

McFall Creek Density Management Project 1

Final Decision and Decision Rationale for McFall Creek Density Management Project 1

Environmental Assessment Number OR080-06-12

February 2008

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

Township 8 South, Range 7 West, Section 31 Willamette Meridian
Polk County, Oregon

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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.

I. Introduction

The Bureau of Land Management (BLM) has conducted an environmental analysis for the McFall Creek Density Management (DM) Project 1, which is documented in the *McFall/Potter Creek Density Management and Aquatic Habitat Restoration Environmental Assessment* (EA# OR080-06-12) and the associated project file. The proposed action is to thin 317 acres of 72 to 79-year-old conifer stands within Adaptive Management Areas (AMA) and Riparian Reserve (RR) Land Use Allocations (LUAs) within the Northern Coast Range Adaptive Management Area (NCAMA). A Finding of No Significant Impact (FONSI) was signed on November 20, 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 the McFall Creek timber sale.

II. Decision

I have decided to implement McFall Creek DM Project 1 as described in the proposed action (EA pp. 11-16) with modifications described below, hereafter referred to as the “selected action”. The selected action is shown on the map attached to this DR. This decision is based on site-specific analysis in the *McFall/Potter Creek Density Management and Aquatic Habitat Restoration Environmental Assessment* (EA # OR080-06-12), the supporting project record, management recommendations contained in the *Upper Siletz Watershed Analysis* (1996), 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, comments have identified the need to clarify and correct some information included in the EA.

Changes to the EA

The EA included the following glossary term (p. xi).

- Topped – Completely severing the upper portion of a standing live tree. The typical purpose for this action is to enhance wildlife habitat by creating snags from standing live trees.

This DR changes the above glossary term as follows:

- Topping – Completely severing the upper portion of a standing live tree. The typical purpose for this action is to enhance wildlife habitat by creating snags from standing live trees.

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.*

The EA included the following on the Density Management Study Background (p. 7).

- One of the Riparian Buffer Study stream protection zone widths: Streamside retention (one tree canopy width, or 20 to 25-foot; and retained all trees contributing to bank stability)

This DR changes the above statement as follows:

- Streamside retention (one tree crown width, or 20 to 25-foot; and retained all trees contributing to bank stability).

The EA included the following Connected Action (p. 12).

- **Development of Existing Quarry:** To supply rock for the proposed project and future projects, an existing quarry will be utilized in Township 9 South, Range 7 West, Section 11 within LSR LUA (RMP p. 52). Activities would include excavating and removing rock materials for use on existing roads. Rock will be removed by ripping with a dozer. Existing quarry access roads will be opened for access to rock materials. Additional mining for future timber sales will be determined by utilizing existing development plans.

This DR changes the above statement as follows:

- **Continuing Development of Existing Quarry:** To supply rock for the proposed project and future projects, an existing quarry will be utilized in Township 9 South, Range 7 West, Section 11 within LSR LUA (RMP p. 52). Activities would include excavating and removing rock materials for use on existing roads. Rock will be removed by ripping with a dozer. Existing quarry access roads will be opened for access to rock materials. Additional mining for future timber sales will be determined by utilizing existing development plans.

The EA included the following design feature (p. 12).

To protect and enhance stand diversity and wildlife habitat components:

- Four patch cuts would be created in Units 31I, 31J, and 31M to create some early-seral gaps for wildlife use with relatively slow conifer regeneration periods, and compare understory development with areas of wide thinning. Unit 35M would have one 2-acre patch cut, Unit 31J would have one 1.5-acre patch cut and Unit 31I would have two patch cuts 1.5- and 2.0-acres in size.

This DR changes the above design feature as follows

- Four patch cuts would be created in Units 31I, 31J, and 31M to create some early-seral gaps for wildlife use with relatively slow conifer regeneration periods, and compare understory development with areas of wide thinning. Unit 31M would have one 2-acre patch cut, Unit 31J would have one 1.5-acre patch cut and Unit 31I would have two patch cuts 1.5- and 2.0-acres in size.

Changes to Appendix 3

- *On page 101, a report is cited as (Cissel et al., in review). This report has been published and is: Cissel, J. H., P. Anderson, S. Berryman, S. Chan, D. Olson, K. Puettmann and C. Thompson. 2006. BLM Density Management and Riparian Buffer Study: Establishment Report and Study Plan. US Geological Survey Scientific Investigations Report 2006-5087. 151p.*
- *On page 102, John Cissel is mentioned as the Density Management Coordinator when in fact Chris Sheridan now occupies this position.*

The following is a summary of this decision.

- Implementation of the Callahan Creek Riparian Buffer Study and Sand Creek Rethinning Study (DMS) will continue according to the specific schedule set forth in IM OR-2005-83.
- Density management treatments will occur on approximately 317 acres of 72 to 79-year-old stands within AMA and RR LUAs through a timber sale.
- The cutting and yarding of trees will be accomplished utilizing ground based equipment operating off the existing roadway, skyline yarding equipment, and helicopter yarding equipment.
- Approximately 6 miles of road renovation will occur. Renovation may include road and ditch blading for proper drainage, brush cutting for visibility and enhanced drainage, cleaning and replacing deteriorated or undersized culverts, and rock surface application to maintain water shedding capabilities during timber haul use.
- An existing rock quarry in Township 9 South, Range 7 West, Section 11 will be utilized to supply rock for this and future projects.
- All design features and mitigation measures described in the EA (pp. 12-16) will be incorporated into the timber sale contract.
- This area will continue to be under a cooperative road closure agreement with Oregon Department of Fish and Wildlife for elk security/escapement.

III. Compliance with Direction:

The analysis documented in the McFall/Potter Creek DM and Aquatic Habitat Restoration 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 p. 3). All of these documents may be reviewed at the Marys Peak Resource Area office.

Survey and Manage Review

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

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

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

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

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 two of the exceptions (exceptions a and b) listed in the modified October 11, 2006 injunction.”

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 McFall Creek DM Project 1 meets the Aquatic Conservation Strategy in the context of PCFFA IV and PCFFA II.

Existing Watershed Condition

The McFall Creek DM Project 1 area is in the 44,583-acre Upper Siletz River fifth-field watershed which drains into the Siletz River. The *Upper Siletz Watershed Analysis* (1996) describes the

events that contributed to the current condition such as early hunting/gathering by aboriginal inhabitants, road building, agriculture, wildfire, and timber harvest.

Twenty-seven percent of the Upper Siletz River watershed is managed by BLM, and 73 percent is managed by private land owners. Approximately 18 percent of the total BLM managed lands consist of stands greater than 80 years old and approximately 28 percent of BLM managed lands are located in riparian areas (within 100 feet of a stream).

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 (pp. 82 and 83). 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*. No new road construction will occur within Riparian Reserves;

Component 2 – Key Watershed: by establishing that the McFall Creek DM Project 1 is not within a key watershed;

Component 3 – Watershed Analysis: The *Upper Siletz Watershed Analysis* (1996) describes the events that contributed to the current condition such as early hunting/gathering by aboriginal inhabitants, road building, agriculture, wildfire, and timber harvest. The following are watershed analysis findings that apply to or are components of these projects:

- Conifer forests older than 80 years old comprise 3.5 percent of the acreage within 100 feet of active streams, compared to an estimated 60 percent 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).

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 7.0 of the McFall/Potter Creek DM and Aquatic Habitat Restoration 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 ACS objectives (ACSO) 1-9 (Table 13, EA pp. 84-86) because the project will:

- Restore the distribution and complexity of landscape features in the watershed by treating RR to increase species vigor, diversity, and CWD (ACSO 1);
- Improve long-term connectivity of terrestrial watershed features by increasing the availability and proximity of functioning riparian habitat (ACSO 2);
- Maintain the integrity of aquatic system through the implementation of Stream Protection Zones (SPZs). Maintain the shoreline, bank, and bottom configuration in Unit 31L through the implementation of project design features (ACSO 3);
- Maintain current water quality conditions and trends except in Unit 31L where the resultant canopy cover is expected to minimally increase solar radiation. The effect will diminish over time as the remaining stand fills in canopy openings and increases stream shade (ACSO 4);
- Minimize any potential sediment from harvest, burning, and road-related activities from reaching water bodies by implementing stream protection zones and project design features (ACSO 5);
- Affect less than 0.5 percent of the forest cover in the Upper Siletz Watershed (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);
- Restore structural vegetation diversity within the RR (ACSO 8); and
- Restore habitat by increasing species and structural diversity, increasing snags and CWD (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 and the no action alternatives. No unresolved conflicts concerning alternative uses of available resources (section 102(2) (E) of NEPA) were identified. No action alternatives were identified that will meet the purpose and need of the project and have meaningful differences in environmental effects from the proposed action (EA Section 3.2). Complete descriptions of the "action" and "no action" alternatives are contained in the EA, pp. 22-45.

V. Decision Rationale

Considering public comment, the content of the EA and supporting project record, the management recommendations contained in the *Upper Siletz Watershed Analyses*, and the management direction contained in the RMP, I have decided to implement Alternative 2, 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 the project (EA section 2.2), 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 pg. 4).
- The McFall Creek DM 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 Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* (July 2007), and *2007 Final Supplement to the 2004 Final Supplemental Environmental Impact Statement to Remove or Modify The Survey and Manage Mitigation Measure Standards and Guidelines* (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 2.2)

Purpose and Need (EA section 2.2)	Proposed Action	No Action
Continue implementation of the Callahan Creek Riparian Buffer Study and Sand Creek Rethinning Study research projects that began under the original Callahan Creek Adaptive Management Project EA dated March 11, 1996.	Continues the original purpose of the Density Management Study Plan with additional research and monitoring.	Does not meet this purpose and need. Research collected to date would have limited value without additional treatments and continued research.
Late-successional forest conditions, which serve as habitat for late-successional forest species can be developed, accelerated, and enhanced (NCAMA, p. 2).	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.	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.
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.	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.
Offer a marketable density management sale.	Offers approximately 9,380 MBF of timber for sale through 317 acres of density management.	Does not meet this purpose and need. No timber would be offered for sale.
Provides appropriate access for timber harvest and silvicultural practices used to meet the objectives above, while minimizing increases in road densities.	Renovates approximately 6 miles of road.	No change. Maintain existing road densities in current maintained state.
	Will implement maintenance on feeder roads, allowing for continued access.	Delay maintenance on feeder roads, main routes would be maintained.

2. 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 as shown in *Table 1*.

VI. Public Involvement/Consultation/Coordination

Public Scoping:

- A scoping letter, dated June 29, 2006, was sent to 42 potentially affected or interested individuals, groups, and agencies. Two responses were received during the scoping period.
- A description of the project was included in the September and December 2006 and March, June and September 2007 project updates to solicit comments on the proposed projects.

EA and FONSI Comment Period and Comments:

The EA and/or notice of availability of the EA were mailed to approximately 40 agencies, individuals and organizations on November 23, 2007. A legal notice was placed in a local newspaper soliciting public input on the action from November 28 to December 27, 2007. Two comment letters [American Forest Resources Council and Oregon State University – Department of Forest Science] and one e-mail message were received. Responses to their comments can be found in Appendix A of the DR.

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 USFWS, 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 analyzes 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# 1-7-06-I-0190, dated August 1, 2006) concurred with the BA, that this action was not likely to adversely affect spotted owl, marbled murrelets or their critical habitats. 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 NOAA NMFS is required for all actions which ‘may affect’ ESA listed fish species and critical habitat. The area where the proposed action is located has one major stream system (South Fork Siletz River). There are not any fish species listed as threatened or endangered under the Endangered Species Act (ESA), as amended, in the project area at this time. The proposed action associated with the McFall Creek Density Management Project is not expected to cause any effects to the listed fish or listed critical habitat in the Luckiamute River watershed. A determination has been made that the proposed project will have ‘no effect’ on Upper Willamette River steelhead trout. This ‘no effect’ determination is based on the location of the density management treatments in the Upper Siletz River watershed where no listed fish reside and distance of the haul route from ESA listed fish habitat in the Luckiamute River watershed (no closer than 0.75 miles). Due to the “no effect” determination, this project was not consulted upon with the NOAA NMFS.

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 McFall Creek DM Project 1 is not expected to adversely affect EFH due to distance of all activities associated with the project from occupied habitat in either the Upper Siletz River or the Luckiamute River watersheds. Consultation with NOAA NMFS on EFH is not required for this project.

VII. Conclusion

I have determined that change to the Finding of No Significant Impact (FONSI – November 2007) for the McFall Creek DM 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 selected action needs to be altered. There are no significant new circumstances or facts relevant to the selected 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 Itemized Observer* newspaper on or around April 28, 2008. The planned sale date is May 28, 2008.

Contact Person: For additional information concerning this decision, contact Traci Meredith (503) 315-5991, Marys Peak Resource Area, Salem BLM, 1717 Fabry SE, Salem, Oregon 97306.

Approved by: Trish Wilson
Trish Wilson
Marys Peak Resource Area Field Manager

2-20-08
Date

VIII. Appendix A: Response to Public Comments Received on the McFall Creek DM Project 1 (EA#OR080-06-12)

Two letters and one e-mail message was received commenting on the McFall/Potter Creek DM and Aquatic Habitat Enhancement EA. 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 28, 2007 to December 27, 2007. Comments are in *italics*. The BLM response follows each comment.

American Forest Resource Council (AFRC), Jacob Groves Received December 27, 2007

1. **Comment:** *“The AFRC would like to see all timber sales be economically viable. We are concerned that the current proportions of each harvesting system may make this project difficult to sell in a down market.”*

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. For the purpose of keeping research variables minimized harvesting systems used in the Density Management Study (DMS) did not change with this subsequent entry.

2. **Comment:** *The AFRC supports the proposed action since it utilizes appropriate harvesting systems, road construction, reconstruction and maintenance that will help offer the project as an economically viable timber sale. Temporary roads can always be removed, or made inaccessible to vehicles after logging operations are completed.*

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

3. **Comment:** *Seasonal, recreational, and wildlife restrictions often make timber sales extremely difficult to complete within the contract timelines. Fire season restrictions on top of that...have a cost to the purchaser and results in a lower bid for the stumpage.*

The McFall Creek Project 1 has some unusual restrictions such as the cutting timeframe for the DMS units. The non-research units could be harvested at anytime within the contract period. Other restrictions are in place to comply with the Endangered Species Act along with various policies the BLM must follow as a federal entity.

4. **Comment:** *The AFRC would like to encourage BLM offer sales that allow winter harvesting on improved roads or allow for roads and spurs to be improved so winter harvesting can be accomplished. The loggers need winter work and the mills need winter wood, this is a big bidding issue for purchasers.*

Response: The McFall Creek DM Project 1 will provide for year round hauling since the effects of hauling will result in no adverse effects to ESA fish or EFH.

5. **Comment:** *A more flexible operating season would make the helicopter logging jobs much more attractive to purchasers, as well as more efficient to operate. When helicopter yarding is required, a hard look should be given to allow mechanical harvesting and pre-bunching of processed logs where possible. This will make all phases of the helicopter logging considerably more economical and will also treat the slash at the same time.*

Response: Helicopter operations are allowed year around, the only restriction on the helicopter season is in the research units, where the operations cannot commence until October 1, 2008 and must be completed by June 1, 2010. For research purposes, the harvest system will be the same in the second entry as the first in research units. In non-research units prebunching was not considered due to the limited area where it could be applied.

6. **Comment:** *The AFRC would like to see flexibility for fuels treatments. Rather than specifying a specific method, the BLM should identify some specific objectives and limitations to resource disturbance. The purchaser could identify the method to accomplish the objectives utilizing their particular equipment and employees.*

Response: The objectives of the fuels treatment are several: 1.) To reduce the amount of material along roads and landings that may interfere with future management of the timber stand or maintenance of the roads. 2.) To reduce the risk of a fire starting by removing fuel concentrations from areas easily accessed by humans. Heavy accumulations of slash are always treated for these reasons.

Piling and burning slash concentrations is a proven, cost effective way to decrease fire risk and severity. Leaving fuel concentrations untreated along the roads that are to remain open to vehicular traffic is not a satisfactory alternative. The project will allow for and the Purchaser is encouraged to find off site alternative uses for slash located on or within 30 feet of the landings and roads in the project area. For example, chipping and hauling the chips to the co-generation plant in Lyons, Oregon is becoming a viable alternative to piling and burning. This alternative should be considered, and with adequate pre-planning to maximize efficient material handling, may prove to be the most cost effect treatment. Chipping and spreading the chips on the contract area may be considered as an alternative to either of the previous two treatments but is probably the least economically attractive.

- 7. Comment:** *The AFRC would like to voice support for thinning treatments in the riparian areas. By prescribing small no cut buffers (25-60 feet) to maintain stream temperatures and thinning the remaining acres inside the riparian reserves you can achieve the management objective of moving them into late seral habitat faster while harvesting more volume thus reducing unit cost.*

Response: The width of the no cut buffers/SPZ for all units except Unit 31L is 20 to 220 feet. The majority of units have a 50-60 foot SPZs, which falls into the desired range that you indicated you would like to see thinning occur. Unit 31L has no SPZ which allows thinning up to the stream. Analysis indicates minimal increases in temperature of Unit 31L due to the SPZs upstream and downstream of the unit, maintaining canopy cover above 40 percent and leaving approximately 54 trees per acre. With implementation of design features, temperature increases and sediment delivery will be minimized. Stream protection zone widths above 55 feet are to meet design criteria for shade sufficiency to reduce potential increases in water temperature. One of the key objectives of the Riparian Buffer Study continued with implementation of the McFall project is to compare the effects of various buffer widths (from 0-220 feet) on microclimate. Studies such as this can provide a basis for adjusting buffer widths to effectively buffer microclimate while meeting management objectives.

Oregon State University – Department of Forest Science, Adrian Ares
Received by email December 26, 2007 and hardcopy December 28, 2007

- 1. Comment:** *On page 101, a report is cited as (Cissel et al., in review). This may be the already published report: Cissel, J. H., P. Anderson, S. Berryman, S. Chan, D. Olson, K. Puettmann and C. Thompson. 2006. BLM Density Management and Riparian Buffer Study: Establishment Report and Study Plan. US Geological Survey Scientific Investigations Report 2006-5087. 151p.*

Response: Thanks for the updated information. It is included in this DR as changes since the EA/FONSI was signed.

- 2. Comment:** *On page 102, John Cissel is mentioned as the Density Management Coordinator when in fact Chris Sheridan now occupies this position.*

Response: Thanks for the updated information. It is included in this DR as changes since the EA/FONSI was signed.

- 3. Comment:** *Coarse woody debris is typically classified into small (less than 10 inches diameter at breast height outside bark (DBHOB)) and large (greater than 10 inches DBHOB). In the glossary it is defined as pieces at least 20 inches DBHOB and large woody debris (LWD) is defined separately.*

Response: We realize definitions vary among agencies. We included what the BLM has in mind when using certain acronyms, abbreviations, and terms for consistency and clarity in and among documents. The definition for coarse woody debris came directly from the Northwest Forest Plan. Large woody debris is for instream wood based on Oregon Department of Fish and Wildlife's definition for key pieces of wood contributing to water quality and improving habitat for aquatic species. The BLM also realizes that any downed wood is CWD.

4. **Comment:** *On page iv: Was windblown incidence considered in regards to intensity?*

Response: Windthrow was not specifically mentioned in intensity but is mentioned in the Affected Environment and Cumulative Effects sections of the EA where relevant. The risk of windthrow (windblown) was not a criterion in determining density. The residual thinning densities (intensity) in the DMS were set forth by the lead researcher as part of the re-treatment entry to be consistent among all treatments. The residual thinning densities set in non-research units were primarily based on the DMS densities. Some level of windthrow is likely, and is one of the effects of the treatment that will be studied in the research.

5. **Comment:** *On page xi: “Topped” should be “topping” in the definitions.*

Response: We included that clarification in this DR as changes since the EA/FONSI was signed.

6. **Comment:** *On page 7: Riparian Buffer Study. Statement 1 is unclear. One crown width, instead of one canopy (which can be continuous) width?*

Response: We included that clarification in this DR as changes since the EA/FONSI was signed.

7. **Comment:** *On page 13: Is red fescue considered a native species to Oregon? Are there better alternatives for revegetation?*

Response: *Festuca rubra* is a native species that occurs in Oregon. However, the varieties sown within the project area are considered 'non-native'. *Festuca rubra* is utilized here because, 1) it is a preventative measure to minimize erosion, 2) sowing graminoid seed helps to limit the establishment of noxious and other non-native plant species, 3) red fescue seed is locally available at a minimal cost, and 4) it is considered as short-term vegetation and easily shaded out in forested settings and replaced by locally adapted vegetation through succession. Other native seed mixes were considered and not utilized because, 1) native seed mixes are very expensive when compared to *Festuca rubra*, 2) native seed mixes are often available in limited quantities or available only during a portion of the year, 3) there is no locally adapted seed specific to this project area available, 4) some native species aren't recommended for erosion control, and 5) the native seed mixes would also be utilized in a passive restoration effort and would be considered short-term vegetation until replaced by locally adapted vegetation through succession. The use of *Festuca rubra* within this project area complies with Bureau policies on the use of native plant species.

8. **Comment:** *On page 18: On map 3, there are a few patch cuts. Why is that?*

Response: The patch cuts are to provide a wildlife habitat component otherwise lacking in the immediate area. Early seral habitat that persists for a relatively long conifer establishment period and contains legacy trees, snags and CWD, and an abundant shrub layer provides habitat for a variety of wildlife including pollinating insects, birds, and ungulates. Adjacent early seral forest on private lands is rapidly regenerated to closed conifer conditions. The four patch cuts, totaling 7 acres, are designed based on the size and topography of the non research units, to introduce a component of this habitat among the mid-seral stands in the project area.

9. **Comment:** *On page 28: Why is pile burning prescribed? I think pile burning could be avoided at least in some cases.*

Response: See AFRC Comment #6 above.

10. **Comment:** *On page 29: Provide citations on soil series so readers can have access to the soils' physical and chemical characteristics.*

Response: In the *McFall/Potter Creek Density Management Fuels and Soils Report*, pp. 1-22, abbreviated information on soil series and soil characteristics can be found. For more detailed information see the: United States Department of Agriculture *Soil Survey of Polk County, Oregon* 1977 USDA Soil Conservation Service In Cooperation with the Oregon Agricultural Experiment Station.

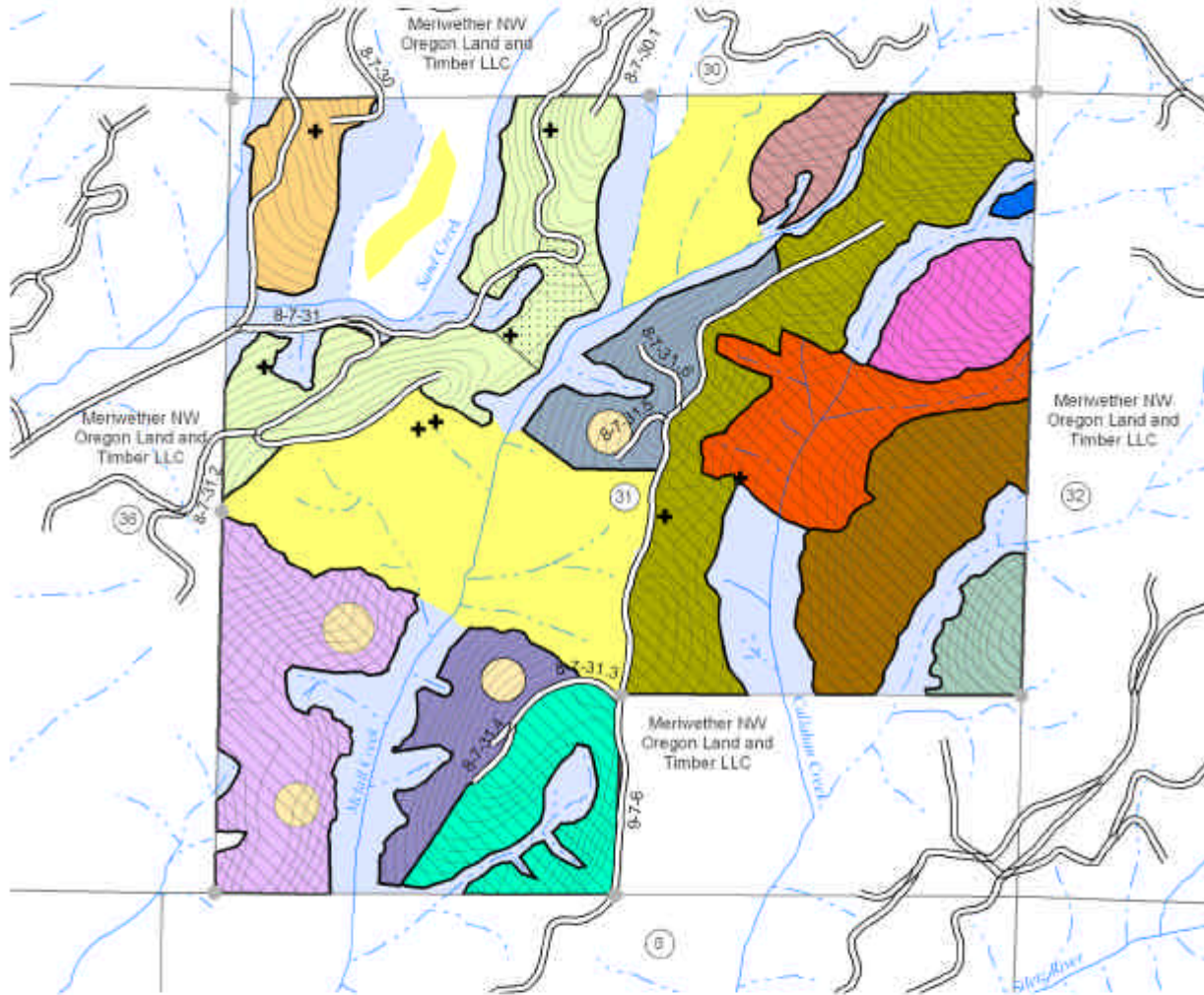
Selected Action

United States Department of the Interior - BUREAU OF LAND MANAGEMENT

**SELECTED ACTION
MAP**

McFall Creek Density Management Project 1

T. 8 S., R. 7 W., Section 31, W. M. - SALEM DISTRICT - OREGON



- | | | |
|---------------------|------------------------|------------------------|
| Unit 31A - 15 acres | Unit 31I - 43 acres | Landing (Helicopter) |
| Unit 31C - 46 acres | Unit 31J - 18 acres | Aerial Yarding |
| Unit 31D - 9 acres | Unit 31K - 35 acres | Ground-Based Yarding |
| Unit 31E - 54 acres | Unit 31L - 30 acres | Skyline Yarding |
| Unit 31F - 16 acres | Unit 31M - 17 acres | PlusTree |
| Unit 31G - 10 acres | Unit 31N - 1 acres | LLI Corners |
| Unit 31H - 23 acres | Control Area | Existing Road |
| | Stream Protection Zone | Non-Fishbearing stream |
| | Patch Cut | Fishbearing stream |

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