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**Western Oregon Tribal Fairness Act
Reclassification
Environmental Assessment**



United States Department of the Interior
OR/WA Bureau of Land Management

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Contents

1. Introduction.....	2
1.1. Project area location.....	2
1.2. Background.....	2
1.3. Purpose and need for action.....	3
1.4. Decisions to be made.....	4
1.5. Public input and issue development.....	4
1.5.1. Issues identified for analysis.....	4
1.5.2. Issues considered but not analyzed in detail.....	5
2. Alternatives.....	6
2.1. Comparison of alternatives.....	6
2.2. Alternative 1 (No Action alternative).....	8
2.3. Common to all action alternatives.....	8
2.4. Alternative 2 - Select the largest plots.....	8
2.5. Alternative 3 – Select the plots with the highest percentage of Harvest Land Base.....	10
2.6. Alternative 4 – Match the distribution of land use allocations of the conveyed plots.....	12
2.7. Alternative 5 - Select plots to match the potential timber revenue of the conveyed plots.....	14
2.8. Alternative 6 – Association of O&C Counties Proposed Criteria.....	16
2.9. Alternatives considered but eliminated from detailed analysis.....	18
3. Affected Environment and Environmental Effects.....	18
3.1. Issue 1 – <i>What would be the potential payments to counties from timber sales on the reclassified lands?</i>	19
Affected environment and environmental effects.....	19
3.2. Issue 2 – <i>How would reclassification of public domain lands to O&C lands affect payments to counties from grazing leases?</i>	21
Affected environment and environmental effects.....	22
4. Consultation and Coordination.....	23
4.1. Endangered Species Act consultation.....	23
4.2. Tribal consultation.....	23
4.3. State Historic Preservation Office consultation.....	23
4.4. List of preparers.....	23
References.....	24
Appendix: Scoping comments and responses.....	25

1. Introduction

The Bureau of Land Management (BLM) has prepared this environmental assessment to consider the proposed action of reclassifying public domain lands in western Oregon as Oregon and California Railroad Revested (O&C) lands. The proposed land reclassification is directed by the Western Oregon Tribal Fairness Act, P.L. 115-103, 131 STAT. 2253 (WOTFA). As detailed below, the proposed land reclassification would not have any reasonably foreseeable effects other than changes to future payments to counties that would result from the sale of timber and fees for grazing on O&C lands. NEPA compliance is not required for this land reclassification, because there would be no reasonably foreseeable effects of the proposed action that are related to the natural and physical environment, and the relationship of people with that environment (40 CFR 1508.8, 40 CFR 1508.14). However, sections 105(d)(1) and 205(d)(1) of WOTFA require the Secretary to provide an opportunity for public comment prior to the reclassification. Therefore, the BLM is electing to prepare this environmental assessment to aid in agency decisionmaking and facilitate public involvement. The BLM's choice to prepare an environmental assessment for this proposed land reclassification does not mean that the BLM believes that NEPA compliance is required for this land reclassification or that the BLM would prepare NEPA documents for future land reclassifications.

1.1. Project area location

The proposed action would occur on BLM-administered lands within western Oregon that are governed by the Northwestern and Coastal Oregon Resource Management Plan (USDI BLM 2016b) and the Southwestern Oregon Resource Management Plan (USDI BLM 2016c) (hereafter the RMPs) (project area). As required by the WOTFA, the reclassified public lands can only be located within the O&C grant land counties other than Klamath County: Benton, Clackamas, Columbia, Coos, Curry, Douglas, Josephine, Jackson, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties.

The BLM-administered lands within the project area are classified as either acquired lands, Coos Bay Wagon Road lands, O&C lands, or public domain lands. Within the area of the RMPs, less than one percent of BLM-administered lands are acquired lands, three percent are Coos Bay Wagon Road lands, 81 percent are O&C lands, and 15 percent are public domain lands. The 2016 Proposed RMP/Final EIS provides more detail on the land status of BLM-administered lands, and that discussion is incorporated here by reference (USDI BLM 2016a, pp. 117-118). The proposed land reclassification only considers reclassification of public domain lands to O&C lands and would not alter the land status of any acquired lands or Coos Bay Wagon Road lands.

1.2. Background

The President signed the WOTFA into law on January 8, 2018; the legislation directed the BLM to transfer 17,812 and 14,708 acres of BLM-administered lands to the Cow Creek Band of Umpqua Tribe of Indians and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, respectively (hereafter the Tribes). Those conveyed lands are now held in Trust for the Tribes by the Bureau of Indian Affairs. Almost all of the conveyed lands (96 percent) were O&C lands (Table 1). The WOTFA requires the BLM to reclassify public domain lands to replace the O&C lands conveyed to the Tribes.

Table 1. BLM-administered lands conveyed by the Western Oregon Tribal Fairness Act

Land status	Coos Bay District	Northwest Oregon District	Roseburg District	Total
Acquired lands	135	0	815	950
O&C lands	9,495	4,956	16,680	31,132
Public domain lands	121	0	317	438
Total	9,751	4,956	17,812	32,520

Reclassification would change the legal authority under which the BLM manages the reclassified lands. The BLM manages O&C lands under the legal authority of the Oregon and California Lands Act of 1937 (O&C Act; 43 U.S.C. 2601 *et seq.*); the BLM manages these lands for sustained-yield timber production as the primary or dominant use. In addition, the O&C Act mandates that the counties receive a percentage of the receipts from the timber harvested and sold from the O&C lands. The BLM manages public domain lands under the legal authority of the Federal Land Policy and Management Act (FLPMA; 43 U.S.C. 1701(a)(2)); the BLM manages these lands and resources under the principles of multiple use and sustained yield. The FLPMA specifically provides that if there is any conflict between its provisions and the O&C Act related to management of timber resources or the disposition of revenues from the O&C lands and resources, the O&C Act prevails (43 U.S.C. 1701 note (b)). The 2016 Proposed RMP/Final EIS provides detailed information on the legal authority under which the BLM manages lands with different land status, and that discussion is incorporated here by reference (USDI BLM 2016a, pp. 12-20).

1.3. Purpose and need for action

The need for the action is established by sections 105 and 205 of WOTFA, which require the BLM to replace the O&C lands conveyed to the Tribes with public domain lands approximately equal in acreage and condition as the O&C lands conveyed to the Tribes.

The purpose of the action is to reclassify public domain lands as O&C lands consistent with the requirements of WOTFA and in a manner that facilitates efficient management by the BLM.

The WOTFA requires reclassification of public domain lands —

- that are approximately equal in acreage and condition as the O&C lands conveyed to the Tribes by WOTFA; and
- that are located within the 18 O&C grant land counties (other than Klamath County).

The requirement in the WOTFA to reclassify “lands of approximately equal ‘condition’” means lands that would have the potential to provide approximately equal timber receipt payments to O&C counties over time under the management directed by the RMPs as the conveyed O&C lands. Timber sales on public domain lands do not result in any direct payments to counties. Under the O&C Act, 50 percent of the receipts from BLM timber sales on O&C lands are paid to the O&C counties. These timber receipt

payments are allocated among the 18 O&C counties based on each county's proportion of the 1915 assessed value of the O&C lands.¹

To facilitate efficient management by the BLM, the reclassification would be composed only of aliquot parts and/or government lots. Aliquot parts and government lots are units of measurement in the Public Lands Survey System. Aliquot parts are the standard subdivisions of a section, such as a half section, quarter section, or quarter-quarter section (typically 320, 160, and 40 acres, respectively). Government lots are subparts of a section which are not described as aliquot parts of the section, but which are designated by number, for example, Lot 3. A lot may be regular or irregular in shape, and its acreage may vary from that of regular aliquot parts. These lots frequently border water areas excluded from the Public Lands Survey System. More information on the Public Lands Survey System is available in USDI BLM 2013 and at https://nationalmap.gov/small_scale/a_plss.html. By limiting the reclassification to aliquot parts or government lots, the BLM can facilitate efficient management by limiting or avoiding the need to resurvey the plots.²

1.4. Decisions to be made

The BLM Oregon State Director will decide which public domain lands to reclassify as O&C lands. The reclassification would not alter the land use allocation, management objectives, or management direction that apply to the reclassified lands, all of which are governed by the RMPs (see comment response in the appendix). Therefore, the decision on this reclassification would not result in a change in the scope of resource uses or a change in the terms, conditions, and decisions of the RMPs and would not require amendment of the RMPs. 43 CFR 1610.5-5. The BLM would document the land reclassification as plan maintenance of the RMPs, consistent with 43 CFR 1610.5-4, to update the acreage of public domain lands and O&C lands.

1.5. Public input and issue development

On April 4, 2019, the BLM issued a news release, mailed scoping letters, and posted the scoping letter to the ePlanning website to begin a 30-day scoping period. The BLM mailed a scoping letter to 951 addresses requesting input on issues or concerns about the WOTFA's reclassification of public domain lands to O&C lands. Among those, the BLM mailed a scoping letter to each of the O&C counties. The BLM also mailed a scoping letter to each of the potentially interested regional Tribes. The BLM received nine comments during the scoping period and one comment after the close of the scoping period. The appendix to this EA summarizes the scoping comments and the BLM responses. The interdisciplinary team reviewed the scoping comments and used the relevant comments in identifying issues and developing alternatives, as detailed below.

1.5.1. Issues identified for analysis

What would be the potential payments to counties from timber sales on the reclassified lands?

The conveyances reduced the acreage of O&C lands and thereby reduced the potential payments to all 18 O&C counties from timber sales. Timber sales on public domain lands do not result in any direct payments to counties, whereas the O&C Act provides that 50 percent of receipts from the sale of timber are allocated annually among the 18 O&C counties (43 U.S.C. 2605a). Reclassification of public domain lands to O&C lands would result in payments to counties based on receipts from future timber sales on

¹ In recent years, O&C counties have not been receiving timber receipt payments under the O&C Act, but instead have been receiving payments under the Secure Rural Schools and Community Self-Determination Act. The Secure Rural Schools and Community Self-Determination Act was reauthorized on March 23, 2018, as a part of the Consolidated Appropriations Act of 2018. The reauthorization of the Secure Rural Schools and Community Self-Determination Act payments covered Fiscal Year 2017 (retroactive) and Fiscal Year 2018. If no other reauthorization occurs, timber receipt payments under the O&C Act would resume for Fiscal Year 2019 and beyond.

² For the purpose of this EA, "plots" refer to contiguous parcels, each described by legal subdivision.

the reclassified lands. To the extent that the BLM reclassifies land of equal acreage and condition as the O&C lands conveyed, reclassification would restore the potential payments to counties to the amount prior to the conveyances.

How would reclassification of public domain lands to O&C lands affect future payments to counties from grazing leases?

Reclassification of public domain lands to O&C lands could result in a change in the payments to counties from fees for grazing. On public domain lands that could be reclassified in this proposed action, 50 percent of the fees for grazing goes to the State to be expended as the State legislature may prescribe for the benefit of the county in which the grazing occurs (43 U.S.C. 315i). In contrast, 50 percent of the fees for grazing on O&C lands is dispersed among the 18 O&C counties according to the same allocation formula as timber receipts (43 U.S.C. 2603).

1.5.2. Issues considered but not analyzed in detail

How would reclassification of public domain lands to O&C lands affect the proportion of total payments that each county would receive under the O&C Act?

The reclassification would have no effect on the proportion of total payments allocated to each county under the O&C Act, and therefore this issue does not require detailed analysis. The allocation formula is based on each county's proportion of the 1915 assessed value of the O&C lands (43 U.S.C. 2605a). Thus, changes to the acreage of O&C lands in a county after 1915 have no effect on the proportion of total payments allocated to each county under the O&C Act.

How would reclassification of public domain lands to O&C lands affect future resource management planning decisions?

The reclassification of public domain lands to O&C lands could potentially constrain the BLM's ability to make certain designations or protect certain resources on the reclassified lands in a future RMP decision. However, any potential effects on future RMP decisions are speculative, as explained below. Therefore, there is no potential for the reclassification to result in reasonably foreseeable effects on future resource management planning decisions, and this issue does not require detailed analysis.

The 2016 Proposed RMP/Final EIS explained that the BLM's authority to designate Areas of Critical Environmental Concern (ACEC), manage lands outside of congressionally designated Wilderness Areas and BLM-identified Wilderness Study Areas for wilderness characteristics, protect visual resources, manage recreation, and conserve Bureau Sensitive species on O&C lands is constrained under some circumstances. The 2016 Proposed RMP/Final EIS provides detailed information on the relationship between the FLPMA and the O&C Act, and that discussion is incorporated here by reference (USDI BLM 2016a, pp. 12-20).

However, none of the alternatives would reclassify any public domain lands on which the RMPs made designations that the BLM could not have made if those lands had been O&C lands. It is possible that some future RMP amendment or revision might seek to make a designation to particular lands that would no longer be possible because the lands were reclassified in this action from public domain lands to O&C lands, such as designating an ACEC under some circumstances.³ However, this reclassification could

³ As explained in the Proposed RMP/Final EIS, the BLM designated ACECs on O&C lands in areas that have relevant and important values and need special management to maintain those values; and where the lands would have otherwise been allocated to a land use allocation that would preclude sustained-yield timber production; or where the special management needed to maintain relevant and important values would not conflict with sustained-yield timber production (USDI BLM 2016a, p. 17).

only constrain future RMP decisions under specific circumstances. For example, this reclassification could only constrain future RMP decisions on designating an ACEC if —

- the ACEC would be the result of a new nomination, because none of the alternatives in this action would reclassify any public domain lands that are currently designated as an ACEC that would have otherwise been allocated to the Harvest Land Base;
- the special management needed to maintain the relevant and important values of the ACEC would conflict with the planning for sustained-yield timber production; and
- the ACEC would not have otherwise been allocated to a land use allocation that would preclude sustained-yield timber production.

It would be impossible for the BLM to analyze effects based on such a tenuous series of suppositions about a hypothetical future ACEC nomination in a hypothetical future RMP decision. Thus, constraints on future RMP decisions do not constitute a reasonably foreseeable effect of reclassifying public domain lands to O&C lands under this action.

2. Alternatives

This EA analyzes in detail the No Action alternative and five action alternatives.

2.1. Comparison of alternatives

Each of the five action alternatives would reclassify a different array of plots to meet the purpose and need for action. All action alternatives would reclassify a total acreage that would be approximately equal to the acreage of the conveyed lands (Table 2). The plots reclassified under these five action alternatives would differ in the location, land use allocation, site class,⁴ and age class⁵ (Table 2). As a result, the standing timber volume on the plots that would be reclassified would differ by action alternative (Table 3). These characteristics of the plots have some influence over the projected net revenue from timber harvest (see Issue 1 below) and were raised in scoping comments (see appendix). In addition, the total number of plots reclassified would differ by action alternative (Table 4).

Table 2. Acreage of conveyed O&C lands and reclassified lands by alternative

	Conveyed lands	Alt 2	Alt 3	Alt 4	Alt 5	Alt 6
Total acres	31,132	31,130	31,131	31,131	31,130	31,130
Sustained-yield unit						
Coos Bay	9,495	10,568	9,038	5,012	10,204	9834
Eugene	4,956	736	813	2,556	1,290	0
Medford	0	6,140	13,115	10,694	11,451	6,146

⁴ Site class is a classification of an area’s relative productive capacity for tree growth commonly expressed in terms of the heights of the largest trees in a stand at a common ‘index’ age, usually 50 or 100 years old. Site classes are numbered from I (most productive) to V (least productive).

⁵ Age class is a categorization of forest stands by interval of years, often in 10-year increments. For example, a stand of ten-year age class of 60 includes ages 56–65.

Roseburg	16,680	662	2,640	3,026	1,735	0
Salem	0	13,025	5,524	9,843	6,450	15,150
Land Use Allocation						
CRNCL ⁶	0	0	0	0	0	7,675
DDR ⁷	182	3,814	3,630	699	7,046	3,983
HLB ⁸	1,184	7,548	18,566	550	6,251	10,309
LSR ⁹	20,976	10,609	1,998	21,761	9,890	3,139
RR ¹⁰	8,790	9,160	6,936	8,122	7,944	6,024
Site Class						
Non-forest	1,860	1,550	1,887	2,255	3,168	2,219
I	5,322	376	1,492	1,899	1,015	1,041
II	6,168	10,017	3,795	12,195	8,851	4,103
III	11,705	7,895	8,878	5,443	5,478	12,983
IV	3,682	6,766	7,224	5,794	5,787	5,831
V	2,395	4,527	7,854	3,545	6,831	5,053
Age class						
Non-forest	1,758	1,386	1,364	1,890	2,358	1,922
0-30 years	3,025	2,738	5,527	2,696	3,423	3,091
40-80 years	16,596	8,961	9,484	6,649	6,959	11,698
90-120 years	2,947	5,963	4,945	6,140	7,124	3,780
130-160 years	1,641	5,139	6,496	6,926	6,507	8,535
>160 years	5,165	6,943	3,315	6,830	4,759	2,103

⁶ Congressionally Reserved Lands and National Conservation Lands

⁷ District-Designated Reserves

⁸ Harvest Land Base

⁹ Late-Successional Reserve

¹⁰ Riparian Reserve

Table 3. Standing volume of conveyed lands and reclassified lands by alternative in million board feet

	Conveyed lands	Alt 2	Alt 3	Alt 4	Alt 5	Alt 6
Standing volume	1,053	976	784	1,158	828	965

Table 4. Number of plots of reclassified lands by alternative

	Conveyed lands	Alt 2	Alt 3	Alt 4	Alt 5	Alt 6
Number of plots	--	19	287	156	203	33

2.2. Alternative 1 (No Action alternative)

Under the No Action alternative, the BLM would not reclassify any public domain lands as O&C lands. The BLM-administered lands within the area of the RMPs would retain their current land status.

2.3. Common to all action alternatives

The BLM designed all action alternatives to reclassify approximately 31,100 acres of public domain lands from a total pool of approximately 213,800 acres. All action alternatives would exclude from reclassification public domain lands within Klamath County, as required by the WOTFA.

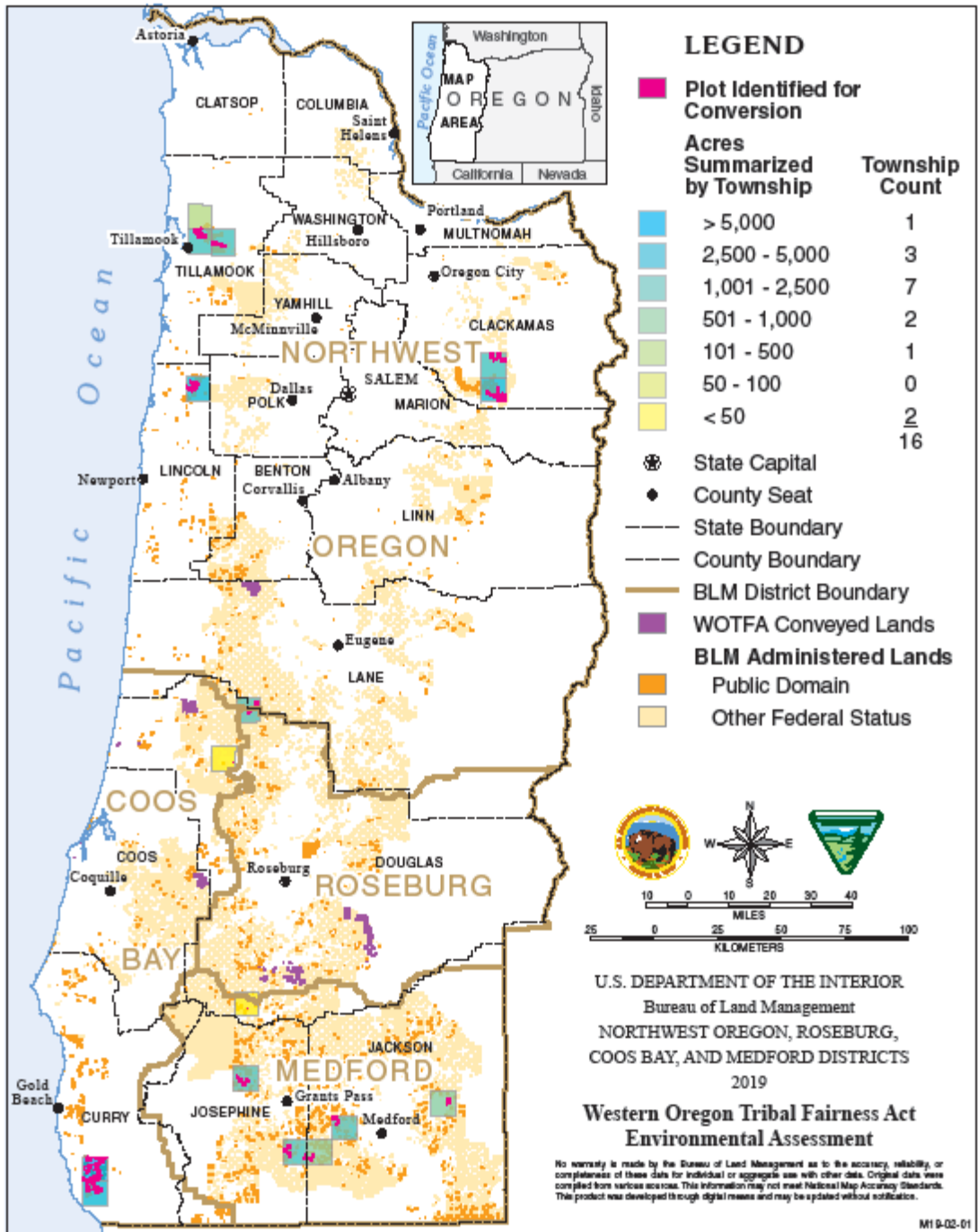
All action alternatives would reclassify plots composed of aliquot parts or government lots, as described in the Purpose and Need for Action, to facilitate efficient management by the BLM. That is, all action alternatives would exclude from reclassification plots of public domain lands that cannot be described by aliquot parts or government lots. This resulted in the BLM excluding approximately 3,500 acres of public domain lands from those available for reclassification, reducing the pool of lands available for reclassification to approximately 210,300 acres. Interactive maps of all action alternatives are available at <https://www.blm.gov/oregon-washington/serving-america/western-oregon-tribal-fairness-act>

2.4. Alternative 2 - Select the largest plots

This alternative would exclude from reclassification public domain lands allocated in the RMPs to the Congressionally Reserved and National Conservation Lands land use allocation, designated critical habitat for flora and minor fauna species and Special Recreation Management Areas within the District-Designated Reserve land use allocation, District-Designated Reserves – Lands Managed for their Wilderness Characteristics, and District-Designated Reserves – ACECs.¹¹ There are approximately 44,400 acres of public domain lands within these land use allocations outside of Klamath County excluded from reclassification.

From the remaining approximately 169,400 acres of public domain lands, this alternative would select for reclassification the largest plots available, seeking to approximate the 31,132 acres of conveyed O&C lands (Map 1).

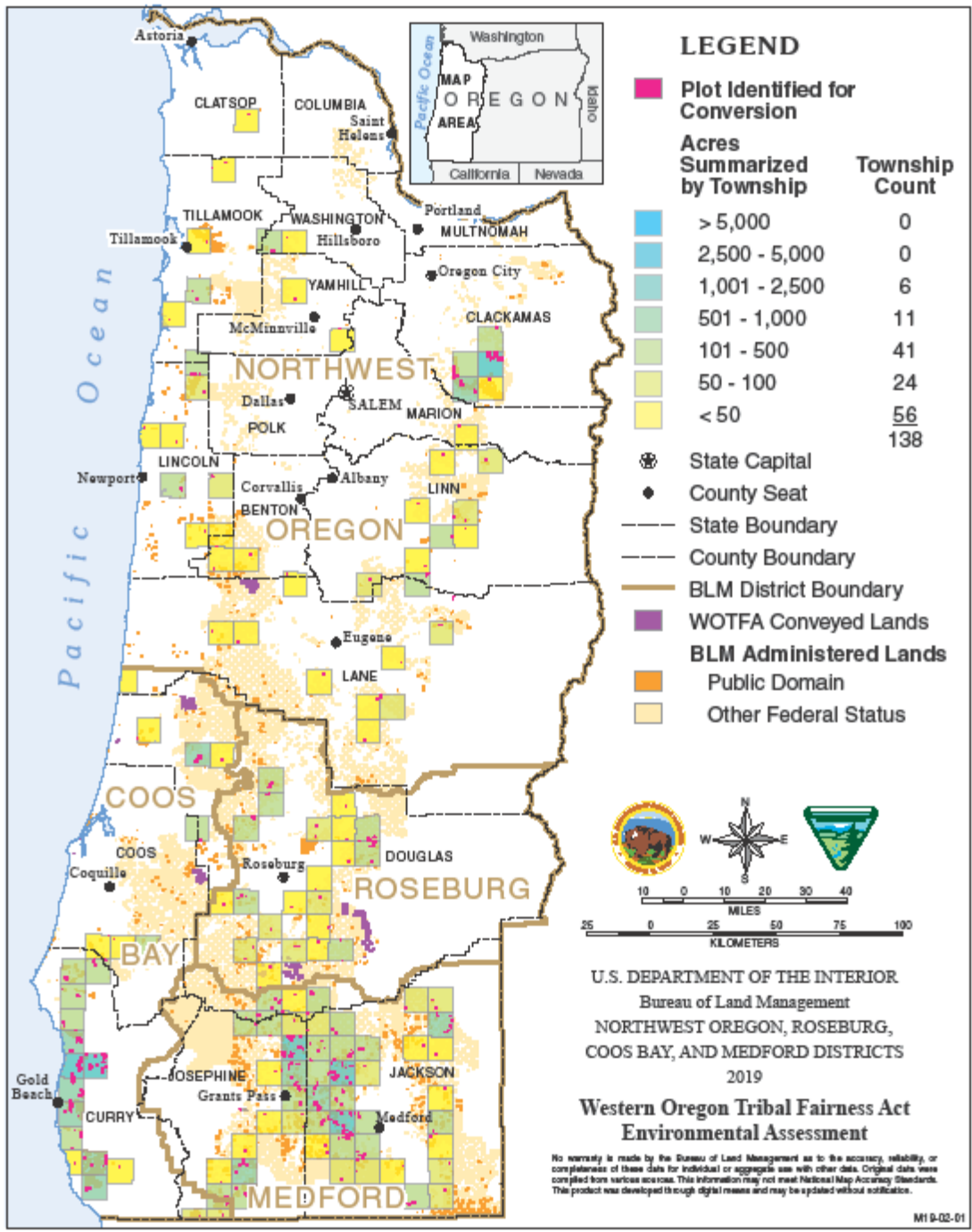
¹¹ Note that there are no ACECs that overlap the Harvest Land Base on public domain lands.



Map 1: Alternative 2

2.5. Alternative 3 – Select the plots with the highest percentage of Harvest Land Base

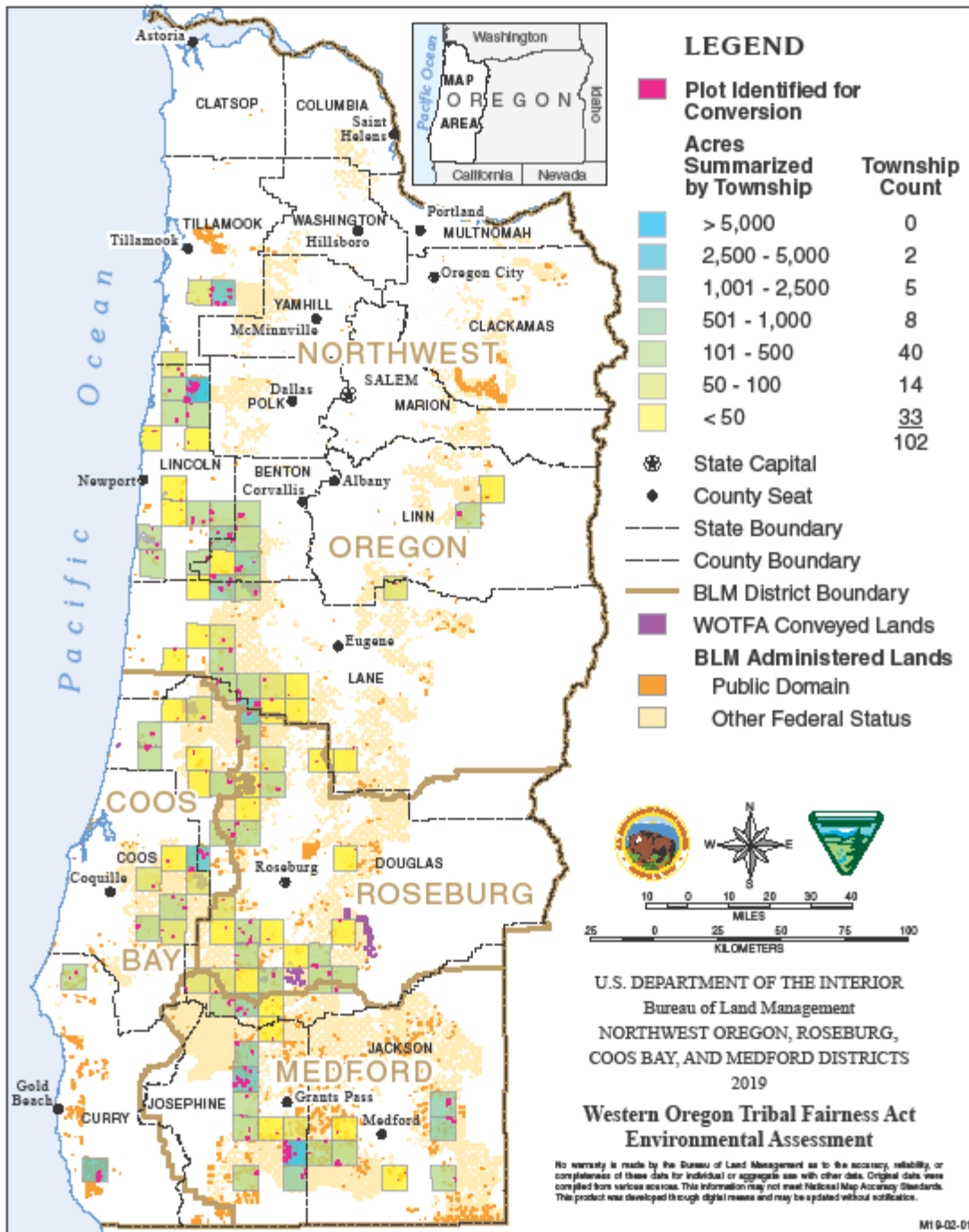
This alternative would exclude from reclassification the same list of public domain lands as Alternative 2. From the remaining public domain lands, this alternative would select for reclassification the plots with the most relative acreage of land allocated to the Harvest Land Base, seeking to approximate the 31,132 acres of conveyed O&C lands. For example, in this alternative, an 80-acre plot with 40 acres allocated to the Harvest Land Base (50 percent) would be selected for reclassification over a 160-acre plot with 20 acres allocated to the Harvest Land Base (12.5 percent) (Map 2).



Map 2: Alternative 3

2.6. Alternative 4 – Match the distribution of land use allocations of the conveyed plots

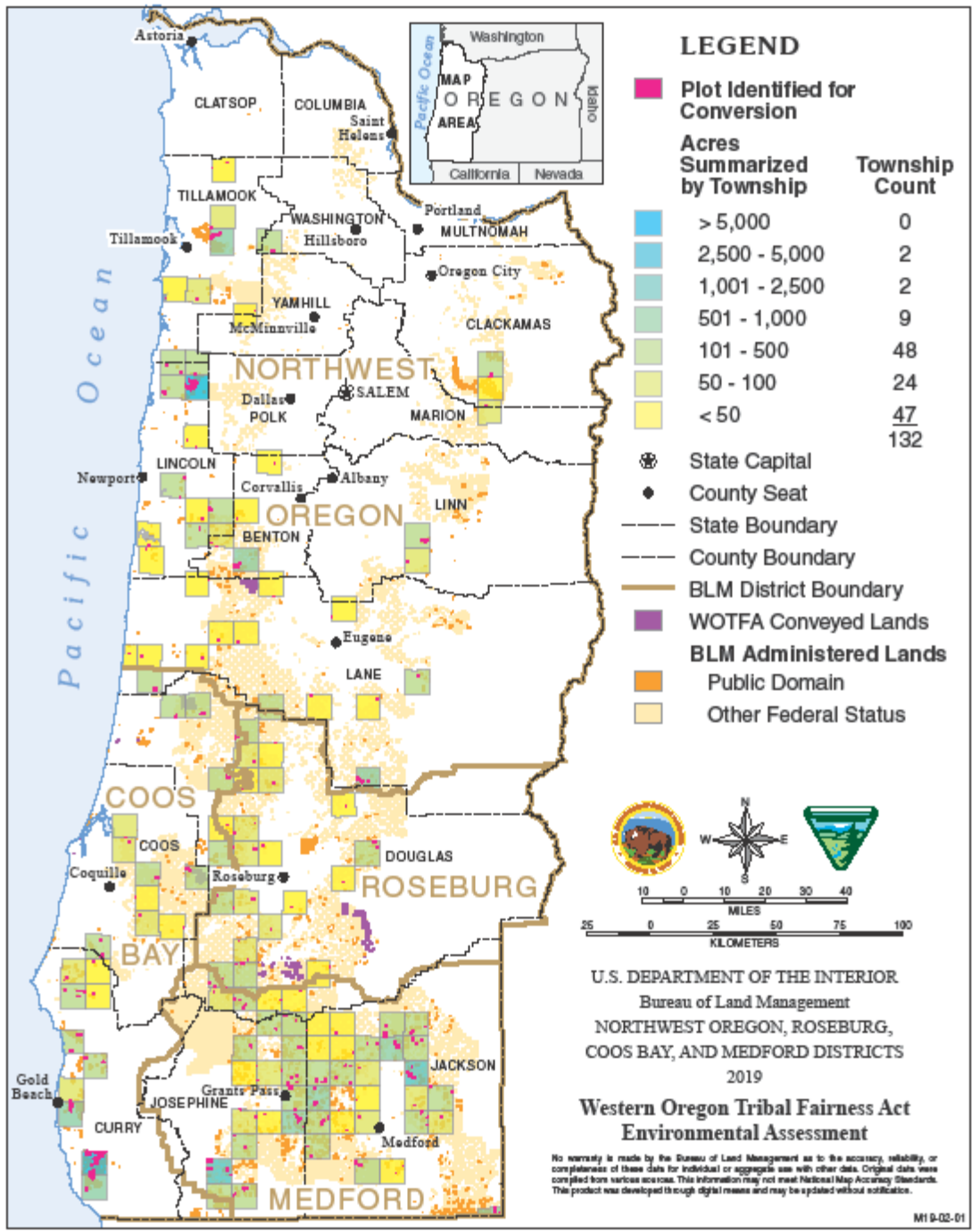
This alternative would exclude from reclassification the same list of public domain lands as Alternative 2. From the remaining public domain lands, this alternative would select for reclassification lands that match the acreage of the conveyed lands by land use allocation. Specifically, this alternative is designed to reclassify, as closely as possible, approximately 2,000 acres of Late-Successional Reserve, 8,800 acres of Riparian Reserve, and 1,400 acres of a combination of Harvest Land Base and District-Designated Reserves. This alternative combines the acreage of Harvest Land Base and District-Designated Reserves because most of the District-Designated Reserves in the conveyances were roads allocated to the District-Designated Reserves and District-Designated Reserves – Timber Production Capability Classification, which are generally interspersed within the Harvest Land Base (Map 3).



Map 3: Alternative 4

2.7. Alternative 5 - Select plots to match the potential timber revenue of the conveyed plots

This alternative would exclude from reclassification the same list of public domain lands as Alternative 2. From the remaining public domain lands, this alternative would select for reclassification an array of plots that would provide, as closely as possible, the potential timber revenue of the conveyed plots. Modeling work the BLM completed for the 2016 Proposed RMP/Final EIS (USDI BLM 2016a) allows the BLM to identify the potential timber revenue from each acre, taking into consideration the multiple factors that affect revenue, including land use allocation, logging cost, harvest type, defect and damage, reforestation and stand improvement costs, and timber volume (Map 4).



Map 4: Alternative 5

2.8. Alternative 6 – Association of O&C Counties Proposed Criteria

Alternative 6 was developed by the BLM based on criteria submitted by the Association of O&C Counties in scoping. Pursuant to the Association of O&C Counties' criteria, this alternative would exclude the following plots from reclassification:

- plots of 30 acres or less
- plots with less than 50 percent of the area that is forested
- plots with 70% or more in forest 160 years and older

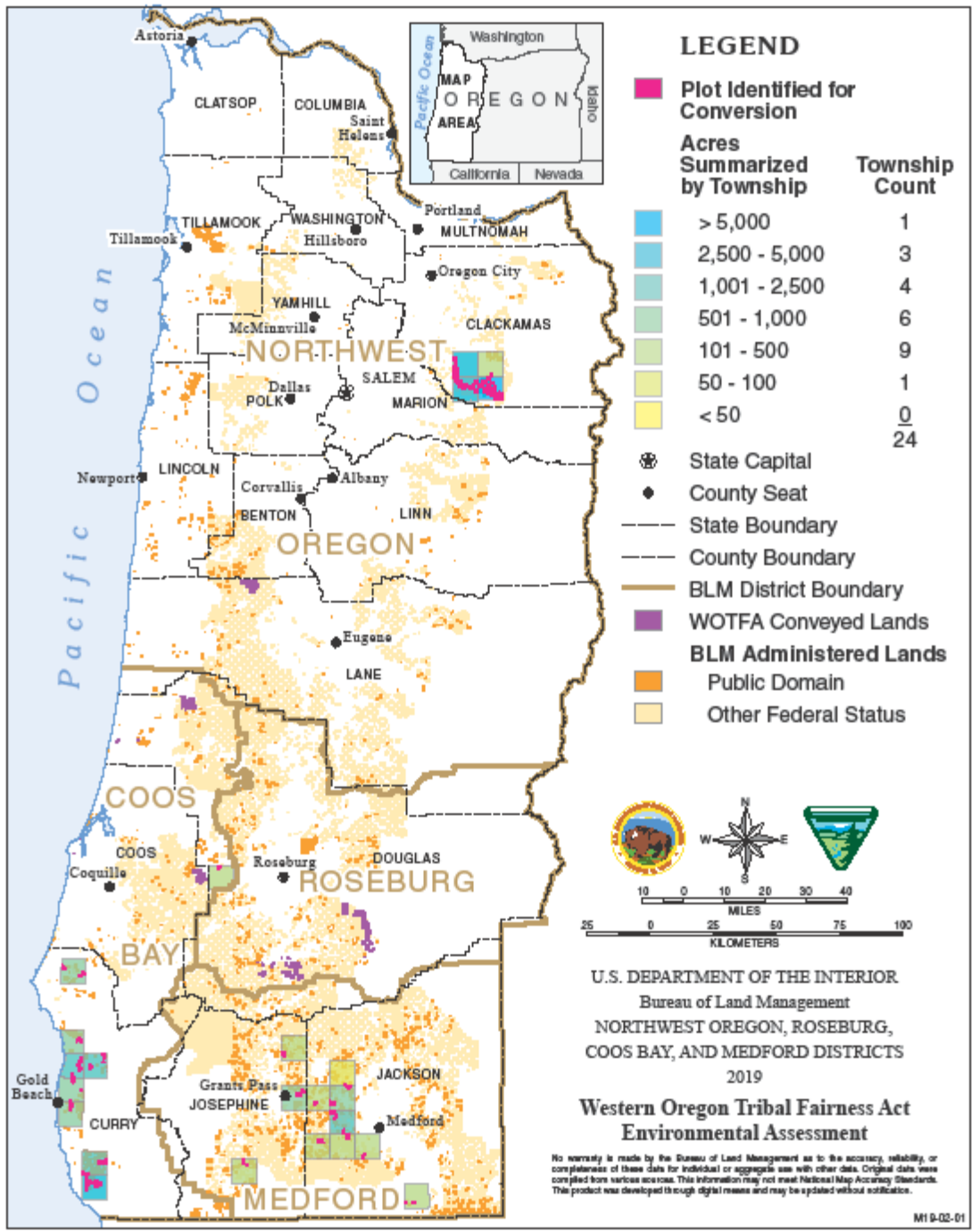
Additionally, this alternative would exclude from reclassification public domain lands allocated in the RMPs to the District-Designated Reserves – Lands Managed for their Wilderness Characteristics and District-Designated Reserves – ACECs that would have otherwise have been allocated to the Harvest Land Base. The 2016 Proposed RMP/Final EIS explained that the BLM would not have made these allocations on such lands if they had been O&C lands (USDI BLM 2016a, pp. 17-18). Reclassifying such lands to O&C lands now would require an RMP amendment to remove their current allocations and reallocate these lands to Harvest Land Base.¹²

Continuing with the Association of O&C Counties' criteria, within the Harvest Land Base, this alternative would exclude the following plots from reclassification:

- plots with 10 percent or less allocated to the Harvest Land Base
- plots with 51 percent or more within the median home range of a currently occupied or known northern spotted owl site
- plots with 75 percent or more within designated critical habitat for northern spotted owls or marbled murrelets

Continuing with the Association of O&C Counties' criteria, from the remaining public domain lands, this alternative would select for reclassification the largest plots in Harvest Land Base, not to exceed a total of 15,500 acres of Harvest Land Base, and plots in the Late-Successional Reserve with 51 percent or more of 40-70-year-old stands, not to exceed a total of 5,500 acres of Late-Successional Reserve (Map 5).

¹² Note that this criterion was not specifically included in the Association of O&C Counties scoping comments. Reclassifying these public domain lands to O&C lands would not be in conformance with the RMPs, given their current land use allocation, and thus would not be a reasonable alternative.



Map 5: Alternative 6

2.9. Alternatives considered but eliminated from detailed analysis

Match the age class of the timber in the stands in the conveyed plots

This alternative was eliminated from detailed analysis because it would be infeasible. It is not possible to identify aliquot parts or government lots of approximately equal acreage to the conveyed lands, as described in the purpose and need for action, and also match the age class of the timber in the stands in the conveyed lands. Aliquot parts and government lots are typically made up of multiple age classes. Selecting aliquot parts or government lots for reclassification based on age class of the timber would inevitably select unintended age classes as well, making it impossible to match the age class of the timber in the stands in the conveyed plots while meeting the purpose and need for the action. Furthermore, initial analysis by the BLM indicated that age class, by itself, is not closely related to the potential to provide timber receipt payments to O&C counties over time because of the influence of the land use allocation on timber receipt payments and thus does not provide a basis for reclassifying lands of “equal condition” as described in the Purpose and Need for Action.

Match the site class of the conveyed plots

Site class is a classification of site quality and productivity for timber production. This alternative was eliminated from detailed analysis because it would be infeasible. Similar to age classes, aliquot parts or government lots are typically made up of multiple site classes. Selecting aliquot parts or government lots for reclassification based on site class would inevitably select unintended site classes as well, making it impossible to match the site class in the conveyed plots while meeting the purpose and need for the action. Furthermore, initial analysis by the BLM indicated that site class, by itself, is not closely related to the potential to provide timber receipt payments to O&C counties over time because of the influence of the land use allocation on timber receipt payments and thus does not provide a basis for reclassifying lands of “equal condition” as described in the Purpose and Need for Action.

Preferentially reclassify lands in the following order: Wilderness Areas and Wilderness Study Areas, Wild and Scenic Rivers and Suitable Wild and Scenic Rivers, Mount Hood Corridor Lands, other Lands within the National Landscape Conservation System, Areas of Critical Environmental Concern, Lands Managed for their Wilderness Characteristics, other District Designated Reserves, critical habitat for ESA-Protected Species

This alternative was eliminated from detailed analysis because it would not meet the purpose and need for action. Reclassification using this prioritization would not provide approximately equal condition as the conveyed O&C lands (see comment response in the appendix).

Reclassify only Harvest Land Base lands that are ready and able to be managed for permanent forest production

This alternative was eliminated from detailed analysis because it would not meet the purpose and need for action. Reclassifying only Harvest Land Base lands would not provide approximately equal condition as the conveyed O&C lands (see comment response in the appendix).

3. Affected Environment and Environmental Effects

This chapter describes the affected environment and the environmental effects of the alternatives as they relate to the two issues identified for detailed analysis. The BLM has combined the affected environment and environmental effects into this single chapter to provide all of the relevant information on an issue in a single discussion. Under each issue, the BLM describes the methodologies and assumptions of the analysis, describes the affected environment, and answers the question captured in the issue statement by describing the environmental effects of the alternatives analyzed in detail, including the No Action alternative.

3.1. Issue 1 – *What would be the potential payments to counties from timber sales on the reclassified lands?*

Timber has a specific value when it is sold in a commercial timber sale. Fifty percent of receipts from the sale of timber on O&C lands are allocated annually among the 18 O&C counties. The payments to the counties include all O&C timber sale receipts from the Medford, Roseburg, Coos Bay, and Northwest Oregon Districts, and the Klamath Falls Field Office.

Methods

- This analysis will compare the projected net revenue from the reclassified lands to the projected net revenue from the conveyed lands. Projected net revenue is a calculated metric that includes the value of the harvested timber minus the costs associated with the logging method, slash disposal, and other actions that support timber sales. This analysis will use the projected net revenue to estimate the payments to counties.
- This analysis will derive the project net revenue from the harvest modeling outputs from the Proposed RMP/Final EIS, which used spatially explicit modeling polygons in a geographic information system to simulate harvest using the actual conditions at that location. The Proposed RMP/Final EIS calculated harvest in the Harvest Land Base and parts of the Riparian Reserve and parts of the Late-Successional Reserve. This makes it possible to compare each alternative using the modeled harvest projections. The methodology and assumptions used in the harvest modeling are described in Appendix C of the Proposed RMP/Final EIS and are incorporated here by reference (USDI BLM 2016a, pp. 1163-1227).
- To maintain consistency with the analysis in the Proposed RMP/Final EIS, this analysis will measure net revenue and payments to counties in 2012 dollars.
- The temporal scale of this analysis is 20 years. The harvest modeling in the Proposed RMP/Final EIS was done in 10-year increments. A temporal scale of 20 years provides sufficient duration to compare the effects of the alternatives without extending beyond the likely life of the RMPs.

Analytical assumptions

- Projected net revenue values that are approximately equal to the conveyed lands will produce the same stumpage values as were calculated in the Proposed RMP/Final EIS, Table 3-188 (USDI BLM 2016a, p. 695).
- The projected payments to the O&C counties will be half of the projected net revenue from the harvest modeling output. Table 3-188 in the Proposed RMP/Final EIS summarizes the expected total payments to O&C counties in 2018 and 2028. The methodology and results of the county payment calculations in the Proposed RMP/Final EIS are incorporated here by reference (USDI BLM 2016a, pp. 687-697). This analysis will use the same data.
- For the purpose of this analysis, stands that had no timber harvest modeling, or stands that did not have any harvest modelled during the first two decades, are assumed to generate no timber revenue.

Affected environment and environmental effects

The Proposed RMP/Final EIS analyzed the total net revenue from timber sales and the total payments to O&C counties in 2018 and 2028. The Proposed RMP/Final EIS estimated that BLM timber harvest across western Oregon would provide \$51.2 million annually in net revenue and that the O&C counties would receive \$25.59 million annually in payments in 2018 (USDI BLM 2016a, pp. 640, 695).

If the conveyed lands had remained in BLM ownership, timber sales from those lands would have resulted in an average net revenue of \$650,504 annually, which constitutes less than 1 percent of the total net revenue across western Oregon (Table 5). This net revenue from timber sales on the conveyed lands would have contributed an average of \$325,252 annually in payments to the O&C counties (Figure 1).

Under Alternative 1 (No Action), no lands would be reclassified and the potential payments from the conveyed lands would not be replaced. As a result, the average total payment to O&C counties would be \$25.37 million annually (Table 6), a 0.9 percent reduction from the \$25.59 million anticipated in the Proposed RMP/Final EIS (i.e., prior to the conveyances) (USDI BLM 2016a, p. 695).

Alternatives 2 and 4 would provide more net revenue than Alternative 1, but would not fully replace the net revenue from the conveyed lands and therefore would result in less payments to O&C counties than was anticipated in the Proposed RMP/Final EIS. Alternatives 3 and 6 would provide more net revenue than would have been provided by the conveyed lands, and therefore would result in more payments to O&C counties than was anticipated in the Proposed RMP/Final EIS. Alternative 5 would provide the same net revenue as the conveyed lands and therefore would result in the same payments to O&C counties as was anticipated in the Proposed RMP/Final EIS (Table 5; Figure 1; Table 6).

Table 5. Average annual net revenue (2012 dollars)

	Net Revenue	Percentage of Total Revenue
Conveyed Lands	\$650,504	0.9%
Alternative 2	\$355,938	0.5%
Alternative 3	\$2,043,011	2.6%
Alternative 4	\$214,439	0.3%
Alternative 5	\$650,505	0.9%
Alternative 6	\$1,025,540	1.4%

Figure 1. Average annual payments to O&C counties from timber sales on conveyed lands and reclassified lands (2012 dollars)

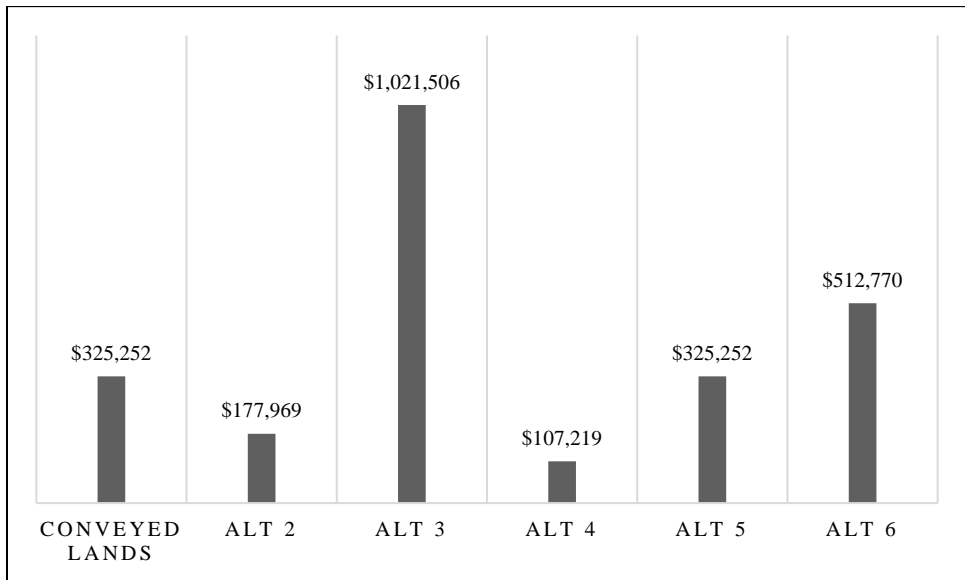


Table 6. Total payments to O&C counties from timber sales (2012 dollars)

	Payments to counties (in millions)
No Action	\$25.37
Alternative 2	\$25.49
Alternative 3	\$26.07
Alternative 4	\$25.45
Alternative 5	\$25.59
Alternative 6	\$25.73

3.2. Issue 2 – How would reclassification of public domain lands to O&C lands affect payments to counties from grazing leases?

Reclassification of public domain lands to O&C lands could result in a change in the payments to counties from fees for grazing. The 1934 Taylor Grazing Act (43 U.S.C. 315 *et seq.*) provides for livestock grazing management on both BLM-administered lands within a grazing district (through Section 3 permits) and BLM-administered lands outside a grazing district (through Section 15 leases). The only grazing district within western Oregon is in Klamath County, which the WOTFA excluded from reclassification. Thus, the reclassification of public domain lands to O&C lands would only have the potential to affect payments from grazing outside of grazing districts (i.e., Section 15 grazing leases). The 2016 Proposed RMP/Final EIS provides detailed information on grazing on BLM-administered lands in western Oregon and the allotments available for grazing, and that discussion is incorporated here by reference (USDI BLM 2016a, pp. 475-483).

On public domain lands outside of grazing districts, 50 percent of the fees for livestock grazing go to the State for it to expend as the State legislature may prescribe for the benefit of the county in which the grazing occurs (43 U.S.C. 315i). In contrast, on O&C lands outside of grazing districts, 50 percent of the fees for grazing are dispersed among the 18 O&C counties according to the same allocation formula as that for timber receipts (43 U.S.C. 2603). Thus, reclassification of public domain lands to O&C lands could change the payments the counties receive from fees for Section 15 grazing leases.

Methods

This analysis will compare the current payments to counties from grazing fees on plots on public domain lands to the payments to counties from grazing fees if those plots are reclassified as O&C lands. For any public domain lands that would be reclassified to O&C lands under this action and that are open to grazing, the reclassification would change the payments to the county in which the grazing occurs from 50 percent to 7.835 percent (15.67 percent of 50 percent) of the fees for grazing for Jackson County, for example (USDI BLM 2016a, p. 694). The remainder of the payments for the fees for grazing would be dispersed among the other O&C counties according to the allocation formula in the O&C Act.

The analysis will—

- identify the acreage within allotments open to grazing that would be reclassified under each alternative;

- estimate the Animal Unit Months¹³ for the reclassified plots based on the percentage of the allotment acreage within the plots that would be reclassified under each alternative;
- calculate the grazing fees from the reclassified plots based on the Animal Unit Months for the reclassified plots and the current grazing fees;
- calculate the current payments to the counties based on 50 percent of the grazing fees; and
- calculate the payments to the counties based on the allocation formula in the O&C Act.

Analytical assumptions

- Allotments that are open to grazing will be actively grazed, and grazing fees will be paid to the BLM.
- This analysis will use the 2019 grazing fee of \$1.35 per Animal Unit Month (USDI BLM 2019).

Affected environment and environmental effects

Each action alternative would reclassify some plots that are within allotments that are open to grazing. All of the plots that would be reclassified and are open to grazing are in Jackson County.

Under all action alternatives, the reduction in payments to Jackson County from grazing fees as a result of reclassification would be very small. Alternative 6 would have the least reduction, with a loss of \$3.76 per year in payments to Jackson County, and Alternative 5 would have the most reduction, with a loss of \$162.35 per year in payments to Jackson County (Table 7). Under all alternatives, the remainder of the 50 percent of the grazing fees for reclassified lands would be dispersed among the other O&C counties according to the allocation formula in the O&C Act. Under all alternatives, the amount other O&C counties would receive from grazing fees as a result of reclassification would be very small: up to a maximum of \$48.22 per year to Douglas County under Alternative 5.

Table 7. Annual payments to counties from grazing fees in reclassified plots (2019)

	2019 grazing fees from reclassified plots	Payments to Jackson County prior to reclassification	Payments to Jackson County after reclassification
No Action	--	--	--
Alternative 2	\$58.30	\$29.15	\$4.57
Alternative 3	\$75.11	\$37.56	\$5.88
Alternative 4	\$108.86	\$54.43	\$8.53
Alternative 5	\$385.02	\$192.51	\$30.17
Alternative 6	\$8.91	\$4.46	\$0.70

¹³ An Animal Unit Month is the amount of forage necessary for the sustenance of one cow or its equivalent for one month.

4. Consultation and Coordination

4.1. Endangered Species Act consultation

Because the proposed reclassification would not alter the land use allocation, management objectives, or management direction that apply within the reclassified lands, there would be no change in the land management of the reclassified lands. Therefore, the reclassification would have no effect on species listed under the Endangered Species Act or their designated critical habitat, and no consultation under the Endangered Species Act is required.

4.2. Tribal consultation

Tribal outreach has consisted of government-to-government consultation initiation letters sent to potentially interested regional Tribes including, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, the Confederated Tribes of the Grande Ronde Community of Oregon, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Tolowa Dee-ni' Nation. Follow-up emails and phone contacts resulted in staff-to-staff dialogue with three Tribes and ongoing communications with the Coquille Indian Tribe and the Confederated Tribes of Siletz Indians, both of which expressed interest in additional data and government-to-government consultation once each had time to analyze the geospatial data provided. The Coquille Indian Tribe has since indicated its desire to coordinate government-to-government consultation and is in the process of scheduling a meeting. The Tolowa Dee-ni' Nation indicated it would be formally requesting government-to-government consultation, though nothing has been received by the BLM to date.

4.3. State Historic Preservation Office consultation

Because the proposed reclassification would not alter the land use allocation, management objectives, or management direction that apply within the reclassified lands, there would be no change in the land management of the reclassified lands. Therefore, the reclassification would have no potential to cause effects on historic properties, and no consultation under Section 106 of the National Historic Preservation Act is required.

4.4. List of preparers

The following interdisciplinary team of BLM resource specialists and managers prepared this environmental assessment:

- Todd Curtis, Branch Chief, Planning, Monitoring and Social Sciences, Oregon State Office, project lead
- Craig Ducey, Geographic Information Systems specialist, Oregon State Office, geographic information systems
- Richard Hardt, Planning and Environmental Coordinator, Oregon State Office, interdisciplinary team leader
- Carolina Hooper, Forester Analyst, Oregon State Office, forestry/silviculture
- Dave Johnson, Tribal Liaison, Oregon State Office, tribal consultation
- Jonathan Quicke, Program Analyst, Oregon State Office, records management

References

- USDI BLM. 2013. Specifications for Descriptions of Land: For Use in Land Orders, Executive Orders, Proclamations, Federal Register Documents, and Land Description Data Bases. Washington, D.C. https://www.blm.gov/sites/blm.gov/files/uploads/IB2013-057_att1.pdf
- USDI BLM. 2016a. Proposed Resource Management Plan/Final Environmental Impact Statement, Western Oregon. BLM Oregon State Office, Portland, OR. 2010 pp. https://eplanning.blm.gov/epl-front-office/eplanning/docset_view.do?projectId=57902¤tPageId=76777&documentId=71567
- USDI BLM. 2016b. Northwestern & Coastal Oregon Record of Decision and Resource Management Plan. BLM Oregon State Office, Portland, OR. 308 pp. https://eplanning.blm.gov/epl-front-office/projects/lup/57902/79046/91311/NCO_ROD_RMP_ePlanning.pdf
- USDI BLM. 2016c. Southwestern Oregon Record of Decision and Resource Management Plan. BLM Oregon State Office, Portland, OR. 318 pp. https://eplanning.blm.gov/epl-front-office/projects/lup/57902/79048/91313/SWO_ROD_RMP_ePlanning.pdf
- USDI BLM. 2018. 2018 Evaluation of the Southwestern Resource Management Plan and the Northwestern & Coastal Resource Management Plan. BLM Oregon State Office, Portland OR. 15 pp. <https://www.blm.gov/oregon-washington/serving-america/western-oregon-tribal-fairness-act>
- USDI BLM. 2019. 2019 Grazing Fee, Surcharge Rates, and Penalty for Unauthorized Grazing Use Rates. Instruction Memorandum 2019-037. BLM Washington Office, Washington, D.C. <https://www.blm.gov/policy/im-2019-037>

Appendix: Scoping comments and responses

Comment: *BLM should consider using a Categorical Exclusion to increase efficiency of this effort.*

Response: The BLM is electing to prepare this environmental assessment to aid in agency decisionmaking regarding which specific lands to reclassify and to facilitate public involvement. The WOTFA requires that the BLM provide an opportunity for public comment prior to the reclassification (WOTFA 205(d)(1)). The Council on Environmental Quality regulations state that an environmental assessment “serves to ... [a]id in an agency’s compliance with the Act when no environmental impact statement is necessary” (40 CFR 1508.9(a)) and that “[a]gencies may prepare an environmental assessment on any action at any time in order to assist agency planning and decisionmaking (40 CFR 1501.3(b)).

Comment: *Those PD lands ultimately reclassified as O&C should be equal in site potential, growing stock, and location as those transferred to the Tribes.*

Response: The WOTFA requires that the lands BLM reclassifies be approximately equal in acreage and condition as those O&C lands conveyed to the Tribes. Therefore, in the EA, the BLM considered alternatives that seek to reclassify lands of approximately equal acreage and condition by different approaches, including matching the site class (which corresponds to “site potential”) and age class of the conveyed lands. The EA considered alternatives that would reclassify lands by matching the site class and age class of the conveyed lands, but eliminated these alternatives from detailed analysis because they are infeasible, as explained in the EA. It is not clear how the BLM could reclassify public domain lands that are “equal in ... location” as the conveyed lands, since the reclassified lands cannot be in the exact location as the conveyed lands. The reclassified lands, per the WOTFA’s direction, will all be within western Oregon, excluding Klamath County.

Comment: *The relevant criteria in the selection of public domain parcels for reclassification relate to the physical condition of the land---- acreage, the timber volume present and the site classes. Administrative factors, such as RMP land use allocations of the O&C lands transferred to the Tribes, are not relevant.*

Response: All of the action alternatives would reclassify an approximately equal acreage to the conveyed O&C lands. The EA considered alternatives that would reclassify lands by matching the site class and age class of the conveyed lands, but eliminated these alternatives from detailed analysis because they are infeasible, as explained in the EA. Because the equal condition relates to the potential payments to counties from timber sales under the O&C Act, as explained in the purpose and need for action, the EA analyzed an alternative that seeks to match the land use allocations in the RMP of the conveyed lands. Land use allocations strongly influence the potential to provide timber receipt payments to O&C counties. Only lands allocated to the Harvest Land Base are suitable for sustained-yield timber production under the RMPs. Lands under other land use allocations have some potential to provide payments to counties from timber sales, but that potential is restricted to certain circumstances and is not sustainable over time. Therefore, the land use allocations of the reclassified lands are relevant to determining whether the reclassified lands are of approximately equal condition as the conveyed lands.

Comment: *All public domain lands which are reclassified as O&C lands must be lands upon which there is a high certainty that the mandates of the O&C Act can be satisfied. The lands should be ready and able*

to be managed for permanent forest production upon which the timber thereon is able to be sold, cut, and removed in conformity with the principle of sustained yield. Current public domain lands upon which there are impediments to managing the land in accordance with this mandate should not be considered for reclassification as O&C lands. Impediments to managing the land for permanent forest production as required by the O&C Act, could include those lands which are not suitable or eligible for forest production under the Southwestern Oregon Record of Decision and Resource Management Plan. Other impediments could be restrictions on the feasibility of conducting actual selling, cutting, and removing of timber due to Endangered Species Act limitations, National Environmental Policy Act limitations, Archaeological Resource Protection Act limitations, Clean Air Act limitations, Clean Water Act limitations, or any other Federal or State law which would have the effect of limiting or preventing timber harvesting on the reclassified O&C lands. Finally, the reclassified O&C lands should be those types of lands upon which timber can and is able to be produced and harvested. Public domain lands upon which timber production is not practical or possible should not be reclassified as O&C lands.

Response: Only lands allocated to the Harvest Land Base are suitable for sustained-yield timber production under the RMPs and meet the conditions described in this suggested alternative. Only 1,184 acres of the 31,132 acres of O&C lands conveyed to the Tribes under WOTFA had been allocated to the Harvest Land Base. An alternative that would reclassify only lands allocated to the Harvest Land Base would not provide approximately equal condition to the conveyed O&C lands. Therefore, this alternative would not meet the purpose and need for action and will not be analyzed in detail.

Comment: *How does the BLM define “comparable” lands. Does it mean geographic (same or nearby watersheds, same or nearby counties, etc.)? Does it mean comparable land allocations? Does it mean comparable standing volume? As BLM has said, “The reclassification of PD lands to O&C lands will not change the BLM’s current management of the land,” so land allocation and standing volume are irrelevant in determining what is “comparable.”*

Response: As explained in the purpose and need for action, the requirement in the WOTFA to reclassify lands of approximately equal “condition” means lands that would have the potential to provide approximately equal timber receipt payments to O&C counties over the next two decades under the management directed by the 2016 RMPs as the conveyed O&C lands. Land use allocations strongly influence the potential to provide timber receipt payments to O&C counties. Only lands allocated to the Harvest Land Base are suitable for sustained-yield timber production under the RMPs. Lands under other land use allocations have some potential to provide payments to counties from timber sales, but that potential is restricted to certain circumstances and is not sustainable over time. Therefore, the land use allocations of the reclassified lands are relevant to determining whether the reclassified lands are of approximately equal condition as the conveyed lands.

Comment: *BLM should fully develop, consider, and adopt an alternative that reclassifies the necessary lands, preferentially selecting lands from the following categories in descending order:*

- *Wilderness Areas and Wilderness Study Areas*
- *Wild and Scenic Rivers and Suitable Wild and Scenic Rivers*
- *Mount Hood Corridor Lands*
- *Other Lands within the National Landscape Conservation System*
- *Areas of Critical Environmental Concern (including harvest land base acres)*
- *Lands Managed for their Wilderness Characteristics*
- *Other District Designated Reserves*

- *Critical habitat for ESA-Protected Species*

Response: An alternative that would reclassify public domain lands using this prioritization would include no lands that are allocated to the Harvest Land Base and would be composed entirely of lands within Wilderness Areas, Wilderness Study Areas, designated Wild and Scenic Rivers, and suitable Wild and Scenic Rivers, and Areas of Critical Environmental Concern. (Note that there are no Areas of Critical Environmental Concern that overlap the Harvest Land Base on public domain lands). As such, the reclassified lands would have little or no potential to provide payments to counties from timber sales under the O&C Act and thus would not be approximately equal in condition to the conveyed O&C lands. Therefore, this alternative would not meet the purpose and need for action and will not be analyzed in detail.

Comment: *The Siletz Tribe is extremely concerned that any reclassification of BLM lands under WOTFA within geographic areas of interest to the Siletz Tribe will place significant obstacles in the path of potentially returning BLM lands to the Siletz Tribe in the future. We all know how important O&C lands are to the financial health of the counties in which those lands are located. We also all know how difficult it is to transfer O&C lands to tribes or to otherwise alter the legal status of O&C lands once designated. For these reasons, BLM lands within the Siletz Tribe's area of interest should not be subject to reclassification pursuant to WOTFA. The Siletz Tribe identifies the following lands that should not be subject to reclassification by BLM under WOTFA as O&C lands:*

1. *Any BLM land within the boundaries of the original 1855 Siletz Coast Reservation.*
2. *The Siletz Tribe has repeatedly been held to be the legal and political successor in interest to the historical Rogue River Tribe that was a party to the 1853 and 1854 Rogue River Treaties. Sept. 10, 1853, 10 Stat. 1018; Nov. 15, 1854, 10 Stat. 1119. The Siletz Tribe has a strong policy of trying to reestablish its presence on its ancestral lands, and is trying to recover lands ceded in its treaties. The area ceded by the Rogue River treaties should not be subject to reclassification under WOTFA.*
3. *The Siletz Tribe reserves the right to designate additional properties that it objects to having reclassified as it discusses the BLM's scoping letter further.*

Response: The requirement in the WOTFA to reclassify public domain lands in western Oregon does not exclude any lands except those in Klamath County. Additionally, it is unlikely that reclassifying public domain lands in the Siletz Tribe's area of interest to O&C lands would affect the potential for those lands to be conveyed to the Siletz Tribe in the future. Any such conveyance would require legislation, and recent conveyances have been comprised predominately of O&C lands. The WOTFA conveyed 32,520 acres of BLM-administered lands, of which approximately 96 percent were O&C lands. The Oregon Resources Conservation Act of 1996 (Pub. L. 104-208) conveyed approximately 5,400 acres of BLM-administered lands to the Coquille Tribe, of which approximately 90 percent were O&C lands or Coos Bay Wagon Road lands. There is no basis for concluding that reclassifying public domain lands to O&C lands would make it more difficult to convey the lands to the Siletz Tribe.

Comment: *My comment is regarding letting this land be returned to the Oregon-Washington Native Tribes. I'll go one step further and say that not only their land(s) should be returned but they should be allowed complete domain of their lands. The U.S. government should allow the Native American tribes to govern their lands without interference from outside sources. Give them back what is rightfully theirs.*

Response: The management of the conveyed lands is beyond the scope of this action, which is limited to the reclassification of public domain lands to O&C lands, as specifically directed by the WOTFA.

Comment: *The reclassification does not change the management of the land, but does change where the timber receipts go (50% would go to the counties). If the receipts are proportioned out based on the O&C acreage in each county, it makes sense to choose land in counties which have suffered the most in recent years from lack of timber receipts and which are most dependent on O&C timber revenues to fund county services. For example, Douglas County and others in Southern Oregon should be favored over Multnomah or Marion Counties.*

Response: The reclassification of public domain lands to O&C lands would have no effect on the portion of O&C timber payments that would be allocated to each county. The allocation formula is based on each county's proportion of the 1915 assessed value of the O&C lands, not the current acreage or assessed value of O&C lands in each county. Thus, changes to the acreage of O&C lands in a county after 1915 have no effect on the proportion of total payments allocated to each county under the O&C Act.

Comment: *Reclassification of public domain lands to O&C lands will alter the portion of grazing fees that are paid to the county for range improvements.*

Response: This issue is analyzed in detail in the EA.

Comment: *What are the impacts of the reclassification on the BLM's ecological and timber harvest objectives?*

Comment: *The BLM now must identify PD lands that are approximately equal in acreage and condition as the O&C lands conveyed to the Tribes and reclassify them as O&C lands." I have concerns about the term "condition" and what that might mean in regards to this process and its implications for our public lands moving forward. Two thirds of the land transferred to the tribes were forests with a stand age under 80 years old but that still left 19% (and nearly 6,300 acres) of old growth being transferred to the tribes. My concern with the reclassification is this: will the BLM now seek out 6,300 acres of old-growth forest and reclassify them as O&C lands? If this is the case, I am against this because I feel those lands may have greater protections as Public Domain classification than as O&C lands. Transferring old-growth lands into O&C Classification would put them at increased risk of logging at the worst possible time.*

Response: Under the RMPs, all BLM-administered lands, including acquired lands, Coos Bay Wagon Road lands, O&C lands, and public domain lands, have a land use allocation and accompanying management objectives and management direction (USDI BLM 2016b, p. 3; USDI BLM 2016c, p. 3). These decisions in the RMPs guide the land management actions on BLM-administered lands regardless of their land status as acquired lands, Coos Bay Wagon Road lands, O&C lands, or public domain lands. The reclassification would not change the BLM's current management of the land. Management actions must conform to the RMPs (43 CFR 1610.5-3). The reclassification would not alter the land use allocation, management objectives, or management direction that apply within the reclassified lands, which is governed by the RMPs. As such, the reclassification would have no effect on the BLM's ability to meet the management objectives in the RMPs. The reclassification would have no effect on whether old-growth forest would be harvested or not. Stands within the Harvest Land Base land use allocation are available for harvest, if harvest would conform to the management direction of RMP, regardless of stand age or structural condition, and regardless of the underlying land status (acquired lands, Coos Bay Wagon Road lands, O&C lands, or public domain lands). While it is possible that reclassification of public domain lands to O&C lands could potentially constrain the BLM's ability to make certain designations or

protect certain resources in a future RMP decision, any potential effects on future RMP decisions are speculative, as explained in the EA.

Comment: *It may be that the transfer of 32,000 acres of forestland to the BIA fundamentally irrevocably undermines the conservation goals and analysis contained in the 2016 BLM Forest Resource Management Plans.*

Comment: *While the mere reclassification of ~32,000 acres of PD land to O&C land will not have significant environmental impact—as BLM has said “The reclassification of PD lands to O&C lands will not change the BLM’s current management of the land”—there will be significant environmental impact because of the loss of nearly 32,000 acres of BLM public lands that were conservation reserves that has been transferred to the tribes and managed different from how they were being managed under BLM custodianship.*

Comment: *We are concerned that the tribal land transfer undermines the validity of BLM’s new RMPs for western Oregon. BLM needs to determine if the loss of 32,000+ acres of public lands changes its ability to fulfill the purposes of its plan. A new or supplemental environmental impact statement is required to consider reallocating Harvest Land Base to reserve status to ensure that minimum legal standards are met and in the context of possible plan amendments. This significant change in circumstances likely triggers reinitiation of consultation, with the Fish and Wildlife Service and NOAA Fisheries regarding the impact on Endangered Species Act-protected species, as the loss of 32,000 acres of conservation reserves may require BLM to adopt additional conservation measures to mitigate such loss. Similarly, BLM must ask the Environmental Protection Agency (or its agent) to determine if the loss of ~32,000 acres of conservation reserve lands still means that the NW OR and SW OR RMPs are in compliance with the Clean Water Act. Based on the results of BLM’s own evaluation, and those of the USFWS, NOAA Fisheries, and EPA, it may be necessary that for BLM to continue to comply with the law as it has determined for itself in the 2016 NW OR and SW OR RMPs, BLM will need to reclassify ~32,000 or more acres of comparable (in this case, stand and watershed condition is highly relevant) from lands currently in the harvest land base (HLB) to a comparable combination of late-successional and riparian reserves and to similarly adjust the proclaimed ASQs.*

Response: The effects of the conveyance of BLM-administered lands are beyond the scope of this action, which is limited to the reclassification of public domain lands to O&C lands. The BLM conducted a plan evaluation, consistent with 43 CFR 1610.4-9, to determine whether an RMP amendment or revision would be necessary as a result of the conveyances directed by the WOTFA (USDI BLM 2018). That plan evaluation considered whether the conveyances would substantially alter the scope of resource uses previously approved in the RMPs or the scope of effects that were previously analyzed in the 2016 Proposed RMP/Final EIS and is incorporated here by reference. That plan evaluation concluded that the conveyances did not warrant any RMP amendments or revisions at this time.