



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

COOS BAY DISTRICT OFFICE

1300 AIRPORT LANE, NORTH BEND, OR 97459

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1792 (OR-128)
OR128-TS07-35
Scattered Skeeter DMT Timber Sale
EA # OR128-03-24
Brummit Creek Density Management and Restoration EA

March 26, 2007

Dear Concerned Citizen:

Attached is a copy of the Decision Documentation for the Scattered Skeeter DMT Timber Sale, OR128-TS07-35. This decision implements portions of the Brummit Creek Density Management and Restoration EA (EA# OR128-03-24). The Scattered Skeeter DMT Timber Sale is a portion of Alternative 2 (Proposed Action) of the Environmental Assessment. In accordance with Forest Management Regulations at 43 CFR 5003.2, the decision for this timber sale will not become effective until the Notice of Sale is published in a newspaper of general circulation in the area where the lands affected by the decision are located. For this project, the Notice of Sale will be published in *The World* newspaper.

Please direct requests for copies, questions, or comments to Coos Bay District BLM, 1300 Airport Lane, North Bend, OR 97459-2023, ATTN: Chris Sheridan; call 541-756-0100; FAX 541-751-4303, or email to OR_CoosBay_Mail@blm.gov, ATTN: Chris Sheridan.

Sincerely,

Paul T. Flanagan

Paul T. Flanagan
Myrtlewood Field Manager

Attachment:

Scattered Sceeter Decision Document(30pp)
Maps(9pp)



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1792(OR-128)

EA # OR128-03-24

Brummit Creek Density Management and Restoration EA

OR128-TS07-35

Scattered Skeeter DMT Timber Sale

DECISION DOCUMENTATION

For the

Scattered Skeeter DMT Timber Sale

Brummit Creek Density Management and Restoration EA

EA # OR128-03-24

Background:

The Scattered Skeeter DMT Timber Sale (OR128-TS07-35) is a portion of Alternative 2 (the Proposed Action) of the Brummit Creek Density Management and Restoration EA (EA # OR128-03-24) which concluded with a Finding of No Significant Impact (FONSI) dated 1/26/2005. Alternative 2 includes thinning approximately 1,966 acres of young conifer stands in Late Successional Reserve and Riparian Reserve land use allocations, restoring approximately 513 acres of alder-dominated stands to mixed conifer, constructing 4.8 miles of new road, renovating or improving 74.5 miles of existing roads, and decommissioning 50.7 miles of road. The project areas analyzed in the EA are located within Late Successional Reserve and Riparian Reserve land use allocations in:

Sections 13-16, 20-35 of T. 27 S., R.10 W.

Sections 1-12 of T. 28 S., R.10 W.

Sections 19-21, 29-31, 33 of T. 27 S., R. 9 W.

Sections 4-9 of T. 28S., R. 9 W. (Willamette Meridian).

The Scattered Skeeter DMT Timber Sale would implement harvest treatments on 568 acres of conifer stands and 52 acres of hardwood stands (620 acres total). In addition, it would construct 1.1 miles of new road, renovate 24.4 miles of existing roads, improve 0.2 miles of existing road, and decommission 11.3 miles of roads. The Scattered Skeeter DMT areas to be treated are located within Late Successional Reserve and Riparian Reserve land use allocations in:

Sections 13-15, 22-24, 25-27, and 35 of T. 27 S., R.10 W.

Section 19 of T. 27 S., R.9 W. (Willamette Meridian).

The following tables show the relationship between the Scattered Skeeter DMT Timber Sale units and the corresponding Brummit Creek Density Management and Restoration EA units, and between timber sale total harvest and road work compared to EA total harvest and road work.

Table 1 – Comparison of unit numbering and acres.

Scattered Skeeter Unit Number	EA Unit Number	EA Prescription	EA Acres	Actual acres
1	48	DMT	23	21
2	47	DMT	18	13
3	45	HC	28	27
4	55	DMT/HC	24	21
5	49, 50	DMT	162	160
6	91e	DMT	8	7
7	32, 33s*	DMT	42	42
8	80	DMT	36	33
9	88	DMT	17	13
10	81	DMT	19	18
11	54	DMT	27	28
12	53	DMT	16	15
13	52**	DMT	17	21
14	51, 52W	DMT	27	26
15	37	DMT/HC	32	32
16	35m	DMT	10	11
17	34s3, 44n	DMT/HC	66	65
18	34s2	HC	8	6
19	34m, 34s1, 36	DMT/HC	48	45
20	35n	DMT/HC	18	16

* Referred to as 33b in EA maps.

** Referred to as 52e in EA maps.

Table 2 – Comparison of harvest acres and road miles*

	Density Management (Acres)	Hardwood conversion (Acres)	New Road Construction (Miles)	Road Improvement (Miles)	Road Renovation (Miles)	Road Maintenance (Miles)**	Road Decommissioning (Miles)
EA Estimate	565	55	0.9	1.8	14.1	NA	12.5
Timber Sale	568	52	1.1	0.2	14.4	10.0	11.3

* EA estimates of acres of forest treatment and miles of road treatment were developed from GIS coverages used in the original EA. Estimates were predicted to change slightly during implementation (EA # OR128-03-24, pg. 15).

** Road maintenance, including brushing of existing roads and replacement of ageing culverts (primarily on or near ridgetop road systems) is covered under BLM's CX OR120-06-02.

Several units analyzed in the EA (34S3, 35n, 37, 44N, 55) include hardwood patches, but are shown in EA Table 8-4 as density management units. The EA assumed removal of hardwoods from these mixed stands, as EA Table 8-4 states: "dmt/hwd or hwd/dmt = mixed density management thinning and hardwood conversion (predominant treatment listed first)" (EA, pg. 110).

The EA is tiered to the *Final - Coos Bay District Resource Management Plan and Environmental Impact Statement (RMP)* and its *Record of Decision*, as supplemented and amended, which is in conformance with the *Final Supplemental Environmental Impact Statement on Management of Habitat for the Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (i.e. Northwest Forest Plan [NFP]) and its *Record*

of *Decision* as supplemented and amended. The relevant watershed analysis (East Fork Coquille Watershed Analysis, May 2000) recently received a minor revision, and the EA references have been updated to reflect the revised watershed analysis. Additionally, two addenda to the Brummit Creek Density Management and Restoration EA (EA # OR128-03-24) were released for public comment February 28, 2007. These addenda addressed: 1) additional information regarding the abundance, distribution, and function of hardwood communities in the analysis area and at larger spatial scales; and 2) the addition of a small (approximately 5 ac.) treatment area not associated with this decision.

The proposed action is consistent with the National Marine Fisheries Service's March 18, 1997 Biological Opinion and Conference Opinion on activities covered in the Coos Bay District's RMP and the Programmatic Biological and Conference Opinion issued on August 8, 2001. The U.S. Fish and Wildlife Service concurred that the proposed action was not likely to adversely affect wildlife species or critical habitat listed under the Endangered Species Act (Concurrence Letter No. 1-15-05-I-0065). Project design criteria identified during consultation have been incorporated into the proposed action. The portion of the EA being implemented through the Scattered Skeeter CT timber sale will have no effect on Essential Fish Habitat, as defined in the Magnuson-Stevens Act. The estimated environmental effects contained in the EA are based on research, professional judgment, and the experience of the interdisciplinary team. No significant adverse impacts are expected on (1) Air Quality, (2) Areas of Critical Environmental Concern, (3) Cultural Resource Values, (4) Prime or Unique Farmland, (5) Flood Plains, (6) Native American Religious Concerns, (7) Hazardous Materials/Solid Waste, (8) Threatened or Endangered Species, (9) Water Quality, (10) Wetlands and Riparian Zones, (11) Wild and Scenic Rivers, (12) Wilderness Values, (13) Noxious Weeds, (14) Port Orford cedar, (15) ACS, (17) Energy production, transmission, or conservation, or (18) Unresolved conflicts concerning alternative uses of available resources.

Public Comments:

The general public was informed of the planned EA through a letter (10/9/2003) to those on the Resource Area's mailing list which included adjacent landowners and the others who had requested scoping notices of timber sale EAs. An announcement was also posted on the District's Internet site, <http://www.blm.gov/or/districts/coosbay/index.php> and in a Legal Notice in The World newspaper 10/14/2003 requesting comments for scoping. The public was informed of the EA and FONSI through a direct notification (1/26/2005) and via a published Legal Notice in The World newspaper (1/28/2005). Four public comments were received. Public comments about the EA generally fell into three categories: 1) items considered in the EA or addressed and covered by the Final-Coos Bay District Resource Management Plan and Environmental Impact Statement and its Record of decision (RMP-ROD) (USDI-BLM, 1995); 2) items beyond the scope of the site specific EA; and 3) issues indicating a need for clarification or elaboration. Two public comments were received for the EA Addenda. The ID Team and I determined that none of the issues raised during the comment period warrant a revision to the EA; therefore, the FONSI is still appropriate.

Decision:

It is my decision to implement the Proposed Action Alternative in the Brummit Creek Density Management and Restoration EA (OR128-TS07-35) as it applies to the *Scattered Skeeter DMT Timber Sale* shown in Table 1 and Table 2. These units will now be referred to as the Scattered Skeeter DMT Timber Sale (OR128-TS07-35). This action consists of twenty units totaling 620 acres. Approximately three hundred seventy five (375) acres consist of density management

thinning and hardwood conversion in the Late-Successional Reserve LUA and two hundred and forty five (245) acres of the sale consist of density management thinning and hardwood conversion in the Riparian Reserve LUA. Road management activities consist of construction 1.1 miles of new road, renovation of 14.4 miles of existing roads, improvement of 0.2 miles of existing road, and decommissioning of 11.3 miles of roads. Actual lengths of new road construction and road renovation are slightly larger (0.2 mi., 0.4 miles) than those predicted in the EA; lengths of road improvement are lower (1.6 mi.) than those predicted in the EA. These differences represent the difference between GIS estimates of road length and actual lengths. Road alignment (location) and the associated impacts would be roughly the same as those analyzed in the EA for these roads, and would be fully within the scope of the EA. A portion of road 27-10-35.0 (0.09 mi.) analyzed for decommission was subsequently found to be privately owned; decommission of this road segment has been dropped. Additionally, roughly 10 miles of road maintenance would be completed within the analysis area to facilitate completion of the project. This maintenance, including brushing of existing roads and replacement of ageing culverts (primarily on or near ridgetop road systems) is covered under BLM's CX OR120-06-02 ("Fiscal Year 2006 Road, Recreation Site, and Wildlife Habitat Site Maintenance"). **Table-2** quantifies changes in the EA estimate for new road construction, road improvement, road renovation, and road maintenance.

The Bureau of Land Management (BLM) is aware of the August 1, 2005, U.S. District Court order in Northwest Ecosystem Alliance et al. v. Rey et al. which found portions of the *Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (January, 2004) (EIS) inadequate. Subsequently in that case, on January 9, 2006, the Court ordered:

- set aside the 2004 Record of Decision *To Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern spotted Owl* (March, 2004) (2004 ROD) and
- reinstate the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (January, 2001) (2001 ROD), including any amendments or modifications in effect as of March 21, 2004.

The BLM is also aware of the November 6, 2006, Ninth Circuit Court opinion in Klamath-Siskiyou Wildlands Center et al. v. Boody et al., No. 06-35214 (CV 03-3124, District of Oregon). The court held that the 2001 and 2003 Annual Species Reviews (ASRs) regarding the red tree vole are invalid under the Federal Land Policy and Management Act (FLPMA) and National Environmental Policy Act (NEPA) and concluded that the BLM's Cow Catcher and Cotton Snake timber sales violate federal law.

This court opinion is specifically directed toward the two sales challenged in this lawsuit. The BLM anticipates the case to be remanded to the District Court for an order granting relief in regard to those two sales. At this time, the ASR process itself has not been invalidated, nor have all the changes made by the 2001-2003 ASR processes been vacated or withdrawn, nor have species been reinstated to the Survey and Manage program, except for the red tree vole. The Court has not yet specified what relief, such as an injunction, will be ordered in regard to the Ninth Circuit Court opinion. Injunctions for NEPA violations are common but not automatic.

The development and design of the Scattered Skeeter DMT Timber Sale make it exempt from the Survey and Manage program, and thus litigation over the Annual Species Review process in Klamath-Siskiyou Wildlands Center et al. v. Boody et al will not affect this project. In Northwest Ecosystem Alliance et al. v. Rey et al the U.S. District Court modified its order on October 11, 2006, amending paragraph three of the January 9, 2006 injunction. This most recent order directs:

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

- a. Thinning projects in stands younger than 80 years old;
- b. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;
- c. Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and
- d. The portions of 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."

BLM has reexamined the objectives of the Scattered Skeeter DMT Timber Sale as described in the Brummit Creek Density Management and Restoration EA (pg. 6). All proposed EA units in this timber sale are younger than 80 years old. Thinning associated with this timber sale would meet **exemption a** above. All culvert replacements would be on roads that are in use and part of the road system; culverts on temporary or decommissioned roads would be removed; this work would meet **exemption b** above. On-site Botany surveys did not find nonvascular special status or survey and manage species (based on species included in the 2003 Annual Species Review), nor did they find habitat for vascular special status or survey and manage species that would require surveys. Amendments to the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* through March 21, 2004 resulted in movement of most wildlife species to the Special Status (SS) Species Program. Surveys for non-listed SS species are discretionary, and the Myrtlewood Resource Area has not performed formal surveys for any non-listed SS species. Surveys have been conducted for marbled murrelets (*Brachyramphus marmoratus*), northern spotted owl (*Strix occidentalis caurina*), bald eagle (*Haliaeetus leucocephalus*) and peregrine falcons (*Falco peregrinus anatum*) within the analysis area.

Hardwood conversion units associated with the Scattered Skeeter DMT Timber Sale (Table 1) received pre-disturbance surveys compliant with the 2001 *Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (as the 2001 ROD was amended or modified as of March 21, 2004). No S & M Category B, D, E, or F plant species were found or are known to occur within the Scattered Skeeter DMT action area. There are no species remaining on the CBDO Survey and Manage wildlife list. Hardwood conversion in the action area do not contain suitable habitat for red tree vole.

This project will enhance and restore structural diversity in young, dense stands through density management and hardwood conversion. Design features include retaining existing snags and downed logs and creating new snags and downed logs. Density management within Riparian Reserves associated with this project will facilitate development of future stand conditions that contribute to meeting the Aquatic Conservation Strategy (ACS) objectives. The project will accomplish needed maintenance and improvement of the transportation network, provide temporary access within the units for harvest activities, and affect the decommissioning of roads not needed for future management. This project will produce almost 9,400 thousand board feet of timber through trees cut during density management treatments but surplus to habitat needs.

Rationale For Decision:

I am choosing to offer the *Scattered Skeeter DMT* timber sale for the following reasons:

- It meets the purpose and need for action described in the EA and in the *Final - Coos Bay District Resource Management Plan and Environmental Impact Statement (RMP)* and its *Record of Decision*, as supplemented and amended.
- It is consistent with the RMP objectives and management directions for Late Successional LUA, Riparian Reserve LUA, and roads.
- It is consistent with the Proposed Action (Alternative 2) as described in the EA.
- The No Action alternative fails to address the purpose and need for action and does not meet the management objectives.
- The addendum to the EA relating to hardwood communities in the analysis area makes clear that hardwood conversion associated with this timber sale would not represent a significant impact on the human environment and would be well within the scope of effects considered in the original EA.

Administrative Remedies:

In accordance with Forest Management Regulations at 43 CFR 5003.2, the decision for this timber sale will not become effective until the Notice of Sale is published in a newspaper of general circulation in the area where the lands affected by the decision are located. For this project, the Notice of Sale will be published in *The World* newspaper.

Decision Recommended by:

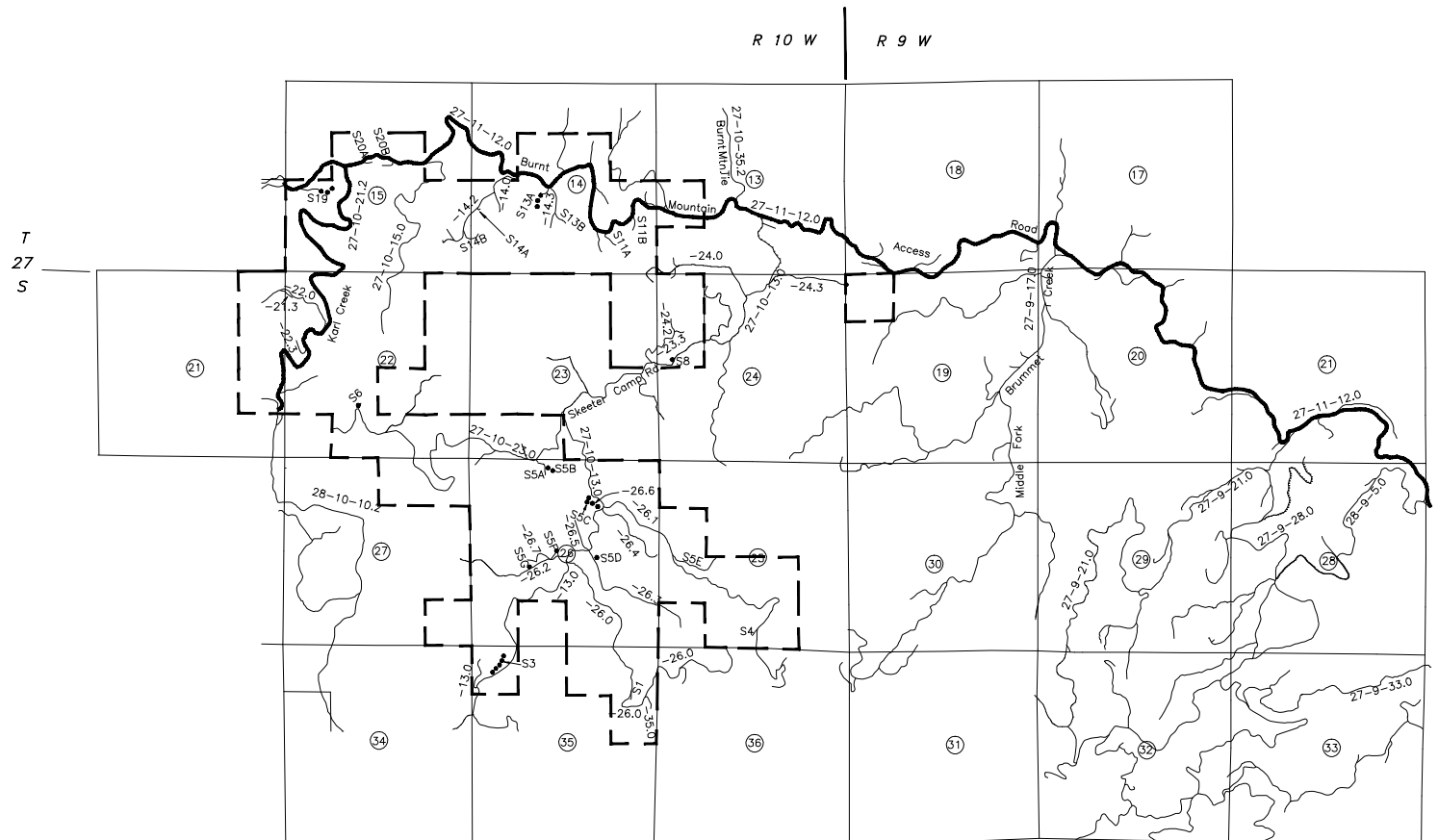
<u>Dennis Turowski</u>	<u>3/21/2007</u>	<u>Teresa Collier</u>	<u>3/21/2007</u>
Dennis Turowski	Date	Teresa Collier	Date
Natural Resource		Natural Resource	
Staff Administrator		Staff Administrator	

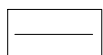
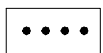
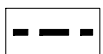
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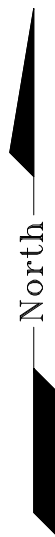
<u>Paul T. Flanagan</u>	<u>3/21/2007</u>
Paul T. Flanagan	Date
Myrtlewood Field Manager	

Attachment:

Timber Sale Prospectus Map (Exhibit A. 9 pages)



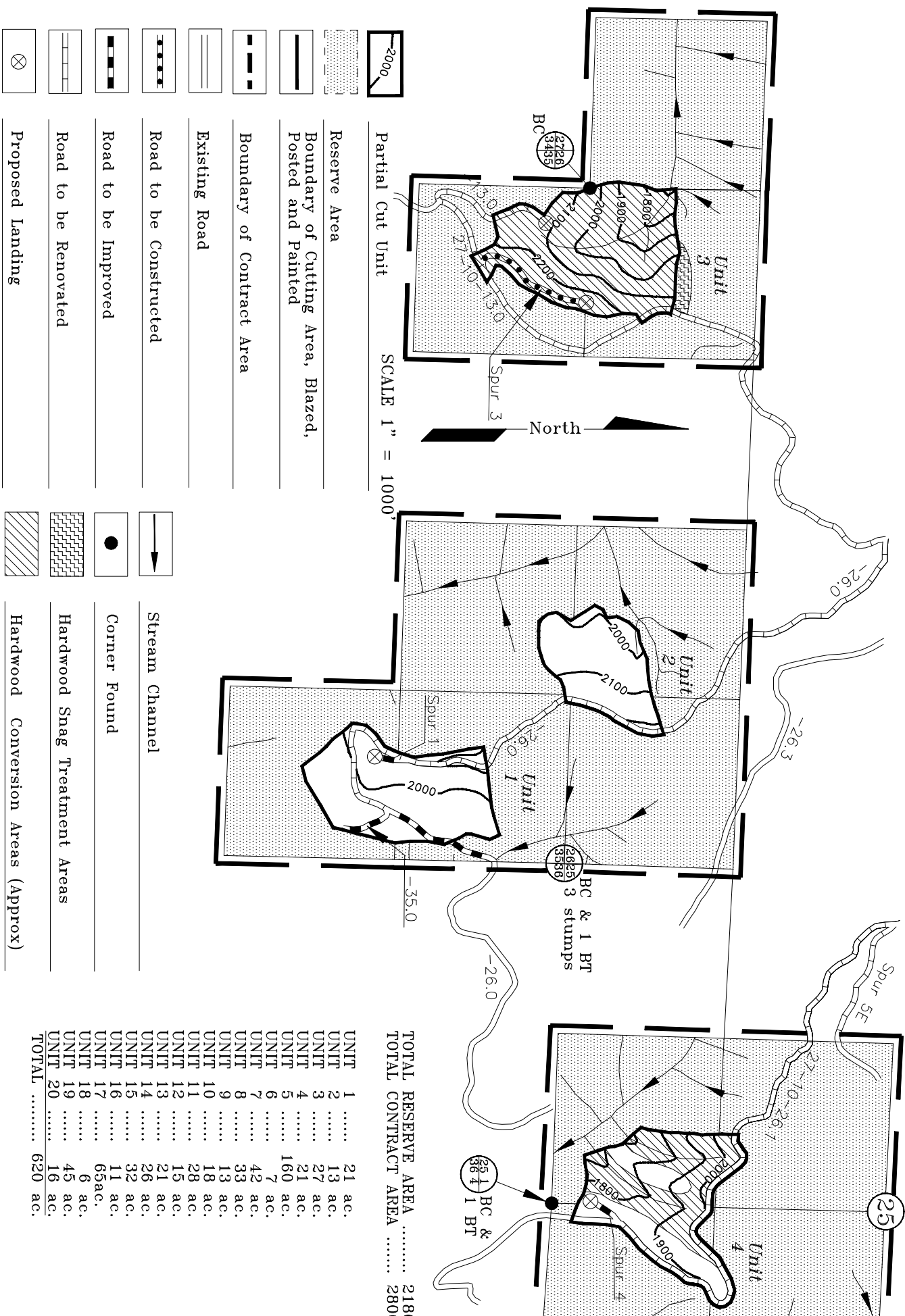
-  Existing Road
-  Road to be Constructed
-  Boundary of Contract Area



SCALE 1" = 1 mile

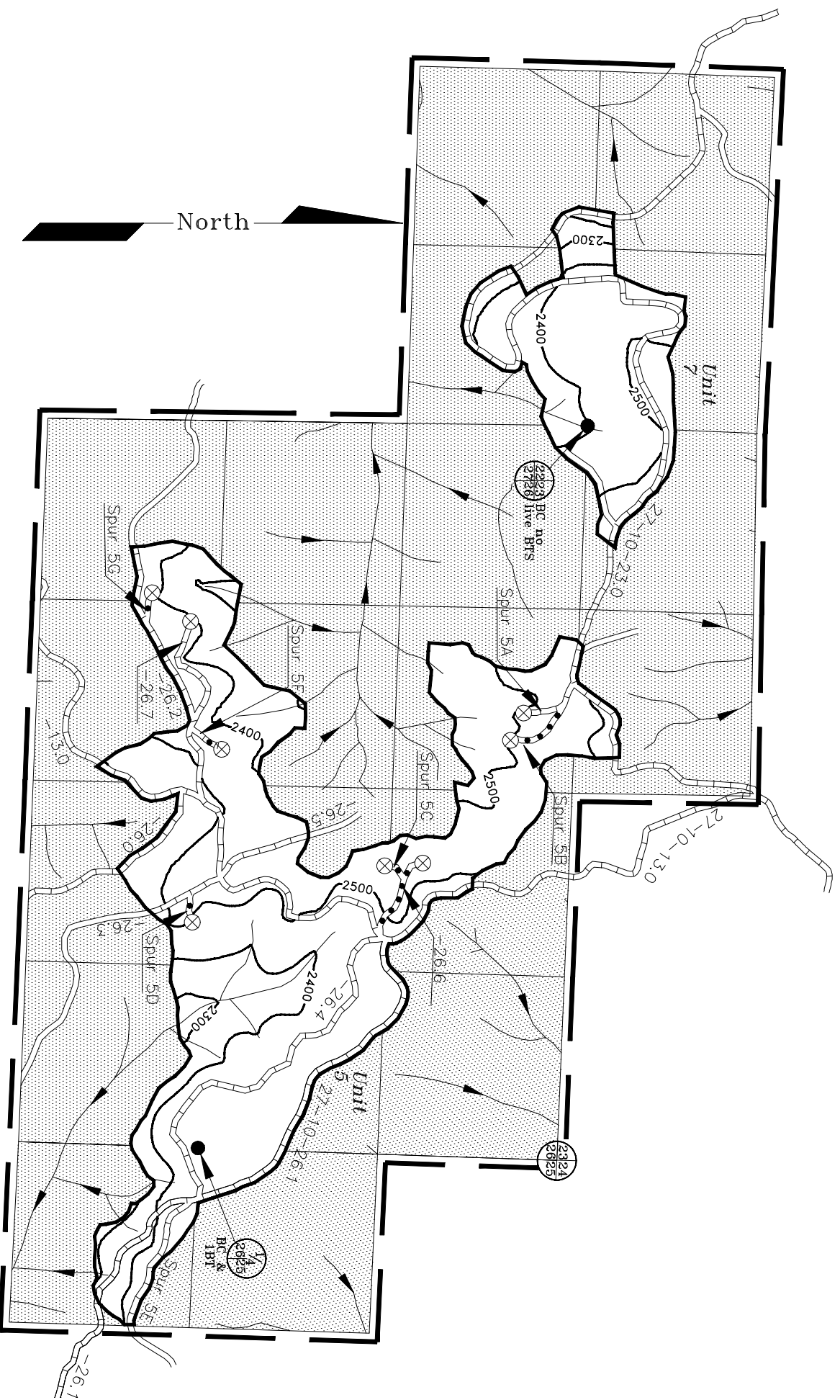
LUMBER SALE CONTRACT MAP
 USDI-BLM COOS BAY DISTRICT
 T. 27 S., R. 9 W., Sec. 19 Will. Mer.
 T. 27 S., R. 10 W., Secs. 13, 14, 15, 22, 23, 24, 25, 26, 27 & 35 Will. Mer.

EXHIBIT A
 Page 1 of 8
 SCATTERED SKEET



USDI-BLM COOS BAY DISTRICT
T. 27 S., R. 9 W., Sec. 19 Will. Mer.
T. 27 S., R. 10 W., Secs. 13, 14, 15, 22, 23, 24, 25, 26, 27 & 35 Will. Mer.

EXHIBIT A
Page 2 of 8
SCATTERED SKEETER

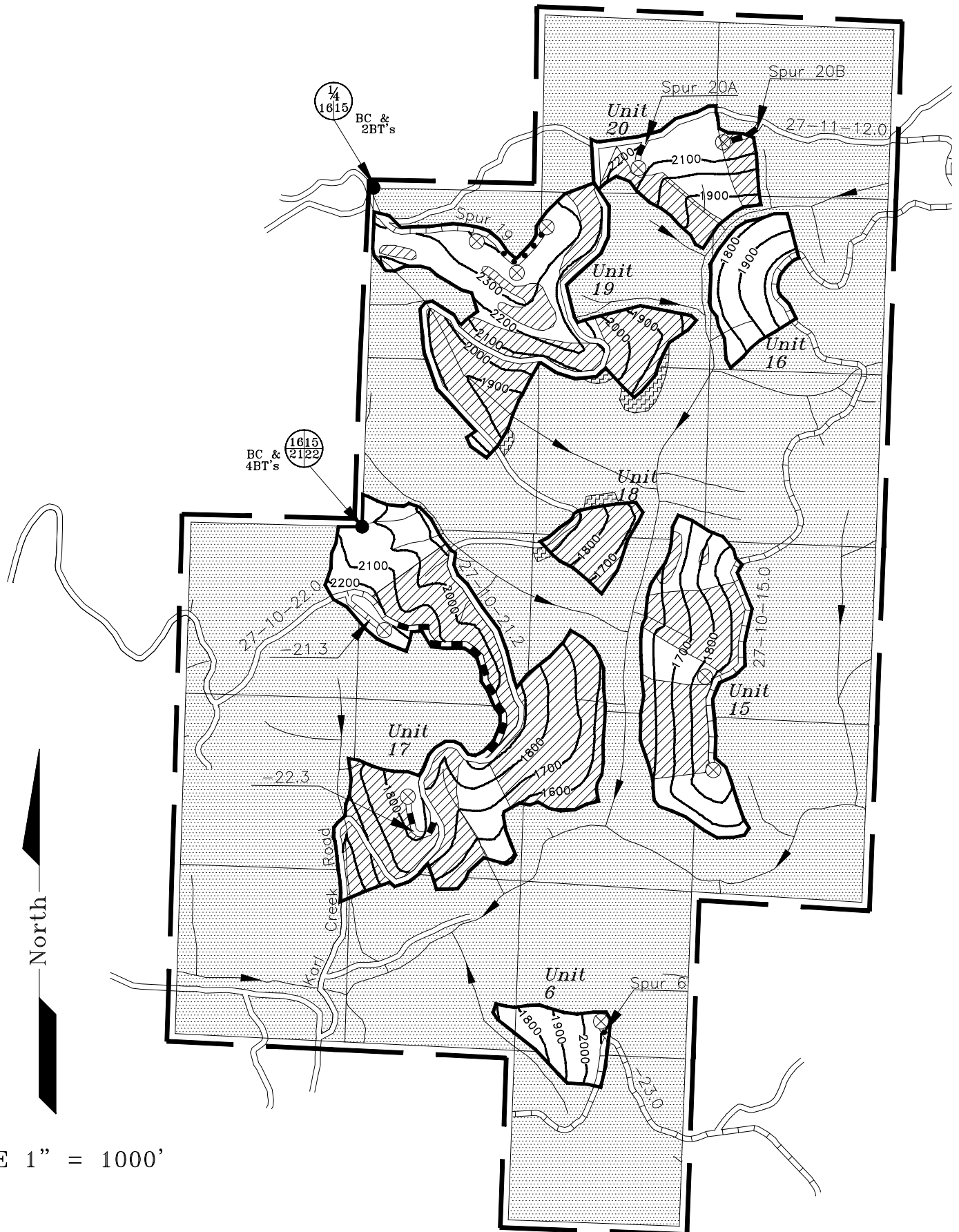


SCALE 1" = 1000'

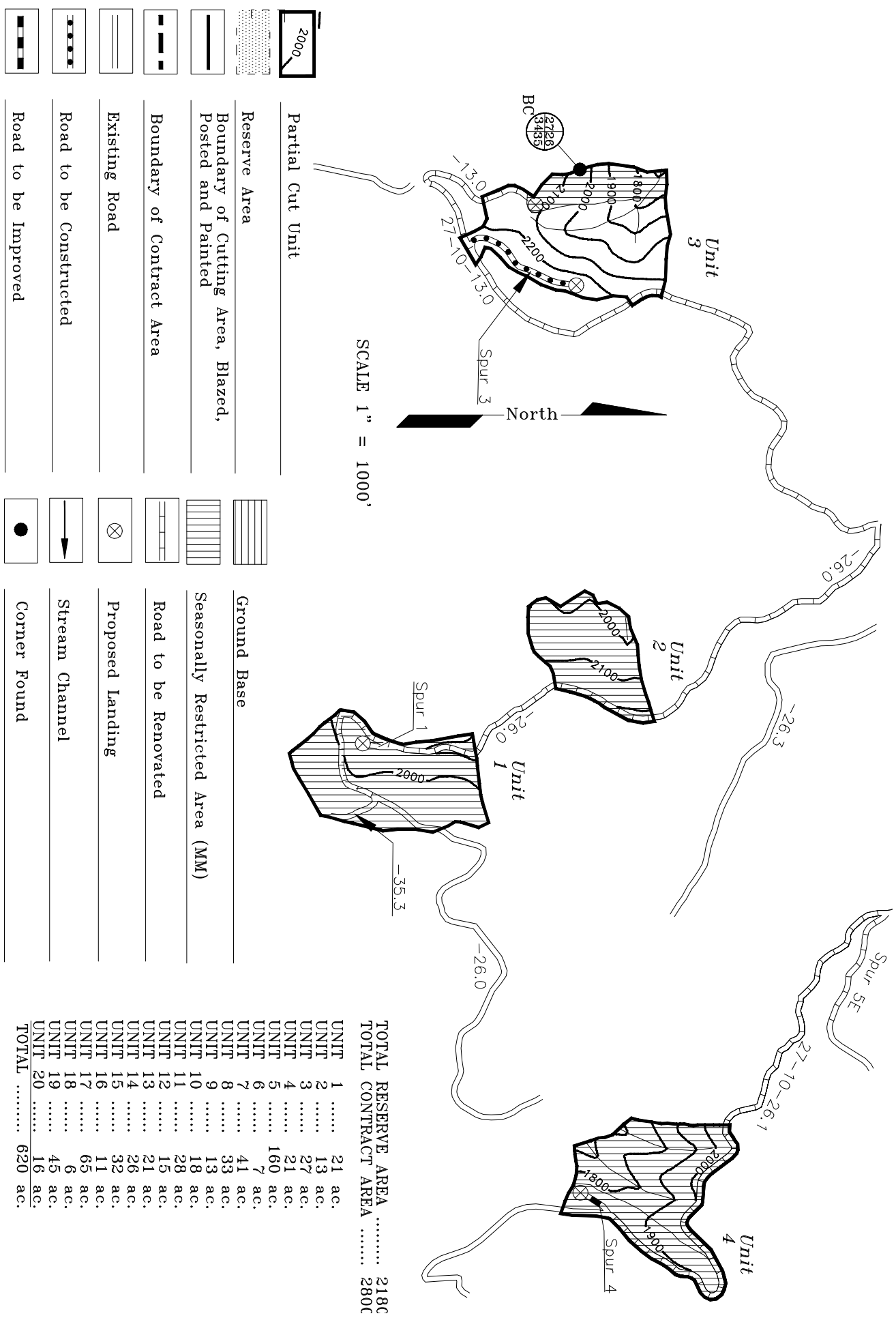
USDI-BLM COOS BAY DISTRICT
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T. 27 S., R. 10 W., Secs. 13, 14, 15, 22, 23, 24, 25, 26, 27 & 35 Will. Mer.

EXHIBIT A
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SCATTERED SKEET



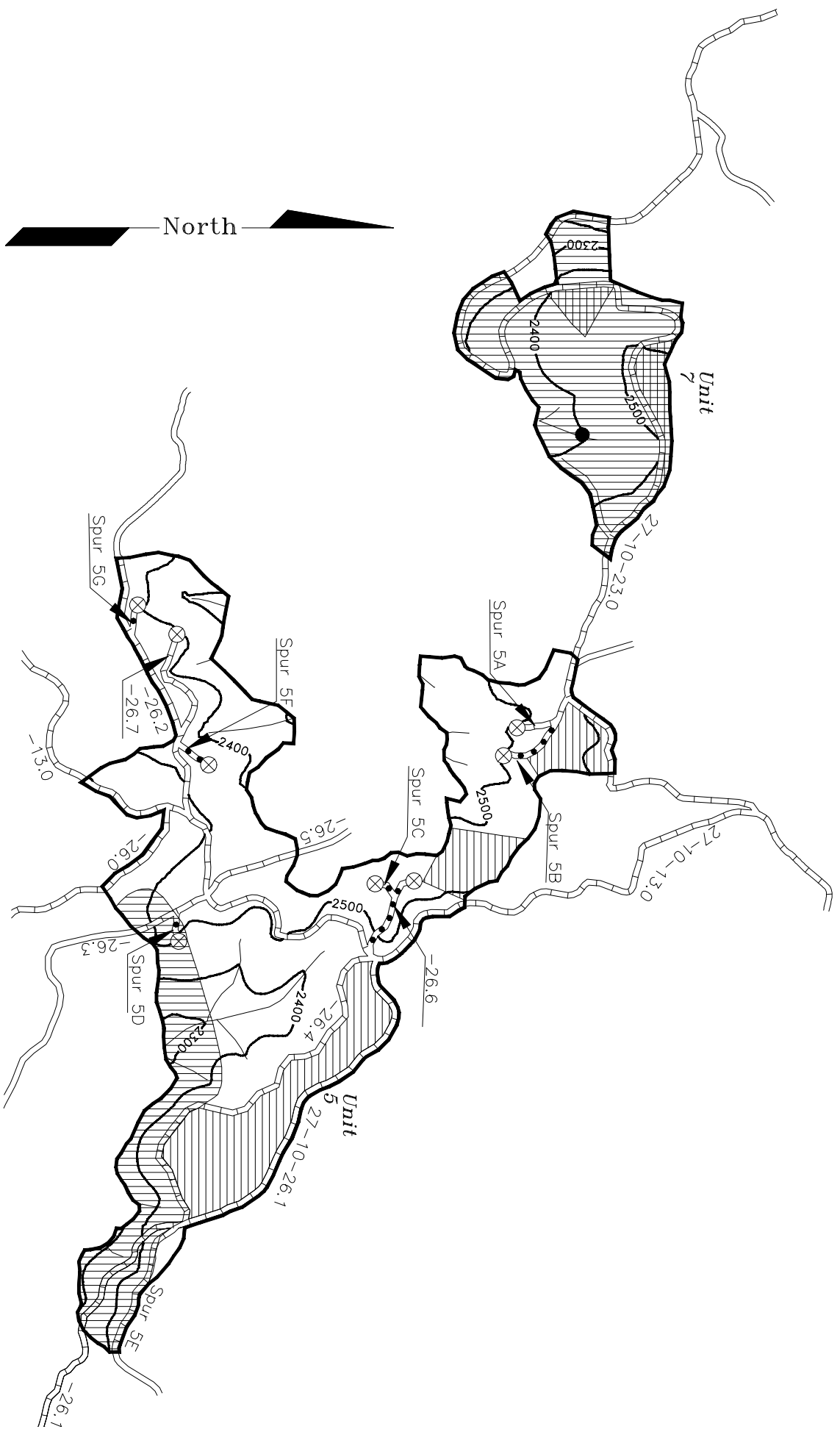


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USDI-BLM COOS BAY DISTRICT
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SCALE INV. 0000
EXHIBIT A
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SCATTERED SKEETER



SCALE 1" = 1000'

USDI-BLM COOS BAY DISTRICT
T. 27 S., R. 9 W., Sec. 19 Will. Mer.
T. 27 S., R. 10 W., Secs. 13, 14, 15, 22, 23, 24, 25, 26, 27 & 35 Will. Mer.

EXHIBIT A
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SCATTERED SKEET

