

**U.S. Department of the Interior  
Bureau of Land Management Roseburg BLM District, Oregon**

**Bear Ridge Commercial Thinning**

**Decision Document**

**April 26, 2016**

**SECTION 1 – THE DECISION**

**Decision**

It is my decision to authorize the Bear Ridge Commercial Thinning project, which consists of six thinning units analyzed as part of the Mud Slinger project described and analyzed in the Mud Den Commercial Thinning Environmental Assessment (Mud Den EA, NEPA#: DOI-BLM-ORWA-R040-2010-0003-EA). This continues implementation of the Proposed Action Alternative (Mud Den EA, pp. 5-15) as updated below (pp. 1-6). The project design features described in the Mud Den EA (pp. 6-15), have been developed into contract stipulations to be implemented as part of the timber sale contract. None of the sub-alternatives analyzed in the EA are being implemented as part of this decision.

The Bear Ridge Commercial Thinning project will thin six units allocated to the General Forest Management Area (137 acres, a portion is considered as unmapped Late-Successional Reserve because a marbled murrelet site was found), and Riparian Reserve (17 acres) land use allocations. The stands to be thinned are second-growth forests approximately 40-60 years old<sup>1</sup> located in the Upper Umpqua River, Deer Creek-South Umpqua River, and South Fork Coos River watersheds in Sections 31, 32, and 33 of T. 26 S., R. 7 W., Willamette Meridian (Figure 1).

Associated road work includes 1.4 miles of temporary road construction followed by decommissioning and 2.0 miles of road maintenance/renovation (0.7 miles of which will be decommissioned after use). Spur road rights-of-way will require the clearing of approximately four (4) acres in the General Forest Management Area. The Bear Ridge timber sale will provide approximately 3.6 million board feet (3.2 million board feet allowable sale quantity (ASQ) and 0.4 million board feet non-ASQ) of timber available for auction.

The Swiftwater Field Office initiated planning and design for this project to conform with the Roseburg District's 1995 Record of Decision and Resource Management Plan (ROD/RMP).

**Summary of Updated Information**

There are small changes to the spur roads, yarding methods/areas, and road surfacing analyzed in the proposed action in the Mud Den EA. While 39 percent of road locations were adjusted, 23 percent of road locations were added, and 78 percent of planned surfacing have been changed to enhance the economic viability of the sale, all activities will occur within the boundaries of the proposed units and the effects of these small changes are not expected to notably vary, if at all, from those already identified and addressed in the EA (Appendix A).

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<sup>1</sup> Unit ages were between 34 to 54 years at the time the Mud Den Commercial Thinning EA (p. 18) was prepared in 2010

The updated information was reviewed in a Determination of NEPA Adequacy (DNA), and the DNA concluded that the Bear Ridge timber sale conforms to the applicable land use plan effects conclusions in the Mud Den EA remain unchanged. The existing Mud Den EA fulfills BLM's compliance with the requirements of the NEPA (Appendix A).

### *Unit Configuration*

Approximately 209 acres of the 363 acres (58 percent) analyzed in the EA will not be treated for the reasons described below.

- Approximately 88 acres will be excluded from thinning because they are within areas that have poor stocking and low volume and are not currently considered suitable for thinning.
- Approximately 70 acres will be excluded from thinning because the irregular topography (i.e. cliffs and large boulders) is not conducive to conventional yarding and helicopter yarding is not economical at this time.
- Approximately 5 acres will be excluded from thinning because it is within a "no-harvest" stream buffer (60 feet [EA, pg. 39]) established to protect water pipes and structures associated with a surface water right to protect the water diversion from harvest activities.
- Approximately 32 acres will be excluded from thinning because it is within "no-harvest" stream buffers (i.e. 35 or 60 feet [EA, pgs. 7-8]) or in blind areas created by the convergence of these stream buffers.
- Approximately 14 acres will be excluded from thinning due to suitable habitat for the marbled murrelet.

Harvest will be accomplished through a combination of ground-based (29 acres) and cable yarding (125 acres) systems (Table 1, Figure 2). In order to make more effective decisions, the BLM may select a combination of yarding options for Unit 3 (12.3 acres, Table 1), through adaptive management, depending on factors, such as the market price of logs, and the cost of diesel, at the time of implementation. Two yarding options for Unit 3, ground-based or cable, were analyzed in the Mud Den EA (Table 2, p. 7). Regardless of the yarding method implemented, project design features (PDFs) for timber yarding will be followed (Mud Den EA, pp. 8-9) and sedimentation controls will be in place (Mud Den EA, p. 9).

A yarding wedge (0.35 acres of disturbance) originating from road 26-8-27.0, located north of Unit 4 (EA Unit 31B), will be used to facilitate cable yarding. The yarding wedge will be used in place of EA Spur MS 5 (originally 0.4 acres of disturbance). The yarding wedge will be used in the same location where EA Spur MS 5 was analyzed for construction. During final unit layout, it was identified that EA Spur MS 5 would not be a logical road location due to topography and cost. The yarding wedge will be located in a recent clearcut on private land, where the trees are approximately five years old.

Ground-based harvest and any cable yarding to unsurfaced roads, and hauling over unsurfaced roads will be restricted to the dry season, typically mid-May through mid-October. This dry season restriction may be extended or shortened dependent on weather conditions.

As described in the Mud Den EA (p. 5), Riparian Reserves have been established on all streams based on the applicable site-potential tree heights for the Upper Umpqua River, Deer Creek-South Umpqua River, and South Fork Coos River watersheds. "No-harvest" buffers have been

established adjacent to streams within the Riparian Reserves as described in the Mud Den EA (pp. 7-8).

A variable spacing marking prescription will be applied (Mud Den EA, pp. 6-7), retaining an average of 120 square feet of basal area in the General Forest Management Area and 70 to 80 square feet of basal area in treated portions of the Riparian Reserves (Mud Den EA, p. 20).

**Table 1. Bear Ridge Timber Sale Units and Roads by Land Use Allocation.**

| Unit Number   | EA Unit  | Cable Yarding<br>(125 acres) |           | Ground-Based Yarding<br>(29 acres) |                  | Total Harvest<br>(acres) | Roads/Rights-of-Way<br>(6.6 acres) |          |          |          |              | Total Unit Acres<br>(w/BLM ROW) |
|---------------|----------|------------------------------|-----------|------------------------------------|------------------|--------------------------|------------------------------------|----------|----------|----------|--------------|---------------------------------|
|               |          | GFMA                         | Riparian  | GFMA                               | Riparian         |                          | GFMA                               | Riparian | Private  | BLM Only | BLM and Pvt. |                                 |
| 1             | 26-7-33A | 75.7                         | 3.7       |                                    |                  | 79.4                     | 1.1                                |          |          | 1.1      | 1.1          | 80.5                            |
| 2             | 26-7-32A | 7.3                          | 8.0       |                                    |                  | 15.3                     | 0.8                                |          |          | 0.8      | 0.8          | 16.1                            |
| 3             | 26-7-33A |                              |           | 11.3 <sup>+</sup>                  | 1.0 <sup>+</sup> | 12.3                     | 0.3                                |          |          | 0.3      | 0.3          | 12.6                            |
| 4             | 26-7-31B | 19.5                         | 3.9       |                                    |                  | 23.4                     | 0.9                                |          | 1.7      | 0.9      | 2.6          | 24.3                            |
| 5             | 26-7-31D |                              |           | 17.0                               | 0.3              | 17.3                     | 0.3                                |          |          | 0.3      | 0.3          | 17.6                            |
| 6             | 26-7-33A | 6.3                          |           |                                    |                  | 6.3                      | 0.4                                |          |          | 0.4      | 0.4          | 6.7                             |
| No Unit       |          |                              |           |                                    |                  | 0.0                      | 0.1                                |          | 0.8      | 0.1      | 0.9          | 0.1                             |
| <b>Totals</b> |          | <b>109</b>                   | <b>16</b> | <b>28</b>                          | <b>1</b>         | <b>154</b>               | <b>4</b>                           | <b>0</b> | <b>3</b> | <b>4</b> | <b>6</b>     | <b>158</b>                      |

<sup>+</sup>Unit 3 may be cable yarded at the purchaser's request.

### ***Roads, Spurs and Landings***

The spur roads in Bear Ridge Commercial Thinning have been re-numbered, as shown in Table 2. Spur roads or landing locations were adjusted or added to accommodate changes in yarding methods, irregular topography (i.e. cliffs or boulders) that is not conducive to road construction, to provide for public safety, and to avoid potential marbled murrelet nest trees (Table 2; Appendix A pp. A1-A3; Table A-1). Changes to road surfacing were made to accommodate all-weather operations outside of the marbled murrelet seasonal and/or daily operating restrictions, which might otherwise compromise sale operability and economic viability (Appendix A, p. A-3).

In all instances, spurs that were added or adjusted will be located entirely within the boundaries of the Bear Ridge Commercial Thinning units (Figure 2). The total road construction and renovation is within the scope considered in the Mud Den EA (Table 3c, p. 12) that proposed up to 8,385 feet of temporary road construction and 27,575 feet of road renovation, which included over 7,000 feet of roads intended for rock surfacing and retention. The total amount of change from what was originally analyzed for construction and maintenance/renovation in the Mud Den EA is 935 feet less and 17,234 feet less, respectively (Appendix A, p. A-2). Approximately four acres will be cleared for road rights-of-way, which is within the scope of the estimated five acres of right-of-way clearing per timber sale identified in the Mud Den EA (p. 10).

All temporarily constructed spurs were analyzed as native surfacing in the Mud Den EA (pp. 10, 12). For the Bear Ridge Commercial Thinning timber sale, all spurs will be rocked (with the exception of Spurs 1 and 2 in Unit 3 if ground-based yarding is implemented, and road 26-7-31.1

accessing Unit 5, which will have native surfacing). The addition of rock to a road that is presently native-surfacing (i.e. 26-7-31.0) is intended to provide long-term access for future stand management. Rocking results in less potential for sediment and erosion (Appendix A, p. A-8).

Spurs that are rocked will be decommissioned by water-barring, mulching with logging slash where available (or with straw if logging slash is not available), and blocking. Skid and OHV trails not used during the timber harvesting operation will be subsoiled, waterbarred, and covered with slash, where available, if determined to be necessary (Mud Den EA, p. 35).

Temporarily constructed spurs located within the unmapped Late-Successional Reserve land use allocation (Sections 32 and 33), were analyzed in the EA as native surfacing and were proposed to be subsoiled after use. When the EA was written in 2010, subsequent stand treatment was not anticipated (Mud Den EA p. 10). However, six years later in 2016, the BLM believes that future stand treatment may be considered. Rocked spurs and landings (3,910 feet in length) within Sections 32 and 33 will not be subsoiled but will be decommissioned by water-barring, mulching with logging slash where available (or with straw if logging slash is not available), and blocking (Table 2).

No road construction, renovation, or subsoiling will occur between October 15 of one calendar year and May 15 of the following calendar year, both days inclusive, or other periods of unseasonably wet weather and soil moisture conditions, unless otherwise approved by the BLM contract administrator.

Table 2 shows construction, maintenance / renovation, surfacing and post-thinning disposition of roads for the Bear Ridge Commercial Thinning project.

**Table 2. Bear Ridge Commercial Thinning Project Roads & Spurs.**

| Road/Spur #       |                        | Temporary Construction | Maintenance / Renovation | Surfacing |          | Decommissioning      |
|-------------------|------------------------|------------------------|--------------------------|-----------|----------|----------------------|
| <i>in the EA</i>  | <i>in the Decision</i> | (feet)                 | (feet)                   | Existing  | Proposed | How Decommissioned * |
| <i>Spur MS 1</i>  | Dropped                |                        |                          |           |          |                      |
| <i>Spur MS 2</i>  | Dropped                |                        |                          |           |          |                      |
| <i>Spur MS 4</i>  | Dropped                |                        |                          |           |          |                      |
| <i>Spur MS 5</i>  | Yarding Wedge          |                        |                          |           |          |                      |
| <i>Spur MS 6</i>  | Spur 6 †               | 1,795                  |                          | None      | Rock     | B & W                |
| <i>Spur MS 6</i>  | Landing 7 †            | 100                    |                          | None      | Rock     | B & W                |
| <i>Spur MS 7</i>  | 26-7-31.1              | 720                    |                          | None      | Native   | B, W & M             |
| <i>Spur MS 10</i> | Landing 6              | 100                    |                          | None      | Rock     | B & W                |
| <i>Spur MS 11</i> | Spur 7 †               | 245                    |                          | None      | Rock     | B & W                |
| <i>Spur MS 12</i> | Dropped                |                        |                          |           |          |                      |
| <i>Spur MS 13</i> | 27-7-4.1               |                        | 481                      | Native    | Rock     | B & W                |
| <i>Spur MS 13</i> | 27-7-4.1 †             | 373                    |                          | None      | Rock     | B & W                |
| <i>Spur MS 13</i> | Landing 1 †            | 145                    |                          | None      | Rock     | B & W                |
| <i>Spur MS 14</i> | Spur 1 †, ‡            | 530                    |                          | None      | Native   | B, W, M & S          |
| <i>Spur MS 15</i> | Spur 2 †, ‡            | 395                    |                          | None      | Native   | B, W, M & S          |

| Road/Spur #                               |   | Temporary Construction    | Maintenance / Renovation   | Surfacing |          | Decommissioning   |
|---|---|---------------------------|----------------------------|-----------|----------|---|
| <i>in the EA</i>                          | <i>in the Decision</i>                                    | (feet)                    | (feet)                     | Existing  | Proposed | How Decommissioned *  |
| <i>Spur MS 16</i>                         | 26-7-32.2   | 450                       |                            | None      | Rock     | B & W   |
| <i>Spur MS 17</i>                         | 27-7-5.1  | 437                       |                            | None      | Rock     | B & W   |
|   | Spur 3 †  | 190                       |                            | None      | Rock     | B & W   |
|   | Spur 4 †  | 745                       |                            | None      | Rock     | B & W   |
|   | Spur 5 †  | 870                       |                            | None      | Rock     | B & W   |
|   | Landing 2 †   | 125                       |                            | None      | Rock     | B & W   |
|   | Landing 4 †   | 145                       |                            | None      | Rock     | B & W   |
|   | Landing 5 †   | 85                        |                            | None      | Rock     | B & W   |
| 26-7-31.0                                 | 26-7-31.0   |                           | 1,700                      | Native    | Rock     |   |
| <i>Unnamed road in T26S, R7W, Sec. 31</i> | 26-7-31.1   |                           | 2,730                      | Native    | Native   | B & W   |
| 26-7-33.0                                 | 26-7-33.0   |                           | 4,850                      | Rock      | Rock     |   |
| 27-7-5.1                                  | 27-7-5.1 †  |                           | 580                        | Rock      | Rock     | B & W   |
| 26-7-29.2                                 | Dropped   |                           |                            |           |          |   |
| 26-8-27.0                                 | Landowner assuming maintenance / renovation of their road |                           |                            |           |          |   |
| <b>TOTALS</b>                             |   | <b>7,450<br/>(1.4 mi)</b> | <b>10,341<br/>(2.0 mi)</b> |           |          | * B = block<br>W = waterbar<br>M = slash mulch<br>S = subsoil |

† Roads or spurs that were added or adjusted during the Bear Ridge Commercial Thinning project, not specifically analyzed within the Mud Den Commercial Thinning Environmental Assessment, were analyzed in the Determination of NEPA Adequacy (DNA) that tiers to the Mud Den Commercial Thinning EA (NEPA #: DOI-BLM-OR-R040-2010-003-EA). The DNA is attached to this decision (Appendix A).

‡ Spurs 1 and 2, located within Unit 3, may be rocked at the purchaser's request and expense. Rocking Spurs 1 and 2 will allow wet season haul; if spurs remain native, dry season haul will be required.

### ***Northern Spotted Owl Seasonal Restrictions***

Based on the Tyee demography study area protocol survey data (1992-2015), there are no active northern spotted owl activity centers within the 65-yard disruption threshold for harvest activities. Therefore, Bear Ridge Commercial Thinning units do not require seasonal restrictions, unless future surveys locate northern spotted owls within 65 yards of a unit.

### ***Marbled Murrelet Seasonal Restrictions***

To avoid disruption to nesting marbled murrelets, seasonal restrictions from April 1 through August 5, both days inclusive, followed by daily operating restrictions from August 6 through September 15, both days inclusive, will be applied within 100 yards of the occupied site (Unit 1). Daily operating restrictions from April 1 through August 5, both days inclusive, will be applied within 100 yards of unsurveyed suitable habitat adjacent to Units 2, 4, and 5. Daily operating restrictions prohibit commencement of operations until two hours after sunrise and require operations to cease two hours before sunset.

### ***Oregon Red Tree Vole***

The North Coast Distinct Population Segment of the Oregon red tree vole (*Arborimus longicaudus*), more commonly known as the dusky tree vole, became a candidate for listing under the Endangered Species Act on October 13, 2011 (76 FR 63720). The dusky tree vole is documented in the Eugene and Salem Districts (State Director's Special Status Species List, July 29, 2015) and is suspected in the Roseburg District. There are 1,030 acres of BLM-administered lands on the District within the geographic extent of the Distinct Population Segment, located in Sections 5, 7, 17, and 19; T. 21 S., R. 4 W.; Willamette Meridian. These areas are greater than 30 miles northeast of the project area, and no effects to the North Coast Distinct Population Segment of the Oregon red tree vole will be expected.

### ***Fisher***

On October 7, 2014 the West Coast Distinct Population Segment of fisher (*Pekania pennanti* formerly *Martes pennanti*) was proposed for listing as a threatened species under the Endangered Species Act (79 FR 60419). The fisher is also listed as a *Bureau Sensitive* species. The Roseburg District contains habitat for fisher (natal habitat analogous to NRF and foraging habitat analogous to dispersal habitat for NSO), and does have a high reliability occurrence on Boomer Hill in 1999. The Mud Den EA (p. 65) considered potential effects of the proposed action on the fisher and concluded that there will be no effects to natal or foraging habitat.

### **Compliance and Monitoring**

Compliance with this decision will be ensured by frequent on-the-ground inspections by the Contracting Officer's Representative. Implementation will conform to the requirements of the 1995 ROD/RMP, incorporating the standards and guidelines therein (Mud Den EA, p. 1).

## **SECTION 2 – THE DECISION RATIONALE**

Chapter 2 of the EA describes two alternatives: a "No Action" alternative and a "Proposed Action" alternative and three sub-alternatives of the Proposed Action Alternative. The No Action alternative was not selected because it did not meet the stated need and purpose of the Mud Den Commercial Thinning project (EA, p. 1) to reduce stand densities through thinning prescriptions to maintain stand vigor and improve wildlife habitat. In addition, the No Action alternative was not selected because it did not meet the following objectives (Mud Den EA, pp. 2-3):

- Comply with Section 1 of the O&C Act (43 USC § 1181a) which stipulates that O & C Lands be managed "... for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities..."
- Select logging systems based on the suitability and economic efficiency of each system for the successful implementation of the silvicultural prescription, for the protection of soil and water quality, and for meeting other land use objectives. Also, provide a harvest plan flexible enough to facilitate harvesting within a three year timber sale contract.
- Seek a balance between reducing the risk of wildfire and a fuel profile that supports land allocation objectives.
- Perform commercial thinning on forest stands less than 80 years of age. Design commercial thinning to assure high levels of volume productivity.

Sub-alternative A proposed in the Mud Den EA (p. 15) offered an alternative of helicopter yarding 14 acres of Mud Slinger Unit 29A and 48 acres of Mud Slinger Unit 33A instead of cable-yarding those acres. Sub-alternative A was not selected for implementation because helicopter yarding is not considered an economical method of timber harvesting at this time. Typical expenses for helicopter yarding are approximately \$350 per 1,000 board feet (1MBF) in contrast to the cost for ground-based yarding (\$33 per 1MBF) and cable-yarding systems (\$96 per 1MBF). Based on these expenses and the current value of logs that will typically be produced by a thinning operation such as those in Bear Ridge Commercial Thinning, extensive use of helicopter yarding will not produce an economically viable timber sale.

Sub-alternatives B and C (Mud Den EA, p. 16) focused on how to renovate and decommission road 26-7-29.0 and road 26-7-32.0. The portion of sub-alternatives B and C involving the 26-7-29.0 road is not pertinent to this Bear Ridge Decision and is not part of the action to be implemented under this decision. Road 26-7-32.0 is in the vicinity of Bear Ridge Commercial Thinning; however, it will not be used by the timber sale. Therefore, road 26-7-32.0 will not be renovated nor decommissioned as part of Bear Ridge Commercial Thinning. The BLM will consider this road when developing the Comprehensive Travel and Transportation Management Plan (CTTMP).

The project design features described in the Mud Den EA (pp. 6-15) will minimize soil compaction, limit erosion, and protect slope stability, wildlife habitat, fish habitat, air and water quality, as well as other identified resource values. I have reviewed the resource information contained in the EA and the updated information presented in this decision.

Based on the analysis of potential impacts contained in the Environmental Assessment, a Finding of No Significant Impact (FONSI) was previously prepared for the Mud Den Commercial Thinning and Density Management project with a determination that the project, which includes Bear Ridge, will not have a significant impact on the human environment; therefore, an environmental impact statement will not be prepared. An evaluation of updated information in the Bear Ridge Commercial Thinning DNA worksheet was also used to confirm that the project is adequately analyzed in the existing NEPA document, and is in conformance with the land use plan (Appendix A).

## **Survey & Manage**

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an Order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Judge Coughenour), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure. Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation had entered into a stipulation exempting certain categories of activities from the Survey and Manage standard (hereinafter referred to as "Pechman Exemptions").

Judge Pechman's Order from October 11, 2006 directs: "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

- (a) Thinning projects in stands younger than 80 years old (emphasis added);
- (b) Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;
- (c) Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and
- (d) The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph (a) of this paragraph."

The Ninth Circuit Court of Appeals issued an opinion on April 25, 2013, that reversed the District Court for the Western District of Washington's approval of the 2011 Survey and Manage Settlement Agreement. The case was remanded back to the District Court for further proceedings.

On February 18, 2014, the District Court for the Western District of Washington issued a remedy order in the case of *Conservation Northwest et al. v. Bonnie et al.*, No. 08-1067- JCC (W.D. Wash.)/No.11-35729 (9th Cir.). This was the latest step in the ongoing litigation challenging the 2007 Record of Decision (ROD) to modify the Survey and Manage (S&M) Standards and Guidelines.

The remedy order contained two components. The order:

- (1) Vacates the 2007 ROD to Remove or Modify the Survey and Manage S&M Mitigation Measure Standards and Guidelines, and
- (2) Allows for continued project planning and implementation for projects that relied on the 2011 Consent Decree and were being developed or implemented on or before April 25, 2013 (date of the Ninth Circuit Court ruling invalidating the 2011 Consent Decree).

In summary, the current status of Survey and Manage is:

- (1) Follow the 2001 S&M ROD and Standards and Guidelines (S&G);
- (2) Apply the "Pechman exemptions;" and
- (3) Implement the 2001, 2002, and 2003 ASR modifications to the S&M species list, except for the changes made for the red tree vole.

I have reviewed the Bear Ridge Commercial Thinning project in consideration of both the December 17, 2009 and October 11, 2006 Orders. Because the Bear Ridge Commercial Thinning project contains no regeneration harvest and is limited to thinning in stands less than 60 years old, I have made the determination that this project meets exemption "a" of the Pechman Exemptions (October 11, 2006 Order).

## **Cultural Resources**

The Bear Ridge Commercial Thinning Project area was previously surveyed in 2010 under cultural resources survey SW1009 (Mud Slinger Commercial Thinning). There are no identified cultural resources in the project area. Any previously unsurveyed areas are exempt from normal inventory requirements under appendices A (Survey Techniques for Densely Vegetated Areas of Western Oregon) and D (Coast Range Inventory Plan) of the 2015 Oregon Protocol. The BLM has completed its Section 106 responsibilities under the 2012 National Programmatic Agreement and the 2015 Oregon Protocol.

## **Wildlife**

Consultation under Section 7 of the Endangered Species Act (1973 as amended) with the U.S. Fish and Wildlife Service is complete. Consultation on the Bear Ridge project was completed on February 9, 2016 (USDI/FWS 2016). The Biological Opinion includes a finding by the Service that “the District’s proposed action is...not likely to jeopardize the spotted owl or murrelet”, “...is not likely to adversely modify spotted owl critical habitat”, and is “...not likely to appreciably diminish the intended function of designated murrelet critical habitat” (USDI/FWS 2016, Tails #: 01EOFW00-2016-F-0065, pp. 1-2).

As illustrated in Table 6 of the Mud Den EA (pp. 24-25), no suitable habitat for the northern spotted owl will be removed or modified by the proposed action alternative. Table 7 (Mud Den EA, p. 25) further illustrates that thinning will be limited to dispersal-only habitat, and that none of the thinning will occur within the nest patch or core area of any provincial northern spotted owl home range.

Effects to the marbled murrelet are expected to be consistent with those described in the Mud Den EA. Protocol surveys established occupancy on the west side of Unit 1 (part of EA Unit 33A), and the unit boundaries have been modified to exclude potential nest trees from within the boundary and remove the potential for affecting nesting habitat. Other potential nest trees identified within the boundaries of Unit 2 (26-7-32A) will be protected by implementation of the Residual Habitat Guidelines (Mud Den EA, p. 28). Seasonal and daily operating restrictions for these units will remove the potential for disruption during the breeding and nesting season. No suitable nesting habitat is proximate to any of the other units that comprise Bear Ridge Commercial Thinning (Mud Den EA, pp.14 and 94).

## ***Bureau Sensitive Species***

As documented in the Mud Den EA (pp. 30-31), there are no **peregrine falcon** eyries present in the vicinity of the original Mud Slinger project area, or the Bear Ridge Commercial Thinning project, which occupy the same geographic areas. Consequently, there will be no direct, indirect, or cumulative impacts to peregrine falcons.

## **Soils**

There are no soils issues related to the Bear Ridge Commercial Thinning project (Appendix A, pp. A-8-9).

## **Hydrology**

There are no hydrology issues related to the Bear Ridge Commercial Thinning project (Appendix A, p. A-9).

### **Aquatic Habitat and Fisheries**

As discussed in the Mud Den EA (p. 44), there are 4.1 miles of haul route within 800 feet of fish bearing streams in the project area but none of these are along the haul route for the Bear Ridge Commercial Thinning project. Timber haul on these roads can be either dry-season (summer) or wet-season (winter) haul. Ditch banks along the haul route are well vegetated and there are no direct connections to fish-bearing streams. Consequently, there are no mechanisms for affects to fish from stream sedimentation associated with timber haul.

As described in the Mud Den EA (p. 46), which analyzed all of the units and haul routes for the Bear Ridge Commercial Thinning project as part of the proposed action alternative, aquatic habitat in Hubbard Creek, Camp Creek, and their tributaries will be unaffected, except for short-term reductions in the amount of large and small functional wood available to the stream. Fish species and populations in Hubbard Creek, Camp Creek, and downstream will be unaffected because of the high amount of wood currently in the streams, “no-harvest” buffers, and Project Design Features to protect water quality. Oregon Coast coho salmon and their critical habitat will be unaffected by this project.

### **Botany**

#### ***Federally-listed and Bureau Sensitive Species***

As described in the Mud Den EA (p. 47), field surveys of all units comprising the proposed action area were conducted in the spring and summer of 2009. No Federally-listed or Bureau Sensitive botanical species were detected, and there will be no additional effects to such species in regards to changes in the proposed action (Appendix A, p. A-10).

## **SECTION 3 – PUBLIC INVOLVEMENT**

The BLM solicited comments from affected tribal governments, adjacent landowners, affected State and local government agencies, and the general public on the Mud Den Commercial Thinning EA, which included the components of the Bear Ridge Commercial Thinning project as a part of the proposed action alternative, during a 30-day public comment period (June 8, – July 8, 2010). Fifteen sets of comments were received during the public comment period.

The following topics were deemed to warrant additional clarification with respect to the original Mud Slinger Commercial Thinning and Density Management project: 1) Roads 2) OHV Use & Enforcement 3) Seasonal Restrictions for Marbled Murrelets 4) Species & Structural Diversity of Forest Stands 5) Carbon Storage and 6) South Fork Coos River Watershed Analysis. The responses to these comments, contained in the original Mud Slinger Decision, are incorporated here by reference and can be reviewed here <http://www.blm.gov/or/districts/roseburg/plans/plans-details.php?id=1831>.

## **SECTION 4-PROTEST PROCEDURES**

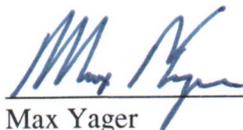
The decision described in this document is a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer (Max Yager) within 15 days of the first publication date of the notice of decision notice/timber sale advertisement in The News- Review, Roseburg, Oregon on April 26, 2016.

As described in 43 CFR § 5003.3 (b): "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 that are delivered to the Roseburg District office will be accepted. The protest must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

It is further stated at 43 CFR § 5003.3 (c) that: "Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered." Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 5003.3(t).

If no protest is received by the close of business (4:30 P.M.; Pacific Daylight Time) at the expiration of the period for protest on May 11, 2016, this decision will become final. If a timely protest is received, the project decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Swiftwater Field Office will issue a protest decision.

For further information, contact Max Yager, Field Manager, Swiftwater Field Office, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd; Roseburg, OR 97471, (541) 440-4930.



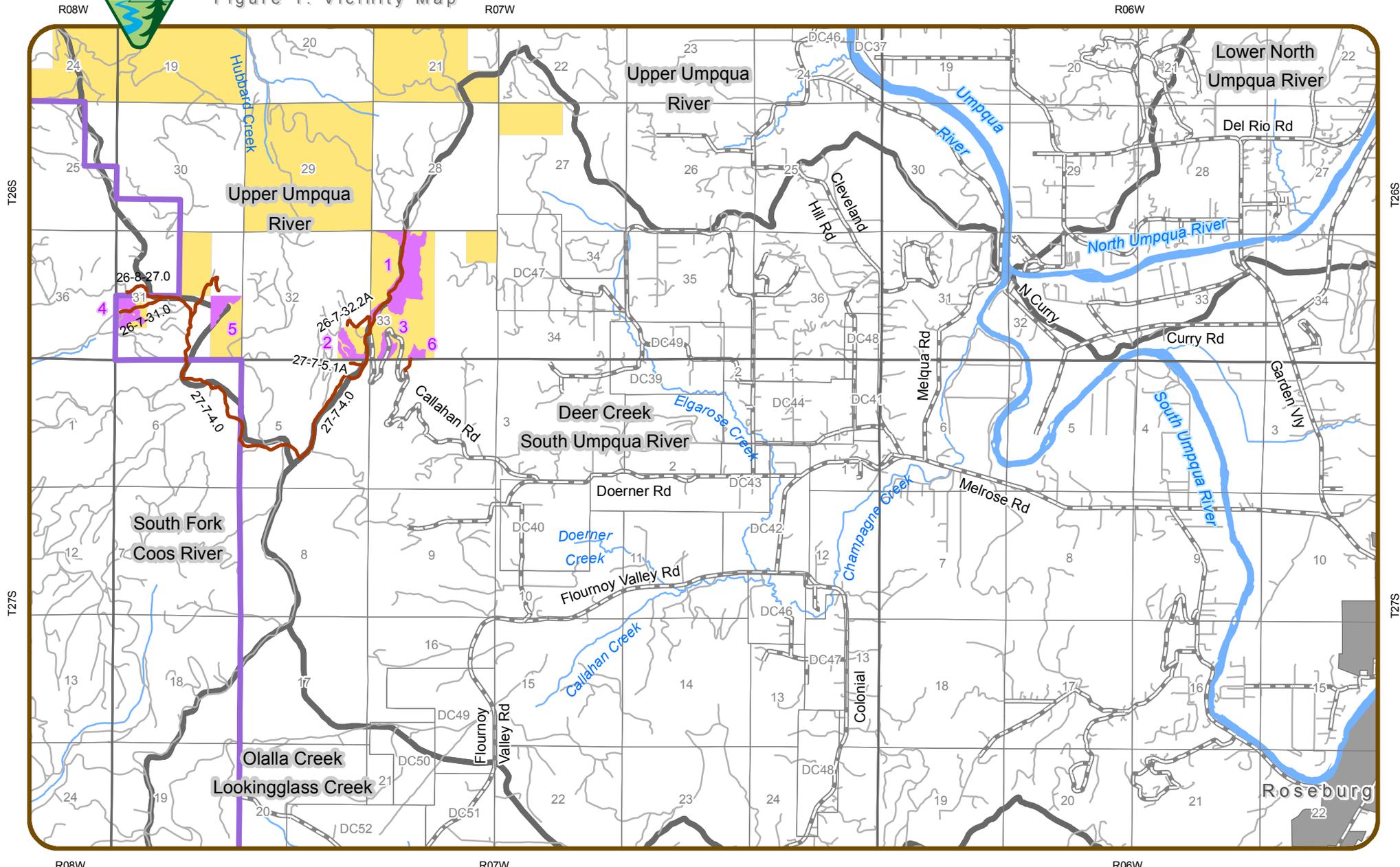
Max Yager  
Field Manager  
Swiftwater Field Office

APRIL 6<sup>th</sup>, 2016  
Date



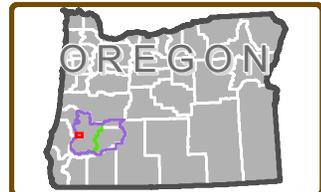
# Bear Ridge Timber Sale

## Figure 1. Vicinity Map



### Legend

- Proposed Unit
- Haul Route
- Watershed Boundary
- County Road
- District Area Boundary
- Road
- Bureau of Land Management
- Water Course
- Private/Unknown



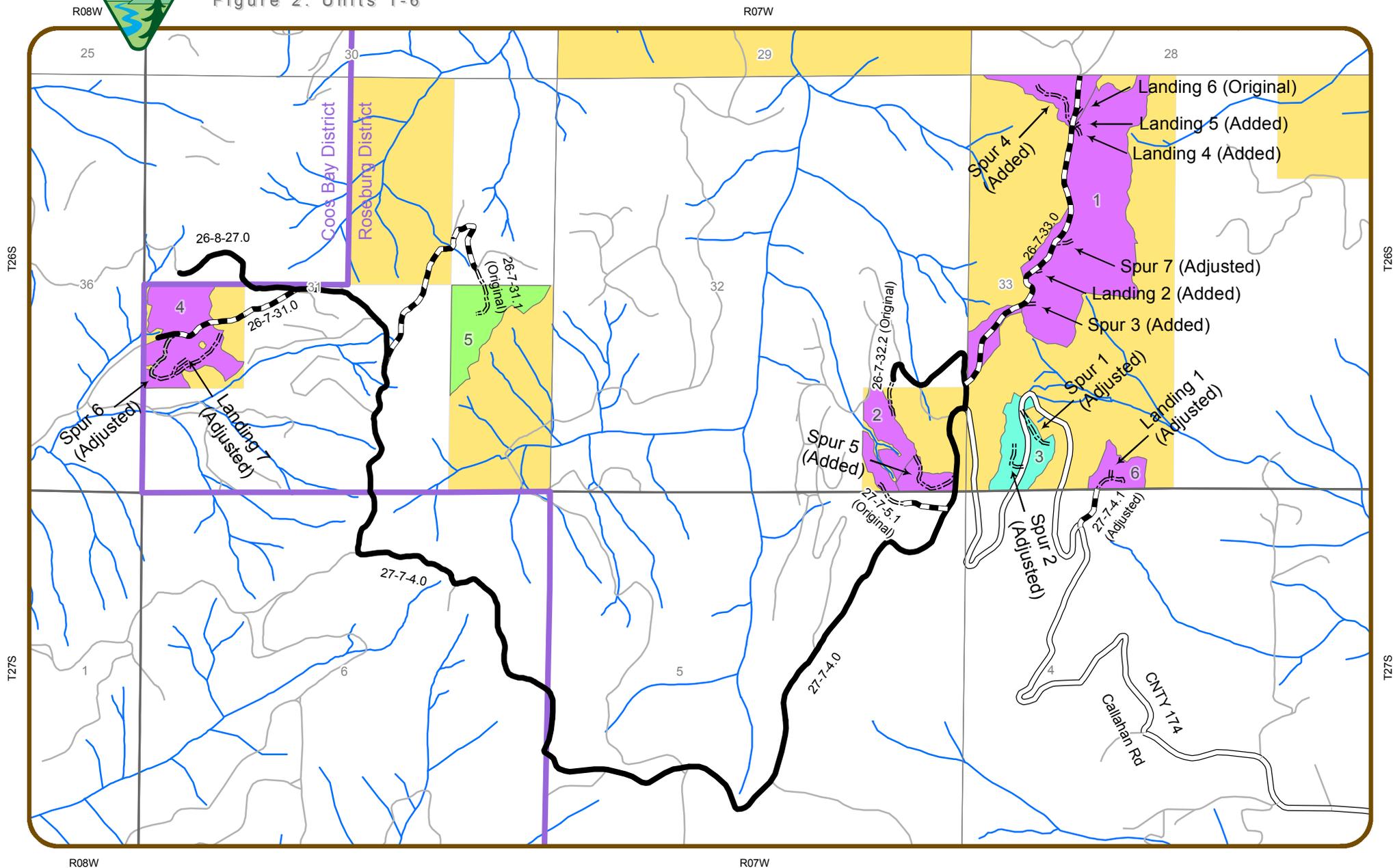
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

Date: 2/22/2016



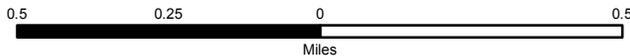
# Bear Ridge Timber Sale Harvest Plan

## Figure 2. Units 1-6

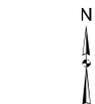


### Legend

- Cable Yarding
- Cable or Ground-based Yarding
- Ground-based Yarding
- District Area Boundary
- Bureau of Land Management
- Private/Unknown
- Haul Route
- Renovation
- County Road
- Other Road
- Streams



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.



Date: 3/1/2016



# Appendix A. Determination of NEPA Adequacy (DNA) Worksheet

**U.S. Department of the Interior  
Bureau of Land Management  
Roseburg District**

**OFFICE:** Roseburg District, Swiftwater Field Office

**CASEFILE/PROJECT NUMBER:** N/A

**PROPOSED ACTION TITLE/TYPE:** Bear Ridge Commercial Thinning

**LOCATION/LEGAL DESCRIPTION:** Sections 31, 32 and 33, Township 26 South, Range 7 West, Willamette Meridian

**DETERMINATION OF NEPA ADEQUACY (DNA):** Not all decisions require the use of a DNA. When used, a DNA confirms that an action is adequately analyzed in existing NEPA document(s) and is in conformance with the land use plan. The DNA worksheet is not itself a NEPA document. The signed conclusion in the DNA worksheet is an interim step in the BLM's internal review process and does not constitute an appealable decision. However, the decision on the action being implemented may be subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

## **A. Description of the Proposed Action and any applicable mitigation measures**

The proposed action, Bear Ridge Commercial Thinning, consists of six thinning units that were analyzed as part of the original Mud Slinger project described in the Mud Den Commercial Thinning Environmental Assessment (Mud Den EA). Approximately 209 acres of the 363 acres (58 percent) analyzed in the EA would not be treated for the reasons described on page 2 of the Bear Ridge Commercial Thinning Decision.

A yarding wedge (0.35 acres of disturbance) originating from road 26-8-27.0, located north of Unit 4 (EA Unit 31B), would be used to facilitate cable yarding. The yarding wedge would be used in place of EA Spur MS 5 (originally 0.4 acres of disturbance). The yarding wedge would be used in the same location where EA Spur MS 5 was analyzed for construction. During final unit layout, it was identified that EA Spur MS 5 would not be a logical road location due to topography and cost. The yarding wedge would be located in a recent clearcut on private land, where the trees are approximately five years old.

Spur roads or landing locations were adjusted or added to accommodate changes in yarding methods, irregular topography (i.e. cliffs or boulders) that is not conducive to road construction, to provide for public safety, and to avoid potential marbled murrelet nest trees (Table A-1; Figure 2). These include:

- Spur 3 and Landings 2, 4 and 5 have been added to facilitate cable yarding due to irregular topography, as well as to accommodate simultaneous use of road 26-7-33.0 by adjacent private landowners with reciprocal access rights (Table A-1; Figure 2).
- Spur 4 was added to provide access for cable yarding, instead of ground-based yarding, in order to allow autumn or winter operations that would avoid scheduling conflicts with the marbled murrelet nesting season during the spring and summer months (Table A-1; Figure 2).

- The locations of Spurs 1 and 2 (EA Spurs MS 14 and MS 15, respectively) have been adjusted to provide for public safety along County Road 174 (Callahan Road) by creating more separation between the landing areas and the county road. Spur 1 decreased in length by 30 feet (Table A-1), and at the furthest point, would be constructed approximately 125 feet away from the originally analyzed location of EA Spur MS 14. The revised location of Spur 1 would also result in less earthwork associated with road construction, particularly at the intersection with the county road. Spur 2 decreased in length by 160 feet (Table A-1), and at the furthest point, would be constructed approximately 100 feet away from the originally analyzed location of EA Spur MS 15.
- The addition of Spur 5, and locations of Spur 6 and Landing 7 (both EA Spur MS 6) have been adjusted to avoid potential marbled murrelet nest trees, while providing favorable access for cable yarding to allow autumn or winter operations that would avoid scheduling conflicts with the marbled murrelet nesting season during the spring and summer months. Spur 6 and Landing 7 increased in length by a total of 630 feet (Table A-1). At the furthest points, Spur 6 would be constructed approximately 600 feet and Landing 7 would be constructed approximately 100 feet away from the originally analyzed location of EA Spur MS 6.
- The location of road 27-7-4.1 (EA Spur MS 13) was adjusted to facilitate cable yarding due to irregular topography. Landing 1 (EA Spur MS 13) was shortened because a portion of the original EA Unit 26-7-33A was dropped (see page 2 of the Bear Ridge Commercial Thinning Decision). Road 27-7-4.1 and Landing 1 decreased in total length by 450 feet (Table A-1), and at the furthest point, would be constructed approximately 175 feet away from the originally analyzed location of EA Spur MS 13. In the Mud Den EA, 547 feet of road 27-7-4.1 was incorrectly identified as construction, rather than maintenance/renovation. The Bear Ridge Commercial Thinning project correctly identifies this portion of road as 481 feet of maintenance/renovation (Table A-1, Figure 2).
- The location of Spur 7 (EA Spur MS 11) was adjusted to better facilitate log loading and hauling. Spur 7 decreased in length by 145 feet (Table A-1), and at the furthest point, would be construction approximately 200 feet away from the originally analyzed location of EA Spur MS 11.
- The maintenance/renovation of road 27-7-5.1 (580 feet) was added to the Bear Ridge Commercial Thinning project (Table A-1, Figure 2). Road 27-7-5.1 was originally analyzed in the Mud Den EA as part of the haul route, but the road construction was brand new and no maintenance/renovation was needed. Now, six years later, road 27-7-5.1 needs minor maintenance/renovation before use.
- The lengths of roads 26-7-31.1, 26-7-32.2, and 27-7-5.1 and Landing 6 (EA Spurs MS 7, MS 16, MS 17, and MS 10, respectively) were changed slightly as further field review refined the approximations. These spurs and the landing decreased in total length by 558 feet (Table A-1). These spurs and landing are in the same locations as analyzed in the Mud Den EA.

In all instances, roads to be built on BLM-administered lands would be located entirely within the boundaries of the Bear Ridge Commercial Thinning units. The total road construction and renovation is within the scope of the effects considered in the Mud Den EA (Table 3c, p. 12) that proposed up to 8,385 feet of temporary road construction and 27,575 feet of road renovation, which included over 7,000 feet of roads intended for rock surfacing and retention. The total amount of change from what was originally analyzed for construction and maintenance/renovation in the Mud Den EA is 935 feet less and 17,234 feet less, respectively. Additionally, approximately four acres would be cleared for road rights-of-way, which is less than the estimated five acres of right-of-way clearing per timber sale identified in the Mud Den EA (p. 10).

All temporarily constructed spurs were analyzed as native surfacing in the Mud Den EA (pp. 10, 12). For the Bear Ridge Commercial Thinning timber sale, spurs (5,805 feet in length, Table A-1) would be rocked (with the exception of Spurs 1 and 2 in Unit 3 if ground-based yarding is implemented, and road 26-7-31.1 accessing Unit 5, which would have native surfacing) in order to accommodate all-weather operations outside of the marbled murrelet seasonal and/or daily operating restrictions, which might otherwise compromise sale operability and economic viability. The addition of rock to a road that is presently native-surfacing (i.e. 26-7-31.0) is intended to provide long-term access for future stand management and would not be decommissioned. Rocking results in less potential for sediment and erosion (p. A-8).

Spurs that are rocked would be decommissioned by water-barring, mulching with logging slash where available (or with straw if logging slash is not available), and blocking. Skid and OHV trails not used during the timber harvesting operation would be subsoiled, waterbarred, and covered with slash, where available, if determined to be necessary (Mud Den EA, p. 35).

Temporarily constructed spurs located within the unmapped Late-Successional Reserve land use allocation (Sections 32 and 33), were analyzed in the EA as native surfacing and were proposed to be subsoiled after use. When the EA was written in 2010, subsequent stand treatment was not anticipated (Mud Den EA p. 10). However, six years later in 2016, the BLM believes that future stand treatment would be considered. Rocked spurs and landings (3,910 feet in length, Table A-1) within Sections 32 and 33 would not be subsoiled but would be decommissioned by water-barring, mulching with logging slash where available (or with straw if logging slash is not available), and blocking (Table A-1).

In order to make more effective decisions, the BLM may select a combination of yarding and road surfacing options for Unit 3, through adaptive management, depending on factors, such as the market price of logs and the cost of diesel, at the time of implementation. Two yarding options for Unit 3 (EA Unit 33A), ground-based or cable, were analyzed in the Mud Den EA (Table 2, p. 7). Spurs 1 and 2 (EA Spurs MS 14 and MS 15, respectively), located within Unit 3, were analyzed as native surfacing in the EA, but may be rocked at the purchaser's request and expense for the Bear Ridge Commercial Thinning project. These options would allow the BLM to meet objectives of the Mud Den EA which includes,

*“Select[ing] logging systems based on the suitability and economic efficiency of each system for the successful implementation of the silvicultural prescription, for the protection of soil and water quality, and for meeting other land use objectives (1995 ROD/RMP, pg. 61). Also, provid[ing] a harvest plan flexible enough to facilitate harvesting within a three year timber sale contract”*  
(Mud Den EA, p. 3).

Criteria that the purchaser would use to request a change in yarding method or road surfacing, or a combination of the two options would include; economic efficiency, seasonality, seasonal restrictions, and continuity of logging operations. Project design features (PDFs) for timber yarding would be followed (Mud Den EA, pp. 8-9) and sedimentation control would be in place (Mud Den EA, p. 9).

Table A-1 provides a comparison between the Mud Den EA and the Bear Ridge Commercial Thinning project of the construction, maintenance/renovation, surfacing and post-thinning disposition of roads.

**Table A-1. Road and spur comparisons between Mud Den EA and Bear Ridge Commercial Thinning Project.**

| Road/Spur #                               |                        | Temporary Construction     |                               | Maintenance/<br>Renovation |                                  | Surfacing |          | Decommissioning         |
|---|------------------------|----------------------------|-------------------------------|----------------------------|----------------------------------|-----------|----------|-------------------------|
| <i>in the EA</i>                          | <i>in the Decision</i> | <i>in the EA</i><br>(feet) | <i>in the Decision</i> (feet) | <i>in the EA</i><br>(feet) | <i>in the Decision</i><br>(feet) | Existing  | Proposed | How<br>Decommissioned * |
| <i>Spur MS 1</i>                          | Dropped                | 515                        |                               |                            |                                  |           |          |                         |
| <i>Spur MS 2</i>                          | Dropped                | 335                        |                               |                            |                                  |           |          |                         |
| <i>Spur MS 4</i>                          | Dropped                | 425                        |                               |                            |                                  |           |          |                         |
| <i>Spur MS 5</i>                          | Yarding Wedge          | 385                        |                               |                            |                                  |           |          |                         |
| <i>Spur MS 6</i>                          | Spur 6 †               | 1,265                      | 1,795                         |                            |                                  | None      | Rock     | B & W                   |
| <i>Spur MS 6</i>                          | Landing 7 †            |                            | 100                           |                            |                                  | None      | Rock     | B & W                   |
| <i>Spur MS 7</i>                          | 26-7-31.1 ††           | 595                        | 720                           |                            |                                  | None      | Native   | B, W & M                |
| <i>Spur MS 10</i>                         | Landing 6 ††           | 470                        | 100                           |                            |                                  | None      | Rock     | B & W                   |
| <i>Spur MS 11</i>                         | Spur 7 †               | 390                        | 245                           |                            |                                  | None      | Rock     | B & W                   |
| <i>Spur MS 12</i>                         | Dropped                | 175                        |                               |                            |                                  |           |          |                         |
| <i>Spur MS 13</i>                         | 27-7-4.1 §             | 547                        |                               |                            | 481                              | Native    | Rock     | B & W                   |
| <i>Spur MS 13</i>                         | 27-7-4.1 †             | 968                        | 373                           |                            |                                  | None      | Rock     | B & W                   |
| <i>Spur MS 13</i>                         | Landing 1 †            |                            | 145                           |                            |                                  | None      | Rock     | B & W                   |
| <i>Spur MS 14</i>                         | Spur 1 †, ‡            | 560                        | 530                           |                            |                                  | None      | Native   | B, W, M & S             |
| <i>Spur MS 15</i>                         | Spur 2 †, ‡            | 555                        | 395                           |                            |                                  | None      | Native   | B, W, M & S             |
| <i>Spur MS 16</i>                         | 26-7-32.2 ††           | 700                        | 450                           |                            |                                  | None      | Rock     | B & W                   |
| <i>Spur MS 17</i>                         | 27-7-5.1 ††            | 500                        | 437                           |                            |                                  | None      | Rock     | B & W                   |
|   | Spur 3                 |                            | 190                           |                            |                                  | None      | Rock     | B & W                   |
|   | Spur 4                 |                            | 745                           |                            |                                  | None      | Rock     | B & W                   |
|   | Spur 5                 |                            | 870                           |                            |                                  | None      | Rock     | B & W                   |
|   | Landing 2              |                            | 125                           |                            |                                  | None      | Rock     | B & W                   |
|   | Landing 4              |                            | 145                           |                            |                                  | None      | Rock     | B & W                   |
|   | Landing 5              |                            | 85                            |                            |                                  | None      | Rock     | B & W                   |
| <i>26-7-31.0</i>                          | 26-7-31.0              |                            |                               | 2,135                      | 1,700                            | Native    | Rock     |                         |
| <i>Unnamed road in T26S, R7W, Sec. 31</i> | 26-7-31.1              |                            |                               | 2,785                      | 2,730                            | Native    | Native   | B & W                   |

| Road/Spur #      |  | Temporary Construction     |                                 | Maintenance/<br>Renovation |                                  | Surfacing |          | Decommissioning   |
|------------------|--|----------------------------|---------------------------------|----------------------------|----------------------------------|-----------|----------|---|
| <i>in the EA</i> | <i>in the Decision</i>   | <i>in the EA</i><br>(feet) | <i>in the Decision</i> (feet)   | <i>in the EA</i><br>(feet) | <i>in the Decision</i><br>(feet) | Existing  | Proposed | How<br>Decommissioned *                                       |
| 26-7-33.0        | 26-7-33.0  |                            |                                 | 4,790                      | 4,850                            | Rock      | Rock     |   |
| 27-7-5.1         | 27-7-5.1   |                            |                                 |                            | 580                              | Rock      | Rock     | B & W   |
| 26-7-29.2        | Dropped  |                            |                                 | 15,535                     |                                  |           |          |   |
| 26-8-27.0        | Landowner<br>assuming<br>maintenance/<br>renovation of<br>their road |                            |                                 | 2,330                      |                                  |           |          |   |
| <b>TOTALS</b>    |  | 8,385<br>(1.6 mi)          | <b>7,450</b><br><b>(1.4 mi)</b> | 27,575<br>(5.2 mi)         | <b>10,341</b><br><b>(2.0 mi)</b> |           |          | * B = block<br>W = waterbar<br>M = slash mulch<br>S = subsoil |

† Road 27-7-4.1, Spurs 1, 2, 6, 7 and Landings 1 and 7 were adjusted for the Bear Ridge Commercial Thinning project (see justification in *Section A. Description of the Proposed Action and any applicable mitigation measures*).

§ In the Mud Den EA, 547 feet of road 27-7-4.1 was incorrectly identified as construction, rather than maintenance/renovation. The Bear Ridge Commercial Thinning project correctly identifies this portion of road 27-7-4.1 as 481 feet of maintenance/renovation.

∥ Lengths of roads 26-7-31.1, 26-7-32.2, and 27-7-5.1 and Landing 6 were changed slightly as further field review refined the approximations. These spurs and the landing are in the same locations that were analyzed in the Mud Den EA.

‡ Spurs 1 and 2, located within Unit 3, may be rocked at the purchaser's request and expense. Rocking Spurs 1 and 2 would allow wet season haul; if spurs remain native, dry season haul would be required.

## **B. Land Use Plan (LUP) Conformance**

*1995 Roseburg District Record of Decision and Resource Management Plan (1995 ROD/RMP)*  
Approved June 1995

## **C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

Mud Den Commercial Thinning Environmental Assessment (NEPA # DOI-BLM-ORWA-R040-2010-0003-EA) June 3, 2010.

## **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

There are no differences in project location, or geographic and resource conditions that would render the existing analysis insufficient. The units that constitute the proposed Bear Ridge Commercial Thinning project were all identified in the Mud Den EA as parts of the Mud Slinger project and were all analyzed as a part of the proposed action alternative. While 39 percent of road locations were adjusted, 23 percent of road locations were added, and 78 percent of planned surfacing have been changed to enhance the economic viability of the sale, all activities would occur within the boundaries of the proposed units and the effects of these small changes are not expected to notably vary, if at all, from those already identified and addressed in the EA.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

The alternatives considered in the Mud Den EA (pp. 5-14) consisted of No Action and a Proposed Action Alternative. Given the environmental concerns and resource values present, these two alternatives were deemed sufficient. Nothing with respect to new information, or public participation and comment discussed below suggests that the range of alternatives was not sufficient. Small changes to spur roads, yarding methods/areas, and road/surfacing do not constitute a substantial change to the proposed action and therefore are not a new alternative.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

The North Coast Distinct Population Segment of the Oregon red tree vole (*Arborimus longicaudus*), more commonly known as the dusky tree vole, became a candidate for listing under the Endangered Species Act on October 13, 2011 (76 FR 63720). The dusky tree vole is documented in the Eugene and Salem Districts (State Director's Special Status Species List, July 29, 2015) and is suspected in the Roseburg District.

There are 1,030 acres of BLM-administered lands on the District within the geographic extent of the Distinct Population Segment, located in Sections 5, 7, 17, and 19; T. 21 S., R. 4 W.; Willamette Meridian). These areas are greater than 30 miles northeast of the project area, and no effects to the North Coast Distinct Population Segment of the Oregon red tree vole would be expected, therefore, there are no new or changed effects to the red tree vole due to the small changes to spur roads, yarding methods/areas, and road surfacing compared to what was analyzed in the EA.

On October 7, 2014 the West Coast Distinct Population Segment of fisher (*Pekania pennanti* formerly *Martes pennanti*) was proposed for listing as a threatened species under the Endangered Species Act (79 FR 60419). The fisher is also listed as a *Bureau Sensitive* species. The Roseburg District contains habitat for fisher (natal habitat analogous to NRF and foraging habitat analogous to dispersal habitat for NSO), and does have a high reliability occurrence on Boomer Hill in 1999. The Mud Den EA (p. 65) considered potential effects of the proposed action on the fisher and concluded that there would be no effects to natal or foraging habitat. There are no new or changed effects to the fisher natal or foraging habitat due to the small changes to spur roads, yarding methods/areas, and road surfacing compared to what was analyzed in the EA.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

*Cultural Resources*

The Bear Ridge Commercial Thinning Project area was previously surveyed in 2010 under cultural resources survey SW1009 (Mud Slinger Commercial Thinning). There are no identified cultural resources in the project area. Any previously unsurveyed areas are exempt from normal inventory requirements under appendices A (Survey Techniques for Densely Vegetated Areas of Western Oregon) and D (Coast Range Inventory Plan) of the 2015 Oregon Protocol. The BLM has completed its Section 106 responsibilities under the 2012 National Programmatic Agreement and the 2015 Oregon Protocol.

*Wildlife*

Under a 2006 ruling that invalidated the BLM and Forest Service 2004 Record of Decision to eliminate Survey and Manage, Judge Pechman established four exemptions to requirements for pre-disturbance surveys and management of known Survey and Manage species sites.

As discussed in the Mud Den EA (p. 2), the stands to be thinned were 34 to 54 years old at the time of analysis in 2010. Thinning in stands under 80-years of age is one of the Pechman exemptions (Exemption “a”). Consequently, the Survey and Manage standards and guidelines are not applicable to the proposed Bear Ridge Commercial Thinning project.

Federally-listed species

Consultation under Section 7 of the Endangered Species Act (1973 as amended) with the U.S. Fish and Wildlife Service is complete. Consultation on the Bear Ridge project (including the small changes to spur roads, yarding methods/areas, and road surfacing) was completed on February 9, 2016 (USDI/FWS 2016). The Biological Opinion includes a finding by the Service that “the District’s proposed action is...not likely to jeopardize the spotted owl or murrelet”, “...is not likely to adversely modify spotted owl critical habitat”, and is “...not likely to appreciably diminish the intended function of designated murrelet critical habitat” (USDI/FWS 2016, Tails #: 01EOFW00-2016-F-0065, pp. 1-2).

As illustrated in Table 6 of the Mud Den EA (pp. 24-25), no suitable habitat for the **northern spotted owl** would be removed or modified by the proposed action alternative (including the small changes to spur roads, yarding methods/areas, and road surfacing). Table 7 (Mud Den EA, p. 25) further illustrates that thinning would be limited to dispersal-only habitat, and that none of the thinning would occur within the nest patch or core area of any provincial northern spotted owl home range.

Effects to the **marbled murrelet** are expected to be consistent with those described in the Mud Den EA. Protocol surveys established occupancy on the west side of Unit 1 (part of EA Unit 33A). The unit boundaries have been modified to exclude potential nest trees from within the boundary and remove the potential for affecting nesting habitat. Other potential nest trees identified within the boundaries of Unit 2 (EA Unit 32A) would be protected by implementation of the Residual Habitat Guidelines (Mud Den EA, p. 28). Spur 6 (EA Spur MS 6) was re-routed to avoid potential nest trees. Seasonal and daily operating restrictions for Units 1, 2, 4 and 5 (Bear Ridge Commercial Thinning Decision, pp. 5-6) would remove the potential for disruption during the breeding and nesting season. No suitable nesting habitat is proximate to any of the other units that comprise Bear Ridge Commercial Thinning (Mud Den EA, pp. 14 and 94). There are no new or changed effects to marbled murrelet suitable nesting habitat due to the small changes to spur roads, yarding methods/areas, and road surfacing compared to what was analyzed in the EA.

#### Bureau Sensitive species

As documented in the Mud Den EA (pp. 30-31), there are no **peregrine falcon** eyries present in the vicinity of the original Mud Slinger project area, or the Bear Ridge Commercial Thinning project, which occupy the same geographic areas. Consequently, there would be no direct, indirect, or cumulative impacts to peregrine falcons. There are no new or changed effects to peregrine falcon eyries due to the small changes to spur roads, yarding methods/areas, and road surfacing compared to what was analyzed in the EA.

#### *Soils*

The direct, indirect, and cumulative effects of the new proposed actions are similar to those analyzed in the Mud Den EA. The effects of replacing EA Spur MS 5 with a yarding wedge would result in reduced impacts because the yarding wedge would affect soil productivity to a less extent than spur construction.

The effects of small location changes and additions to 62 percent of the spurs are similar to those analyzed in the Mud Den EA because the new spurs remain within unit boundaries, are within the analyzed scope of road construction length, and have been reviewed for slope stability issues using the same methods as described in the Soils Section of the Mud Den EA (p. 38). Based on these methods, the location changes and additions of spurs would not create slope instability. This is the same finding as in the Mud Den EA (p. 38).

The addition of rock surfacing to spur roads and landings would allow for wet season operations, which would reduce the acres of disturbance associated with ground-based harvest by approximately 38 percent. The rocked spur roads and landings located within the unmapped Late-Successional Reserve land use allocation (Sections 32 and 33) would not be subsoiled to benefit soil productivity as described in the Mud Den EA. However, the reduced amount of disturbance from changing the harvest methods from ground-based to cable yarding in Units 1 and 2 would compensate for the lack of subsoiling and associated benefits to soil productivity. The overall effects would be a reduction in 13 acres of compaction and displacement from those described in the Mud Den EA.

The BLM may allow the purchaser to select a combination of road surfacing and yarding system options for harvesting Unit 3. If Unit 3 is harvested using ground-based yarding equipment, Spurs 1 and 2 would be constructed with a native surface and would be subsoiled along with main skid trails and landings after harvest. If this unit is harvest using cable yarding equipment, Spurs 1 and 2 would be rocked and would not be subsoiled. Both options were analyzed in the Mud Den EA (Table 2, p. 7) and the effects to soil productivity are described in the Soil Section of the EA (p.38).

### *Hydrology*

The Bear Ridge Commercial Thinning units were originally analyzed as a part of the proposed action alternative in the Mud Den EA. There would be no potential for effects to flows beyond those already addressed in the analysis because the addition and adjustments of several small spurs and landings would be sited on ridge tops, stable benches or flats, and gentle-to-moderate slopes where there would be no connectivity to streams (Mud Den EA, p. 9).

All temporarily constructed spurs were analyzed as native surfacing in the Mud Den EA (pp. 10, 12). For the Bear Ridge Commercial Thinning timber sale, all spurs would be rocked (see exceptions on page A-3). There would be less potential for effects due to sedimentation from roads because rates of erosion would be lower on rocked roads than native surfaced roads. The average area of roads in the project drainages is 3.5 percent (Mud Den EA, p. 39). The proposed construction of spurs and landings would not effectively extend the drainage network because there is a decrease in road construction (0.2 miles less) compared to what was analyzed in the Mud Den EA (Table A-1). The Mud Den EA found that new road construction would not increase the road density or total roaded area within the project area beyond susceptibility thresholds for peak flow response (p. 44).

Because the thinning project includes establishment of “no harvest” stream buffers to maintain stream side shade and an undisturbed area between thinning operations and streams, no sedimentation would be expected (Mud Den EA, pp. 40-41 and 43-44).

### *Aquatic Habitat and Fisheries*

As discussed in the Mud Den EA (p. 44), there are 4.1 miles of haul route within 800 feet of fish bearing streams in the project area but none of these are along the haul route for the Bear Ridge Commercial Thinning project. Timber haul on these roads can be either dry-season (summer) or wet-season (winter) haul. Ditch banks along the haul route are well vegetated and there are no direct connections to fish-bearing streams. Consequently, there are no mechanisms for affects to fish from stream sedimentation associated with timber haul. There are no new or changed effects to fish habitat due to the small changes to spur roads, yarding methods/areas, and road surfacing compared to what was analyzed in the EA.

As described in the Mud Den EA (p. 46), which analyzed all of the units and haul routes for the Bear Ridge Commercial Thinning project as part of the proposed action alternative, aquatic habitat in Hubbard Creek, Camp Creek, and their tributaries would be unaffected, except for short-term reductions in the amount of large and small functional wood available to the stream. Fish species and populations in Hubbard Creek, Camp Creek, and downstream would be unaffected because of the high amount of wood currently in the streams, “no-harvest” buffers, and Project Design Features to protect water quality. Oregon Coast coho salmon and their critical habitat would be unaffected by this project. There are no new or changed effects to the large or small functional wood in streams due to the small changes to spur roads, yarding methods/areas, and road surfacing compared to what was analyzed in the EA.

## *Botany*

Under a 2006 ruling that invalidated the BLM and Forest Service 2004 Record of Decision to eliminate Survey and Manage, Judge Pechman established four exemptions to requirements for pre-disturbance surveys and management of known Survey and Manage species sites.

Thinning in stands younger than 80 years of age is one of the exemptions (Exemption “a”). As discussed in the Mud Den EA (p. 2), the stands to be thinned were 34 to 54 years old at the time of analysis in 2010. Consequently, the Survey and Manage standards and guidelines are not applicable to the proposed Bear Ridge Commercial Thinning project.

### Federally-listed and Bureau Sensitive species

As described in the Mud Den EA (p. 47), field surveys of all units comprising the proposed action area were conducted in the spring and summer of 2009. No Federally-listed or Bureau Sensitive botanical species were detected, and there would be no additional effects to such species from the changes to the proposed action discussed in Section A of this DNA (pp. A1-A5).

### **5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

The public was first notified on initiation of the Mud Den EA in the *Winter 2008 Roseburg District Quarterly Planning Update*. Letters were sent on March 29, 2010, to adjacent landowners, landowners along the proposed haul route, registered water-rights users, and appropriate tribal governments (Mud Den EA, p. 58).

Although not required by Council on Environmental Quality Regulations regarding implementation of the National Environmental Policy Act, a 30-day public comment period on the Mud Den EA was provided, commencing with the publication of a Notice of Availability in *The News-Review* on June 8, 2010. The public comment period extended through close of business on July 8, 2010 (Mud Den EA, p. 58).

As discussed in the Mud Slinger Decision Document (pp. 6-7), fifteen sets of comments were received during the public comment period. The topics relative to the Mud Slinger project, which would also be pertinent to the Bear Ridge Commercial Thinning project, that were determined to warrant additional clarification involved: 1) Roads 2) OHV Use & Enforcement 3) Seasonal Restrictions for Marbled Murrelets 4) Species & Structural Diversity of Forest Stands 5) Carbon Storage and 6) South Fork Coos River Watershed Analysis.

These comments were addressed in the Mud Slinger Decision Document (pp. 8-10). The comments did not identify any information or resource issues that were not already addressed by the Mud Den EA nor would they alter the conclusions of the analysis of effects of the proposed action alternative, or would suggest other reasonable alternatives. Small changes to the spur roads, yarding methods/areas, and road surfacing analyzed in the proposed action in the EA do not constitute a new alternative.

Consultation under Section 7 of the Endangered Species Act (1973 as amended) with the U.S. Fish and Wildlife Service is complete. Consultation on the Bear Ridge project was completed on February 9, 2016 (USDI/FWS 2016).

**E. Persons/Agencies/BLM Staff Consulted**

Agencies

U.S. Fish and Wildlife Service

BLM Staff

| Name                       | Title              | Resource                | Initials | Date    |
|----------------------------|--------------------|-------------------------|----------|---------|
| Johanna Blanchard          | Botanist           | Special Status plants   | JB       | 3/2/16  |
| Elizabeth Gayner           | Wildlife Biologist | Special Status wildlife | EGA      | 3/23/16 |
| Joe Blanchard              | Soils Scientist    | Soils                   | JB       | 3/2/16  |
| Jacob Winn for Dan Dammann | Hydrologist        | Aquatics                | JW       | 3/2/16  |
| Terrie King                | Engineer           | Roads                   | TK       | 3-1-16  |
| Molly Casperson            | Archaeologist      | Archaeology             | CS       | 3/14/16 |

**Conclusion**

Based on the review documented above, I conclude that this proposal, which includes the small changes to the spur roads, yarding methods/areas, and road surfacing analyzed in the proposed action in the Mud Den EA, conforms to the applicable land use plan and the effects conclusions in the Mud Den EA remain unchanged. The existing Mud Den EA fulfills BLM's compliance with the requirements of the NEPA.

Signature of Project Lead

*Paul D. Meinke*

Date

3/2/16

Signature of NEPA Coordinator

*Erin Zammell*

Date

3/1/16

Signature of the Responsible Official:

*Jack R. Winn*  
for Max Yager

Date

3/2/16