Condenser Peak LSR Enhancement Project 1

Final Decision and Decision Rationale for Condenser Peak LSR Enhancement Project 1

Environmental Assessment Number OR080-05-07

June 2008

United States Department of the Interior
Bureau of Land Management
Oregon State Office
Salem District
Marys Peak Resource Area

Township 7 South, Range 8 West, Sections 13, 14 and 15, Willamette Meridian
Upper Siletz River, Mill Creek –South Yamhill River and Upper South Yamhill River 5th field Watersheds
Polk County, Oregon

Responsible Agency:	USDI - Bureau of Land Management
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BLM
Salem District

As the Nation's principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

BLM/OR/WA/PT-08/027+1792

I. Introduction

The Bureau of Land Management (BLM) conducted an environmental analysis for the Condenser Peak LSR Enhancement Project 1, which is documented in the *Condenser Peak LSR Enhancement Project Environmental Assessment* (Condenser Peak LSR Enhancement EA) (EA# OR080-05-07) and the associated project file. This project (Condenser Peak LSR Enhancement Project 1) is a proposal to cut and remove a portion of trees on approximately 275 acres of 50 to 54 year old stands within Late Successional Reserve (LSR) and Riparian Reserve (RR) Land Use Allocations (LUAs). A Finding of No Significant Impact (FONSI) was signed on January 31, 2007 and the EA and FONSI were then made available for public review.

The decision documented in this Decision Rationale (DR) is based on the analysis documented in the EA. This decision authorizes the implementation of only those activities directly related to and included within Project 1.

II. Decision

I have decided to implement the Condenser Peak LSR Enhancement Project 1 as described in the proposed action (EA pp. 9-14) with modifications described below, hereafter referred to as the "selected action". The selected action is shown on the map attached to this Decision Rationale. This decision is based on site-specific analysis in the Condenser Peak LSR Enhancement Project Environmental Assessment (EA # OR080-05-07), the supporting project record, management recommendations contained in the *Rowell Creek, Mill Creek, Rickreall Creek, and Luckiamute River Watershed Analysis*, (USDI, BLM, 1998*)*; *Upper Siletz Watershed Analysis* (USDI BLM, 1996); and *Upper South Yamhill Watershed Assessment* (Yamhill Basin Council, 2002) as well as the management direction contained in the Salem District Resource Management Plan (May 1995), which are incorporated by reference in the EA.

Since the release of the EA, there is a need to correct some information included in the EA.

Changes to the EA

The EA included outdated information concerning Conformance with Land Use Plans, Policies, and Programs (p. 3).

- *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 and *Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines*, (SSSP/SEIS) January 2004.

This DR changes the above conformance paragraph as follows:

- *2007 Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl*, July 2007 *and Final Supplement to the 2004 Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines*, (SEIS) June 2007.

To provide alternative methods for the treatment of slash material, this DR modifies the EA by including the following design features:

- Whenever possible, alternative waste recycling of slash material will be encouraged. This may be accomplished by: providing firewood to the public, chipping for co-gen power production, chipping for soil amendments, soil protection, etc.
- Debris accumulations within the patch cuts will be machine and/or hand piled and/or chipped. For all areas to be piled or chipped, at least 75 percent of the slash in the ¼ inch to 6 inch diameter range will be piled for burning or chipped with the chips being spread out on the site or removed from the site.
- For areas that are to be machine piled or chipped, mechanical equipment will remain on slopes averaging 35 percent or less (unless the equipment is specifically designed to operate on steeper slopes and approved by the contract administrator).

To reduce potential adverse effects from timber hauling, this DR modifies the EA by including the following connected action:

- An additional 0.66 mile of road renovation will occur. This road renovation will consist of spot rock application on Road 7-8-10.

The following is a summary of this decision.

- Approximately 3,800 feet of new road (predominantly near ridge top locations) will be constructed. Following harvest, all of the new construction will be decommissioned and blocked to vehicular traffic.
- Density management treatments will occur on approximately 275 acres of 50 to 60 year old stands within LSR and RR LUAs through a timber sale. Approximately 40 percent of the project area will be harvested using conventional ground-based logging equipment, and approximately 60 percent will be harvested using skyline yarding systems.
- Within existing roads, rock application may occur and culvert replacement/installation will occur on approximately 19 ditch relief or stream crossings.
- Larger accumulations of debris along existing roads will be either machine piled or hand piled. All machine and hand piles will be burned.

All design features and mitigation measures described in the EA (pp. 9-14) will be incorporated into the timber sale contract.

III. Compliance with Direction:

The analysis documented in the Condenser Peak LSR Enhancement EA is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). This project has been designed to conform to the *Salem District Record of Decision and Resource Management Plan***,** May 1995 (RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA pp. 1 &-2). All of these documents may be reviewed at the Marys Peak Resource Area (RA) office.

Survey and Manage Species Review

Marys Peak RA 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.

The Marys Peak RA is also aware of the recent January 9, 2006, Court order which:

- 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
- reinstated 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.

We do not expect that the litigation over the Annual Species Review process in Klamath-Siskiyou Wildlands Center et al. v. Boody et al will affect the project, because the development and design of this project exempt it from the Survey and Manage program. 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."

"On July 25, 2007, the Under Secretary of the Department of Interior signed a new *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* that removed the survey and manage requirements from all of the BLM resource management plans (RMPs) within the range of the northern spotted owl. "In any case, this project falls within at least one of the exceptions (exception a) listed in the modified October 11, 2006 injunction."

The decision is consistent with the Northwest Forest Plan, including all plan amendments in effect on the date of the decision. The Condenser Peak LSR Enhancement Project 1 conforms with the 2007 Record of Decision *To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl*.

Compliance with the Aquatic Conservation Strategy

On March 30, 2007, the District Court, Western District of Washington, ruled adverse to the US Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA-Fisheries) and USFS and BLM (Agencies) in *Pacific Coast Fed. of Fishermen's Assn. et al v. Natl. Marine Fisheries Service, et al and American Forest Resource Council,* Civ. No. 04-1299RSM (W.D. Wash)((PCFFA IV). Based on violations of the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA), the Court set aside:

- the USFWS Biological Opinion (March 18, 2004),
- the NOAA-Fisheries Biological Opinion for the ACS Amendment (March 19, 2004),
- the ACS Amendment Final Supplemental Environmental Impact Statement (FSEIS) (October 2003), and
- the ACS Amendment adopted by the Record of Decision dated March 22, 2004.

Previously, in *Pacific Coast Fed. Of Fishermen's Assn. v. Natl. Marine Fisheries Service,* 265 F.3d 1028 (9th Cir. 2001) *(PCFFA II),* the United States Court of Appeals for the Ninth Circuit ruled that because the evaluation of a project's consistency with the long-term, watershed level ACS objectives could overlook short-term, site-scale effects that could have serious consequences to a listed species, these short-term, site-scale effects must be considered. The following paragraphs show how the Condenser Peak LSR Enhancement Project 1 meets the Aquatic Conservation Strategy in the context of PCFFA IV and PCFFA II.

Existing Watershed Conditions

The Condenser Peak LSR Enhancement Project 1 area lies within three 5th-field watersheds: Upper Siletz River, Upper South Yamhill River, and Mill Creek - South Yamhill River. The Upper Siletz River watershed drains into the Siletz River. The Upper South Yamhill River Watershed and Mill Creek - South Yamhill River Watershed drain into the Willamette River. The *Rowell, Mill and Rickreall Creek, and Luckiamute River Watershed Analysis Watershed Analysis,*

Upper Siletz Watershed Analysis and *Upper South Yamhill Watershed Assessment* describes the events that contributed to the current condition such as early hunting/gathering by aboriginal inhabitants, road building, agriculture, wildfire, and timber harvest.

Upper Siletz River Watershed
Twenty-seven percent of the watershed is managed by BLM and 73% is managed by private timber companies.

Late seral and/or old growth (greater than 80 years old) forests comprise four percent of the total ownership in the watershed. We can infer then, that commercial harvest or stand replacement fire has occurred on 96% of the lands in the watershed since 1918. The earliest harvests on BLM managed lands have been regenerated and are progressing towards providing mature forest structure. Most of the private industrial lands have been and will continue to be moved from mid condition class to the early condition class.

There is a total of about 13,279 acres of riparian vegetation within 100 ft of stream channels in the Upper Siletz watershed; BLM manages about 3374 acres (25%) and private landowners about 9905 acres (75%). About 10,916 acres (53%) of the total have low LWD recruitment potential; 2,083 acres are managed by BLM and 8,833 acres by private landowners.

Upper South Yamhill River Watershed
Four percent of the watershed is managed by BLM and 96% is managed by private timber companies.

Late seral and/or old growth (greater than 80 years old) forests comprise 13 percent of the total BLM managed land in the watershed. We can infer then, that commercial harvest or stand replacement fire has occurred on 87% of the BLM managed lands in the watershed. The earliest harvests on BLM managed lands have been regenerated and are progressing towards providing mature forest structure. Most of the private industrial lands have been and will continue to be moved from mid condition class to the early condition class.

There is a total of about 18,216 acres of riparian vegetation within 100 ft of stream channels in the Upper South Yamhill River Watershed; BLM manages about 641 acres (4%) and private landowners about 17,575 acres (96%).

Mill Creek - South Yamhill River Watershed
Thirty-six percent of the watershed is managed by BLM and 64% is managed by private timber companies.

Late seral and/or old growth (greater than 80 years old) forests comprise 15 percent of the total BLM managed land in the watershed. We can infer then, that commercial harvest or stand replacement fire has occurred on 85% of the BLM managed lands in the watershed. The earliest harvests on BLM managed lands have been regenerated and are progressing towards providing mature forest structure. Most of the private industrial lands have been and will continue to be moved from mid condition class to the early condition class.

There is a total of about 8,774 acres of riparian vegetation within 100 ft of stream channels in the Mill Creek - South Yamhill River Watershed; BLM manages about 3,525 acres (40%) and private landowners about 5,249 acres (60%).

Review of Aquatic Conservation Strategy Compliance:

I have reviewed this analysis and have determined that the project meets the Aquatic Conservation Strategy in the context of PCFFA IV and PCFFA II [complies with the ACS on the project (site) scale]. The following is an update of how this project complies with the four components of the Aquatic Conservation Strategy, originally documented in the EA, Section 7.0 (pg. 65). The project will comply with:

Component 1 – Riparian Reserves: by maintaining canopy cover along all streams and wetlands will protect stream bank stability and water temperature. Riparian Reserve boundaries will be established consistent with direction from the *Salem District Resource Management Plan*;

Component 2 – Key Watershed: by establishing that the Condenser Peak LSR Enhancement Project 1 is within the North Fork Siletz River/Warnicke Creek key watershed;

Component 3 –Watershed Analysis: The *Rowell, Mill and Rickreall Creek, and Luckiamute River Watershed Analysis* (1998), *Upper Siletz Watershed Analysis,* 1996; and *Upper South Yamhill Watershed Assessment* , Yamhill Basin Council, 2002 describes the events that contributed to the current condition such as early hunting/gathering by aboriginal inhabitants, mining, road building, agriculture, wildfire, and timber harvest. The following are watershed analysis findings that apply to or are components of this project:

<u>*Rowell, Mill and Rickreall Creek, and Luckiamute River Watershed Analysis*</u>

- Density management (selective thinning and possibly other treatments) in early and mid seral stands will be used where appropriate to accelerate the attainment of late-successional/old-growth forest characteristics on BLM and US Forest Service lands (p. ES-6).

- In project areas less than 110 years of age, manage tree density to increase growth and achieve structural and density diversity (SI&MR 9).

- Management activities in the Riparian Reserves should be used to promote older forest characteristics, attain ACS objectives and move the Riparian Reserves on a trajectory toward older forest characteristics (see Appendix V, "Riparian Reserve Project Design"). Desired riparian characteristics include:

  - ✓ Diverse vegetation appropriate to the water table, geomorphic land type and stream channel type,
  - ✓ Diverse age classes (multi-layered canopy),
  - ✓ Mature conifers where they have occurred in the past,
  - ✓ Dead standing/down wood,
  - ✓ Stream connected to its floodplain (floodplain inundated every 1 to 3 years),
  - ✓ Stream bank vegetation with adequate root strength to maintain bank stability (SI&MR 10).

- Accelerate, in 40 to 110 year old stands (in both riparian and upland forest habitats), the attainment of large trees with large horizontal branches in order to provide increased nesting opportunities for marbled murrelets in the shortest time possible. Beginning with the oldest stands first, locations for treatment should occur in stands as follows: those closest to Coast; then those closest to existing occupied stands; and then those closest to existing unoccupied LSOG. [Note: This recommended

action will also benefit LSOG-dependent species by accelerating the development of structural complexity and increasing the amount of it in these treated stands (SI&MR 17).

- Create Special Habitat Components (snags, CWD, wolf trees, multi-layered canopies) where and when appropriate in stands 40 to 110 years old in riparian and upland forest habitats. Inventory the existing pre- and post-treatment special habitat component conditions. In stands with an average DBHOB of 12 inches or more, use trees which are at least 12 inches in diameter to create snags, coarse down woody debris, and wolf trees if these special habitat components are lacking (SI&MR 18).

- Prioritize density management treatments in stands, including those in Riparian Reserves, to benefit wildlife and aquatic habitat. First priority targets would be the even-aged, densely-stocked stands (50 to 110 years) in the western portion of the Mill and Luckiamute subwatersheds (SI&MR 19).

Upper Siletz Watershed Analysis

- Approximately 10,470 acres of stands less than 80 years old occur on BLM managed lands. These stands and those on private lands occupy about 87% of the entire watershed, compared to an estimated 40% in pre-settlement times. Evaluate single story stands lacking structural diversity and identified as potential for density management (p. 6).

- Conifer forests older than 80 years old comprise 3.5% of the acreage within 100 feet of active streams, compared to an estimated 60% in pre-settlement times. Evaluate other projects to promote large tree development and to develop desirable vegetative structure (p. 7).

- As a result of past forest management, the timing, quantity, size of material and rate of input (water, sediment, organic material) have probably been altered in comparison to reference condition. Design new roads to reduce their width; construct new roads on ridges or flats (p. 7).

- Most of the early and mid-seral habitat is deficient in snags and large, hard woody debris based on field observations. In stands with less than 400 feet of hard, downed wood per acre, cut live conifers to create this level (p. 9).

Upper South Yamhill Watershed Assessment

- Perform density management to maintain live crown ratios and growth rates of young conifers. Areas where road closures are planned should be prioritized (p. 114).

- The purpose of no-cut vegetation buffers is to protect streams and riparian zones from any direct or indirect disturbance from logging activities, and to ensure that stream shading is not reduced. No-cut buffers should be left along all intermittent and perennial stream channels, lakes, ponds, and wetlands during ground disturbing activities such as timber harvest and road construction (p. 114).

- To increase the size and amount of large woody debris, the best areas for enhancement are those dominated by hardwoods or overstocked conifer stands (p. 115)

- Increase coarse woody debris and/or large woody debris where it is lacking by felling trees and restricting removal of down logs and snags within Riparian Reserves (p.115).

Component 4 – Watershed Restoration: by maintaining more than half of the canopy cover, implementing project design features to protect aquatic and riparian resources, and increasing structural diversity, the project will not preclude future restoration projects.

In addition I have reviewed this project against the ACS objectives at the project or site scale. Section 11.1 of the Condenser Peak LSR Enhancement EA addressed the effects on the nine aquatic conservation strategy objectives at the project level, project/site scale at the time of the original analysis. The project does not retard or prevent the attainment of Aquatic Conservation Objectives (ACSO) 1-9 (Table 15, EA pp. 76-77) because the project will:

- Enhance late-successional forest conditions and speed up attainment of these conditions across the landscape (ACSO 1);
- Maintain and restore both terrestrial and aquatic connectivity over the long-term (ACSO 2);
- Maintain the integrity of shorelines, banks and bottom configurations (ACSO 3);
- Protect stream shade within primary shade zones of streams by maintaining a canopy of greater than 70 percent (ACSO 4);
- Minimize any potential sediment from harvest and road-related activities from reaching water bodies by implementing stream protection zones and project design features. Restore the sediment regime to streams in the area through road renovation and drainage improvements on existing roads. (ACSO 5);
- Affect less than 0.4% of the forest cover in the Upper South Yamhill watershed, 0.3% of the cover in the Mill Creek watershed, and 0.5% of the cover in the Upper Siletz watershed—well below the 20% threshold for measurable effects (ACSO 6);
- Maintain groundwater levels and floodplain inundation rates through the implementation of SPZs, coupled with the relatively small percent of vegetation proposed to be removed (ACSO 7);
- Exclude from treatment areas designated as SPZs, and only the upslope portions of the Riparian Reserves will be included in the density management treatment (ACSO 8);
- Restore habitat to support well distributed riparian-dependent and riparian associated species by reducing overstocked stands, moderating tree species diversity, altering forest structural characteristics and amending CWD conditions (ACSO 9).

Unless otherwise specified, the No Action Alternative for the project would not prevent the attainment of any of the nine ACS objectives. Current conditions and trends would continue and are described in EA Section 3.2.

IV. Alternatives Considered

The EA analyzed the effects of the proposed action (Alternative 1), an alternative timber haul route (Alternative 2), and the no action alternative. The alternative timber haul route would utilize the Black Rock Mainline Road (Rd. #8-7-23) as the timber haul route.

Descriptions of Alternative 1, Alternative 2, and the no action alternative are contained in the EA, pages 18-45.

V. Decision Rationale

Considering public comment, the content of the EA and supporting project record, the management recommendations contained in the *Rowell Creek/Mill Creek/Rickreall Creek/Luckiamute River Watershed Analysis, Upper Siletz Watershed Analysis* and *Upper South Yamhill Watershed Assessment* and the management direction contained in the RMP, I have decided to implement Alternative 1, hereafter referred to as the selected action as described above. The following is my rationale for this decision.

1. The selected action:
    - Meets the purpose and need of Project 1 (EA section 3.1), as shown in *Table 1.*
    - Complies with the *Salem District Record of Decision and Resource Management Plan***,** May 1995 (RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA pp. 1 & 2).
    - The Condenser Peak LSR Enhancement Project 1 is in full and complete compliance with the 2007 *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Forest Service Land and Resource Management Plans Within the Range of the Northern Spotted Owl* (July, 2007) and *Final Supplement to the 2004 Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines*, (SEIS) June 2007. This project is in compliance with Judge Marsha Pechman's January, 2006 ruling on the 2004 Record of Decision for Survey and Manage Standards and Guidelines, as stated in Point (3) on page 14 of the January 9, 2006, Court order in Northwest Ecosystem Alliance et al. v. Rey et al.
    - Will not have significant impact on the affected elements of the environment (EA FONSI pp. ii-iv) beyond those already anticipated and addressed in the RMP EIS.
    - Has been adequately analyzed.

Table 1: Comparison of the Alternatives with Regard to the Purpose of and Need for Action (EA section 3.1)

Purpose and Need (EA section 3.1)	Alternative 1 (Proposed Action)	Alternative 2	No Action
Development of late-successional forest habitat (clumps, coarse woody debris CWD, gaps), snag creation and protection etc.	Creates patch openings with adjacent clumps of trees. Retains existing limbs on open grown trees through selective cutting of trees. Larger diameter trees felled for safety or operational reasons will be retained for CWD. Increases the quality and value of wildlife habitat.	Same as Alternative 1	Does not meet this purpose and need. Creates high level of small size CWD for the next decade or two in all stands within the project area.
Offer a marketable density management sale.	Offers approximately 8469 MBF of timber for sale through 273 acres of density management. Due to reduction in transportation costs to nearest utilization center, the selection of Fire Hall Road as the designated timber haul route could conceivably result in a net increase of $200,000.00 more than Alternative 2 to the U. S. Treasury.	Same as Alternative 1 except for moderately higher transportation costs and longer distance to nearest utilization.	Does not meet this purpose and need.
Increase structural diversity in relatively uniform conifer stands.	Reduces tree densities within stands to increase diameter growth and more open stand conditions to preserve limbs and high crown ratios. Increases species diversity and understory regeneration, shrubs, forbs etc.	Same as Alternative 1	Does not meet purpose and need. Maintains a highly dense, uniform, small diameter stand of trees with receding crown ratios, loss of limbs and loss of growth. Understory regeneration, shrubs etc. would be lacking.
Provides appropriate access for timber harvest and silvicultural practices used to meet the objectives above, while minimizing increases in road densities.	Constructs 3670 feet of new roads. Following harvest, all of the new construction will be decommissioned.	Same as Alternative 1	No change. Maintain existing road densities.
	Will implement maintenance on feeder roads, allowing for continued access.	Same as Alternative 1	Delay maintenance on feeder roads, main routes would be maintained.
Reduces environmental effects associated with existing roads within the project area	Renovates approximately 3.5 miles of existing road within the project area.	Same as Alternative 1 except selection of Black Rock Mainline Road would have a negligible effect on short term sediment entering streams.	No change. Maintain existing drainage and road surface conditions.

The No Action alternative was not selected because it does not meet the Purpose and Need directly, or delays the achievement of the Purpose and Need (EA section 3.1), as shown in *Table 1*.

VI. Public Involvement/Consultation/Coordination

Public Scoping:

- A description of the proposal was included in the December 2004, March, June and December 2005, and March, June and December 2006 Salem Bureau of Land Management Project Update which was mailed to more than 1070 individuals and organizations.

- A letter asking for scoping input on the proposal was mailed on May 19, 2005, to adjacent landowners and individuals who expressed an interest in management activities in the resource area as a whole or in this area. One response was received during the scoping period.

EA and FONSI Comment Period and Comments:

The EA and FONSI were made available for public review November 29, 2006 to December 28, 2006. The notice for public comment was published in a legal notice by the *Polk County Itemizer Observer* newspaper; and posted on the Internet under Environmental Assessments at http://www.or.blm.gov/salem/html/planning/index.htm

Two comment letters (Oregon Wild and American Forest Resource Council) were received. Responses to their comments can be found in Appendix A of the Decision Rationale.

Consultation/Coordination:

Wildlife: To address concerns for effects to federally listed wildlife species and potential modification of critical habitats, the proposed action was consulted upon with the U.S. Fish and Wildlife Service, as required under Section 7 of the ESA. Consultation for this proposed action was facilitated by its inclusion within a programmatic Biological Assessment (BA) that analyzed all projects that may modify the habitat of listed wildlife species on federal lands within the Northern Oregon Coast Range during fiscal years 2007 and 2008. The resulting Letter of Concurrence (ref# 1-7-2006-I-0190, dated October 3, 2006) concurred with the BA, that this action was not likely to adversely affect spotted owl critical habitat. This proposed action has been designed to incorporate all appropriate design standards set forth in the Biological Assessment which form the basis for compliance with the Letter of Concurrence.

Fish: Consultation with National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) is required for all actions which 'may affect' ESA listed fish species and critical habitat. The area where the proposed action is located contains tributaries to streams and rivers where Upper Willamette River (UWR) steelhead trout, UWR Chinook salmon and Oregon Coastal coho salmon are listed as threatened under the Endangered Species Act.

A determination has been made that the proposed Condenser Peak Project 1 'may affect, likely to adversely affect' UWR steelhead trout as well as its designated critical habitat. The determination is primarily due to the proposed actions timber hauling that is expected to have negative effects on several habitat indicators. Consultation was therefore initiated with NMFS in June, 2006. The NMFS returned a completed Biological Opinion (BO) with terms and conditions for project implementation and monitoring on June 6, 2008, completing the consultation process. The BO is on file at the Salem District office. The actions in this decision contribute to the 'may affect, likely to adversely affect'

determination for Upper Willamette River steelhead trout, and are bound by the BO terms and conditions.

A determination has been made that this proposed project will have 'no effect' to Spring Chinook salmon and Oregon chub. Generally, the 'no effect' determination is based on the distance upstream of project activities (approximately 65 miles) from ESA listed Chinook critical habitat and historic habitat for Oregon chub.

Oregon Coast (OC) coho salmon do not migrate past Siletz Falls, 12 miles downstream from the project area (ODFW 1997). No effects are anticipated to OC coho salmon habitat due to distance to occupied habitat.

Protection of Essential Fish Habitat (EFH) as described by the Magnuson/Stevens Fisheries Conservation and Management Act and consultation with NOAA-NMFS is required for all projects which may adversely affect EFH of Chinook and coho salmon. The proposed project may affect EFH of coho salmon due to proximity of the proposed haul route. Effects of the proposed action on EFH were assessed concurrently with the ESA consultation with NMFS.

VII. Conclusion

I have determined that change to the Finding of No Significant Impact (FONSI, January 2007) for the Condenser Peak LSR Enhancement Project 1 is not necessary because I've considered and concur with information in the EA and FONSI. The comments on the EA were reviewed and no information was provided in the comments that lead me to believe the analysis, data or conclusions are in error or that the proposed action needs to be altered. There are no significant new circumstances or facts relevant to the proposed action or associated environmental effects that were not addressed in the EA.

Protests: In accordance with Forest Management Regulations at 43 CFR 5003.2, the decision for this timber sale will not become effective or be open to formal protest 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". Protests of this sale must be filed within 15 days of the first publication of the notice. For this project, the Notice of Sale will be published in the *Polk County Itemizer Observer* newspaper on or around August 6, 2008. The planned sale date is August 27, 2008.

Contact Person: For additional information concerning this decision, contact Gary Humbard (503) 315-5981, Marys Peak Resource Area, Salem BLM, 1717 Fabry SE, Salem, Oregon 97306.

Approved by: Trish Wilson — 6/25/08

Trish Wilson
Marys Peak Resource Area Field Manager

Date

VIII. Appendix A: Response to Public Comments Received on the Condenser Peak LSR Enhancement Project 1 (EA#OR080-05-07)

Two letters were received commenting on the Condenser Peak LSR Enhancement Environmental Assessment. Although the letters communicated a number of issues and opinions on forest management in general, the response to comments below only discusses those specifically directed to the Environmental Analysis which was made available for public review from November 29, 2006 to December 28, 2006. Comments are in *italics*. The BLM response follows each comment.

Oregon Wild, Doug Heiken
Received December 22, 2006

1. *When conducting commercial thinning projects take the opportunity to implement other critical aspects of watershed restoration especially pre-commercial thinning, restoring fish passage, reducing the impacts of the road system, and treating invasive weeds.*

   Response: The EA includes a project (Project 2) to restore four small meadows by felling selected conifers. Project 3 (Coarse Woody Debris/Snag Creation) is a proposal to create down wood and snags on approximately 172 acres adjacent to the proposed density management area for terrestrial habitat improvement. The EA also includes project design features (Project 1) to reduce adverse impacts to aquatic resources caused by an existing road system.

2. *Focus on treating the youngest stands that are most "plastic" and amenable to restoration.*

   Response: The stands range in age from 50 to 54 years of age and consist of Douglas-fir and western hemlock dominated forest where density management type projects typically occur.

3. *Generally retain all the largest trees, then "free thin from below" retaining some smaller trees in all age-size classes. Retain and protect under-represented conifer and non-conifer trees and shrubs*.

   Response: Vertical diversity will be achieved over the long-term by planting conifers in the patch openings and openings with lower basal areas. Although we are primarily thinning from below, the marking guide calls for leaving healthy intermediate trees in place of dominant ones, recognizing that there will be few of them.

   As stated in the EA (pg. 12) "except in yarding corridors/skid trails and patch cuts, species diversity would be maintained by reserving all trees (merchantable and non merchantable) other than Douglas fir, western hemlock and noble fir.

4. *Strive for a variable density outcome. Use skips and gaps within units to help achieve diversity. Gaps should not be clearcut but rather should retain some residual structure in the form of live or dead trees. Variability should be implemented at numerous scales ranging from small to large.*

   Response: We plan (within our operational constraints) to achieve variable density in the projects' treatments, and believe that the prescription will accomplish that. We plan to create

canopy gaps over the project area which will equal approximately 5 percent of the overall stand, and also plan to leave small unthinned areas (clumps). Fourteen patch cuts averaging approximately one acre in size would be created within the density management areas by cutting most trees. All patch cuts located within 100 feet of streams will be less than ¼ acre in size. Trees will be left in clumps near or adjacent to some patch cuts.

Between the gaps, we plan to mark the project in a range of basal areas. We will also reserve all species other than Douglas-fir and western hemlock to give the stands additional spacing variability.

5. *Retain abundant snags and coarse wood both distributed and in clumps so that thinning mimics natural disturbance. Retention of dead wood should generally be proportional to the intensity of the thinning, e.g., heavy thinning should leave behind more snags not less. Retain wildlife trees such as hollows, forked tops, broken tops, leaning trees, etc.*

Response: As stated in the EA (pg. 13), "All existing snags and coarse woody debris would be reserved, except where they pose a safety risk or affect access and operability. Any snags or logs felled or moved for these purposes would remain on site within the project area".

In addition, "at least 2 green trees/acre intended to be part of the residual stand would be felled/girdled/topped to function as coarse woody debris (CWD) at the completion of harvest operations. Trees to be utilized for CWD creation would be approximately the stand average diameter or larger. Incidentally felled trees or topped trees (i.e. tail trees, intermediate supports, guyline anchors, hang-ups, etc.) that are left by harvest operations would be counted toward this target. If such incidentally felled trees are removed/sold, additional trees would be felled/girdled/topped to meet this target on a per treatment unit basis" (EA pg.13).

6. *Thin heavy enough to stimulate development of understory vegetation, but don't thin too heavy. Recognize that thinning captures mortality and that plantation stands are already lacking critical values from dead wood due to the unnatural stand history of all clearcut and planted stands***.**

Response: A silviculture prescription is a compromise between heavy enough treatment and too much to reach future objectives. The proposed thinning levels and gaps will provide for light to stimulate understory development. As mentioned above, the designated trees in the 14 gaps will provide for snags and down wood in the stand. In addition, the logging operation and future wind events will provide additional snags and down wood in the future.

7. *If using whole tree yarding or yarding with tops attached to control fuels, the agency should top a portion of the trees and leave the greens in the forest in order to retain nutrients on site.*

Response: There is no requirement to utilize whole tree yarding or yarding with tops attached within the EA. Historically, the majority of BLM timber sale purchasers have chosen not to utilize whole tree yarding when using skyline and ground based yarding systems within density management treatments (which Condenser Peak LSR Project 1 entails).

On a typical Marys Peak Resource Area thinning timber sale, tail and lift trees are needed to obtain one-end suspension during skyline yarding. These trees are topped with the top of the tree

left in the forest that provides terrestrial habitat along with a variety of other uses with the remaining standing stem providing future snag habitat.

8. *Avoid impacts to raptor nests and enhance habitat for diverse prey species.*

Response: As stated in the EA (pg. 82) "mark trees with complex structures (forked, broken/missing top, dead top, and otherwise weird looking trees) and leave them clumped with other marked trees where possible".

The long-term impact of density management on spotted owl habitat will be positive as it will develop into suitable nesting/foraging/roosting habitat sooner then if left untreated and the project will have long-term positive effects by accelerating the time it will take for these stands to develop into suitable nesting habitat for spotted owls and marbled murellets.

9. *Take proactive steps to avoid the spread of noxious weeds. Use canopy cover to suppress weeds.*

Response: Any adverse effects from non-native plants infestations within or near the project area are not anticipated and the risk rating for the long-term establishment of noxious weed species and consequences of adverse effects on this project area is low because; 1) the implementation of the Marys Peak integrated non-native plant management plan allows for early detection and rapid response of non-native plant species, 2) the known noxious weeds in the project area are regionally abundant, and 3) in western Oregon, many common and widespread non-native species often persist for several years after timber harvest but soon decline as native vegetation increases within the project areas. In addition, all road construction and road maintenance areas will be monitored for non-native species. Monitoring newly constructed roads will provide for early detection and allow for a rapid response to remove any non-native species of concern.

One of the goals of implementing this project is to allow for the creation of multi-layered stands, increase secondary growth in reserved trees and promote diversity to shrub and forb species. If we maintain a high percentage canopy cover we may be able to suppress some non-native weeds, but will also reduce seed germination and seedling growth of native vegetation and will not be able to accomplish biodiversity goals that will be accomplished through the implementation of this project. The implementation of the Mary Peak integrated non-native management plan is our best defense against any infestation of non-native plants within and adjacent to the project areas.

10. *Buffer streams from the effects of heavy equipment and loss of bank trees and trees that shade streams. Mitigate for the loss of LWD input by retaining extra snags and wood in riparian areas. Recognize that thinning captures mortality that is not necessarily compensated by future growth.*

Response: The EA (pg. 12) includes design features that will protect streams from the effects of equipment or loss of bank trees by implementing **s**tream protection zones (SPZs) where no cutting will be permitted along all streams and identified wet areas within the harvest area. These zones will be a minimum of approximately 50 feet from the high water mark. To protect water quality, all trees within one tree height of SPZs will be felled away from streams. Where a cut tree does fall within a SPZ, the portion of the tree within the SPZ will remain in place. No yarding will be permitted in or through any SPZs within the harvest area.

The EA (pg. 32) states "increases in stream temperature as a result of timber removal are also

unlikely; the no-treatment zones along all surface waters should maintain adequate shading, where it exists. The primary shade zone along all streams would remain essentially intact, with the possible exception of the two streams draining the western boundary of Unit 14B to reconstruct a skid trail. The number of trees that would be removed for the skid trail would be small (less than 10) and unlikely to measurably increase stream temperatures".

As noted in response # 5, all existing snags and CWD will be reserved, except where they pose a safety risk or affect access and operability. Any snags or logs felled or moved for these purposes will remain on site within the project area. We believe the design features for the protection of existing down logs and snags as stated in the EA provides the necessary protection for these resources and removes any incentive for needlessly felling or removing them.

The Marys Peak RA has enhanced recently harvested density management projects by creating snags and CWD (girdling/falling/leaving average stand diameter reserve trees); falling and leaving on site trees that are encroaching on and ultimately impeding the survival of the live crowns of old growth trees and by falling trees into live streams for LWD enhancement purposes. Approximately $40,000/year will be spent on these types of habitat enhancement projects in Fiscal Year 2008.

The Marys Peak RA collected pre harvest (2000) and post harvest (2003) snag and CWD data within a LSR enhancement project (Crooked Alder) to determine the effectiveness of CWD enhancement in conjunction with the timber sale contract requirements. The data indicates that overall, the volume of CWD increased from 244 cu/ft/ac to 3,164 cu/ft/ac and the number of pieces of CWD increased from 7.5 pieces/ac to 120 pieces/ac.

11. *Where road building is necessary, ensure that the realized restoration benefits far outweigh the adverse impacts of the road.*

Response: The majority of the new construction consists of relatively short spur roads and they will provide the ability to treat an appropriate amount of area. The following table includes the length of each new road to be constructed and the number of acres accessed by each road and then computed the cost:benefit ratio of the number of acres treated per mile of road construction.

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Road #	Primary Road Work	Miles	Associated Unit Acres	Acres of Unit/Mile of Road
P1	New	0.40	55	137
P2	New	0.30	23	77
P3	New	0.04	11	275

American Forest Resource Council, Jacob Groves
February 28, 2007

1. **Comment:** *"The AFRC would like to see all timber sales be economically viable."*

   Response: Economic feasibility is one of the many factors taken into account when offering a timber sale. Road work costs, yarding costs and other incidental costs versus the acreage and volume taken are calculated and an Interdisciplinary Team of specialists including those in EA Section 8.0, Table 14, come to a consensus on what alternative to pursue for analysis. Alternatives

2. **Comment**: *The AFRC supports the proposed action since it utilizes appropriate harvesting systems, road construction, reconstruction and renovation that will help offer the project as a viable timber sale.*

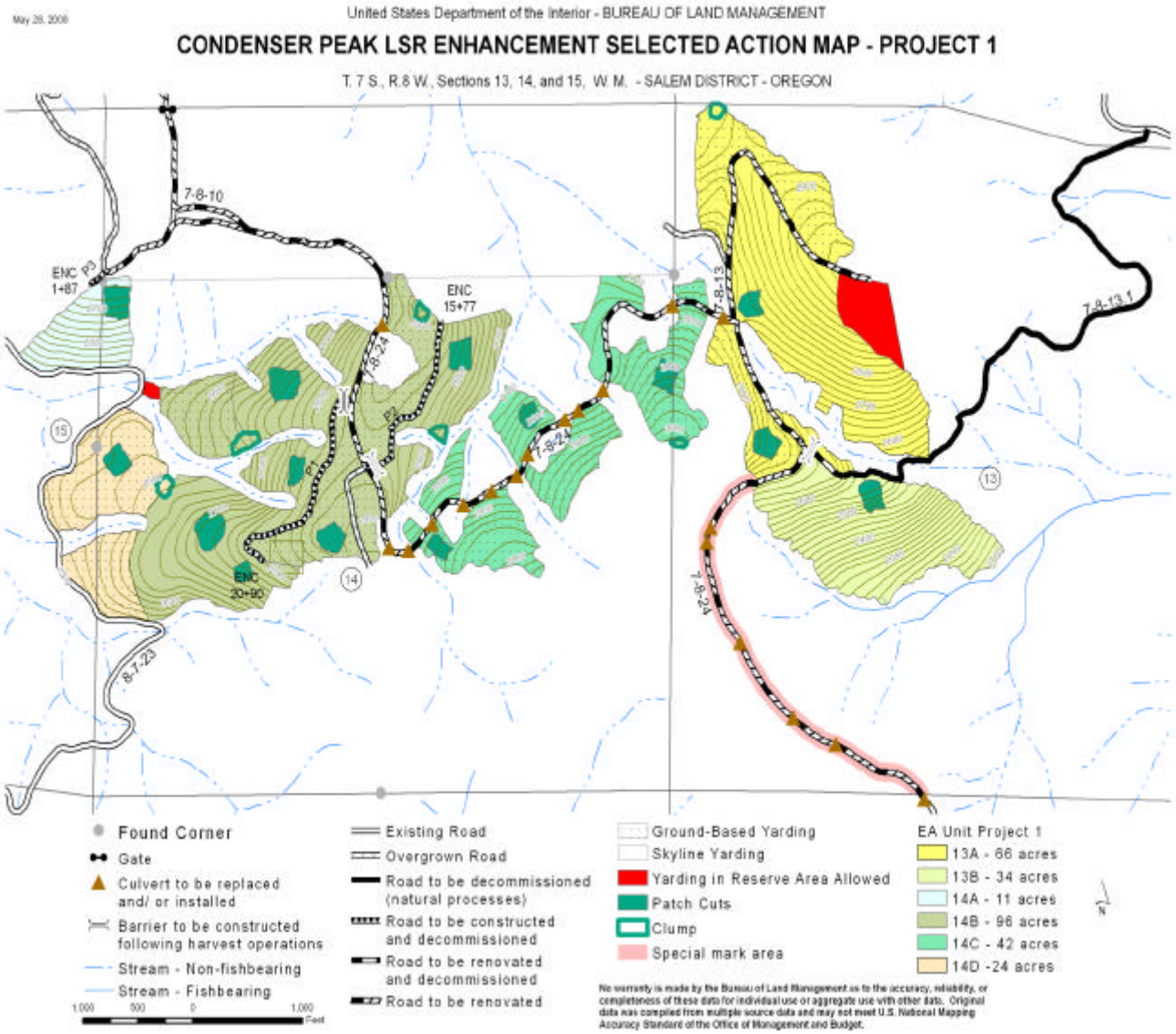
   Response: The BLM chose the proposed action after considering an array of harvesting systems in conjunction with road construction, reconstruction and renovation and then assessed the environmental effects versus the benefit of the road work.

3. **Comment**: *The AFRC would like to see BLM offer sales that allow winter harvesting on improved roads as loggers need winter work and the mills need winter wood making this a big bidding issue for potential purchasers.*

   Response: To protect ESA habitat and EFH for UWR winter steelhead, the Condenser Peak LSR Enhancement Project 1 will allow timber hauling only during periods of low precipitation (generally May 1-October 31).

4. **Comment**: *The AFRC would like to voice support for thinning treatments in the riparian areas. By utilizing small buffers (25-60 feet) to maintain stream temperatures, the BLM can achieve moving the stands toward LSF habitat while harvesting more volume thus reducing unit cost.*

   Response: The width of the no cut buffers for this project is 50 feet which falls into the desired range that you indicated you would like to see thinning occur. The primary shade zone (USDI 2005) width is determined by the existing height of the riparian trees and the slope of the ground in the unit. This distance ranges from 50 to 60 feet slope distance.


May 28, 2008
United States Department of the Interior - BUREAU OF LAND MANAGEMENT
CONDENSER PEAK LSR ENHANCEMENT SELECTED ACTION MAP - PROJECT 1
T. 7 S., R.8 W., Sections 13, 14, and 15, W. M. - SALEM DISTRICT - OREGON
7-8-10
ENC P3
1+87
ENC
15+77
7-8-13
7-8-13.1
7-8-24
7-8-24.1
P1
P2
ENC
30+90
8-7-23
15
14
13
Found Corner
Gate
Culvert to be replaced and/ or installed
Barrier to be constructed following harvest operations
Stream - Non-fishbearing
Stream - Fishbearing
1,000 500 0 1,000 Feet
Existing Road
Overgrown Road
Road to be decommissioned (natural processes)
Road to be constructed and decommissioned
Road to be renovated and decommissioned
Road to be renovated
Ground-Based Yarding
Skyline Yarding
Yarding in Reserve Area Allowed
Patch Cuts
Clump
Special mark area
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data was compiled from multiple source data and may not meet U.S. National Mapping Accuracy Standard of the Office of Management and Budget.
EA Unit Project 1
13A - 66 acres
13B - 34 acres
14A - 11 acres
14B - 96 acres
14C - 42 acres
14D -24 acres
N