

Pig's Puzzle Projects - Reissue

Decision Rationale And Finding of No Significant Impact

Environmental Assessment Number OR086-97-13

October 2006

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

Township 4 North, Range 2 West, Sections 29 and 31,
Township 4 North, Range 3 West, Section 25, Willamette Meridian
Scappoose Creek 5th field Watershed
Columbia County, Oregon

Responsible Agency: USDI - Bureau of Land Management

Responsible Official: Brad Keller
Tillamook Resource Area
4610 Third St
Tillamook, OR 97141
(503) 815-1100

For further information, contact: Bob McDonald
Tillamook Resource Area
4610 Third St
Tillamook, OR 97141
(503) 815-1110



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

BLM/OR/WA/AE-06/040+1792

INTRODUCTION

The Bureau of Land Management (BLM) conducted an environmental analysis documented in the *Pig's Puzzle Environmental Assessment* (EA # OR086-97-13) (original EA), dated February 25, 1998. The project in that EA was subsequently divided into two commercial timber sales with some associated watershed restoration work in *The Pig's Puzzle Project and Pisgah Progeny Project Decision Rationale*, dated September 4, 1998. That 1998 decision for the Pig's Puzzle Project was protested and the BLM's protest decision subsequently appealed to the Interior Board of Land Appeals (Board). In April, 2000, the Board resolved the appeal by setting aside BLM's protest decision and remanding it back to the BLM due to pending resolution of Pacific Coast Federation of Fishermen's Association et al. v. National Marine Fisheries Service et al. and Oregon Natural Resource Council et al. v. Allen. These legal issues have since been resolved.

The BLM has reconsidered the original decision regarding Pig's Puzzle based on a new analysis of the environmental effects. The original EA was revised to clarify the project, address concerns raised during the original EA public comment period, and incorporate relevant new information. The revised EA is called the *Pig's Puzzle Projects - Reissue Environmental Assessment*, which will be referred to from this point as the EA. The EA divides the timber sale and road decommissioning work into separate projects. This decision authorizes the implementation of both of those projects.

DECISION TO BE MADE

The decision to be made by the Tillamook Field Manager is:

- Whether to approve as proposed, not at all, or to some other extent the Commercial Thinning and Regeneration Harvest (Project 1) and the Road Decommissioning work (Project 2).
- Whether site specific impacts would require supplemental/additional information to the analysis done in the RMP/FEIS through a new EIS.

Based upon review of the Pig's Puzzle Projects EA and supporting project record, I have determined that there are no site specific impacts that would require supplemental/additional information to the analysis done in the RMP/FEIS through a new EIS.

DECISION

Project 1 – Commercial Thinning and Regeneration Harvest

I have decided to implement the Pig's Puzzle Commercial Thinning and Regeneration Harvest Project as described in Alternative 1 (EA pp. 6-13), with two modifications. These modifications are minor and do not change the scope of the project analyzed, nor do the modifications affect the adequacy of the analysis contained in the EA. This decision is based on site-specific analysis in the Pig's Puzzle Projects - Reissue Environmental Assessment (EA # OR086-97-13), the supporting project record, management recommendations contained in the Scappoose Creek Watershed Analysis; as well as the management direction contained in the *Salem District Record*

of *Decision/Resource Management Plan (ROD\RMP)* (May 1995), which are incorporated by reference in the EA. Hereafter, Alternative 1 is referred to as the “selected alternative”. The maps of the selected alternative can be found on pages 6-8 of this Decision Rationale.

Modifications:

1. The haul route for the eastern portion of unit 29-2 and all of unit 29-3 will be changed from a route on existing roads going east from section 29 to Pisgah Home road, to a route going north from section 29 to Lamar’s road. This change will eliminate a planned road realignment that encroaches on a stream channel. The new route involves a small amount of new road construction on top of a stable ridge and the replacement of a failing culvert on a private road (as described below), which will result in a reduction in sediment delivery into North Scappoose Creek compared to the current condition.
2. Yarding of logs will be restricted during the bark slip period. Restricting yarding to the peak bark slip period of May 1 to July 15 is a design feature designed as part of the proposed action (EA p.10), and was therefore incorporated into the analysis of environmental effects for this project. However, this restriction was inadvertently omitted from the seasonal restrictions identified in Table 2 (EA p.13). This modification corrects that omission.

Decision Summary:

1. **Timber Harvest:** Approximately 129 acres of 70-year old conifer stands will be thinned by removing suppressed, co-dominant, and occasional dominant trees (thinning from below). Generally, the largest trees would be left. Average canopy closure will be no less than 40 percent after harvest. In addition, approximately 147 acres of 70-year old mixed conifer stands will be regeneration harvested. An average of 17 overstory trees per acre will be left for wildlife and coarse wood enhancement in the regeneration harvest area. Approximately 10 percent of the project area will be harvested using conventional ground-based logging equipment, and the remaining 90 percent will be harvested using skyline yarding systems.
2. **Road Work:** Approximately 0.6 miles of new road construction will occur on BLM and private lands to access the treatment areas. Another 2.6 miles of existing roads under BLM and private control will be reconstructed as necessary to accommodate log-hauling. This will include replacement of a failing culvert on a stream on private land. The approximately 0.6 miles of new and reconstructed roads will be decommissioned and blocked following timber harvest and site preparation operations.
3. **Fuels Treatments:** The timber sale contract will require the purchaser to treat fuels in the regeneration harvest area where fuel loading will be heavy enough to adversely affect tree planting or maintenance. This logging slash and debris will be hand piled, covered and burned. After harvest operations are completed landing debris will also be piled, covered and burned.

All design features and mitigation measures described in the EA (pp. 10-13) are incorporated into the timber sale contract.

Project 2 – Road Decommissioning

I have decided to implement the Pig’s Puzzle Road Decommissioning Project as described in Alternative 1 (EA p. 62), with no modifications. This decision is based on site-specific analysis in the Pig’s Puzzle Projects - Reissue Environmental Assessment (EA # OR086-97-13), the supporting project record, management recommendations contained in the Scappoose Creek Watershed Analysis; as well as the management direction contained in the *Salem District Record of Decision/Resource Management Plan* (ROD\RMP) (May 1995), which are incorporated by reference in the EA. Hereafter, Alternative 1 is referred to as the “selected alternative”.

A map of the selected alternative can be found on page 6 of this Decision Rationale. The following is a summary of this decision:

The selected alternative will decommission approximately one mile of an existing natural-surfaced road (4N-2-28) in T4N R2W section 29. This is an old BLM-controlled road that has three stream-crossing culverts, two of which are in the process of failing and are chronic sources of sediment to Fall Creek. Decommissioning will be accomplished by removing the three culverts, removing as much trapped sediment as feasible above the culverts, subsoiling the road to reduce compaction and increase water infiltration, installing waterbars to control road surface runoff, planting native species such as red alder on the road surface, and blocking both ends of the road to all vehicle traffic, including off-highway vehicles (OHVs).

The selected alternative includes all the design features described in the EA (page 62).

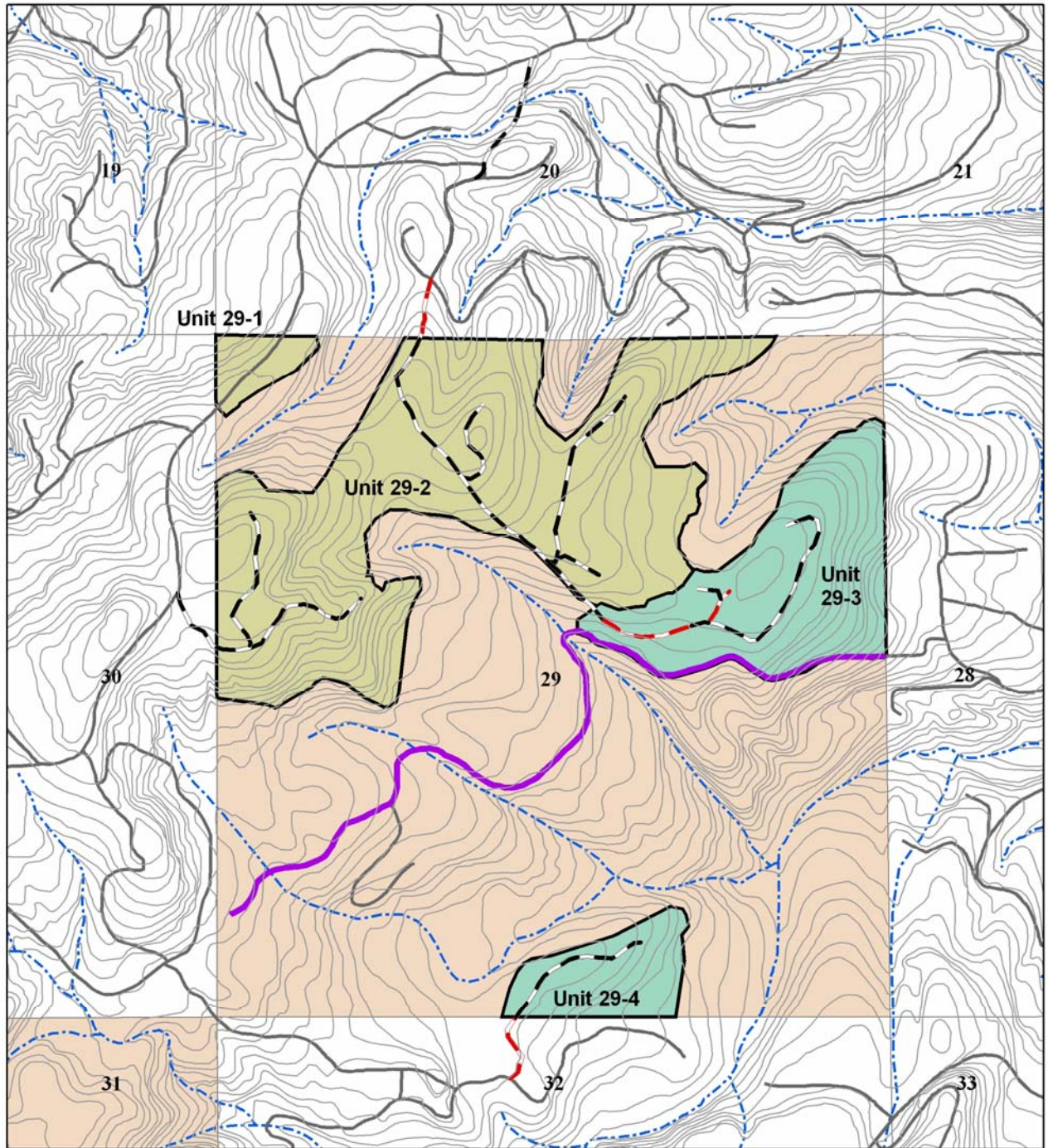
COMPLIANCE WITH DIRECTION

The analysis documented in the Pig’s Puzzle Projects - Reissue 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 (ROD/RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA pp. 11-12). All of these documents may be reviewed at the Tillamook Resource Area office.

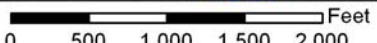
Survey and Manage Species Review:

This project fully complies with the 2001 Survey and Manage Record of Decision. All surveys conducted in 1999, 2000 and 2006 on the Pig’s Puzzle project area are in full and complete compliance with the 2001 FSEIS and ROD, as modified by the 2003 Annual Species Review (ASR). As such, 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. (EA Appendix 4 – Survey and Manage Compliance Reviews). No additional surveys are necessary or planned for the area as currently designed.

Map 1 - T4N R2W Section 29



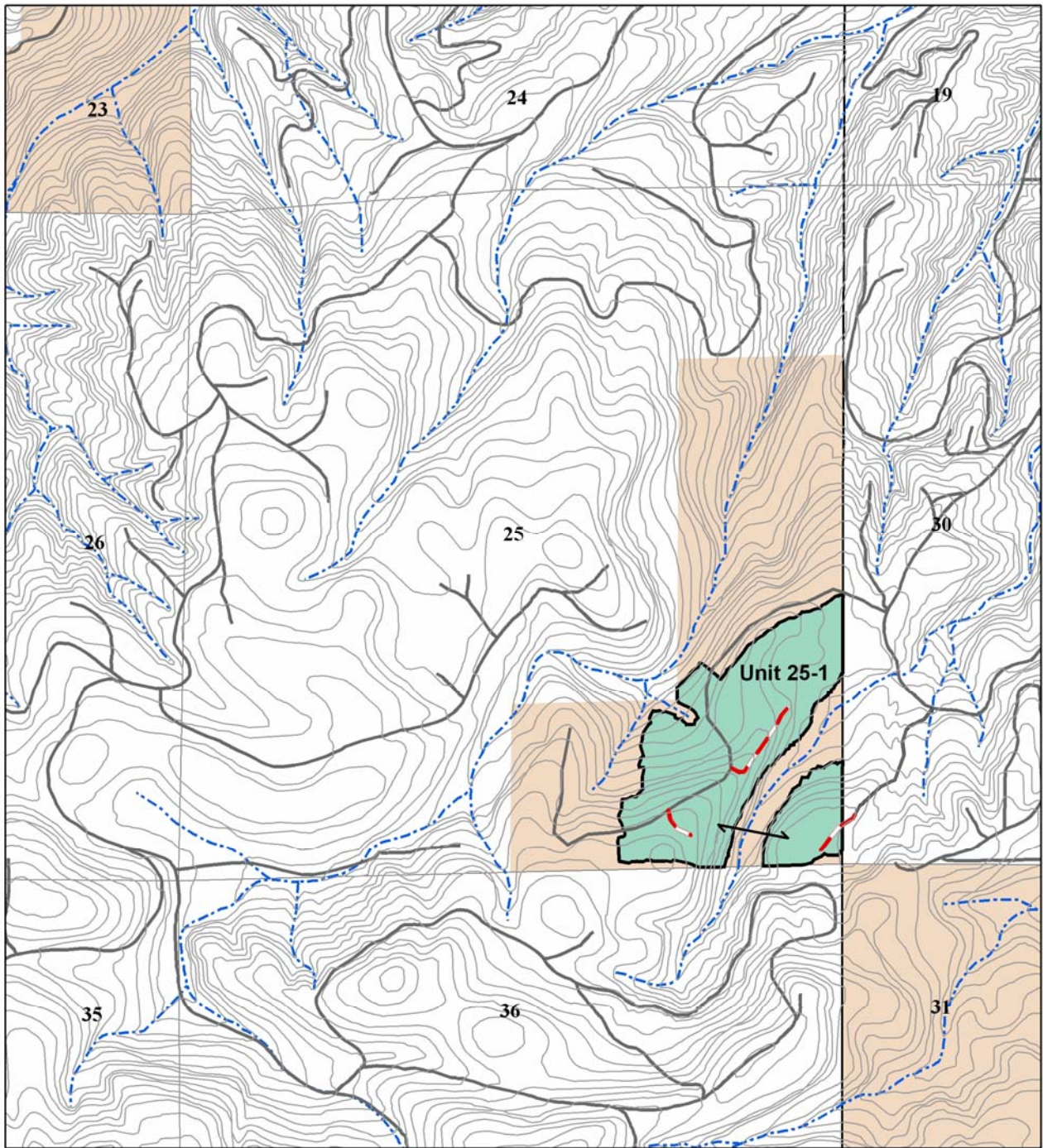
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data was compiled from multiple source data and may not meet U.S. National Mapping Accuracy Standards of the Office of Management and Budget.



- New Road Construction
- Road Reconstruction
- Road Decommissioning Project
- Existing Roads
- Regeneration Harvest Area
- Commercial Thinning Area
- BLM Lands



Map 2 - T4N R3W Section 25



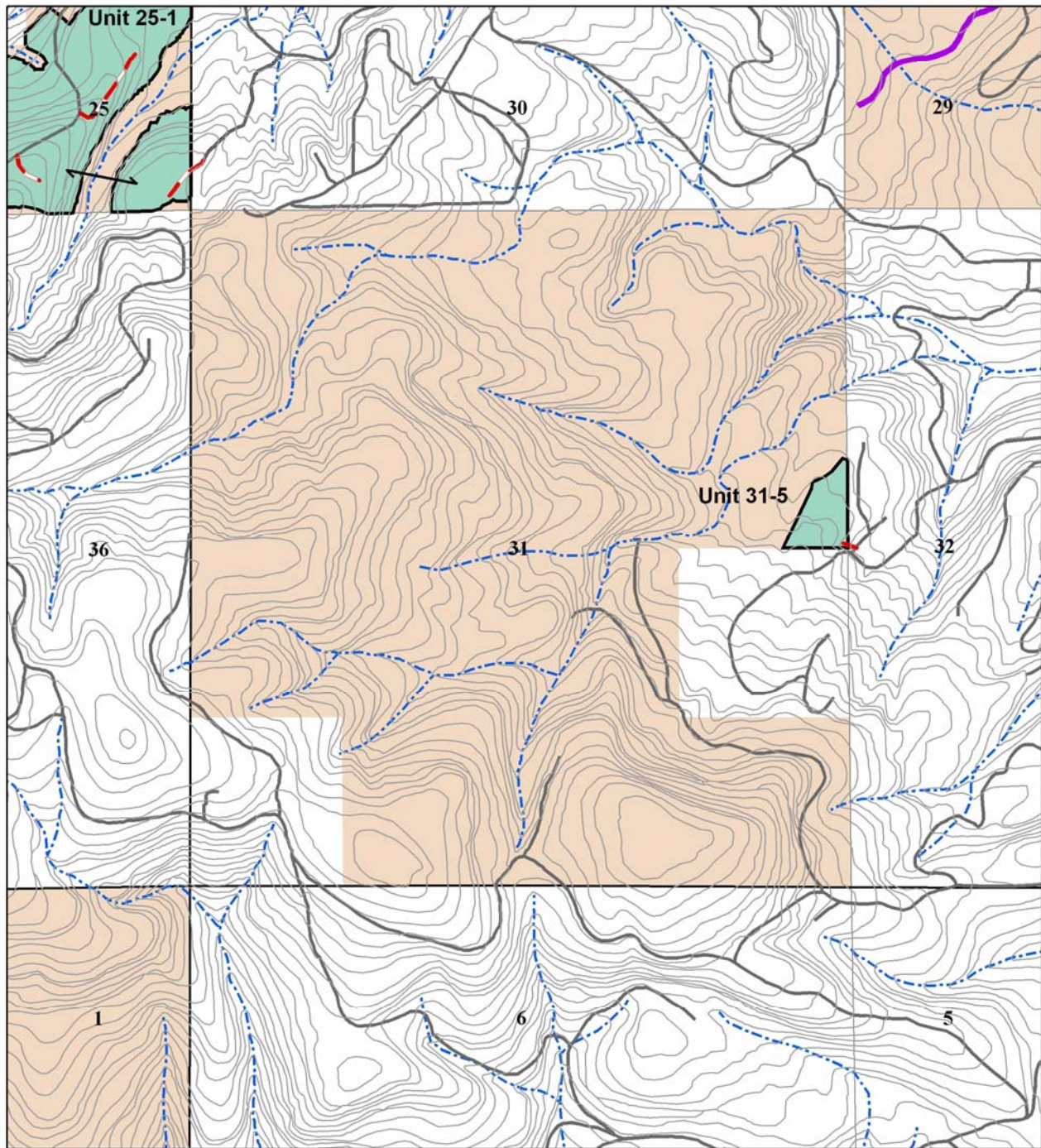
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0 500 1,000 1,500 2,000 Feet

- | | | | |
|---|------------------------------|--|---------------------------|
|  | New Road Construction |  | Regeneration Harvest Area |
|  | Road Reconstruction |  | Commercial Thinning Area |
|  | Road Decommissioning Project |  | BLM Lands |
|  | Existing Roads | | |



Map 3 - T4N R2W Section 31



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data was compiled from multiple source data and may not meet U.S. National Mapping Accuracy Standards of the Office of Management and Budget.

0 500 1,000 1,500 2,000 Feet

- New Road Construction
- Road Reconstruction
- Road Decommissioning Project
- Existing Roads
- Regeneration Harvest Area
- Commercial Thinning Area
- BLM Lands



Northern Spotted Owl (NSO) Status Review:

The following information was considered in the analysis of proposed project: a/ *Scientific Evaluation of the Status of the Northern Spotted Owl* (Sustainable Ecosystems Institute, Courtney et al. 2004); b/ *Status and Trends in Demography of Northern Spotted Owls, 1985-2003* (Anthony et al. 2004); c/ *Northern Spotted Owl Five Year Review: Summary and Evaluation* (USFWS, November 2004); and d/ *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. This information has not been found to be in conflict with the NWFP or the RMP (*Evaluation of the Salem District Resource Management Plan Relative to Four Northern Spotted Owl Reports, September 6, 2005*).

ALTERNATIVES CONSIDERED

Alternatives Considered but Not Analyzed in Detail:

The following action alternative was evaluated but not included in detailed analysis (EA pp. 14):

Thinning was considered for units 29-1 and 29-2. This alternative was dropped from further consideration because it would not meet the purpose and need for action as stated on pages 5 and 6 of the EA. Specifically, it would not allow for managing timber stands to reduce the risk of loss from disease. *Phellinus weirii* root rot infection levels are at least 30–40% in these units, and thinning such stands may result in excessive losses from windthrow and Douglas-fir beetles (EA page 14)

Alternatives Considered in Detail:

The EA analyzed the effects of the proposed action and the no action alternatives. Complete descriptions of the "action" and "no action" alternatives are contained in the EA, pages 13-20 and page 62.

DECISION RATIONALE

Project 1 – Commercial Thinning and Regeneration Harvest

Considering public comment, the content of the EA and supporting project record, the

management recommendations contained in the Scappoose Creek Watershed Analysis, and the management direction contained in the ROD/RMP, I have decided to implement the selected alternative as described above. The following is my rationale for this decision.

1. The selected alternative:
 - Meets the purpose and need of the project (EA section 2.1), as shown below in *Table 1*.
 - Complies with the *Salem District Record of Decision and Resource Management Plan*, May 1995 (RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA pp. 1-3), (DR/FONSI p. 9).
 - All surveys conducted in 1999, 2000 and 2006 on the Pig’s Puzzle Projects area are in full and complete compliance with the 2001 Survey and Manage FSEIS and ROD, as modified by the 2003 Annual Species Review. 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. (EA Appendix 4 – Survey and Manage Compliance Reviews). No additional surveys are planned for the area as currently designed.
 - Considers new information on the northern spotted owl (EA p. 12, DR/FONSI p.9).
 - Would not have significant impact on the affected elements of the environment (DR/FONSI pp. 15-17) beyond those already anticipated and addressed in the RMP EIS.
 - Has been adequately analyzed.

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 (EA section 2.1), as shown in Table 1.

Table 1: Comparison of the Alternatives with Regard to the Purpose of and Need for Action – Project 1

<i>Purpose and Need (EA section 2.1)</i>	<i>No Action</i>	<i>Selected Action</i>
Produce a sustainable supply of timber and other forest commodities (ROD/RMP p. 46).	Does not fulfill. Does not contribute to a sustainable supply of timber.	Fulfills.
Provide an annual ASQ for the Salem District of 34.8 MMBF (ROD/RMP p. 46).	Does not fulfill. There would be no timber sale to contribute to the Salem District ASQ.	Fulfills. Contributes approximately 8.4 MMBF to the Salem District ASQ.
Manage timber stands to reduce the risk of loss from disease (ROD/RMP p. 46).	Does not fulfill. Laminated root rot disease centers would continue to expand, affecting the growth and survival of surrounding Douglas-fir trees.	Fulfills. Regeneration harvest of 147 acres will replace root rot infected and susceptible Douglas-fir trees with more resistant species such as western redcedar, western hemlock and hardwoods.

<i>Purpose and Need (EA section 2.1)</i>	<i>No Action</i>	<i>Selected Action</i>
Conduct regeneration harvest of forest stands in the General Forest Management Area that are beyond the age of CMAI (Appendix D-1).	Partially fulfills. The stands proposed for treatment would continue to mature	Partially Fulfills. Mixed conifer stands that are heavily infected with root rot will be regeneration harvested, and other conifer stands will be commercially thinned.
Manage developing stands to promote tree survival and growth and to achieve a balance between wood volume production, quality of wood and timber value at harvest (ROD/RMP p. 46)	Does not fulfill	Fulfills. Commercial thinning of 129 acres will promote survival and growth of the remaining trees, and will result in increased quantity and quality of wood production at final harvest.
Address issues of effects to aquatic habitat, watershed condition, and Survey & Manage species that were subjects of appeals to the Interior Board of Land Appeals.	Fulfills. The EA addresses all of these issues.	Fulfills. The EA addresses all of these issues.
Proceed with the previously authorized timber sales in order to contribute a sustainable supply of timber in support of the PRMP/EIS (Vol. 1, p. xii) assumptions that BLM management programs (including timber sales) would support 544 jobs and provide \$9.333 million in personal income annually.	Does not fulfill.	Fulfills. The selected alternative allows the BLM to award the previously sold Pig's Puzzle timber sale.
Comply with Section 1 of the O&C Act (43 USC § 1181a) which stipulates that O&C Lands be managed "... for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities..."	Does not fulfill. This alternative does not provide a permanent source of timber supply from O&C lands, nor does it contribute to the economic stability of local communities and industries.	Fulfills. The selected alternative will provide a permanent source of timber from the O&C lands that will be treated, both now and in the future. As described in section 2.3.5 of the EA, there will be little or no direct, indirect or cumulative effects on stream flows or water quality.

Project 2 – Road Decommissioning

Considering public comment, the content of the EA and supporting project record, the management recommendations contained in the Scappoose Creek Watershed Analysis, and the management direction contained in the ROD/RMP, I have decided to implement the selected alternative as described above. The following is my rationale for this decision.

1. The selected alternative:
 - Meets the purpose and need of the project (EA section 2.1), as shown below in *Table 2*.
 - Complies with the *Salem District Record of Decision and Resource Management Plan*, May 1995 (RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA pp. 1-3), (DR/FONSI p. 9).
 - All surveys conducted in 1999, 2000 and 2006 on the Pig’s Puzzle Projects area are in full and complete compliance with the 2001 Survey and Manage FSEIS and ROD, as modified by the 2003 Annual Species Review. 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.* (EA Appendix 4 – Survey and Manage Compliance Reviews). No additional surveys are planned for the area as currently designed.
 - Considers new information on northern spotted owl (EA p. 12, DR/FONSI p.9).
 - Would not have significant impact on the affected elements of the environment (DR/FONSI pp. 14-17) beyond those already anticipated and addressed in the RMP EIS.
 - Has been adequately analyzed.

2. The No Action alternative was not selected because it does not meet the Purpose and Need directly (EA section 3.1), as shown in *Table 2*.

Table 2: Comparison of the Alternatives with Regard to the Purpose of and Need for Action – Project 2

<i>Purpose and Need (EA section 3.1)</i>	<i>No Action</i>	<i>Selected Action</i>
Reduce road density by closing roads that are no longer needed for management activities and that are contributing to water quality degradation (RMP p.64);	Does not fulfill. Does not close any roads at this time.	Fulfills. Decommissions approximately one mile of road that is no longer needed and is contributing to stream sediment impacts
Meet Aquatic Conservation Strategy (ACS) requirements by “...closing and stabilizing, or obliterating and stabilizing roads based on the ongoing and potential effects to ACS objectives and considering short-term and long-term transportation needs” (RMP, p. 62).	Does not fulfill. Does not meet ACS objectives through treatment of existing roads.	Fulfills. Removing two failing culverts will meet the ACS objectives to maintain and restore water quality, physical integrity of the aquatic system and the sediment regime under which the aquatic ecosystem evolved.

PUBLIC INVOLVEMENT/CONSULTATION/COORDINATION

Scoping:

A description of the proposal was included in the Salem Bureau of Land Management Project Update which was mailed to more than 1000 individuals and organizations. A letter asking for scoping input on the proposal was mailed on October 3, 1997 to 124 individuals, groups and

agencies that were potentially affected and/or interested in management activities in the resource area as a whole or in this area. Representatives of the Scappoose Bay Watershed Council were taken on a tour of the project area on September 27, 1997. The scoping report was also mailed to two other individuals on November 3, 1997. A total of eight letters and oral responses were received as a result of this scoping.

Comment Period and Comments:

The original EA was made available on the Internet and notices mailed to 16 interested agencies, individuals and organizations on February 25, 1998. Responses to these comments can be found in Addendum 1 to the original Decision Document and Finding of No Significant Impact.

Based on the original response, the EA was mailed to 16 agencies, individuals and organizations on July 24, 2006. A legal notice was placed in the *South County Spotlight* newspaper soliciting public input on the action on July 26, 2006. A number of comments were received during the 30 day comment period for the EA. Responses to these comments can be found in Appendix A of this DR/FONSI.

Consultation/Coordination:

Project 1 – Commercial Thinning and Regeneration Harvest

Wildlife Consultation

In order to obtain input from the terrestrial sub-group of the North Coast Province Interagency Level 1 Team and to facilitate the ESA section 7 streamlined consultation process, on April 11, 2006 elements of the Pig's Puzzle timber sale project and the associated analysis were discussed with the Level I team at a meeting held at the BLM Salem District Office in Salem Oregon. The Pig's Puzzle timber sale was submitted for consultation with U.S. Fish and Wildlife Service (USFWS) as provided in Section 7 of the Endangered Species Act (ESA) of 1973 (16U.S.C. 1536 (a)(2) and (a)(4) as amended) by inclusion in the Biological Assessment (dated July 24, 2006) for FY 2007 and 2008 Habitat Modification Projects located in the North Coast Planning Province. Consultation with the USFWS on the Pig's Puzzle timber sale project was completed on October 4, 2006 (Letter of Concurrence (LOC) (Project Record Document #27).

As a result of consultation, the USFWS concurred that the FY 2007-2008 Habitat Modification Projects within the North Coast Province (including Pig's Puzzle) *may affect, but are not likely to adversely affect* the spotted owl. In the case of the Pig's Puzzle timber sale project, light to moderate thinning of 129 acres of spotted owl dispersal habitat would result in degrading the quality of the affected dispersal habitat, although these acres are still expected to be able to function as spotted owl dispersal habitat post-treatment. Treatment of 147 acres of dispersal habitat with a regeneration harvest treatment is expected to remove these acres from a condition to function as spotted owl dispersal habitat for a period of 35-40 years.

The commercial thinning is consistent with definitions for "*light to moderate thinning*" as found in Table 1 (page 83) of the programmatic biological assessment. The regeneration harvest is consistent with the description of "*regeneration harvest*" also contained within

Table 1. Should the projects not be implemented within FY 2007-08 as currently planned but rather in a subsequent year, the project(s) would likely be resubmitted for inclusion in the next appropriate programmatic consultation. If the projects are determined by USFWS to not be in compliance with the standards of the programmatic consultation, the projects would be changed to be in compliance with the programmatic consultation or a project-specific consultation would be conducted. In either case, all of the appropriate Terms and Conditions of the appropriate biological opinion would be incorporated.

Fisheries Consultation

On August 6, 1999 BLM received a biological opinion from the National Marine Fisheries Service (NMFS) for the original Pigs Puzzle Timber Sale. However on December 12, 2000 NMFS rescinded this opinion as part of a group of 20 timber sale biological opinions rescinded in response to a court order. On August 9, 2006 the BLM again requested informal consultation with the NMFS on the Pigs Puzzle Commercial Thinning and Regeneration Harvest project. A BA documents actions on the Salem District which *may affect* listed Lower Columbia River anadromous salmonids. The Lower Columbia River steelhead trout Distinct Population Segment (DPS) is listed as threatened under the ESA by NMFS (63 FR 13347; March 19, 1998); the Lower Columbia River Chinook salmon Evolutionarily Significant Unit (ESU) is listed as threatened under the ESA by NMFS (64 FR 14308; March 24, 1999); and the Lower Columbia coho salmon ESU is listed as threatened under the ESA by NMFS (70 FR 37160; June 28, 2005). Critical habitat for Lower Columbia River steelhead and Lower Columbia River Chinook salmon was designated by NMFS on September 2, 2005 (70 FR 52630).

BLM determined that this action *may affect, but is not likely to adversely affect* Lower Columbia River steelhead trout, Lower Columbia River Chinook salmon, and Lower Columbia coho salmon, and designated critical habitat for Lower Columbia River Chinook salmon in the Scappoose Creek watershed. There is no designated critical habitat for Lower Columbia River steelhead in Scappoose Creek. A Letter of Concurrence was received from NMFS on September 13, 2006 (Project Record Document #26), affirming the affect calls for these species and critical habitat. In addition, NMFS proposed the following conservation recommendation: directionally fall trees into stream channels where cable corridors are needed through no-harvest buffers as long as there would be no adverse effects to listed species. NMFS also requested that they be notified whether or not this conservation recommendation is implemented in order to maintain a record of the activities that benefit listed species or critical habitat.

Project 2 – Road Decommissioning

Wildlife Consultation

Consultation with the USFWS on the Road Decommissioning project was not required as it was determined to be of *No Effect* upon all ESA listed or proposed wildlife species and their designated critical habitat.

Fisheries Consultation

This project is covered under a programmatic consultation “Endangered Species Act- Section 7 Consultation Biological Opinion & Magnuson-Stevens Conservation and Management Act Essential Fish Habitat Consultation” conducted with NMFS (NMFS No: 2005/04371 and 2005/06960). This project would be accomplished according to the terms and conditions of this biological opinion which is valid through September 30, 2007 or subsequent consultation.

FINDING OF NO SIGNIFICANT IMPACT

Based upon review of the Pig’s Puzzle Projects - Reissue EA and supporting project record, I have determined that these projects are not major federal actions and would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. There are no site specific impacts that would require supplemental/additional information to the analysis done in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). Therefore, an environmental impact statement is not needed. This finding is based on the following discussion:

Context. The projects are site-specific actions directly involving a total of 277 acres of BLM administered land, along with actions occurring on various haul routes; and road decommissioning activities on approximately one mile of BLM-administered roads. These actions by themselves do not have international, national, region-wide, or state-wide importance.

The discussion of the significance criteria that follows applies to the intended actions and is within the context of local importance. The EA details the effects of the action alternatives; none of the effects identified, including direct, indirect and cumulative effects, are considered to be significant and do not exceed those effects described in the RMP/FEIS.

Intensity. The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27. The discussions below apply to the two projects contained within the Pig’s Puzzle Projects – Reissue EA.

1. **Impacts may be both beneficial and adverse.** Due to the projects design features, the most noteworthy predicted effects include: (1) increased tree diameter growth, increased crown development and greater understory diversity within the 129 acres of stands that are commercially thinned; (2) reduced current and future loss of Douglas-fir volume from root disease in the 147 acres of regeneration harvest; (3) consistency with ACS (Aquatic Conservation Strategy) objectives; (4) no adverse impacts to any special status species that would contribute toward the need to elevate their status to any higher level of concern including the need to list under the ESA; (5) no impacts to any special attention (or Survey and Manage) species’ known sites; (6) slight, short-term increases in sediment are anticipated from road construction, road improvement and culvert removal, and timber harvest activities; (7) long-term reduction in sediment from failing culverts that will be replaced or removed; (8) no impacts to water temperature, streamflow or stream channel stability; (9) adverse cumulative impacts to spotted owl dispersal habitat; and (10) social and economic benefits to the local communities through the supply of timber to local mills and some contract work associated with the

road decommissioning project.

None of the environmental effects disclosed above and discussed in detail in Chapters 2, 3 and 4 of the EA and associated appendices are considered significant, nor do the effects exceed those described in the RMP/FEIS.

2. The degree to which the selected alternative will affect public health or safety. Public health and safety were not identified as an issue. The projects are comparable to other timber harvest and road decommissioning projects which have occurred within the Salem District with no unusual health or safety concerns.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas. There are no historic or cultural resources, park lands, prime farm lands, wetlands, wild or scenic rivers, or ecologically critical areas located within the project area (EA, Appendix 1).

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. Extensive scoping of the projects resulted in only three project specific comment letters, with a total of 17 comments. The disposition of public comments is contained in Appendix A of this document.

The effects of the projects on the quality of the human environment were adequately understood by the interdisciplinary team to provide an environmental analysis. A complete disclosure of the predicted effects of the projects is contained within Chapters 2 and 3 of the EA and associated appendices.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The projects are not unique or unusual. The BLM has experience implementing similar projects in similar areas and have found effects to be reasonably predictable. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment which are considered to be highly uncertain or involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. The projects do not set a precedent for future actions that may have significant effects, nor do they represent a decision in principle about a future consideration. Any future projects will be evaluated through the NEPA (National Environmental Policy Act) process and will stand on their own as to environmental effects.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The interdisciplinary team evaluated the projects in context of past, present and reasonably foreseeable actions (Appendix 2). Although some cumulative effects have been identified (spotted owl dispersal habitat) no significant cumulative effects are predicted. A complete disclosure of the effects of the action alternatives is contained in Chapters 2 and 3 of the EA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. The projects

will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will the projects cause loss or destruction of significant scientific, cultural, or historical resources (EA, Appendix 1).

9. The degree to which the action may adversely affect an endangered or threatened species or its designated critical habitat under the Endangered Species Act of 1973.

The Pig's Puzzle Timber Sale Project *May Affect but is Not Likely to Adversely Affect* the northern spotted owl as a result of habitat modification. This is based upon all the identified beneficial and adverse impacts – including cumulative impacts, resulting from forest management treatments on a total of 276 acres of spotted owl dispersal habitat through a combination of regeneration harvest and commercial thinning. Approximately 147 acres would be treated with a regeneration harvest and 129 acres would be treated with a density management or commercial thinning treatment. Those acres treated with a regeneration harvest would be removed from a condition to function as spotted owl dispersal habitat. Post-harvest, those acres treated with a density management or commercial thinning operation would be expected to continue to function as spotted owl dispersal habitat in a “degraded condition”. The project would be implemented in an area where the affected BLM-administered lands are in relative geographic or biologic isolation creating a low likelihood that this habitat currently facilitates owl dispersal between blocks of suitable habitat.

Consultation with the USFWS on the Pig's Puzzle Road Decommissioning project was not required as it was determined to be of *No Effect* upon all ESA listed or proposed wildlife species and their designated critical habitat

Consultation with the NMFS over the Pigs Puzzle Timber Sale, which concluded with the receipt of a Letter of Concurrence, described the potential of effects to ESA listed fish species or critical habitat. NMFS concluded that the negative effects of the action as proposed are discountable or insignificant.

There are no ESA listed or proposed-for-listing plant species within the project areas.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The projects do not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. The EA and supporting Project Record contain discussions pertaining to the Endangered Species Act, National Historic Preservation Act, Clean Water Act, Clean Air Act, Coastal Zone Manage Act, Executive Order 12898 (Environmental Justice), Oregon Scenic Waterways Act, and Executive Order 13212 (Adverse Energy Impact). State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, the projects are consistent with applicable land management plans, policies, and programs.

ADMINISTRATIVE REVIEW OPPORTUNITIES


The decision described in this document is a forest management decision. Administrative remedies are available to those who believe they will be adversely affected by this decision. Administrative recourse is available in accordance with BLM Forest Management regulations and must follow the procedures and requirements described in 43 CFR § 5003 - Administrative Remedies.

The effective date of this decision will be the date of publication (October 18, 2006) of the notice of decision in the *South County Spotlight*. Publication of this notice establishes the date initiating the 15-day protest period provided for in accordance with 43 CFR § 5003.3(a).


To protest this decision a person must submit a written protest to William B. Keller, Tillamook Field Manager, 4610 Third Street, Tillamook, Oregon 97141 by the close of business (4:00 p.m.) not more than 15 days after publication of the decision notice (November 2, 2006). The protest must clearly and concisely state the reasons why the decision is believed to be in error. Only signed hard copies of protests that are delivered to the Tillamook Resource Area will be accepted. Faxed or emailed protests will not be considered.

The remand from IBLA described in the Introduction gave BLM jurisdiction regarding a new protest decision. Because BLM reconsidered the original decision protested in its entirety and the public now has the opportunity to protest this new decision on Pig's Puzzle, the 1998 protest has been rendered moot. The following is protestable now:

- **Project 1 - Commercial Thinning and Regeneration Harvest Project:** Any objection to the commercial thinning and regeneration harvest project design or my decision to go forward with this project must be filed at this time in accordance with the protest process outlined above. The Pig's Puzzle timber sale will not be resold. I will proceed with the implementation of the decision through the BLM contracting process.
- **Project 2 - Road Decommissioning Project:** Any objection to the road decommissioning project design or my decision to go forward with this project must be filed at this time in accordance with the protest process outlined above.

Approved by: 

William B. Keller
Tillamook Resource Area Field Manager



Date

**APPENDIX A:
RESPONSE TO PUBLIC COMMENTS RECEIVED ON THE PIG'S PUZZLE PROJECTS –
REISSUE ENVIRONMENTAL ASSESSMENT (EA#OR086-97-13)**

On July 24 2006, a copy of the Pig's Puzzle Projects EA (Environmental Assessment), including Appendices, was sent to 16 individuals, organizations and agencies (Project Record Document 15). As a result of this scoping effort, three letters and emails providing comments were received - Project Record Document 20 from Rob Freres at Freres Lumber, Co., Project Record Document 21 from Doug Heiken at Oregon Natural Resources Council, and Project Record Document 22 from Rita Beaston at Scappoose Bay Watershed Council.

The following are comments received and BLM's responses to those comments.

Project Record Document 20 – Rob Freres, Freres Lumber Co.

Comment #1 – *“We request that the road decommissioning be minimized or eliminated. The road may not be planned for management use but may be useful for fire fighting or recreation. We hate to see valuable public assets such as the 4/10ths of one mile of new road obliterated.”*

BLM Response:

As stated in the EA (p. 61), the road decommissioning project is implementing management direction from the ROD/RMP to 1) reduce road density by closing roads that are no longer needed for management activities and that are contributing to water quality degradation (ROD/RMP p. 64); and 2) to meet Aquatic Conservation Strategy (ACS) requirements by “... closing and stabilizing, or obliterating and stabilizing roads based on the ongoing and potential effects to ACS objectives and considering short-term and long-term transportation needs” (ROD/RMP p. 62).

The existing road that would be decommissioned is not currently drivable as it is overgrown in places with vegetation, it is natural-surfaced and is impassable when wet, and the road has failed at two stream crossings. The new roads that would be decommissioned are relatively short spur roads that would also be natural-surfaced. All of these roads are behind private industry gates, and so are not accessible to the public.

Project Record Document 21 – Doug Heiken, Oregon Natural Resources Council

Comment #1 - *“Spotted owl significant impacts and significant new information*

BLM has an ESA obligation to "conserve" the owl, which is synonymous with recovery, which will require well-distributed habitat to support well-distributed owls. This project is located in an area with limited federal lands and very limited spotted owl habitat. In order to maintain the owl well-distributed, BLM must maintain and restore mature and old-growth forests. Regeneration harvest as proposed in this project will have significant adverse impacts on opportunities for spotted owl recovery. This requires preparation of an EIS.

The BLM cannot rely on the cumulative impacts analysis in the 1994 SEIS for the NWFP because there is significant new information that has not previously been comprehensively considered in any range-wide NEPA analysis.”

BLM Response:

In order to obtain input from the terrestrial sub-group of the North Coast Province Interagency Level 1 Team and to facilitate the ESA section 7 streamlined consultation process, on April 11, 2006 elements of the Pig’s Puzzle project and the associated analysis were discussed with the Level I team at a meeting held at the BLM Salem District Office in Salem Oregon. Discussions with the Level I team included the fact that the Pig’s Puzzle project would be implemented in an area where the affected BLM-administered lands are in relative geographic or biologic isolation creating a low likelihood that this habitat currently facilitates owl dispersal between blocks of suitable habitat. The cumulative impacts resulting from removing dispersal habitat through regeneration harvest and degrading dispersal habitat through commercial thinning in an area currently considered to be lacking adequate habitat were also discussed. The Level I team concurred with BLM’s determination that the Pig’s Puzzle Project “*May Affect but is Not Likely to Adversely Affect*” the spotted owl as a result of habitat modification.

The BLM has considered new information on the northern spotted owl to which you generally refer. The following information was considered in the analysis of the proposed project: a/ *Scientific Evaluation of the Status of the Northern Spotted Owl* (Sustainable Ecosystems Institute, Courtney et al. 2004); b/*Status and Trends in Demography of Northern Spotted Owls, 1985-2003* (Anthony et al. 2004); c/ *Northern Spotted Owl Five Year Review: Summary and Evaluation* (USFWS, November 2004); and d/*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). To summarize these reports, 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. This information has not been found to be in conflict with the NWFP or the RMP (*Evaluation of the Salem District Resource Management Plan Relative to Four Northern Spotted Owl Reports, September 6, 2005*).

Comment #2 - “*Matrix areas should be managed at least for high quality dispersal habitat which is similar to NRF habitat.*”

Spotted owl dispersal will be best met if they are moving through high quality habitat with safe opportunities for foraging and roosting. Regen harvest conflicts with this objective, especially in this landscape setting where dispersal habitat, and especially high quality dispersal habitat is so limited. In order to maintain higher quality dispersal habitat, the BLM should refrain from regen harvest and should retain significant dead wood in the thinning units”

BLM Response:

See the BLM response to ONRC comment #1 for a discussion of the effects of this project on spotted owl dispersal habitat.

A number of design features have been incorporated into the commercial thinning which address the maintenance of desirable stand features and habitat diversity including the promotion of spotted owl dispersal habitat. These design features are part of the proposed action and include the maintenance of at least a 40% canopy closure in thinning units and reserving all hardwood trees – primarily red alder and bigleaf maple. In addition, other design features have been incorporated into the project to address CWD habitat elements within the thinning units. These design features include the retention of green trees with defect such as cavities, or dead, forked or broken tops; retaining reserved trees within Riparian Reserves that would be cut to create skyline corridors to augment coarse woody debris; if possible maintaining reserve trees that must be topped for operational purposes (e.g. lift or tail trees) on site to augment snag and downed woody debris habitat; and retaining existing coarse woody debris and snags that are cut or knocked over during logging operations.

Comment #3 - *“New information on snags and CWD indicate that regen harvest practices are inconsistent with patterns of natural disturbance.*

Recent science indicates that there is significant new information indicating that the BLM's snag standards are out-dated and they are inadequate to maintain dead-wood-associated species as a fully functional part of forests after regen harvest because regen harvest captures nearly 100% of the mortality whereas natural disturbance left behind abundant legacies for dead wood associated species. Since the stands proposed for harvest in this project are surrounded by intensively logged non-federal lands, these parcels of BLM land play a crucial role in providing habitat for dead wood associated species.

The EA lacks an analysis of the new information on the critical importance of dead wood and the inadequacy of BLM's snag standards. Bringing BLM into compliance will require a new programmatic EIS evaluating and comparing several methods of maintaining dead-wood -associated species as a fully functional part of the forest.”

BLM Response:

The Salem District ROD/RMP provides the guidance for our land management objectives, and action/direction. Re-evaluation of management objectives and action/direction for Matrix (GFMA) lands is beyond the scope of this EA. The objectives described for GFMA timber sales are listed under EA section 2.1.1 Purpose and Need for Action and Decision Factors (EA p. 5). See also ROD/RMP p. 20. The EA in section 2.2.2, the Proposed Action, addresses snag and down wood retention under Desired Stand Features, Diversity, and Protection (EA pp. 10, 11). Within the GFMA, where timber production is the primary emphasis, the BLM seeks to balance timber, habitat and other objectives with layout, prescriptions and other design features that are designed to provide different habitats while producing timber. If the respondents have site specific information or recommendations on specific dead wood associated species they have not presented that information.

Comment #4 – *“Root disease*

Root disease should not be viewed as a problem but rather as an important part of ecological diversity across the landscape. Current practices on non-federal lands and past practices on BLM lands have

resulted in a relatively homogeneous landscape of patch-cuts replanted with Douglas fir in various ages of young forests that lack diversity. If left unlogged and unsalvaged, the root rot pockets in these stands will help provide a under-represented element in this area of the Coast Range, young complex forest with abundant legacies. This has benefits for a variety of species including big game and dead-wood-associated species.”

BLM Response:

The objectives for Matrix lands as stated in the ROD/RMP (p. 46) direct us to manage timber stands to reduce the risk of loss from disease. The topic of *Phellinus weirii* has been extensively covered in this EA. Please reference EA sections 2.2.4.1 No Regeneration Harvest Alternative (EA p. 14), and section 2.3.1.1 Forest Vegetation (EA p. 14-16). The BLM is not attempting to eradicate the disease, but reduce its presence, and at the same time diversify stand composition by planting *Phellinus weirii*-resistant species.

Comment #5 - “15% late-successional standard

The local watershed does not meet the 15% standard and guideline, yet this project will retard attainment of that standard by clearcutting stands that will recruited into the late-successional category in the near future. This violates the spirit of the NWFP requirement and is arbitrary and capricious.”

BLM Response: This project will not retard attainment of the 15% Retention Standard and Guideline (S&G). We have identified 1,078 acres of 70-year age class stands within the Riparian Reserve land use allocation in this watershed that will be managed to meet the 15% S&G. These stands, which may be considered as the “next best” habitat, constitute 18% of the federal forest land in the watershed, and by themselves exceed the 15% S&G. When added to the existing LSF stands in the watershed, there are 1,406 acres (23%) of federal forest land that are being managed to meet the 15% S&G. None of the stands proposed for treatment in this project currently meet the 80-year age criteria for LSF stands, and none of the stands proposed for regeneration harvest are in the “next best” habitat category.

Comment #6 - “Ground-based survey for Red Tree Voles are Ineffective.

There are many examples where the RTV survey protocol was applied and the agencies found few or no RTVs, then citizen survey crews later found large numbers of RTVs. This shows that the RTV Survey Protocol is not effective at making high confidence determination of the presence or absence of RTVs. This project should be halted until BLM adopts, pursuant to NEPA, a valid survey protocol that does determine presence/absence with high degree of confidence as required by the NWFP.”

BLM Response:

As with many survey protocols for various species, the survey protocol for red tree voles is not considered to be a 100% inventory. As stated on page 7 of *Survey Protocol for the Red Tree Vole* (Version 2.1, Revision, October 2002) unlike strip surveys, the Modified Line Transect Survey Method, which is best suited to stand level projects such as timber harvests and utilized for vole surveys conducted within the Pig’s Puzzle project areas, assumes approximately a 68% sample of the survey area. This represents a good assessment of the presence or absence of voles within the stand and a good-faith effort to locate red tree voles and/or red tree vole nests within the survey areas.

In the specific case of the Pig's Puzzle Project, this assumed 68% sample was likely exceeded due to the fact that it was effectively surveyed twice using two different versions of the protocol. As stated on pages 27-28 and 36 of the Pig's Puzzle EA, all of the proposed Pig's Puzzle treatment areas were originally surveyed for red tree voles in October of 1999. These surveys resulted in no red tree voles or red tree vole nests being located. *Survey Protocol for the Red Tree Vole* (Version 1.0 – September 1996) was followed for RTV surveys conducted in 1999. According to the red tree vole survey protocol, these surveys were valid for a period of about five years; therefore these original surveys had expired and were considered no longer valid in meeting S&M pre-project survey requirements. Consequently, the Pig's Puzzle treatment units were re-evaluated for their condition relative to red tree vole habitat according to the habitat triggers described in the *Survey Protocol for the Red Tree Vole* (Version 2.1, Revision, October 2002). As a result of this habitat evaluation, a total of 112 acres within units 29-2 and 29-3 were determined to have triggered the current protocol to the point that pre-project red tree vole surveys would be required. Surveys were (re)conducted in March-April 2006 according to protocol (Version 2.1) resulting in no red tree voles or red tree vole nests being identified within those acres (re)surveyed.

Comment #7 - *“No action alternative.*

The EA fails to compare the action alternative and no-action alternative in such a way that the no-action alternative is appropriately viewed as beneficial to a wide variety of species relative to the regen harvest alternative. The EA says no action has "no effect" on habitat but in fact, compared to regen harvest, no action has a immediate and significant beneficial effect, AND over time, as the forest grows, no action clearly has a beneficial cumulative effect.”

BLM Response:

The no action alternative serves to set the environmental baseline for comparing effects of the action alternative(s). The EA appropriately addresses the effects on resources under the no action alternative for each project. For the commercial thinning and regeneration harvest project the analysis of effects on wildlife of the no action alternative occurs in section 2.3.2.3 on page 38, which states in part “Under the No Action Alternative, the local plant and animal communities would be dependent upon and respond to ecological processes that would continue to occur based on the existing condition without management intervention. The identified impacts of the action alternative upon wildlife and wildlife habitat would not occur at this site at this time.” This then serves as the baseline for the analysis of effects on wildlife resulting from the proposed action, which occurs in section 2.3.2.2 on pages 28-38.

Your statement that the no action alternative has “an immediate and significant beneficial effect” is not supported in the analysis of the proposed action. The analysis of effects on wildlife under the proposed action does not identify any “significant” adverse effects to wildlife or habitats (EA pages 28-38).

Comment #8 - *“Range of Alternative.*

BLM should consider thinning the units that are proposed for regen harvest. BLM could recover some volume yet leave plenty of green tree and future dead wood habitat. This alternative would clearly be superior to the proposed action and would better balance BLM's multiple objectives, in particular: timber volume and habitat.”

BLM Response: As discussed in the EA on page 14, an alternative was considered that would involve

thinning the units that are proposed for regeneration harvest in the proposed action, as you suggest. This alternative was dropped from further consideration because it does not meet the stated purpose and need for action (EA page 5). Specifically, it would not allow for managing timber stands to reduce the risk of loss from disease, which is management direction in the Salem ROD/RMP for the Matrix land use allocation (ROD/RMP page 46).

Comment #9 - *“Cumulative impacts*

Since most of the affected area is non-federally owned there are extensive and intensive impacts already occurring in terms of soil, water, fish, spotted owls, etc. BLM's proposed regen harvest is on top of already significant cumulative impacts. The highest and best use of BLM lands in this area is to do something completely different than non-federal forest managers, such as "leave it alone, let it grow, let natural processes rein." This approach will provide landscape-scale ecological diversity. Even thinning would be different than non-federal management and better than regen.”

BLM Response: The lands proposed for timber harvest in this project are in the General Forest Management Area (GFMA) of the Matrix land use allocation. The Salem ROD/RMP assumed that suitable lands in the GFMA and Connectivity/Diversity Blocks would be managed in a manner consistent with the principles of sustained yield timber management. Once this decision was made, the primary unresolved issue regarding management of these lands is not if timber will be harvested, but when and how timber harvest will occur (EA pages 1-3).

In the GFMA, regeneration harvest will be scheduled at or above the age of volume growth culmination (i.e., culmination of mean annual increment¹) (CMAI). In the planning area this is between 70 and 110 years of age (ROD/RMP, Appendix D-1). Commercial thinning will be considered in stands approximately 30 to 70 years in age (ROD/RMP, Appendix D-2). The rationale for regeneration harvest in this project is addressed in the BLM response to your comment #8.

ONRC provides no evidence that “... there are extensive and intensive impacts already occurring in terms of soil, water, fish, spotted owls, etc.” The EA (Chapters 2 and 3) describes the current condition of all the resources that would be affected by the Pig’s Puzzle Projects and the environmental effects that would occur from implementation of the projects. The only cumulative impacts that were identified in the EA were to Spotted Owl dispersal habitat. These impacts were not considered to be significant primarily based upon the fact that the geographic isolation of the affected BLM-administered lands creates a low likelihood that the affected dispersal habitat currently facilitates owl dispersal between blocks of suitable habitat (See EA pages 22-24 and 29-32).

Comment #10 – *Comments regarding the protection of mature and old growth forests. ONRC suggests that thinning is a more appropriate treatment than regeneration harvest.*

BLM Response: The stands proposed for treatment in this project are 70-75 year old conifer and mixed-conifer stands. These stands do not meet the age criteria, nor do they contain the structural characteristics of mature or old growth forests. Approximately 129 acres of the conifer stands are proposed for thinning, and the other 147 acres are proposed for regeneration harvest. The rationale for regeneration harvest is described in the response to your comment #8.

¹ Culmination of mean annual increment, or CMAI, is defined as the age in the growth cycle of a tree or stand at which the mean annual increment for height, diameter, basal area, or volume is at a maximum. (The Dictionary of Forestry, The Society of American Foresters, 1998)

Project Record Document 22 – Rita Beaston, Scappoose Bay Watershed Council

Comment #1 – *“ The Falling & Bucking starting on May 1: This is the prime time for nesting birds to have clutches in their nests, as well the prime time for deer and elk to be calving. Could this time frame be set back 4 to 6 weeks (beginning to mid June) before beginning the falling? This would give wildlife, that will be affected by this management, time to raise their young long enough to be able to escape when the falling begins.”*

BLM Response:

It appears that you misinterpret information in Table 2 (p. 13) regarding seasonal restrictions incorporated into the projects. The shaded areas are the time period in which those activities are restricted from occurring, and so all felling and yarding operations would be restricted during the peak bark-slip period (May 1 to July 15). This restriction may be conditionally waived if excessive leave tree damage does not occur. Table 2 inadvertently did not show this restriction being applied to yarding operations, and this has been clarified in the Decision Rationale.

Comment #2 – *“Invasive species management: It is noted that Environmental Effects on Invasive Plant Species is addressed as to their presents and how easy it is for them to explode into new areas. The one thing I didn’t see was how these species would be controlled once the trees were removed and roads are abandoned. Is there a long term (5 to 10 year) management plan to control invasive species within the management areas?”*

BLM Response: The EA identified design features on pages 11, 12, 62 and 66 that would be incorporated to control the introduction of invasive/non-native plants. Those design features include power-washing heavy machinery each season prior to entering the sale area to remove adhering dirt and vegetation, planting a native grass mix or red alder and conifer seedlings on decommissioned roads, and monitoring the project area to evaluate for control treatments.

Comment #3 – *“This council has replace and /or worked with partners to replace 40 fish barriers within this watershed. Opening up 55 miles of salmonid habitat in the process. In the EA it is mentioned that the Road Decommissioning would include taking care of failing stream crossings by removal of the existing culverts. Will these areas be replanted, maintained and monitored for vegetation regrowth (native vs. non-native), & possible erosion problems associated with this area?”*

BLM Response: The decommissioned road would be planted with native species such as red alder to control road surface erosion and invasive/non-native plants.

Comment #4 – *“And YES, Bald Eagles are seen in this area on a regular base. They use these areas for roosting and feeding. It is also a short, direct flight from here to Sauvie Island.”*

BLM Response: Thank you for your comment. The EA (pp. 25, 33-34) indicates that there is no suitable eagle habitat within approximately one mile of the proposed treatment areas, and that there are no recent documented eagle sightings within or near the proposed treatment areas. Based on that analysis, the project was determined to be of *NO EFFECT* on the bald eagle as a result of potential disturbance or habitat modification.