

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ROSEBURG DISTRICT OFFICE

DECISION RECORD

Based upon the Roseburg District Special Forest Products Sales Categorical Exclusion (DOI-BLM-OR-R0000-2015-0005-CX) and Determination of NEPA Adequacy (dated September 6, 2016) I have determined that the proposed action to conduct annual special forest products sales involves no significant impacts to the human environment and no further environmental analysis is required.

It is my decision to continue implementing an annual program involving the sale of special forest products consistent with the regulations and guidelines set forth in the June 17, 2016, H-5400-1 for special forest products (also referred to as "other vegetative resources.") Implementation will occur beyond FY16 as described in the Categorical Exclusion referenced above. Special forest products available for sale include, but are not limited to items such as firewood, edible plants and mushrooms, floral greenery, conifer boughs, cones, and Christmas trees.

Not all manner of special forest products will be available for collection/harvest in all areas. Areas withdrawn from special forest product collection/harvest may include culturally and/or historically sensitive areas identified by the District Archaeologist, Areas of Critical Environmental Concern, developed recreation sites (trails, campgrounds, day-use areas etc.), and other areas with identified resource concerns.

The special forest products sales program is consistent with the Roseburg District Resource Management Plan as amended by 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*. The collection or harvest of special forest products does not constitute habitat disturbance for any Survey and Manage botanical or wildlife species.

This project does not implement any regeneration harvest or commercial thinning; issue any right-of-way grants; conduct actions in areas managed for Wilderness Characteristics; or cause incidental take of northern spotted owls (2016 NCO ROD/RMP, p. 11; 2016 SWO ROD/RMP, pp. 10-11). As shown on the Roseburg District Special Forest Products Determination of NEPA Adequacy, the special forest products sales program is also consistent with the *Northwest and Coastal Oregon Record of Decision and Resource Management Plan* (NCO ROD/RMP) and *Southwest Oregon Record of Decision and Resource Management Plan* (SWO ROD/RMP) which were approved on August 5, 2016.

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 Code of Federal Regulations (CFR) Subpart 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer, Barbara Machado within 15 days of notification of availability of this document published on the Roseburg District web page on September 7, 2016. The web page is located here:

https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

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 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.

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.

The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the party or parties filing the protest(s). Upon denial of protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 43 CFR § 5003.3 subsection (f).

If no protest is received by close of business (4:30 P.M., PDT), September 21, 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 Roseburg District Office will issue a protest decision.



Barbara Machado
Acting District Manager
Roseburg District, BLM

9-6-16
Date

Determination of NEPA Adequacy (DNA) Worksheet

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

OFFICE: Roseburg District

CASEFILE/PROJECT NUMBER: DOI-BLM-ORWA-R000-2015-0005-CX

PROPOSED ACTION TITLE/TYPE: Roseburg District Special Forest Products Sales

LOCATION/LEGAL DESCRIPTION: Lands administered by the Bureau of Land Management (BLM) throughout the Roseburg District, subject to areas withdrawn from collection/harvest activities, or limits on types of Special Forest Product collection/harvest to address specific resource concerns.

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

Roseburg District proposes to issue and administer contracts/permits for collecting or harvesting a variety of special forest products. Special forest products are limited to those that can be collected under a free use permit (mushrooms, floral greenery, etc. for personal use) or sold using Form 5450-5 (for the sale of vegetative material up to a value of \$2,499.00), Form 5450-1 (for the sale of vegetative material over \$2,500.00), and Christmas tree tags. The program provides the public with the opportunity to harvest special forest products for recreational or personal use or commercially as a source of income. The District has issued an average of approximately 1,200 SFP contracts/permits annually since 1996. Special Provisions for collection or harvest of each individual product, which provide general and specific collection or harvest stipulations, would be attached to each contract by which the Purchaser must abide. A summary of the amount of special forest products sold historically is available in the Roseburg District Annual Program Summary and Monitoring Report – FY2015 (pages 36-37) which is located here: <http://www.blm.gov/or/districts/roseburg/plans/roseburgtmp.php>.

In order to provide balance and consistent management of special forest products, the BLM would adhere to regulations and guidelines set forth in the June 17, 2016, H-5400-1 for special forest products (also referred to as “other vegetative resources.”)

Not all manner of special forest products would be available for collection or harvest in all areas. Restrictions on the location, timing and quantities of sales will be developed in cooperation between contract administrators and District and Field Office resource specialists. Areas withdrawn from Special Forest Product collection or harvest may include culturally and/or historically sensitive areas identified by the District Archaeologist, Areas of Critical Environmental Concern/Research Natural Areas or Outstanding Natural Areas, developed recreation sites (trails, campgrounds, day-use areas etc.), and other areas of identified resource concerns.

It is the responsibility of the Contract Administrators to approve all contracts and make determinations on acceptable contract quantities and duration, or provide Front Desk personnel with sufficient information and direction to do so. Contract Administrators are also responsible for updating and providing a map to the Front Desk of all areas withdrawn from special forest products collection or harvest.

Special forest products available for collection or harvest include, but are not limited to, the following:

Product	Time of Collection or Harvest
Beargrass	October through February
Boughs	September to December
Burls	Spring
Cascara bark	Spring
Christmas trees	November and December
Seed and decorative cones	Summer
Yew bark	Spring
Firewood and other timber-based products Measured in Board Feet (i.e. posts, poles, rails)	Generally year round ¹
Greenery (i.e. fern, salal, huckleberry brush, Oregon-grape, manzanita)	September to March
Mushrooms	September to May
Quinine conk	Year round
Transplants, seedlings, and/or roots	Generally Spring
Edible and medicinal plants, roots, bark, berries, etc.	Spring/summer

On February 18, 2014, the District Court issued a remedy order in the case of *Conservation Northwest et al. v. Bonnie et al.* that directs the use of the 2001 Survey and Manage species list as modified by the 2001, 2002, and 2003 Annual Species Reviews, except for the changes made for the red tree vole, and application of the "Pechman exemptions". Collection of special forest products is exempt from Survey and Manage because it is not a ground-disturbing activity.

B. Land Use Plan (LUP) Conformance

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

The Proposed Action is in conformance with the 1995 ROD/RMP because it is specifically provided for in the following decision (ROD/RMP, p. 65):

Manage for the production and sale of special forest products when demand is present and where actions taken are consistent with primary objectives for the land use allocation.

¹In most instances these products would be collected in timber harvest areas and would be subject to the seasonal restrictions applicable to the individual timber sale units/areas. Collection outside timber sale units/areas would be subject to appropriate seasonal restrictions for bald eagle, golden eagle, marbled murrelet, northern spotted owl and peregrine falcon described in the CX.

Northwest and Coastal Oregon Record of Decision and Resource management Plan (NCO ROD/RMP) and Southwest Oregon Record of Decision and Resource Management Plan (SWO ROD/RMP). Approved: August 5, 2016

The Proposed Action is in conformance with the 2016 RODs/RMPs because it is specifically provided for in the following decision (2016 NCO ROD/RMP, p. 75; 2016 SWO ROD/RMP, p. 88):

Implement administrative actions in any land use allocation to the extent consistent with land use allocation management direction and consistent with other applicable law (e.g., NEPA and ESA). Administrative actions include but are not limited to the following actions:

- Special forest product collection permit issuance

As proposed and currently implemented, special forest product collection is consistent with all land use allocation management direction.

Applicable Land Use Allocation	Applicable Management Direction	ROD/RMP Reference	Is proposed action consistent with Management Direction?
Congressionally Reserved Lands and National Conservation Lands: Wild and Scenic Rivers	Conduct management actions in Wild and Scenic River corridors only if consistent with designated or tentative classifications and if any reductions in outstandingly remarkable values would be temporary and outstandingly remarkable values would be protected or enhanced over the long term.	SWO ROD/RMP, p. 53 NCO ROD/RMP, p. 56	Yes, the BLM would not authorize collection of special forest products in Wild and Scenic River corridors.
District-Designated Reserves: Area of Critical Environmental Concern (ACEC), Research Natural Area (RNA)	Maintain or restore relevant and important values in Areas of Critical Environmental Concern, including Research Natural Areas and Outstanding Natural Areas.	SWO ROD/RMP, p. 55 NCO ROD/RMP, p. 57	Yes, the BLM would not authorize collection/harvest of special forest products would in ACECs, RNAs, or recreational sites.
District-Designated Reserves: Timber Productivity Capability Classification (TPCC)	Manage areas identified as unsuitable for sustained-yield timber production through the Timber Production Capability Classification system, for other uses if those uses are compatible with the reason for which the BLM has reserved these lands.	SWO ROD/RMP, p. 55 NCO ROD/RMP, p. 57	Yes, the proposed action would not affect lands identified as unsuitable for sustained-yield timber production and is compatible with the reason for which the BLM reserved the lands.
Harvest Land Base (HLB)	No specific management direction	SWO ROD/RMP, p. 62-70 NCO ROD/RMP, p. 59-63	Yes, collection of special forest products is not prohibited in the harvest land base.
Late-Successional Reserve (LSR)	In stands that are currently northern spotted owl nesting-roosting habitat, maintain nesting-roosting habitat function, regardless of northern spotted owl occupancy.	SWO ROD/RMP, p. 71 NCO ROD/RMP, p. 64-67	Yes, collection of special forest products is not prohibited in the LSR and the function of northern spotted owl nesting-roosting habitat would be maintained.
Riparian Reserves (RR)	No specific management direction	SWO ROD/RMP, p. 75-87 NCO ROD/RMP, p. 68-74	Yes, collection of special forest products is not prohibited in RR. No removal of down wood or cutting of live trees for firewood, post, poles, etc. would be allowed in RR, and no collection/harvest of other special forest products would be authorized within sixty (60) feet of live streams or perennially wet areas such as fens, bogs and marshes.

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

Roseburg District Special Forest Products Sales for Fiscal Year 2016 Categorical Exclusion (DOI-BLM-ORWA-R000-2015-0005-CX)

Roseburg District Proposed Resource Management Plan/Environmental Impact Statement. October, 1994.

Roseburg District Record of Decision and Resource Management Plan (RMP). Approved, June 1995.

Proposed RMP/Final Environmental Impact Statement (EIS) for Western Oregon. April 12, 2016

Northwest and Coastal Oregon Record of Decision and Resource management Plan (NCO ROD/RMP) and Southwest Oregon Record of Decision and Resource Management Plan (SWO ROD/RMP). Approved: August 5, 2016

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?

The proposed action, including project design features, is identical to the proposed action analyzed in the existing NEPA document (DOI-BLM-ORWA-R000-2015-0005-CX) with the exception that it would be implemented beyond FY16.

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 range of alternatives analyzed in the existing NEPA document is appropriate with respect to the new proposed action because the proposed action is identical to the existing NEPA document with the exception that it would be implemented beyond FY16. The BLM has not identified any new environmental concerns, interests, or resource issues since the existing NEPA document was completed.

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?

No new information or circumstances related to environmental issues (i.e. new listings under the Endangered Species Act) have changed since the existing NEPA document was completed, therefore the analysis of the new proposed action would not substantially change. The proposed action is identical to the existing NEPA document with the exception that it would be implemented beyond FY16, therefore the analysis would not change.

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?

The direct, indirect, and cumulative effects resulting from implementation of the new proposed action are identical to those analyzed in the existing NEPA document because the proposed action is identical to the existing proposed action with the exception that the Roseburg District would implement the proposed action beyond FY16.

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

Public involvement and interagency review associated with the existing NEPA document are adequate for the new proposed action. The new proposed action continues implementation of the Roseburg District special forest products program that has been in place since 1996.

E. Persons/Agencies /BLM Staff Consulted

Agencies

U.S. Fish and Wildlife Service
National Marine Fisheries Service

BLM Staff

Name	Title	Initials	Date
Carley Smith	Archeologist	CS	8/19/2016
Cory Sipher	District Fisheries Biologist	CS	8/19/2016
Erik Taylor	District Recreation Planner	ET	8/17/2016
Rex McGraw	District Wildlife Biologist	RMG	09-02-2016
Susan Carter	District Botanist	SC	8/17/2016

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes the BLM's compliance with the requirements of the NEPA.

Signature of Project Lead



Date

8/19/16

Signature of NEPA Coordinator



Date

8/19/16

Signature of the Responsible Official:



Date

9-6-16