no incidental take statement is provided (BiOp, p. 100).

Marbled Murrelet

The USFWS Biological Opinion (BiOp) stated that the Proposed Action is not expected to adversely affect murrelets (BiOp, p. 98), and is not likely to jeopardize the continued existence of the murrelet (BiOp, p. 100).

No other listed wildlife species or critical habitats are affected.

Plants

There are three federally listed plants on the Medford District (*Fritillaria gentneri*, *Limnanthes flocossa* ssp. *grandiflora*, and *Lomatium cookii)*. Final units within the Cold Elk Project Area do not fall within the range of any of the Medford District's listed T&E plants as determined by the 2004 US Fish and Wildlife Service (USFWS) Biological Opinion. Final units were surveyed according to the USFWS's protocol; vascular plant surveys were conducted in the springs of 2015 and 2016, and no new T&E plant sites were found. There would be no anticipated effect from the Proposed Action on any federally listed plants, EA pp. 183-184).

<u>Survey and Manage and Bureau Sensitive Species Compliance</u>

The project is consistent with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines. No Bureau Designated Sensitive or S&M vascular, nonvascular, fungi, or wildlife species would trend toward listing (Bureau Sensitive) or cease persisting (S&M) as a result of implementing the activities authorized in DR#1.

Red Tree Vole

Oregon red tree vole (RTV) (*Arborimus longiccaudus*) is a 2001 ROD Survey and Manage species (Category C, survey and manage known sites). RTV surveys were completed to protocol in April 2016. All known active and associated inactive RTV nests located from protocol survey efforts have been buffered according to the RTV management recommendations (USDA USDI 2000). 217 RTV active nests sites were detected in the PA with the current accepted protocol. Approximately 729 acres were buffered out from potential commercial harvest treatments as habitat management areas (EA, p. 18). The Proposed Action therefore is not expected to negatively impact the persistence of the species, and is likely to provide for relatively well-distributed RTV and reasonable assurance of species persistence (EA, p. 117).

Vascular Plants, Nonvascular Plants & Fungi

Implementation of PDFs will eliminate or minimize direct and indirect effects of the Proposed Action on Bureau Sensitive and Survey and Manage (S&M) vascular plants, nonvascular plants, and fungi. No Sensitive Status or S&M vascular, nonvascular, or fungi species would trend toward listing (sensitive) or cease persisting (S&M) as a result of implementing the activities proposed in the Proposed Action Alternative.

<u>State Historical Preservation Office Consultation & Tribal Coordination</u>

Cultural

A total of 4,599 acres were surveyed for cultural resources within the Cold Elk PA beginning August/September of 2014, and concluding in July/August of 2015. The analysis in the EA determined that the Proposed Action to treat approximately 3,700 acres with associated road work would have no effect on cultural resources. There are no cultural resources within the currently defined Area of Potential Effect. Additionally, if cultural resources are discovered during project implementation, the project would be redesigned to protect the cultural resource values present, or evaluation or mitigation procedures would be implemented based on recommendations from the Resource Area Archaeologist with input from federally recognized Tribes, approval from the Field Manager, and concurrence from the State Historic Preservation Office (EA section 2.4.11).

V. DECISION

Based on my review of the Cold Elk Forest Management project EA, best available science, comments received from the public, and management direction contained in the Record of Decision and Standards and Guidelines of the Northwest Forest Plan (1994), Medford District Resource Management Plan and Record of Decision (1995), and the 2016 RMP/ROD transition direction, I have decided to authorize a portion of the Proposed Action Alternative 2, also referred to as DR#1.

DR#1 authorizes the treatment of approximately 490 acres on the Matrix and Riparian Reserve Land Use Allocation. Treatments would include 435 acres of VDT, and 53 acres of VDT and UR and 2 acres of disease management treatment. The Decision will incorporate all Project Design Features (PDFs) and Best Management Practices (BMPs) and seasonal restrictions as described in the EA, pp. 27-43. Logging operations include ground based and cable systems. To facilitate harvest activities, construction of 1.23 miles of temporary route; 0.41 of reconstruction; and approximately 72 miles of road maintenance will occur. Temporary routes will be decommissioned after use. No permanent roads will be constructed. Detail of the units being authorized in the DR#1 are provided in Appendix A and B.

VI. DECISION RATIONALE

My rationale for the decision is as follows:

The DR#1 meets the BLM's obligation to implement the RMP and to address the primary needs identified for lands in the PA, as well as meeting the purpose and need of the project to implement forest management activities. I have chosen to authorize DR#1, because it will meet all of the elements of the purpose and need.

Implementation of approximately 490 acres of total treatment will produce a sustainable supply of timber and other forest commodities to provide jobs and contribute to economic sustainability in the Matrix LUA (RMP, p. 38; EA, p. 9). The Cold Elk project in total would produce between 98 and 163 direct jobs. Additional jobs, called indirect and induced jobs, could result from expenditures by forest sector employees and producers. The sales would generate O&C payments to the counties (EA, Section 3.11; FONSI, p.5). DR#1 will, "Contribute to local, state, national, and international economies through sustainable use of BLM-managed lands and resources and use of innovative contracting and other implementation strategies (RMP, p. 80, EA, p. 9).

Silvicultural treatments authorized in DR#1 would increase species diversity, develop habitat conditions, and reduce stand densities. Increased growing space following management intervention would contribute to larger scale benefits to the watershed where the aggregate effect results in improved conifer growth, habitat conditions, and persistence of diverse species composition, (EA, p. 63). With silvicultural manipulation, active creation of structural complexity can be achieved where the resulting lowered densities would reallocate growing space to more desirable diverse tree species and larger tree structure desirable by wildlife, and improve stand resiliency and tree vigor (EA, page 63). Decreased stand densities would improve in the short term (0-20 years) and long term (> 21 years) and improve forest health and resiliency (EA p. 64, FONSI, p. 2). Many of the treatments proposed, especially those that would occur in dispersal quality habitat, would have long-term beneficial effects to NSOs by increasing growth rates of the residual stand and accelerating the development of late-successional structural complexity within the treated areas than would occur if left untreated (EA, p. 112).

The Proposed Action is expected to accelerate the development of structural complexity and biological diversity to improve spotted owl habitat over the long term (BiOp, p. 90, FONSI, p.9). The Proposed Action meets the purpose and need of the project to, "To produce wood volume at the present time, increase conifer growth rates for wood volume production in the future, and maintain/improve tree vigor of retained conifers and other vegetation while managing northern spotted owl habitat (EA, p. 9)."

Application of forest management prescriptions in DR#1 will, "Improve the health of the forest and associated habitats, to reduce tree mortality, and to restore the vigor, resiliency and stability of forest stands that are necessary to meet land use allocation objectives (RMP, p. 62, EA, p. 9).

No permanent roads are proposed in the project (EA section 2.2) thus no net increase in the West Fork Cow Creek Watershed would occur. Temporary routes would be decommissioned after use (EA Section 2.3). No commercial treatments are proposed within 120 feet of perennial and fish

bearing streams or within 50 feet of intermittent streams. Ecological protection zones (EPZs) or "no-cut buffers" have been applied in all riparian zones to protect aquatic resources. Activities in the RR would be designed to improve habitat conditions for the wildlife and plant species that use this zone in the long-term (EA, p. 23). Aquatic Conservation Strategy (ACS) Objectives will be met to maintain or enhance riparian reserve function, see ACS compliance, Appendix A. The direct and indirect effects to fish and aquatic resources anticipated as a result of implementing the actions proposed in Alternative 2 are expected to be negligible due to the implementation of BMPs and PDFs (EA, p. 177).

The forest management activities authorized in DR#1 will, "Maintain or restore components of the Aquatic Conservation Strategy in Riparian Reserves (RMP, p. 22, EA, p.9).

I chose not to select the No action Alternative because it would not meet the Purpose and Need of the Project. Under the No Action Alternative, the BLM's obligation under the O&C Act to provide a sustainable supply of timber and contribute to the local economic stimulus would not be met. The inability to proceed with a given sale in the Medford District Sale plan for any particular fiscal year has the potential to prevent the District from meeting Annual Sale Quantity targets, as directed in the O&C Act and the 1995 ROD/RMP.

A Finding of No Significant Impact (FONSI) explains that the activities authorized in DR#1 has been analyzed in an Environmental Assessment and found to have no significant impacts, thus an Environmental Impact Statement is not required, and will not be prepared.

VII. ADMINISTRATIVE REMEDIES

In accordance with Forest Management regulations at 43 CFR Subpart 5003 – Administrative Remedies, publication of the first Notice of Sale for the Milk Dudds Timber Sale constitutes the decision document for purposes of protest and appeal. Protest of the timber sale decision may be filed with the authorized officer, Allen Bollschweiler, within 15 days of the publication date of the Notice of Sale in the *Daily Courier* newspaper in Grants Pass, the *News Review* in Roseburg, and the *Medford Mail Tribune* in Medford, Oregon. 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 (b) states, "Protests shall be filed with the authorized officer and shall 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 delivered to the Grants Pass Interagency Office will be accepted.** The Grants Pass Interagency Office is located at 2164 NE Spalding Ave, Grants Pass, Oregon, 97526.

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. Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 5003.3(f).

VIII. IMPLEMENTATION DATE

If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of the Legal Notice, the decision will become final. If a timely protest is received, the decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available and a final decision will be issued in accordance with 43 CFR § 5003.3.

IX. CONTACT PERSON

For additional information contact either Allen Bollschweiler, Grants Pass Resource Area Field Manager, 2164 NE Spalding Ave., Grants Pass, OR 97526, telephone (541) 471-6653; or Leah Schofield, Project Lead, telephone (541) 471-6504.

8/24/16

Allen Bollschweiler, Field Manager
Grants Pass Resource Area

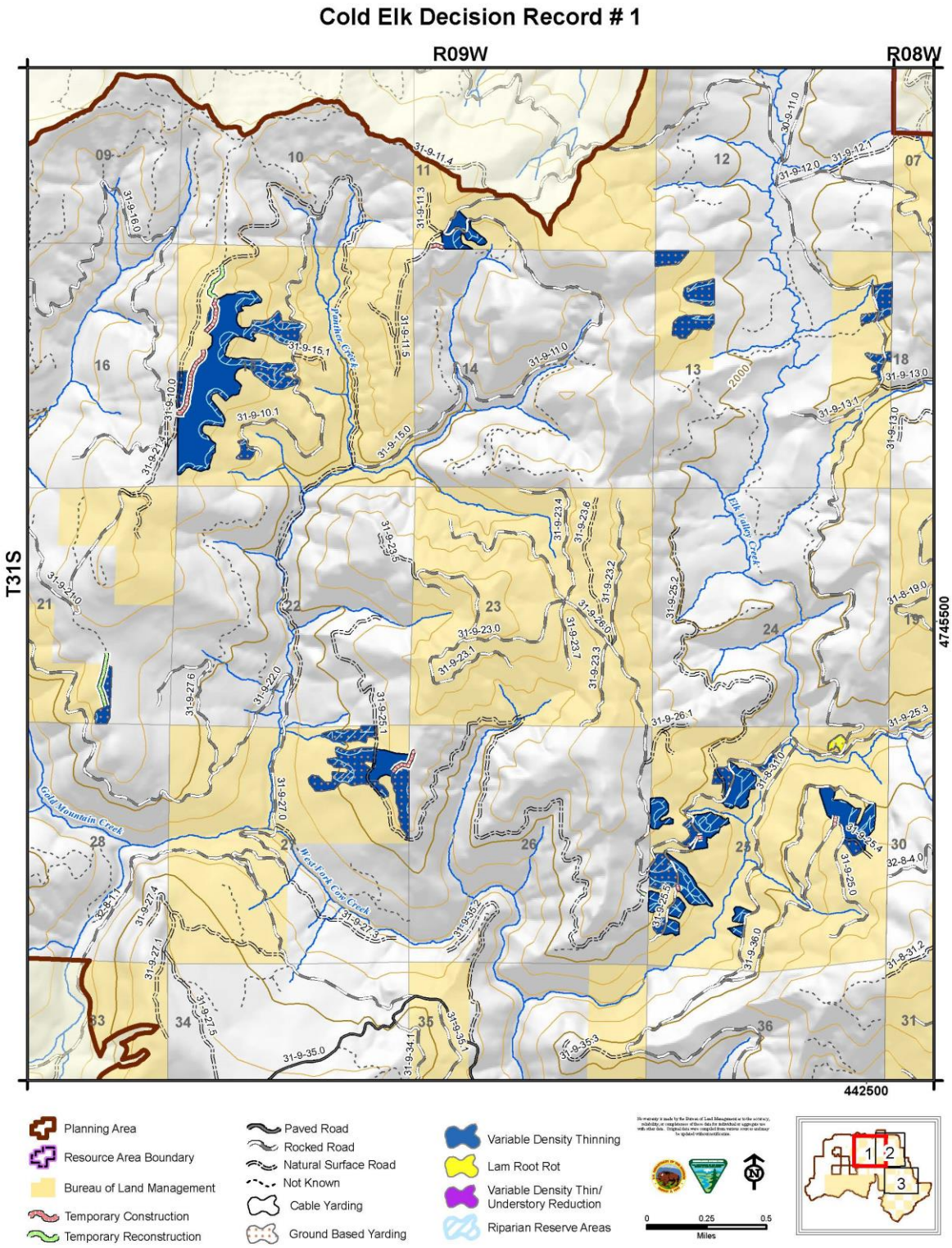
Date

Appendix A –Detailed Unit Information for DR#1

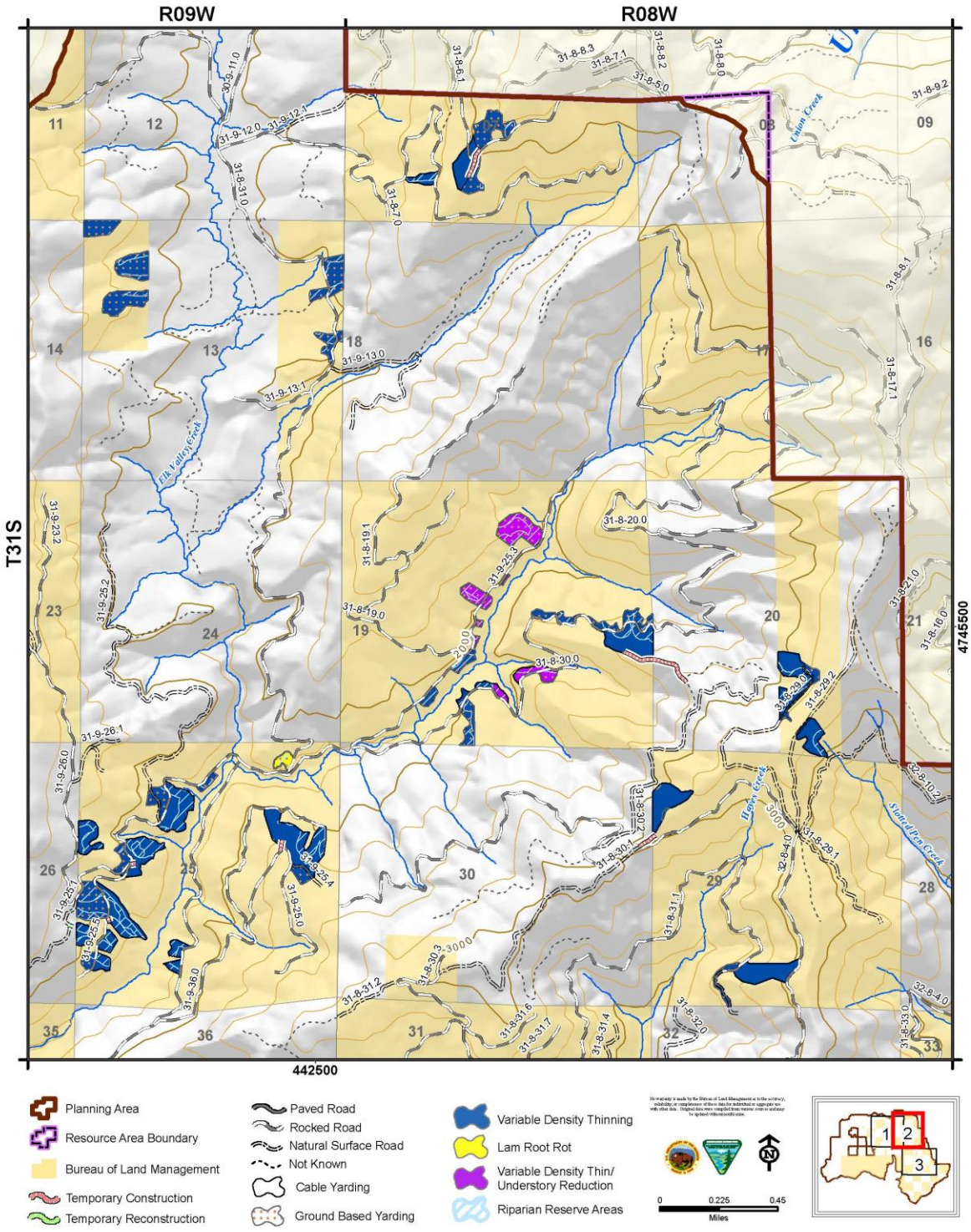
DR#1 Unit Information							
Unit Reference				Logging System		Temporary Route Construction	
EA Unit	Timber Sale Unit	Timber Sale	Unit Acres	Ground Based	Cable/ Skyline	Temporary Route Construction (miles)	Temporary Route Reconstruction (miles)
3-14	3-14	Milk Dudds	16.0	16.0			
7-2	7-2	Milk Dudds	17.0	11.0	6.0	0.12	
7-9	7-9	Milk Dudds	2.0		2.0		
9-1	9-1A	Milk Dudds	32.0	5.0	27.0		
9-1	9-1B	Milk Dudds	43.0	28.0	15.0		
11-8	11-8A	Milk Dudds	6.0		6.0	0.05	
11-8	11-8B	Milk Dudds	3.0	3.0			
13-2	13-2A	Milk Dudds	6.0	6.0			
13-2	13-2B	Milk Dudds	1.0	1.0			
13-2	13-2C	Milk Dudds	3.0	3.0			
13-2	13-2D	Milk Dudds	1.0	1.0			
13-9	13-9A	Milk Dudds	7.0	7.0			
13-9	13-9B	Milk Dudds	7.0	7.0			
13-10	13-10	Milk Dudds	4.0	4.0			
15-19	15-19A	Milk Dudds	98.0	27.0	71.0	0.46	0.17
15-19	15-19B	Milk Dudds	2.0	2.0			
19-3	19-3A	Milk Dudds	3.0	3.0			
19-3	19-3B	Milk Dudds	9.0	9.0			
19-3	19-3C	Milk Dudds	1.0	1.0			
19-3	19-3D	Milk Dudds	1.0	1.0			
19-6	19-6A	Milk Dudds	4.0	4.0			
19-6	19-6B	Milk Dudds	12.0	0.5	11.5	0.29	
19-6	19-6C	Milk Dudds	2.0	2.0			
19-8	19-8A	Milk Dudds	3.0		3.0		
19-8	19-8B	Milk Dudds	2.0	2.0			
19-8	19-8C	Milk Dudds	4.0	4.0			
19-8	19-8D	Milk Dudds	2.0		2.0		
19-3/19-9	19-9A	Milk Dudds	3.0	3.0			
20-4	20-4	Milk Dudds	12.0	2.0	10.0		
20-5	20-5	Milk Dudds	6.0		6.0		
21-4	21-4	Milk Dudds	6.0	6.0			0.22

DR#1 Unit Information							
Unit Reference				Logging System		Temporary Route Construction	
EA Unit	Timber Sale Unit	Timber Sale	Unit Acres	Ground Based	Cable/ Skyline	Temporary Route Construction (miles)	Temporary Route Reconstruction (miles)
25-1	25-1	Milk Dudds	2.0	2.0			
25-4	25-4A	Milk Dudds	9.0		9.0		
25-4	25-4B	Milk Dudds	2.0	2.0			
25-4	25-4C	Milk Dudds	1.0	1.0			
25-4	25-4D	Milk Dudds	8.0		8.0	0.02	
25-4	25-4E	Milk Dudds	8.0		8.0	0.02	
25-4	25-4F	Milk Dudds	9.0	9.0			
25-4	25-4G	Milk Dudds	2.0		2.0		
25-4	25-4H	Milk Dudds	3.0		3.0		0.02
25-4	25-4I	Milk Dudds	2.0	2.0			
25-4	25-4J	Milk Dudds	2.0		2.0		
25-4	25-4K	Milk Dudds	2.0	2.0			
25-4	25-4L	Milk Dudds	5.0		5.0		
25-4	25-4M	Milk Dudds	1.0	1.0			
25-11	25-11	Milk Dudds	19.0	2.0	17.0	0.04	
25-21	25-21A	Milk Dudds	1.0		1.0		
25-21	25-21B	Milk Dudds	2.0		2.0		
27-1	27-1	Milk DuddsDuds	19.0	11.0	8.0	0.15	
27-2	27-2	Milk Duds	23.0	23.0			
29-3	29-3	Milk Duds	8.0	1.0	7.0	0.08	
29-7	29-7A	Milk Duds	9.0		9.0		
29-7	29-7B	Milk Duds	2.0	2.0			
31-4	31-4A	Milk Duds	13.0		13.0		
31-4	31-4B	Milk Duds	4.0	4.0			
31-4	31-4C	Milk Duds	11.0	4.0	7.0		
31-5	31-5	Milk Duds	5.0	5.0			
			490.0	229.5	260.5	1.23	0.41

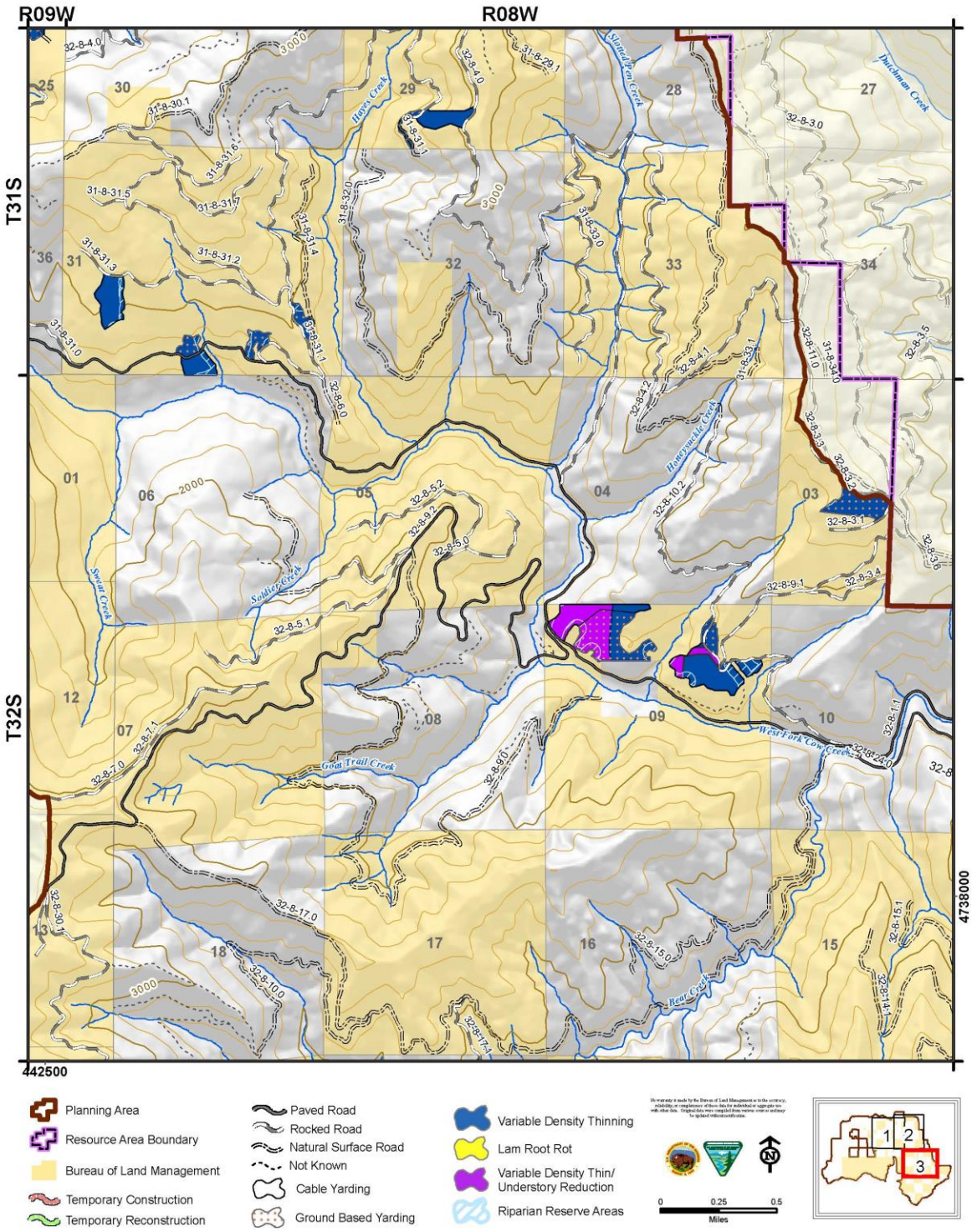
Appendix B –Detailed Unit Map information for DR#1



Cold Elk Decision Record # 1



Cold Elk Decision Record # 1



Appendix C - Response to Cold Elk Forest Management Environmental Assessment Comments

The BLM received two letters in response to the release of the Cold Elk Forest Management Project Environmental Assessment, American Forest Resource Council, Klamath-Siskiyou Wildlands Center.

1) Effects to NSO

Comment: The EA failed to assess increased NSO habitat fragmentation from the Proposed Action and cumulative effects to the northern spotted owl. The EA fails to disclose that forest fragmentation has an adverse cumulative impact that is greater than the combined impact to individual NSO home ranges.

Response: Canopy reductions were considered and analyzed as treat and maintain or downgrade and/or removal of habitat. The EA analyzed for the effects of the reduction of closed canopy forests on different classes of NSO habitat and Project Area, and known owl sites (EA sections 3.3.3, p. 106-110). EA acknowledges fragmentation on private lands as short rotation harvest and effects are considered. The EA considers in the analysis the activities on private land within the PA, see Cumulative Effects page 243 and wildlife section (3.3.2, p. 101). In compliance with ESA, with BLM has consulted with the FWS on the effects of the Proposed Action .

The EA acknowledges habitat removal on private lands (EAp. 60, 82, 101,103), and considers only available federal habitat in meeting habitat threshold levels for spotted owls.

2) EA fails to address barred owl interaction

Comment: The EA errors by failing to adequately disclose increased NSO competition with barred owls from the Proposed Action. The proposed logging will reduce NSO habitat and cause increased barred owl competition.

Response: The cause of barred owl expansion has not been determined. There is no scientific literature that clearly concludes that forest thinning as in the Proposed Action, will lead to increased barred owl competition. The EA states, "Even though barred owls are rapidly expanding their range in North America and within the range of the NSO and contributing to the decline of the NSO, disturbance from timber harvest is often offered as an explanation for the cause. However, Courtney et al. (2004) concluded that "habitat loss to timber harvest is often postulated to be a major factor in spotted owl decline, but habitat is still present in the study areas (indeed some areas where spotted owls are in the worst decline, such as Olympic National Park, have never been harvested)." (EAp.101). Because of barred owl presence, the current NSO protocol has increased survey effort to locate spotted owls. NSO recovery action #32 defers treatment in high-quality habitat. Application of RA32 will more effectively address the threats of competition with and displacement by BOs, as well as the impacts of past and current habitat loss (EA p. 81). Approximately 1,188 acres of high-quality habitat was considered but not analyzed for treatment in detail (EA, p.15) to reduce effects of barred owls.

This Revised Recovery Plan recommends achieving recovery of the NSO through 1) the retention of more occupied and high-quality habitat, 2) active management using ecological forestry techniques, inside and

outside of reserves, 3) increased conservation of NSOs on state and private lands, and 4) the removal of BOs in areas with NSOs (EA p. 79).

3) Conservation of NSO habitat

Comment: The proposed silvicultural prescriptions (EA :105-08) do not provide for the conservation of northern spotted owl habitat as recommended by researchers in most recent 2016 NSO demographic study.

Response: The BLM has incorporated NSO Recovery Action Guidance into the planning process (RA10, RA32), to reduce adverse effects to NSOs, address competition with barred owls, and provide for the conservation of NSOs (EA, section 1.9, 3.3).In compliance with ESA, with BLM has consulted with the FWS on the possible adverse effects of the Proposed Action to NSOs**.** Information from the 2016 NSO demog study (Dugger et.al. 2016) was considered.

Dugger (2016) makes no recommendations, other than providing support for previous recommendations to preserve as much high-quality habitat in late successional forests as possible across the range of the subspecies (EA p.78). No high-quality habitat is included in the proposed 270 acres of foraging habitat downgrade, and Approximately 1,188 acres considered and deferred from treatment (EA p. 15).

4) Fire risk

Comment: The EA fails to accurately assess increases in fire risk from canopy reduction, slash, and shrub ingrowth

Response: The EA states under the No Action Alternative, "The PA would remain in moderate to high fire hazard, resulting in a higher potential for increased fire behavior during wildfire, thereby increasing the risk of vegetation and habitat loss (EA, p. 60).

The EA addressed increases in short term fire risk if the Proposed Action was implement, "Treatments completed under this project would affect the fuel characteristics at the surface, and mid and upper canopies altering the current trend of large scale high severity fire events by disrupting fuel continuity, uniformity and structure by reducing potential fire behavior (i.e., raise CBH, reduce CBD, reduce surface fuel loading) (EA, p. 75)."

Alternative 2 would result in a short-term increase (6 months to 2 years) in fire hazard due to the presence of slash or until the time it is treated and/or partially decomposed. Long-term beneficial effects are anticipated in terms of decreased fire hazard on approximately 3702 acres which could be utilized as strategic holding points for fire suppression personnel for the next 10 to 20 years (EA, p. 75).

5) Uncertainty about canopy targets being met

Comment: The Cold Elk timber sales are not likely to meet consultation requirements of U.S. Fish and Wildlife Service for "treat and maintain" silvicultural prescriptions. The EA failed to discuss uncertainty about achieving canopy retention standards.

Response: The commenter is uncertain the BLM would be able to treat and maintain dispersal habitat because of the overcutting occurred on the Far Out timber sale, unit 15-2 (as indicated in the BLM's

March 2015 Post Harvest Monitoring Report). The project prescription writer and project wildlife biologist will review and adjust marked trees (if necessary) to ensure prescription objectives and spotted owl habitat retention levels are met in the field as described in the Biological Assessment and Environmental Assessment (BA pg. 16). The Cold Elk Project project follows recommendations in the 2015 Medford District Implementation Guide for Vegetation Management Projects: Recommendations on Project Planning and Quality Control Plan. Additionally, the EA used the best available data science and information to analyze effects of the Proposed Action, including the most recent Medford District NSO Habitat Baseline. The habitat baseline includes all past management actions that have created the current habitat conditions, including the changes in habitat from the NRF downgrade that occurred in Farout unit 15-2.

6) Blowdown risk

Comment: The EA is defective because it fails to analyze potential for increased blowdown risk for each unit in each action alternative.

The BLM considered potential for short and long term canopy cover loss and incorporated a mitigation strategy in the affected acres (Silviculture prescription). The BLM acknowledged windthrow prone areas, commercial woodland fragile soils, as well as the impediment to natural regeneration of conifers from plant competition. All commercial extraction units are subject to post-marking review and susceptible areas would be ground verified to determine hazard potential. Those areas may be remedied by adding additional tree retention to avoid potential loss of canopy cover. These adjustments would be made during the monitoring implementation step of on-site post-mark field review. Provisions in the prescribed marking guidelines allow the silviculturist and wildlife biologist to remedy detrimental canopy cover loss from windthrow, fragile soils, and marking discrepancies by allowing the additional retention of leave trees in susceptible areas. Site specific reviews in these areas would allow the silviculturist and wildlife biologist to determine the need for marked tree retention adjustments based on the site specific condition and susceptibility to the hazard affecting overall stand canopy cover loss below prescribed thresholds.

The BLM did consider the potential for windthrow (EA, p. 261). Site specific tree and canopy retention is reviewed under the project implementation and monitoring process. During project implementation monitoring, prescription mark is reviewed and adjustments may be made for site specific decisions.

7) Appropriateness of thinning

Comment: Thinning to 40% canopy in older mature stands is not supported in the RMP.

Response: The 1995 RMP permits regen harvest with retaining 6-8 TPA. Thinning in stands greater than 80 improves stand resiliency and productivity, and does not preclude future development of late-successional habitat or regen harvest options.

8) Thinning concerns and canopy targets

Comment: The Proposed Action downgrades 270 acres of NRF habitat (EA 106)…The RMP calls for improved or maintained spotted owl habitat with “limited selection harvest”. The RMP says to manage for owl nesting habitat which generally requires at least a 60% overstory canopy to avoid downgrading the NSO rating of the stand. Thinning to 40% canopy in older mature stands is not supported in the RMP.

Response: The 270 acres of proposed downgrade occur outside of occupied owl sites and high quality owl habitat. The RMP directs the Matrix Land Use Allocations to provide for a sustainable supply of timber, and does not intend for all Matrix lands to be managed for owl reproduction. Owl recovery guidance is provided under the NSO Revised Recovery Plan, not the RMP.

9) Road work concerns

Comment: Proposed Action road construction has exceeded cumulative impacts analyzed in the 1995 RMP. New road construction cannot be implemented with this EA.

Response: The RMP does not require the BLM to elevate the recommendations of the watershed analysis above all other RMP objectives. While it serves as the basis for developing project-specific proposals, not all recommendations can be accommodated by each project. No permanent roads are proposed in the project (EA section 2.2) thus no net increase would occur. Temporary routes would be fully decommissioned after use (EA Section 2.3). All of the system and non-system roads within the PA an encumbered by Reciprocal Right-of-Way agreements and cannot be decommissioned without the approval of the Reciprocal partners. Road 31-9-25.3 was considered for decommissioning, but not analyzed in detail (EA Section 1.9). This meets the criteria of no net increase in the amount of roads in this Key Watershed (BLM, 1995 p.23).

10) Concern with Compliance with Aquatic Conservation Strategy

Comment: Thinning in riparian reserves must be based on ACS objectives not on NSO habitat classifications… Research supports logging to 60% canopy in the outer riparian reserve as compared to heavy thins to 40%.

Response: No commercial treatments are proposed within 120 feet of perennial and fish bearing streams or within 50 feet of intermittent streams. Ecological protection zones (EPZs) or "no-cut buffers" have been applied in all riparian zones to protect aquatic resources. Canopy cover in the RR would remain above 40% or 60% depending on the silvicultural prescription, therefore species diversity and forest health would be maintained. Activities in the RR would be designed to improve habitat conditions for the wildlife and plant species that use this zone in the long-term (EA p. 23). ACS Objectives are being met to maintain or enhance riparian reserve function, see ACS compliance, Appendix A. The Proposed Action thinning to 40% canopy in the outer riparian reserves beyond EPZ and occurs in younger stands and plantations with high stand densities where ACS objectives would meet ACS objectives.

11) Concern with Riparian Reserve Treatments

Comment: The Proposed Action (EA 2-24) does not provide for a 120 ft no cut stream buffer for intermittent streams as determined necessary to provide adequate large wood to streams by the Interagency Coordinating Subcommittee (ICS 2013). Aquatic Conservation Strategy objective 6 would not be met. Commercial removal of mature trees from as close as 50 ft. to streams is inconsistent with the ACS, BLM policy and best available science. The EA fails to propose or discuss that unwanted "competing" riparian reserve trees could be killed and left standing as snags, felled for down wood, or cable yarded into stream channel where needed to reduce channel erosion (i.e. gullying) and increase instream wood for fish.

Response: The BLM has described in the Environmental Assessment the effects of the alternatives on compliance with the Aquatic Conservation Strategy. The purpose of the ACS is to protect fish habitat and to maintain or restore riparian and aquatic ecosystems. Appropriate analysis of ACS compliance is undertaken at both the watershed and project levels, and in both the short term and long term (see EA, Appendix A). A project that results in some degradation of one or more objectives in the short term does not, standing alone, constitute ACS noncompliance. Actions that maintain or restore riparian or aquatic ecosystems are valid exercises of agency discretion. The treatments in the Cold Elk project are designed to enhance resiliency and sustainability to obtain Aquatic Conservation Strategy objectives (EA, p. 9). Empirical and modeling studies suggest that stream wood input rates decline with distance from the stream and the majority of in-channel wood recruitment comes from within 120 feet of the stream channel (ICS 2013: Appendix 3: Item I) (EA, p. 24). To ensure that future wood input to streams is protected the BLM has applied appropriate stream buffers.

12) Location of Riparian Reserve Thinning

Comment: The EA is defective because it fails to identify the location of riparian reserves associated with fish streams, perennial streams and intermittent streams.

Response: Locations of riparian reserve treatments are disclosed in the EA, Appendix H. The BLM explains the rationale for stream buffers within the PA in multiple sections of the Environmental Assessment (EA) and further explains that the selection of Ecological Protection Zones and Riparian Reserve (RR) buffers are site specific endeavors. The EA states that RR widths are determined based on a typical site potential tree height (200 feet for Upper Cow) in the PA (EA, p. 24). For an initial protection distance determination the Ecological Protection Width Needs chart (USFS/BLM 1994, p. B-15) is used, and the width of these buffers are based on field visits (EA, p. 24). The EA discloses many sources used in the determination of stream buffers, including but not limited to: Rashin et.al. 2006, Effectiveness of Timber Harvest Practices for Controlling Sediment Related Water Quality Impacts; FEMAT 1993, Forest Ecosystem Management: An Ecological, Economic, and Social Assessment: Report of the Forest Ecosystem Management Assessment; USFS/BLM 1994, p. B-15, Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl; ICS, 2013, Section 7 of the Endangered Species Act (Streamlining Agreement) for the effects of riparian forest management and restoration on salmonid fishes and their habitats for Northwest Oregon; and USFS/BLM 2012a, Northwest Forest Plan Temperature TMDL Implementation Strategy: Evaluation of the Northwest Forest Plan Aquatic Conservation Strategy.

13) Effects to fish

Comment: The BLM must consult with the National Marine Fisheries Service prior to timber sale decisions based on the EA. The EA makes unsupported conjectural statements about no adverse effects (e.g., sediment) to coho stream habitat.

Response: The BLM used the best available science in making its determination and relied on the reasonable opinion of its specialized experts when analyzing and disclosing possible sediment effects to streams. To protect aquatic resources and water quality, ecological protection zones (EPZs) or “no-cut buffers” have been applied in all riparian zones (EA, p. 24). These buffers are designed to protect the root

network of typical trees in this area, avoid potential impacts to hydric soils, and avoid sedimentation (EA, p. 156 and 158). The width of these buffers are based on site specific field work specifically analyzing soil and water resources (EA, p. 37 and 259). Sediment would not be expected to enter critical habitat (CCH) as a result of haul or maintenance of haul roads, with dry condition haul, properly functioning cross drains, and sediment barriers installed, where needed, to prevent sediment delivery into CCH (EA, p. 234). The closest CCH to any proposed treatment unit is 120 feet (EA, p. 175). No direct or indirect effects to fish and aquatic resources are anticipated as a result of implementing the actions proposed in Alternative 2 due to the implementation of Best Management Practices (BMPs) and Project Design Features (PDFs) (EA, p. 177). The utilization of EPZs, and the implementation of BMPs and PDFs will prevent sediment delivery into coho critical habitat.

14) Concern of failure to disclose information

Comment: The EA is defective because it fails to quantitatively disclose the intensity of logging impacts with respect to number of trees logged. The EA fails to disclose trees/acre in relevant size classes for the No Action Baseline and reduced tree densities in the Proposed Action . Specifically the EA is defective because it failed to estimate the number of small trees (8-20”dbh), large trees (21”-31”dbh) and very large trees (>32”dbh) that would be logged in each unit for each alternative. The EA has failed to disclose the number of small (< 20” inches dbh) large trees (21-31 inches dbh) and very large trees (>32”dbh) that would be retained in each unit for each alternative.

Response: NEPA requires that alternatives are described in sufficient detail so that effects of the alternatives can be compared. The EA discloses acre representations of the type of logging system projected to implement the Proposed Action (EA, p. 20). Furthermore discloses PDFs and BMPS (EA, 2.3) and seasonal restrictions (EA, 2.4). Basal area units (among other quantitative measurements) are used by the prescription writer to apply appropriate treatments to meet intended targets. Stand data is used to apply these treatments. Not all background information is required to be part of the NEPA document.

15) Snag densities

Comment: The PA does not provide for monitoring snag densities. The EA fails to provide estimate of the pre-logging number of large snags/acre in each unit and fails to provide for monitoring of post-logging snag densities. The PA does not provide for post logging snag creation.

Response: There is no RMP requirement to retain all snags on matrix land, and no requirement to create snags post-logging. The EA acknowledges some adverse effects from thinning, and includes the design feature, “All existing snags would be reserved from cutting unless they pose a safety hazard, in which case they would be left on the ground in the unit,” (EA, p. 40). Not all background information is required to be part of the NEPA document.

16) Impacts to snag densities

Comment: The EA fails to analyze the long-term reduction of snag densities and consequences to wildlife (e.g. NSO, flying squirrels) due to intensive removal of trees down to 40% canopy

Response: The EA acknowledges negative effects of downgrading NSO foraging quality habitat. NRF downgrade of 270 acres would reduce the percentage of foraging habitat in the PA by 1.9% in the PA (Table 14) and 0.39% in the Critical Habitat Unit (Table 16), negatively effecting six owl sites. The selection of habitat downgrade areas on upper slopes and ridgetops reduces adverse effects, maintains viable functioning core areas, and avoids nest patches and nesting and foraging habitat within the NSO preferred lower and mid slope areas. Downgrade would occur outside of the core areas, on upper slopes and ridgetops where NSO use is less (Blakesley et al. 1992; Hershey et al. 1998; McDonald et al. 2006), but would reduce habitat within the home range of six owl sites. The NRF function would downgrade to dispersal functioning habitat by applying variable density spacing and reducing canopy cover to approximately 40%. Canopy cover is used as one of the critical habitat thresholds because it is highly important to NSO nest site selection and general habitat use because increased levels of canopy afford protection from predators, and regulate temperature extremes (Courtney et al. 2004). These treatments would have long term beneficial effects to the forest structure and overall forest health. Treatments would reduce competition and increase the vigor of the residual trees left in the stand. A substantial portion of the physical structure of the habitat in the treatment areas would still be present after implementation; therefore, the treatment effects to habitat are mostly related to changes in canopy cover from removal of subdominant trees and thinning in areas of denser uniform trees. Retention would emphasize important key feature in critical habitat, including healthy dominant trees, preference for pines, cedars, large dominant hardwoods, oaks, remnant/legacy trees, and retaining trees with large limbs and crown ratios, and coarse wood (EA, p.105).

The reduction of NRF habitat from 270 acres from VDT and removal of 9 acres from landings or temporary road construction would decrease canopy cover levels below that which afford spotted owls protection from predators. It may also increases temperature extremes, and may reduce prey use by species such as red tree voles or flying squirrels which prefer high canopy level and vegetative layering, which would reduce NSO foraging opportunities for those species. It may not change all prey levels, or may increase the use by other species such as voles, rabbits, and woodrats that benefit from increased forb and shrub components and depend on forest structural other than canopy cover. The combined NRF habitat removal and downgrade would reduce the amount of NRF habitat by 0.39% within the Critical Habitat Unit, and avoids critical areas of NSO nest trees, nest patches, and high quality habitat (EA p. 112-3).

17) Bureau Sensitive Species

Comment: The EA is defective because it arbitrarily chose to limit impact analysis to "federally listed or Bureau Sensitive species known or suspected to be present within the project area" EA, p.76. Specifically the EA failed to discuss and assess logging and road building impacts to the marten which was detected while surveying for fisher.

Response: Bureau Special Status Species (SSS) are species listed or proposed for listing under the ESA and species requiring special management consideration to promote their conservation and reduce the likelihood and need for future listing under the ESA. The SSS list was most recently updated in January 2012. This list has two categories: Sensitive and Strategic. Medford 1995 RMP guidance states, "Manage for the conservation of Federal candidate and Bureau-sensitive species and their habitats so as not to contribute to the need to list, and to contribute to the recovery of the species." Per BLM Manual 6840 Section .06), Bureau sensitive species will be managed consistent with species and habitat management

objectives in land use and implementation plans to promote their conservation and to minimize the likelihood and need for listing under the ESA or other provision of BLM Manual 6840.02. The RMP requires that the BLM manage, over time and across the landscape, so as to not contribute to the need to list a species, and not for every action, to contribute to the recovery of the species. Project implementation will adhere to the requirements set forth in Section 6840.2.C, and only Sensitive species are required to be addressed in NEPA documents. All Sensitive species were considered and evaluated for this project, and only those that could be impacted by the Proposed Action are discussed in more detail. (EA p. 93-94).

18) Road construction

Comment: The EA fails to demonstrate that road construction in the PA meets Aquatic Conservation Strategy objectives

Response: Please see EA Appendix A, Aquatic Conservation Strategy Compliance documentation. The EA determined that the proposed activities such as road decommissioning and riparian thinning would restore watershed features in the short and long term., "Proposed activities such as road decommissioning and riparian thinning would restore watershed features in the short and long term EA, p. 230)." There are no new roads proposed in the project. All temporary roads would be decommissioned after use.

19) Pile Burning

Comment: The PA failed to require removal of all or some of the plastic on burn piles to minimize plastic burning.

Response: All prescribed burning would be managed in a manner consistent with the requirements of the Oregon Smoke Management Plan administered by the Oregon Department of Forestry and the regulations established by the Air Quality Division of the Oregon Department of Environmental Quality. (EA, p. 42)

20) Reasonable range of alternatives

Comment: We disagree with the FONSI. An EIS is needed. The EA failed to develop a reasonable range of alternatives.

Response: The BLM has properly justified the agency's purpose and need in the EA (EA, 1.4). The NEPA document must briefly specify the underlying purpose and need to which the agency is responding. The BLM has included an adequate range of alternatives in the EA. The BLM is required to include a discussion of a range of reasonable alternatives to the Proposed Action , alternatives which are technically and economically feasible and which meet the purpose and need, and which have a lesser environmental impact (EA, p. 1.9 and 2.1 and 2.2).

21) Effects on the human environment

Comment: We disagree with the FONSI. An EIS is needed. The degree to which the effects on the quality of the human environment are likely to be highly controversial

Response: The BLM has appropriately determined that preparation of an Environmental Impact Statement (EIS) as a result of scientific controversy is not necessary. The determination of whether or not to prepare an EIS rests on whether the proposed federal action will have a significant effect on the quality

of the human environment. One element that is weighed in determining significance is the intensity, or severity of the potential impact. The degree, to which the effects are likely to be highly controversial, including scientific controversy, is one factor in that analysis. In the face of scientific controversy, the agency must first be aware of a substantial dispute about the size, nature, or effect of a project, and not mere opposition to components of a project. A substantial dispute exists when evidence casts serious doubt upon the reasonableness of an agency's conclusions; the commenter has not presented information that would cause the agency to reconsider its conclusion.

The BLM is not required in an Environmental Assessment (EA) to explain every possible scientific uncertainty. The fact that the commenter disagrees with the agency's conclusion does not invalidate the agency's decision. The commenter does not present a dispute about the size or nature of the project.

22) Highly uncertain or involve unique or unknown risks

Comment: We disagree with the FONSI. An EIS is needed. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks

Response: The BLM has appropriately determined that preparation of an EIS is not necessary. The determination of whether or not to prepare an EIS rests on whether the proposed major federal action will have a significant effect on the quality of the human environment. One element that is weighed in determining significance is the intensity, or severity of the potential impact. The degree, to which the effects are likely to be highly uncertain, or to involve unique or unknown risks, is one factor in that analysis. The NEPA does not require certainty, even in an EA, only a 'hard look' at the possible environmental impacts. The BLM takes a "hard look" when the NEPA document contains a "reasonably thorough" discussion of an action's environmental consequences, and the agency can make an informed decision about whether there are any significant environmental impacts.

23) Individually insignificant but cumulatively significant impacts

Comment: We disagree with the FONSI. An EIS is needed. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

Response: The commenter states, "Cumulative impacts of road construction have exceeded analysis in the RMP." As mentioned, there are no new roads proposed in the Cold Elk project.

24) Effects to Threatened and Endangered Species

Comment: We disagree with the FONSI. An EIS is needed. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

Response: The US Fish and Wildlife Service concluded that the proposed treatments are anticipated to have adverse effects to northern spotted owls (NSO), but are not likely to jeopardize the NSO, and are not likely to adversely modify NSO critical habitat at the subunit or range wide scale. The commenter does not specify why or how nesting, roosting, and foraging downgrading violates the Endangered Species Act or the Northwest Forest Plan.

25) Regeneration Harvest

Comment: AFRC requested that the BLM take a hard look at opportunities to conduct regeneration harvest on suitable areas within the project area. Why can't the BLM conduct regeneration harvest in suitable or unsuitable habitat?

Response: The PA is densely covered with NSO owl sites, most which are near or below threshold habitat levels, and regeneration harvest would negatively affect occupation, reproduction, and survival. The PA is 100% CHU, and regeneration harvest would negatively impact CHU by removing NRF habitat PCE where NSO are also negatively affected by competition from barred owls. Regeneration Harvest in the PA would not be consistent with the NSO Revised Recovery Plan (EA, p.17).

26) Request for descriptive results in Timber sale contracts

Comment: We believe in many cases there are conditions on the ground that are not in step with many of the restrictions described in BLM EAs and contracts. (ie. dry conditions during wet season, wet conditions during dry season). We would like the BLM to shift their methods for. We would like the BLM to shift their methods for protecting resources from that of firm prescriptive restrictions to one that focuses on descriptive end-results; in other words, describe what you would like the end result to be rather than prescribing how to get there. For example, restricting certain types of ground-based equipment rather than describing what condition the soils should be at the end of the contract period unnecessarily limits the ability of certain operators to complete a sale in an appropriate manner with the proper and cautious use of their equipment. We feel that there are several ways to properly harvest any piece of ground, and certain restrictive language can limit some potential operators.

Response: The BLM strives to put forth an economically viable timber sale. In our next planning effort, the interdisciplinary team will consider these comments when developing project design features and have discussions on how descriptive end-results may be incorporated into the timber sale contract.

Appendix D - Cold Elk Errata –

1. Modify first sentence on page 93 to read: Approximately 1,020 acres were buffered (dropped) from commercial treatment where active and associated inactive RTV nests were found and protected.

2. Modify page 115 to read: No downgrade of NRF habitat was proposed within the core area of high value sites, with the exception of small removal associated with logging systems.

3. Include the following language on page 210: Two timber sales are anticipated to be generated from this project, with an estimated total from both sales of 9 – 15 mmbf. Detail about the sales is not available so it is not possible to accurately quantify the resulting economic benefits. However, we can estimate the range of jobs that would be produced. Using an estimate of 10.88 direct forest sector jobs per by 1 mmbf (Oregon Forest Resources Institute 2012), the two sales would produce between 98 and 163 direct jobs. Additional jobs, called indirect and induced jobs, could result from expenditures by forest sector employees and producers. The sales would generate O&C payments to the counties.

   This employment and county payments would be a benefit especially given the presence of environmental justice populations due to low-income status and the counties' distressed economic condition. As reflected by a public comment on the Draft EA from the American Forest Resource Council (AFRC), some believe these economic benefits should be increased through use of regeneration harvest, which the BLM did not consider due to other environmental consequences. The planned project may be more socially acceptable to some given the multiple goals and lack of regeneration harvest, increasing the likelihood that any planned sales would actually occur. The AFRC also expressed an interest in working with the BLM to design the timber sale contracts to maximize benefits to the industry.

4. Page 29: Apply water or approved road surface stabilizers/dust control additives during timber hauling when there is a visible dust trail behind vehicles to reduce surfacing material loss and buildup of fine sediment that can enter into wetlands, floodplains and waters of the state, as needed.

5. Page 185. Replace sentence- "Surveys will be completed by September 2016, and Table 33 is anticipated to be updated by November 2016," with the following, "Surveys pertaining to units surveyed in 2015-16 revealed the following new sites (see Table 1-1); (7) *Bensoniella oregana* (Oregon bensoniella), (2) *Illiamna latibracteata* (California wild hollyhock), *(1) Chaenotheca ferruginea,* and (10) *Chaenotheca chrysocephala*.

6. Page 185 - Replace (3) with (2) *Illiamna latibracteata* (California wild hollyhock)

7. Page 185 – Add, Note: fungi sites resulting from 2015-16 surveys are listed within the <u>Survey and Manage fungi</u> section.

8. Page 185 – Update with the following table:

Species	Common Name	Sensitive	Survey & Manage Category	Number of Sites	TRS
Bensoniella oregana	Oregon bensoniella	Yes	NA	18	31-9-27 (2), 32-9-9 (7), 32-9-16 (9)
Chaenotheca ferruginea	Needle lichen	No	B	1	32-10-1
Chaenotheca chrysocephala	Yellow-headed pin lichen	No	B	10	32-9-2 (32-9-2.1), 31-9-15, 31-9-27, 32-8-9, 32-9-3 (5), 32-9-10 (3)
Clavariadelphus occidentalis		No	B	13	32-10-13; 32-10-1; 31-8-29; 31-8-33; 31-9-23
Illiamna latibracteata	California wild hollyhock	Yes	NA	4	32-9-3; 32-9-16 (3)
Phaeocollybia attenuata		No	D	12	31-8-20; 31-8-33; 31-9-23; 32-9-16; 32-9-7; 32-9-17
Phaeocollybia californica	California phaeocollybia	Sen	B	2	31-8-20; 31-8-33
Phaeocollybia fallax		No	D	2	31-8-20; 31-8-33
Phaeocollybia olivacea	Olive phaeocollybia	No	F	1	32-9-10
Phaeocollybia piceae	Spruce phaeocollybia	No	B	1	32-9-16
Phaeocollybia pseudofestiva		No	B	1	31-8-33
Ramaria			B	2	32-10-1; 32-9-7

rubribrunnescens					
Ramaria rubrievanescens			B	3	32-9-16; 32-9-7; 32-10-1
Ramaria araiospora		No	B	1	32-9-16
Ramaria stunzii		No	B	1	32-9-10
Rhizopogon truncatus		No	D	2	31-8-20; 31-8-33
Spathularia flavida		No	B	1	32-9-7
Tremiscus helvelloides		No	D	1	32-9-16
Tricholoma venenatum		No	B	5	31-8-33