



# United States Department of the Interior



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IN REPLY REFER TO  
5400 (014)

DATE:  
November 2, 2007

**DECISION RECORD  
FOR  
Upper Spencer Creek EA No. OR 014-03-03  
PROJECT: Buck 15 Timber Sale**

## **INTRODUCTION**

The effects of the Buck 15 Timber Sale are analyzed in the Upper Spencer Creek Environmental Assessment (EA), (EA# OR014-03-03). The Upper Spencer Creek EA analyzed several proposed timber sales including Surveyor and Buck Again Timber Sales. The Buck Again Timber Sale has subsequently been split up into three separate sales, the Buck 13, 15 and 23 timber sales. This Decision Record applies only to the Buck 15 Timber Sale as part of the proposed action in the Upper Spencer Creek EA. The Buck 15 Timber Sale is scheduled to be sold in November of 2007.

Further activities proposed under the Upper Spencer Creek EA that could be implemented in the future include: additional timber sales, additional restoration treatments, fuels treatments, planting of conifer seedlings and prescribed fire.

The Klamath Falls Resource Area (KFRA) interdisciplinary team designed and analyzed the impacts of the Upper Spencer Creek EA based on: (a) current resource conditions in the project area, (b) the results of monitoring the previous decade of timber harvest activities, and (c) meeting the objectives and direction of the KFRA Resource Management Plan (RMP). The proposals presented and evaluated in the Upper Spencer Creek EA reflect what the interdisciplinary team determined to be the best balance and integration of resource conditions, resource potentials, competing management objectives, expressed interests of the various publics that commented, and the concerns of surrounding communities.

## **DECISION**

It is my decision to implement the Proposed Action in the Upper Spencer Creek EA. As part of this action, Best Management Practices (BMPs) in Appendix D of the Klamath Falls Record of Decision and Resource Area Resource Management Plan (ROD/RMP) and the Project Design Features in Appendix B of the EA will be applied. The approved action will result in the implementation of the Buck 15 Timber Sale within the analysis area. Specifically, this decision will result in:

Commercial timber harvest in Sections 14 and 15 of Township 38 south, Range 5 east, W. M. Approximately 2.9 million board feet of timber will be harvested from approximately 467 acres of matrix lands.

The general Silvicultural prescription will consist of Density Management in Matrix lands. The Klamath Falls Resource Area density management prescriptions are designed to meet the purpose and need of the EA, remove forest products, improve forest health, and reduce hazardous fuels and associated risk of high severity wildfires. They are also designed to reserve an array of stand stocking levels, tree sizes and forest structure and maintain and enhance the existing ecological functions of the stand including wildlife habitat. Management actions planned under this Decision Record include:

#### Matrix Lands:

- approximately 445 acres of Density Management
- approximately 5 acres of patch cuts
- approximately 17 acres of Regeneration Harvest (root rot center)

#### Riparian Reserve Vegetation Treatments:

- Streams have been buffered and will be protected as described in Appendix B of the Upper Spencer EA and the BMPs in Appendix D of the KFRA ROD/RMP.
- The objectives of the Aquatic Conservation Strategy (ACS) will be met with implementation of the PDFs and BMPs.
- no timber harvest in the riparian reserves is planned under the Buck 15 Timber Sale.

#### Road Treatments:

- Road improvement (resurfacing) – 390 cubic yards gravel
- Renovation (grading & brushing – road maintenance) – Approximately 4.4 miles
- Road closures (Blocking) – approximately .3 miles
- Roads Fully Decommissioned – none
- Temporary Spur Road Construction – none
- Permanent New Road Construction – Approximately 320 feet
- Reduction of Open Roads – Approximately .5 miles

#### Wildlife Protection:

- Northern Spotted Owl - The Density Management silvicultural prescription for the sale area will retain relatively high average stocking levels of 120 to 160 square feet of basal area (BA) per acre. Variable Density Management will result in stocking levels varying above and below the average. The higher average BA is being retained to promote/retain NSO habitat features.
- A bald eagle nest adjacent to Section 14 will require seasonal restrictions on harvest activities. Activities will be restricted within ¼ mile of the nest site from January 1 through August 15 if the eagles are present. The harvest prescription in the area of the eagle nest tree is designed to maintain bald eagle nesting habitat and promote large tree development for future bald eagle nesting habitat.
- Special Status and Threatened and Endangered Species – The management actions/directions as described on pages 38 & 39 of the RMP will be applied.

#### Fuels Treatments:

- yarding of all material designated for harvest
- lop and scatter of residual fuel concentrations in cutting units

- piling of any residual fuel concentrations in cutting units and at landings
- chipping or other utilization of residual piles and cull decks if feasible
- burning of piled residual fuel concentrations and cull decks if not utilized

Within the Timber Sale Contract Area of The Buck 15 Timber Sale, significant road treatments were implemented under a previous Upper Spencer Creek EA Decision. The Upper Spencer Creek Watershed Restoration Treatments Project was implemented in the summer of 2005 when the following actions were taken regarding roads in the Buck 15 Timber Sale area:

- approximately 1.1 miles of road obliteration/decommissioning
- approximately .6 miles of road closures
- approximately .5 miles of road improvements
- approximately .2 miles of new construction (to move roads out of riparian reserves)
- removal of 2 culverts
- removal of one low water crossing
- installation of 2 road closures

The use of prescribed fire for underburning, although not part of this Decision Record, is not precluded by this action. Prescribed fire treatments are included in the Upper Spencer Creek EA analysis and may be implemented in the Upper Spencer Creek EA analysis area under future federal land management actions.

### **Monitoring**

The KFRA ROD/RMP (Appendix K) requires that at least twenty percent of the timber sales, silviculture projects, or other ground disturbing activities be monitored annually. The KFRA has issued an Annual Program Summary (APS) and Monitoring Report on a yearly basis since the signing of the Resource Management Plan in 1995. The Annual Program Summary documents the results of annual timber sale monitoring as well as on-going monitoring of other resources. The 2006 Annual Program Summary and Monitoring Report, Table 19-5 on page 36, lists all the sales that have been sold and those that have been monitored to date under the KFRA Resource Management Plan. Monitoring related to timber harvesting has included determining soil effects, stand attribute changes (basal area, trees per acre, species composition, structure, etc.), numbers and spacing of skid trails, coarse woody debris and snag requirement compliance, establishment and adherence to riparian reserve buffers, threatened and endangered species buffers, cultural resources buffers, and seasonal use restrictions. The Buck 15 Timber Sale may have some or all of these attributes monitored.

### **Surveys**

All required surveys for Wildlife, Cultural, Botanical, and Survey and Manage resources have been completed:

- A bald eagle nest is located on adjacent National Forest Lands. The nest is located immediately adjacent to BLM property boundary. The nest is monitored annually for occupation and reproduction.
- Special Status species surveys were completed for the Buck 15 Timber Sale. No S&M vascular plants, great gray owls or mollusks were detected within the project area (see attached S&M compliance form). No protection buffer fungi species are known to

occur within the project area. Two night time detections of northern spotted owls occurred during spotted owl surveys in 2007 in and adjacent to section 15. A five-year radio telemetry study has also shown use of this area by northern spotted and barred owls. Northern goshawk surveys were conducted in the project area. No northern goshawks were detected.

- Required cultural resource surveys are completed. The project area was covered by two cultural surveys. One was conducted in 1991 and the other in 1996 (OR014-CRR-FY91-006 and OR104-CRR-FY96-006). No cultural resources were located during the surveys. It should be noted that these cultural surveys used only surface survey methods, thus buried materials may become exposed during project activities. If new cultural materials are encountered during project activities, then all work shall stop and the Klamath Falls Resource Area Manager will be notified immediately.

### **Mitigation**

The Project Design Features (PDFs) and Best Management Practices (BMPs) described in Appendix B of the Upper Spencer Creek EA and the BMPs in Appendix D of the KFRA ROD/RMP that pertain to timber harvesting and affected resources will be implemented. No additional mitigation measures were deemed necessary.

### **Resources Not Present**

The following resources are not present within the proposed Buck 15 Timber Sale Area: prime and unique farmlands, mining claims, paleontological resources, hazardous materials, roadless areas, wilderness areas, and wilderness study areas.

### **Environmental Consequences**

Implementation of the proposed action is consistent with the effects analyzed for the Upper Spencer Creek EA and the KFRA RMP EIS. The PDFs and BMPs from the Upper Spencer Creek EA and the BMPs from the KFRA ROD/RMP will minimize the effects to the affected resources and result in no effects that are greater than those described in the EA and the KFRA RMP EIS.

## **RATIONALE FOR SELECTION OF PROPOSED ACTION**

The decision to implement the Proposed Action meets the Purpose and Need for Action identified in the Upper Spencer Creek EA (page 6) and furthers the intent established in the RMP to harvest timber and protect other resource values.

Alternative 2, the No Action Alternative (pages 9-11) is rejected because it does not meet the resource management objectives for the Matrix Land Use Allocation as identified in the Klamath Falls RMP and the Northwest Forest Plan (NWFP) (*Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl*, 1994). Beneficial economic opportunities from timber harvesting would be foregone and no thinning or fuel reduction benefits would be realized.

Another Alternative reviewed but dropped from consideration (see EA page 9) was the Salvage Only Alternative. This alternative was rejected because it would not meet one or more parts of the Purpose and Need for Action section of the EA. The Salvage Only Alternative would not address the need to reduce the density of overstocked forested areas to improve forest health, stand resiliency, and growth. Salvage Only Alternative would also not contribute to reducing fuel loads to reduce the potential for severe wildfires and would contribute only minimally to the maintenance of a stable timber supply as required in the KFRA/RMP. Finally, this alternative would do little to improve visual resources, hydrological functions or road systems in the analysis area.

Alternative 3, The Fuels and Restoration Treatments Only Alternative, which consists primarily of treatment with prescribed fire and hand or mechanical treatment of submerchantable size trees, would accomplish some thinning and fuels reduction. However, the thinning with fire could be poorly controlled and would likely cause significant mortality to smaller diameter (6" to 16" DBH) white fir and ponderosa pines stands. In addition, no trees would be harvested and no timber would be provided to support local economies as required in the KFRA/RMP. Therefore, the Fuels and Restoration Treatments Only Alternative was rejected.

## **CONSULTATION AND COORDINATION**

Consultation with U.S. Fish and Wildlife Service (FWS) as required under Section 7 of the Endangered Species Act (as amended) was completed for the proposed timber sale in June of 2003 (Upper Spencer Creek Projects 1-10-03-F-141) that covered several timber sales including the Buck Again sale. One timber sale (Surveyor Mountain) was completed under this consultation. This Biological Opinion would expire in January of 2008 before implementation of the Buck Again Timber Sale. The Buck Again Sale was subsequently split into three separate timber sales including Buck 13, 15 and 23. Therefore a new consultation was initiated for the Buck Again Sale Area, including the Buck 15 Timber Sale. A Biological Assessment dated August 28, 2007 addressed the Buck Again timber sales as proposed in the Upper Spencer Creek and draft Buck 13 timber sale environmental assessments. For the Buck Again Sale Area (Buck 13, 15 and 23) a determination of "May Affect, Likely to Adversely to Affect" was made for the Northern Spotted Owl and Northern Spotted Owl Critical Habitat. A "No Effect" determination was made for all other listed species. A Biological Opinion dated November 2, 2007 was issued by the FWS that concurred with the BLM determination. The FWS determined that the implementation of the Buck 13, 15 and 23 timber sales would not jeopardize the existence of the Northern Spotted Owl and would not Destroy or Adversely Modify Critical Habitat. Incidental Take for these three timber sales was authorized by the FWS for up to three pair of Northern Spotted Owls. Incidental take for the Buck 15 Timber Sale was authorized by the FWS for up to one pair of Northern Spotted Owls.

## **PUBLIC INVOLVEMENT**

The KFRA requested public comments on the Upper Spencer Creek EA in a scoping letter dated April 3, 2001. The scoping letter was mailed to approximately 150 individuals and groups on the KFRA EA mailing list. That letter explained the project proposal and asked the general public

for comments. The resource area received two responses. One respondent specifically addressed some treatments within Late-Successional Reserve, Riparian Reserve and Matrix land allocations. Another respondent did not address any of the specifics, but wished to be notified of future NEPA scoping documents.

On April 4, 2003, a notice of availability for the Upper Spencer Creek EA was mailed to the KFRA EA mailing list. The notice requested review and comments on the Upper Spencer Creek EA. On April 4, 2004 a notice of availability for the Upper Spencer Creek Ea was published in the Herald and News (Klamath Falls, Oregon Newspaper). One comment letter was received during the formal thirty (30) day public EA comment period. Following are responses to relevant issues raised in both the initial public scoping and EA comment periods and by KFRA staff:

### **Roads**

Comments: *No timber harvest should take place in uninventoried roadless areas.*

Response: None of the timber harvest activities planned under the Upper Spencer Creek EA will occur in uninventoried roadless areas (see attached Exhibit A Map). Sections 14 and 15 have existing road access to all portions of the contract area.

Comments: *Adverse impacts from roads to streams, aquatic resources, imperiled salmonids, soils, wildlife, hydrology, vegetation, noxious weeds, tree growth, and increased spreading of diseases should be addressed. Soil erosion and compaction from roads causes long-term loss of soil productivity. Roads cause long term negative impacts on a variety of aquatic biota, including imperiled salmonids.*

Response: The Upper Spencer Creek EA is tiered to the KFRA ROD/RMP which addresses and analyzes in detail, road use, construction, specifications and associated impacts (pages 71-73 and Appendix D, D13-D21). In addition, the EA addresses road-related environmental effects to the above resources (pages 15-17 and 21 and 25). Page 46 (Table 24.1) of the 2005 Klamath Falls Resource Area Annual Program and Monitoring Report summarizes the road and transportation management progress in the KFRA since 1995 when the RMP was signed. There has been a net decrease in permanent existing roads and open roads in the KFRA since 1995 resulting in beneficial effects to wildlife and hydrological resources. Fewer roads and fewer open roads generally results in decreased potential for sediment to be delivered to streams, decreased potential for water quality to be degraded and decreased potential for wildlife to be disturbed. Another Decision Record under the Upper Spencer Creek EA, The Upper Spencer Creek Watershed Restoration Treatments, was implemented during the summer of 2005. That project included the following road work in the contract area of the Buck 15 Timber Sale:

- approximately 1.1 miles of road obliteration/decommissioning
- approximately .6 miles of road closures
- approximately .5 miles of road improvements
- approximately .2 miles of new construction (to move roads out of riparian reserves)
- removal of 2 culverts
- removal of one low water crossing
- installation of 2 road closures

The Buck 15 Timber Sale includes new construction of approximately .06 miles (320 feet) of permanent road needed in order to complete the closure and/or full decommissioning of approximately 1.7 miles of existing roads under the Upper Spencer Watershed Treatments

project. The roads were decommissioned and/or relocated in order to reduce overall road densities and road impacts to riparian reserves. The .06 miles of new construction is needed to access roads that were moved out of riparian reserves and to straighten corners and junctions of existing roads.

### **Riparian Reserves/Water Quality**

Comments: *The analysis fails to disclose aquatic effects of log hauling, yarding across streams and logging in riparian reserves.*

Response: All riparian reserves in the Buck 15 Timber Sale area are buffered as described in the Best Management Practices and Project Design Features (see Appendix B of The Upper Spencer Creek EA). No timber harvest or yarding is planned within riparian reserves under the Buck 15 Timber Sale.

Comments: *The proposed action is contrary to the requirements of Aquatic Conservation Strategy. The cumulative impacts section is inadequate.*

Response: Pages 24-27 of the EA discusses the hydrologic and water quality effects of the proposed action. Based on soils, topography, elevation, and the relative position in the watershed where actions will occur, the EA concludes that the combination of harvest activities and watershed restoration actions will result in “maintaining and restoring hydrologic conditions in the watershed.” Further, road related work will “...reduce road-related runoff and peak flows, and help attain ACS objectives...”

The Proposed Action is consistent with the objectives for Riparian Reserves and the Aquatic Conservation Strategy (ACS) in the KFRA RMP and would not prevent or retard attainment of any of the ACS objectives in the long term (RMP, pages 7-8).

1. The Proposed Action would maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations, and communities are uniquely adapted.
2. The Proposed Action would maintain the existing spatial and temporal connectivity within and between the Spencer Creek and Klamath River - JC Boyle Watersheds.
3. The Proposed Action would maintain and restore the physical integrity of the aquatic system.
4. The Proposed Action would maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems.
5. The Proposed Action would maintain and restore the sediment regime under which this aquatic ecosystem evolved.
6. The Proposed Action would have no measurable effect on in-stream flows.
7. The Proposed Action would maintain the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.
8. The Proposed Action would maintain and restore species composition and structural diversity of plant communities in riparian areas and wetlands.

### **Vegetation**

Comment: *Do not harvest large overstory trees.*

Response: The KFRA ROD/RMP (page E-3) specifies that “...trees in all size classes are eligible for thinning in order to reduce stocking to site capacity.” The KFRA monitors stand structure and forest conditions on an annual basis (see 2004 Annual Program Summary and

Monitoring Report pages 88-92 and 2006 APS pages 84 to 89). The general Density Management prescriptions implemented on the KFRA are designed to harvest mostly smaller and mid diameter trees while protecting and maintaining most of the larger trees. According to marking and cruise data, the bulk (85%) of the trees designated for harvest under the Buck 15 Timber Sale, are 20 inches DBH and smaller. The average diameter of the timber stands within the Buck 15 Timber Sale will increase following harvest. While retaining all large trees may be desirable to some of the public, there is no basis for an arbitrary tree diameter limit for this project. Stand diversity has been maintained in similar previous projects as verified by monitoring (refer to Annual Program Summaries). Wildlife habitat and stand diversity is expected to be retained with this project as well. Therefore, the KFRA sees no need to modify its prescription to limit harvesting to certain diameters when current prescriptions are meeting the multiple RMP objectives for Matrix lands and the purpose and need of the EA.

Comment: *Retain all large snags for wildlife and soil and watershed benefits.*

Response: As described in the EA (Appendix B, 5.1), a minimum of 2.5 snags per acre would be retained (where available) to meet the 60% optimum cavity nesting habitat in project areas and to meet snag requirements from 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 (2001 ROD) for white headed woodpeckers, black backed woodpeckers, pygmy nuthatches and flammulated owls (pages 33-34 2001 ROD). In addition, because Buck 15 is primarily a density management harvest where approximately 25% the trees (by basal area) are removed, mostly from the smaller diameter classes, there is expected to be sufficient recruitment trees available to meet future snag and down woody debris requirements, therefore negating the need to retain all large snags. However, no existing snags were designated for harvest during sale preparation. Only existing snags that present a hazard to logging operations or public use will be designated to cut in the Buck 15 Timber Sale during the administration of the timber sale contract. These include snags immediately adjacent to landings and main public roads. Any other snags that are designated for cutting are trees that were marked to cut when they were alive and have subsequently died. In addition, no snags are designated for harvest/removal in the riparian reserves.

Comment: *The BLM states without analysis that the proposed project would not violate the Northwest Forest Plan requirements to maintain at least 15% of the watershed in a late successional condition.*

Response: The NWFP standard states that 15% of the federal lands in a fifth field watershed must remain in late successional habitat. The standard is to not reduce the Late Successional Habitat below this threshold on federal lands. The Buck 15 Timber Sale will not reduce the amount of Late Successional Habitat in the fifth field watershed below that level. On page 14, the Upper Spencer Creek EA states that within the EA analysis area, approximately 35% of the existing late successional forests are located within federally reserved land allocations. None of the federal reserves are available for timber harvest. Therefore, the 15% threshold cannot be reached under the Buck 15 Timber Sale or cumulatively except in the case of a catastrophic event such as a stand replacing wildfire. In addition, the uneven-aged/density management silvicultural prescriptions adopted in the Klamath Falls Resource Area RMP are designed to maintain the structural and functional late-successional characteristics in those stands proposed for treatment. Therefore, the proposed treatments are expected to result in minor reductions of



late-successional habitat within the Buck 15 analysis area and no significant impacts are expected beyond those analyzed in the RMP

Comment: *Thinning should be done at variable densities and carefully.*

Response: The KFRA implements silvicultural prescriptions that result in variable stand densities. A typical density management unit may contain a patch cut, stands with a residual density of 60 to 100 square feet of basal area per acre, stands with a residual density of 120 to 180 square feet of basal area per acre, and thermal clumps where no harvest is implemented. The residual density of the Buck 15 Timber Sale in Density Management areas is expected to vary from a basal area of 60 to 200 square feet per acre to untreated thermal clumps and reserve areas to regeneration and patch cuts where 16 to 25 of the largest green trees are retained. The 2005 Annual Program Summary and Monitoring Report (page 90) shows a summary of a similar timber sales post treatment attributes that includes canopy closure, basal area, trees per acre, tree sizes, fuel loading, coarse woody debris data, and snag data. The summary shows stand data indicating that the residual stand contains a considerable amount of variation thereby validating that Density Management results in retention of variable stand densities.

## **NEPA**

Comments: *The FONSI was signed before the BLM solicited or considered public comment.*

Response: The KFRA mailed approximately 150 EA public scoping letters on April 3, 2001 to the persons and organizations on our EA mailing list. That letter explained the project proposal and asked the general public for comments. In addition, On April 4, 2003, a notice of availability for the Upper Spencer Creek EA was again mailed to the KFRA EA mailing list. The notice requested review and comments on the Upper Spencer Creek EA. Finally, on April 4, 2003 a notice of availability for the Upper Spencer Creek EA was published in the Herald and News (Klamath Falls, Oregon Newspaper).

Comments: *The FONSI is erroneous because it didn't consider cumulative watershed impacts, soil impacts, critical habitat, riparian reserves and critical areas such as old-growth areas and it includes inadequate analysis of past, present and foreseeable cumulative effects to multiple resources (soils, hydrology, and wildlife) including private logging and treatments.*

Response: Scoping for this project identified resources to analyze, compare, or describe the environmental effects of the proposed actions for illuminating or predicting the potential effects. No critical issues were identified during scoping that were not subsequently analyzed in the EA. The Upper Spencer Creek EA tiers to the analysis of timber management actions performed for the KFRA RMP EIS. In addition, the Upper Spencer Creek EA analyzed specific actions related to the proposed Buck 15 Timber Sale. The EA addressed direct, indirect, and cumulative effects of each action associated with the proposed timber sale to soils, wildlife, vegetation, hydrology, and other resources.

Although other actions will occur on BLM land within the watershed, the effects of the Buck 15 Timber Sale, when added to other past, present and these reasonably foreseeable actions do not result in any significant environmental effects. This is true, especially in light of the fact that the applicable Best Management Practices in the ROD/RMP and the Project Design Features provided in Appendix B of the EA will be implemented to protect resources and minimize potential environmental effects.

The analysis for the RMP EIS assumed that all adjacent forested private land would be reduced to early seral condition. As a result, the Upper Spencer Creek EA analysis of cumulative effects was based on that “reasonably foreseeable action” and the BLM has no basis for changing the assumption made for the RMP EIS. Therefore, the analysis in the EA which is tiered to the analysis for the RMP EIS is sufficient.

### **Fish & Wildlife**

Comments: *The BLM needs to conduct Site-specific wildlife and survey and manage species reviews. Surveys need to be completed before the project is designed.*

Response: Pages 14-22 and 29-30 of the EA discuss the current situation and effects of the proposed action to wildlife and aquatic species including special status species. Field reviews of each unit and review of geographical information system data was performed for this analysis. Surveys were performed according to standard BLM survey protocols and methodologies for great grey owls, northern spotted owls, goshawks, and survey and manage species.

Comments: *The EA relies on illegal lynx mapping.*

Response: The BLM completed a lynx analysis in 1999 and determined no lynx habitat occurred on the Lakeview District, Klamath Falls Resource Area BLM. Surveys were also completed for forest carnivores, including the Canada lynx, within the timber sale area in 1998, 1999, and 2000. No Canada lynx were documented during those surveys.

### **Northern Spotted Owls**

Comments: *According to the EA, there would be no negative effects to the owls due to logging. The project will adversely affect NSO habitat. The EA says that it is OK to destroy critical habitat.*

Response: The project will adversely affect the northern spotted owl and designated critical habitat. Section 07 consultation was completed with the U.S. Fish and Wildlife Service (FWS) as required under the endangered species act. The BLM determined that the Buck Again Timber Sales (Buck 13, 15 and 23) “May Affect, Likely to Adversely Affect the Northern Spotted Owl and “May Affect, Likely to Adversely Affect designated critical habitat for the Northern Spotted Owl. The FWS determined that this project would not jeopardize the existence of the northern spotted owl and that the timber sales would not adversely modify designated critical habitat.

Comments: *New information regarding spotted owls requires subsequent NEPA analysis of the new information.*

Response: The Klamath Falls Resource Area office has considered the new information that has recently been published regarding the northern spotted owl. The density management prescription that is proposed is designed to maintain adequate northern spotted owl habitat in addition to reducing hazardous fuel conditions that are contributing to loss of habitat due to wildfires. The Klamath Falls Resource Area Annual Program Summary and Monitoring Reports 1997-2005 document the results of almost ten years of implementing prescriptions similar to the proposed action. The effects on habitat meet those proposed in the RMP and the Northwest Forest Plan.

The Bureau of Land Management (BLM), Forest Service (FS), and US Fish and Wildlife Service (USFWS) coordinated review of four recently completed reports containing information on the

Northern Spotted Owl (NSO). These agencies reviewed the following four reports (hereinafter collectively referred to as “the reports”):

- *Scientific Evaluation of the Status of the Northern Spotted Owl* (Sustainable Ecosystems Institute, Courtney et al. 2004);
- *Status and Trends in Demography of Northern Spotted Owls, 1985-2003* (Anthony et al. 2004);
- *Northern Spotted Owl Five Year Review: Summary and Evaluation* (USFWS, November 2004); and
- *Northwest Forest Plan – The First Ten Years (1994-2003): Status and trend of northern spotted owl populations and habitat, PNW Station Edit Draft* (Lint, Technical Coordinator, 2005).

In summary, although the agencies anticipated a decline of NSO populations under land and resource management plans during the past decade, the reports identified greater than expected NSO population declines in Washington and northern portions of Oregon, and more stationary populations in southern Oregon and northern California. The reports did not find a direct correlation between habitat conditions and changes in NSO populations, and they were inconclusive as to the cause of the declines. Lag effects from prior harvest of suitable habitat, competition with Barred Owls, and habitat loss due to wildfire were identified as current threats; West Nile Virus and Sudden Oak Death were identified as potential new threats. Complex interactions are likely among the various factors. The status of the NSO population, and increased risk to NSO populations due to uncertainties surrounding Barred Owls and other factors, were reported as not sufficient to reclassify the species to endangered at this time. The reports did not include recommendations regarding potential changes to the basic conservation strategy underlying the NWFP, however they did identify opportunities for further study.

### **Grazing**

Comments: *The EA is deficient in its cumulative effects analysis, particularly as it pertains to grazing. Livestock grazing interferes with restoration efforts and conflicts with the Purpose and Needs as stated in the EA. Grazing alters vegetation, fire regimes, soil conditions and fuel profiles. Grazing will affect water quality and distribution of noxious weeds.*

Response: The current level of livestock grazing has no measurable effect on timber or soil resources in the project area. The Buck 15 Timber Sale lies within portions of the Buck Lake grazing allotment. Cattle grazing is permitted within the Buck 15 Timber Sale area, though due to thick timber and limited herbaceous growth, most of the area receives little if any grazing. A complete description of the grazing activities in this allotment, including current use levels, historical use, allotment boundaries, etc. is available in the Spencer Creek Pilot Watershed Analysis (Part 1: Social Ecosystem – Livestock Grazing). Additional information is found in the KFRA RMP/FEIS, KFRA ROD/RMP and Rangeland Program Summary.

Current monitoring information and Rangeland Health Standards Assessments that have been completed for the Buck Lake Grazing Allotment shows that present levels of livestock grazing are appropriate to meet all five standards for Rangeland Health, including vegetative and soil resources. The KFRA ROD/RMP recognizes and provides for livestock grazing as a legitimate use of the public lands (page 62 and Appendix H).

## **Fire and Fuels**

Comments: *Harvest activities increase rather than decrease fire hazard.*

*Mechanical thinning increases fire hazard, removes large trees, opens stands to more sunlight, higher winds, higher temperatures. Logging large, fire resistant trees will increase, rather than decrease, fire hazard. Harvesting will actually increase wildfire severity and risks.*

Response: According to timber marking and cruise data, the majority of the trees harvested will not be large, fire resistant trees. Instead the harvest will concentrate on smaller trees with 85% of the trees designated for harvest being 20 inches DBH or smaller. Harvesting of trees by itself can increase wildfire risks through accumulation of slash and changes in canopy cover. However, the Buck 15 Timber Sale includes several fuels reduction treatments that when used together will minimize the generation of activity fuels and reduce fire severity and risks. The treatments include; all trees harvested will be yarded (the tops and attached limbs will be removed from the woods and yarded to landings), residual slash accumulations will be lopped and scattered to break up fuel concentrations and arrangements, some slash concentrations will be piled for later chipping or burning. In addition, under future Decisions pertaining to the Upper Spencer Creek EA, prescribed underburning and/or slashbusting may be implemented to further reduce fuel loads. As a result of all actions proposed including harvesting, wildfire severity and risk is not expected to increase.

## **Soils**

Comments: *Adverse impacts are likely to soils from tractor logging and mechanical slashbusting*

Response: Soil issues and concerns are addressed in detail in the Spencer Creek Watershed Analysis (pages 4-76 to 4-83) and in the KFRA RMP (pages 28 to 30 and Appendix D). In addition, pages 17 - 19 of the Upper Spencer Creek EA address the soil impacts expected from the proposed action. The effects of both ground based logging and follow-up slash busting treatments are also discussed and analyzed. The KFRA annual soil monitoring results can be found in the Annual Program Summary and Monitoring Report and monitoring to date indicates that effects of similar timber harvests and slashbusting activities are within the RMP standards. Soil disturbance does not necessarily equate to soil compaction. The KFRA limits ground based operations to those periods when the soil moisture is twenty percent (20%) or less at six (6) inches in depth regardless of the time of year. Operations are normally limited to May 15 to November 1 depending upon the soil moisture criteria stated above (see EA, Appendix B section 3). Therefore, the effects to soils have been sufficiently analyzed and potential effects are within those thresholds analyzed in the KFRA RMP/EIS.

## **CONCLUSION**

### **A. Consideration of Public Comments**

I have reviewed the public comments summarized above and have discussed them with the interdisciplinary team of specialists on my staff. The EA and this DR contain sufficient site specific information to implement the proposed action. The comments received do not provide any substantially new information or new analysis, nor do they identify substantial new data gaps that would indicate additional analysis is needed. Finally, the comments do not identify any significant new data which would alter the effects described in the EA or in the RMP EIS. I am confident that the Upper Spencer Creek EA plus the supplemental information contained in this

Decision Record represents a thorough analysis of impacts to affected habitats and species, in light of the more comprehensive analysis done in the Klamath Falls Resource Area RMP to which the Upper Spencer Creek EA is tiered.

#### B. Plan Consistency

Based on the information in the Upper Spencer Creek EA and in the record, I conclude that this action is consistent with the Klamath Falls Resource Area Resource Management Plan. The action will help to move this portion of the landscape towards the desired future conditions considered in development of the RMP. The actions will comply with the *Endangered Species Act*, the *Native American Religious Freedom Act*, cultural resource management laws and regulations, and Executive Order 12898 (Environmental Justice). This decision will not have any adverse effects to energy development, production, supply and/or distribution (per Executive Order 13212).

#### C. Finding of No Significant Impact

No significant effects were identified. No effects beyond those anticipated in the KFRA RMP EIS would occur. Refer to the accompanying Finding of No Significant Impact.

#### D. Summary

In consideration of public comments, the consistency with the RMP and the finding that there would not be any significant impacts, this decision would allow for activities related to the Buck 15 Timber Sale.

As outlined in 43 CFR § 5003 Administrative Remedies at § 5003.3 (a) and (b), protests may be made within 15 days of the publication date of a notice of sale. Publication of such notice in *The Klamath Falls Herald and News*, Klamath Falls, Oregon constitutes the decision date from which such protests may be filed. Protests shall be filed with the authorized officer and contain a written statement of reasons for protesting the decision.

43 CFR 5003.3 subsection (b) states: "Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision." This precludes the acceptance of electronic mail or facsimile protests. Only written and signed hard copies of protests that are delivered to the Klamath Falls Resource Area office will be accepted.

/s/ Donald J. Holmstrom

11-2-2007

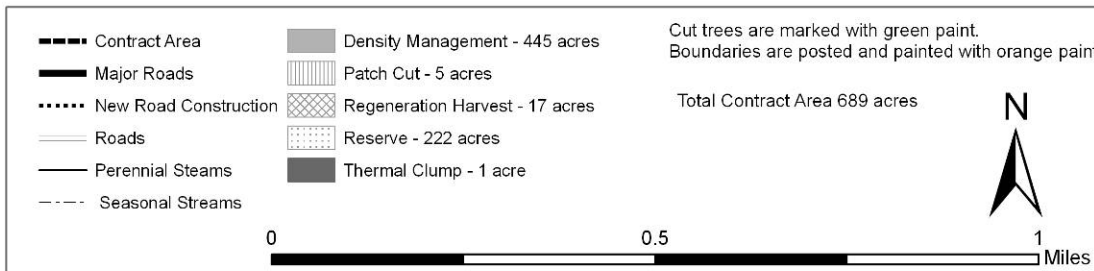
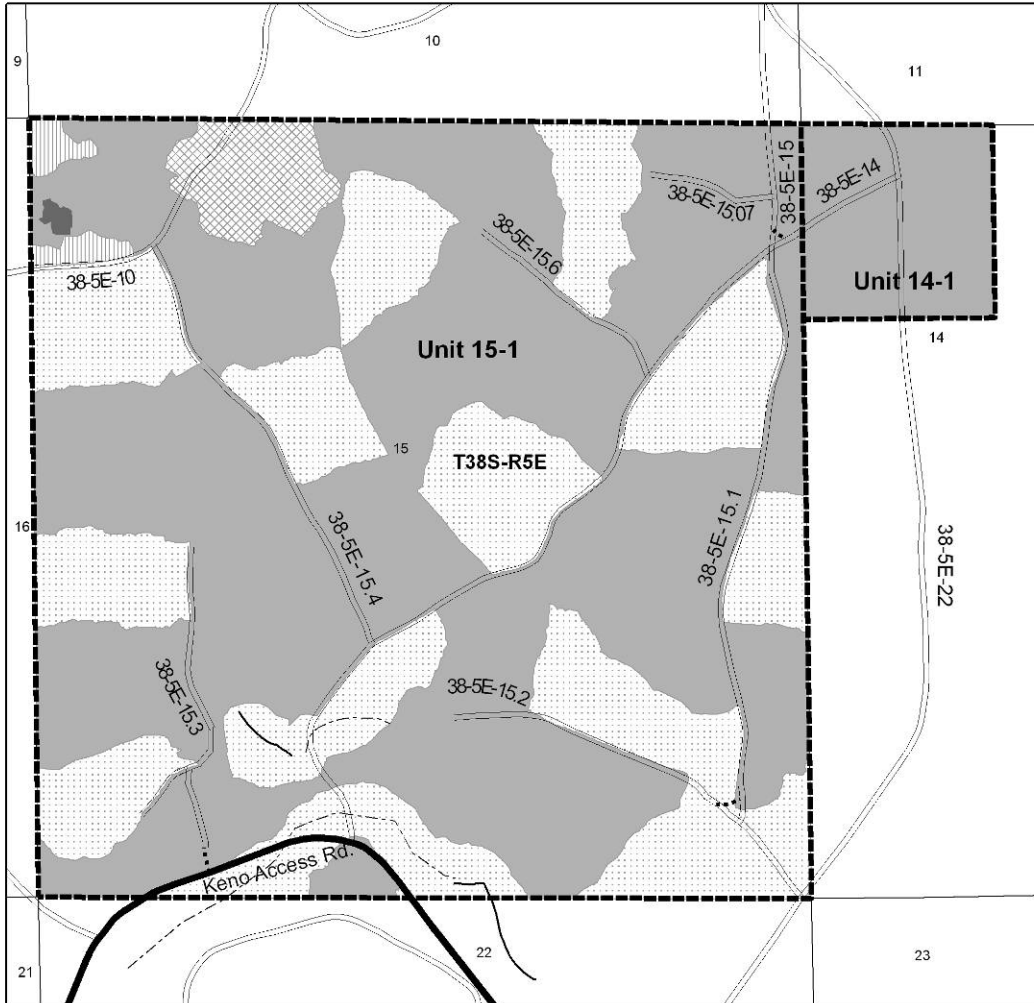
Don Holmstrom, Manager  
Klamath Falls Resource Area  
Lakeview District, Bureau of Land Management

Date

Figure 1 – Buck 15 Timber Sale Contract Map

Timber Sale: Buck 15  
 Willamette Meridian  
 T.38S., R.5E., Sec. 14 & 15  
 Unit 14-1 40 acres, Unit 15-1 427 acres

Timber Sale Contract Map  
 Contract No.: OR014-TS8-01  
 Exhibit A  
 Page 2 of 3



# 2001 ROD Compliance Review: Survey & Manage Wildlife and Botany Species

Environmental Analysis File  
 Lakeview District BLM – Klamath Falls Field Office

**Project Name:** Buck 15 Timber Sale  
**Project Type:** Timber Harvest  
**Location:** T38S R 5E Sec 14, 15

**Prepared By:** Steve Hayner  
**Date:** 10/17/2007  
**S&M List Date:** January, 2001

**Table A. Survey & Manage Wildlife and Botany Species.** Species listed below were compiled from the 2001 Record of Decision and Standard and Guidelines (Jan 2001) and include those vertebrate and non vertebrate wildlife and non vascular and vascular botanical species whose known or suspected range includes the Klamath Falls Resource Area according to the protocols listed below.

- *Survey Protocols for Survey and Manage Strategy 2 Vascular Plants Version 2.0 (December 1998)*
- *Management Recommendations for Survey and Manage Lichens Version 2.0 (March 2000),*
- *Natural History and Management Considerations for the Northwest Forest Plan Survey and Manage Lichens Based on Information as of the Year 2000 (USDA Forest Service R6-NR-S&M-TP-03-03 2003). Survey Protocols for Survey and Manage Category A & C Lichens in the Northwest Forest Plan Area Version 2.1 (2003),*
- *2003 Amendment to the Survey Protocol for Survey and Manage Category A and C Lichens Version 2.1 (2003),*
- *Survey Protocols for Survey and Manage Component 2 Bryophytes Version 2.0 (1997),*
- *Survey and Manage Protocols Protection Buffer Bryophytes 2.0 (1999),*
- *Handbook to Strategy 1 Fungal Species in the Northwest Forest Plan (PNW-GTR-476 October 1999), and Handbook to Additional Fungal Species of Special Concern in the Northwest Forest Plan (PNW-GTR-572 January 2003).*
- *Survey Protocol for the Great Gray Owl within the Range of the Northwest Forest Plan v3.0 (Jan. 2004),*
- *Survey Protocol Aquatic Mollusk Species From the Northwest Forest Plan Version 2.0 (Oct. 1997),*
- *Draft Survey Protocol for Terrestrial Mollusk Species From the Northwest Forest Plan Version 2.0 (1997), and the*
- *Survey Protocol for S&M Terrestrial Mollusk Species v3.0 (Feb. 2003).*

Species	S&M Category	Survey Triggers			Survey Results			Site Management
Species	S&M Category	Within Range of the Species?	Project Contains Suitable habitat?	Project may negatively affect species/habitat?	Surveys Required?	Survey Date	Sites Known or Found?	
<b>Vertebrates</b>								
Great Gray Owl ( <i>Strix nebulosa</i> ) <sup>1</sup>	A	Yes	Yes	Yes	Yes	1996, 1997, 1999	0	N/A
<b>Mollusks</b>								
Siskiyou Sideband ( <i>Monadenia chaceana</i> ) <sup>2</sup>	B	Yes	Yes	Yes	Yes	6/2001 10/2001	0	N/A
Crater Lake Tightcoil ( <i>Pristiloma arcticum crateris</i> ) <sup>3</sup>	B	Yes	Yes	Yes	Yes	6/2001 10/2001	0	N/A
Evening Fieldslug ( <i>Deroceras hesperium</i> ) <sup>4</sup>	B <sup>4</sup>	Yes	Yes	Yes	Yes	6/2001 10/2001	0	N/A
<i>Fluminicola no. 1</i> <sup>5</sup>	A	Yes	No	No	No	NA	0	N/A
<i>Fluminicola no. 2</i> <sup>5</sup>	A	Yes	No	No	No	NA	NA	N/A
<i>Fluminicola no. 3</i> <sup>5</sup>	A	Yes	No	No	No	NA	NA	N/A

<i>Flumnicola no. 16</i> <sup>5</sup>	A	Yes	No	No	No	NA	NA	N/A
<b>Vascular Plants</b>								
<i>Cypridium fasciculatum</i>	C	<b>Yes</b>	Yes	Yes	Yes	8/2003	0	No
<i>Cypridium montanum</i>	C	<b>Yes</b>	Yes	Yes	Yes	8/2003	0	No

<sup>1</sup> Pre-disturbance surveys for great gray owls are required since there is suitable nesting habitat within the project area.. The required habitat characteristics of suitable habitat include: (1) large diameter nest trees, (2) forest for roosting cover, and (3) proximity [within 200m] to openings that could be used as foraging areas (*Survey Protocol for the Great Gray Owl within the range of the Northwest Forest Plan v3.0*, January 12, 2004). Surveys were conducted in 1996,1997, and 1999. No Great Gray owls were located.

<sup>2</sup> Equivalent-effort pre-disturbance surveys are required for the Siskiyou Sideband (IM-OR-2004-034). (*Survey Protocol for S&M Terrestrial Mollusk Species v3.0*, 2003). High priority habitat for *M. chaceana* on the KFRA is rocky outcrops, riparian and seepy areas. (Nancy Duncan per.comm 2005). Terrestrial mollusk surveys were conducted in the spring and fall of 2001 and no Siskiyou Sideband were located.

<sup>3</sup> Suitable habitat for the Crater Lake tightcoil is "perennially wet situations in mature conifer forests, among rushes, mosses and other surface vegetation or under rocks and woody debris within 10 meters of open water in wetlands, springs, seeps and riparian areas..." (pg. 43, *Survey Protocol for S&M Terrestrial Mollusk Species v3.0*, 2003). Within the project, suitable habitat is confined to the stream-side areas that are contained within Riparian Reserves. Surveys were conducted in the spring and fall of 2001. No Crater Lake tightcoil mollusks were located.

<sup>4</sup> The evening field slug's range was extended to include the KFRA in March 2003 (pg 2 and 3 2002 Annual Species Review and Appendix A pg32., *Survey Protocol for S&M Terrestrial Mollusk Species v3.0*, 2003). Their habitat is typically associated with wet meadows in forested habitats in a variety of low vegetation, litter and debris. Surveys may be limited to moist surface vegetation and cover objects within 30m of the stream (*Survey Protocol for S&M Terrestrial Mollusk Species v3.0*, 2003). Terrestrial Mollusk surveys were conducted in the spring and fall of 2001. No Crater Lake tightcoil mollusks were located.

<sup>5</sup> *Flumnicola sp no. 2, 3 and no. 16* are found in cold seeps and springs (*Aquatic Mollusk Survey Protocol Version 2.0 October 1997*). *Flumnicola sp 1* is found in upper Klamath Lake and it's tributaries. The proposed land sale area does not contain suitable habitat.

**Statement of Compliance:** Pre-disturbance surveys and management of known sites required by protocol standards to comply 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) were completed for the Buck 15 Timber Sale. The Buck 15 Timber Sale also complies with any site management for any Category B, D, and E species as identified in the 2001 ROD: no sites of any of these species (B, D, E) is present in the Buck 15 timber sale.

Based on the field review of the sale area, there are currently no known sites of Survey & Manage species that require management within the project area. Therefore, based on the preceding information (refer to Table A above) regarding the status of surveys for Survey & Manage wildlife species and the results of those surveys, it is my determination that the Buck 15 Timber Sale complies with the provisions of 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). For the foregoing reasons, this contract is in compliance with the 2001 ROD 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.

/s/ Donald J. Holmstrom  
Don Holmstrom, Field Manager  
Klamath Falls Field Office

11-5-2007  
Date