

U.S. Department of the Interior
Bureau of Land Management

DECISION RECORD

Why Pass Timber Sale

DOI-BLM-ORWA-N030-2017-0027-EA

T.20S. R.05W. Sections 21, 29, and 35 Willamette Meridian Lane County, Oregon

May 2020

United States Department of the Interior
Bureau of Land Management
Northwest Oregon District
Siuslaw Field Office

Responsible Agency:	USDI – Bureau of Land Management
Responsible Official:	Cheryl Adcock Siuslaw Field Office 3106 Pierce Parkway, Suite E Springfield, OR 97477-7910 (541) 683-6145
For further information, contact:	Morgan Schneider Siuslaw Field Office 3106 Pierce Parkway, Suite E Springfield, OR 97477-7910 (541) 683-6983



DECISION RECORD

DOI-BLM-ORWA-N030-2017-0027-EA
Why Pass Timber Sale Decision Record

DECISION

It is my decision to implement Alternative 2, as described in the South Siuslaw Environmental Assessment (EA), in the Why Pass Timber Sale and hereby incorporated by reference (EA p. 6-11). Alternative 2 implements moderate thinning (between 40 and 55 percent canopy cover) outside the core areas of known northern spotted owl sites with recent activity and light thinning (60% of greater canopy cover) within the core areas of known northern spotted owl sites with recent activity. This Alternative also implements thinning with no gap creation, in the outer zone of the Riparian Reserve. Thinning in the Riparian Reserve will only occur where 60 trees per acre can be maintained post harvest and average stand tree height was less than 120 feet. Thinning prescriptions in the Riparian Reserve would be the same as the adjacent upland acres. The analysis in the EA supports a Finding of No Significant Impact (FONSI) for all action alternatives, therefore precluding the preparation of an Environmental Impact Statement. Implementation of this decision will result in forest management activities such as thinning, snag creation, skips from commercial thinning, creating group selection openings, activity fuels treatments, road construction, road improvement, road renovation, road to trail conversion, and road decommissioning. The BLM will implement all design features identified in the EA.

The analysis in the EA is consistent with management direction for the Late-Successional Reserve and the Riparian Reserve, as described in the 2016 Northwestern and Coastal Oregon Record of Decision and Resource Management Plan (ROD/RMP).

- Within the Late-Successional Reserve LUA, *in stands that are not northern spotted owl nesting-roosting habitat, apply silvicultural treatments to speed the development of northern spotted owl nesting-roosting habitat in the stand in the long term* (USDI - Bureau of Land Management, 2016a, p. 66).
- Within the Riparian Reserve LUA, *Thin stands as needed to ensure that stands are able to provide trees that would function as stable wood in the stream* (USDI - Bureau of Land Management, 2016a, p. 71).

BLM will implement commercial thinning within the 370 acres of the Why Pass project area. The timber sale will implement 272 acres of commercial harvest and skip 98 acres from commercial harvest. The harvest consists of 211 acres of moderate thinning and 61 acres of light thinning. Under Alternative 2, 163 acres of the Why Pass Timber Sale commercial thinning area is considered final entry¹ after treatment is completed (EA, p. 19). Group selection openings will be created on approximately 12 percent (43 acres) of the treatment area. The BLM will create 2,985 snags based on management direction from the ROD/RMP (pp. 66-67). The snags will be located in clumps, the size of each clump will vary in size and be scattered throughout the units, by creating a mixture of live and dead snags. A live snag is girdled above multiple green limbs, with the intention that the tree remains alive up to the girdle point (EA, p.7). After the girdle point, the top of the tree dies and eventually falls out. BLM will create 1,981 live snags that are high girdled and 1,004 dead snags that are low girdled. The BLM will implement 0.57 mile of new road construction, 0.41 mile of road improvement, 4.34 miles of road renovation, and 3.17 miles of road decommissioning within the Why Pass Timber Sale.

Within the riparian reserve 7 acres of Outer Zone Riparian Reserve in Why Pass will be Moderately thinned. Thinning this area will accelerate the ability of the Riparian Reserve LUA to provide functional wood by 10-20 years over Alternative 4 and the No Action Alternative (EA, p.25).

The analysis in the EA is consistent with management direction for the Late-Successional Reserve and Riparian Reserve as described in the 2016 Northwestern and Coastal Oregon Record of Decision and Resource Management Plan (ROD/RMP). The purpose and need for the action is to apply silvicultural treatments to speed the development of northern spotted owl nesting-roosting habitat in the stand in the long term, within stands that

¹ Final entry stands are based on "Organon" modeling that shows future commercial harvest entries are not needed to create northern spotted owl nesting-roosting, or foraging habitat.

are not northern spotted owl nesting-roosting habitat. As well as, ensure the stands are able to provide trees that would function as stable wood in the stream, within the Riparian Reserve.

PLAN CONFORMANCE

This action is in conformance with the 2016 Northwestern and Coastal Oregon Record of Decision and Resource Management Plan, signed August 5, 2016.

RATIONALE FOR SELECTION

In consideration of public comment and the findings presented in the EA, along with referenced supporting documentation, I have decided to implement Alternative 2 in the South Siuslaw project area for the Why Pass Timber Sale.

How well the selected action meets the purpose and need of the project

The No Action Alternative will not meet any of the purposes of and needs for the project. It was therefore not a reasonable alternative and not selected. All of the action alternatives will meet the project's purpose and need (EA, p. 9-11). However, there are differences in how they will meet certain aspects of the purpose and need. Key differences are described below.

Within the Late-Successional Reserve I have chosen Alternative 2 for the Why Pass Timber Sale because it will produce 120 acres of habitat with a high complexity rating, 122 acres of habitat with medium complexity, and 30 acres of habitat with low complexity (EA p.18); The 120 acres of habitat with a high complexity and 43 acres with moderate complexity rating will also be final entry (EA p. 19). Alternative 2 will create the greatest amount of acres of high complexity habitat. Alternative 3 will provide 63 acres of habitat with a high complexity rating, 124 acres with a moderate complexity rating, and 85 acres with a low complexity rating. (EA, p.20). Alternative 3 does not include group selection openings. Alternative 4 will provide 0 acres of high complexity, 103 acres of medium complexity and 169 acres of low complexity (EA, p.21). I choose to implement Alternative 2 because it will create the greatest amount of high complexity habitat and also creates group selection openings. The South Siuslaw Wildlife Specialist Report states, "*Benefits from created openings tend to persist longer than other treatments. For example, a retained tree in the middle of an opening would have very little competition with adjacent trees for decades. Hardwood trees should dominate most gaps if hardwoods are already present in gaps or a hardwood seed source is nearby, because common hardwood trees (big-leaf maple and alder) tend to grow faster than conifer trees. (USDI - Bureau of Land Management, 2019, pp. 20-21).*" Alternative 3 does not include group selection openings, while Alternative 2 creates 43 acres of group selection openings.

Within RR, this would enable the stand to reach 17 inches 10 to 20 years faster than the no action and Alternative 4 (EA, p.25).

CONSULTATION AND COORDINATION

Cultural Resources

The BLM mailed a scoping letter to the Confederated Tribes of the Siletz Indians, Confederated Tribes of the Grand Ronde, and the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians in September of 2017. The BLM did not receive any responses from these Native American tribes.

A BLM archaeologist conducted a review of known cultural resources within and immediately adjacent to (within a .25 mile of) the South Siuslaw project area of potential effect. Additionally, a BLM archaeologist conducted a cultural resource inventory of the South Siuslaw project area between February 2018 and August 2018. No cultural resources identified during this inventory are located within the harvest area and determined to be eligible for listing in the National Register of Historic Places (NRHP).

If any unknown cultural resource (prehistoric or historic site) and/or paleontological resources such as vertebrate fossils are identified during project activities all operations in the immediate area of such discoveries would be suspended until an evaluation of the finds can be made by a professional archaeologist to determine appropriate actions to prevent the loss of significant cultural or scientific values.

Wildlife: Effects determinations

Marbled murrelets: **May Affect but is Not Likely to Adversely Affect** marbled murrelets because the Why Pass Timber Sale decision does not authorize the removal of suitable habitat (i.e., trees with nesting structure) for the marbled murrelet. However, some buffer habitat may be removed. All of this project is within 35-50 miles from the Pacific coast. This sale is not in marbled murrelet critical habitat.

Northern spotted owl: **May Affect, but is Not Likely to Adversely Affect** northern spotted owls because the Why Pass Timber Sale decision authorizes the thinning of dispersal habitat to assist in development of complex habitat. Dispersal habitat will be maintained after treatment. This Sale does not authorize the removal of nesting, roosting, or foraging (i.e., suitable) habitat. Ongoing surveys will result in the avoidance of incidental take of spotted owls due to disturbance. This sale is within northern spotted owl critical habitat unit ORC-3. Thinning of dispersal habitat **May Affect, but is Not Likely to Adversely Affect** spotted owl Critical Habitat because the habitat will continue to function as dispersal after treatment.

The BLM completed consultation with the US Fish and Wildlife Service for the South Siuslaw EA and the associated Why Pass Timber Sale, for northern spotted owls and marbled murrelets.

Consultation documents - USDI Bureau of Land Management (BLM): Biological Assessment Regarding Habitat Modification Projects in FY2018-2019 that are Likely to Adversely Affect the Northern Spotted Owl (*Strix occidentalis caurina*), the Marbled Murrelet (*Brachyramphus marmoratus*), and their Critical Habitats as proposed by the Northwest Oregon District of the Bureau of Land Management together with US Fish and Wildlife Service accompanying Biological Opinion, FWS Reference Number 01EOFW00-2018-F-0121.

Fisheries: Effects determinations

Oregon Coast Coho Salmon: May Affect, but not Likely to Adversely Affect because the likelihood of incidental take of Oregon Coast coho salmon associated with this project has been minimized by following management direction and best management practices from "Forest Management Program for Western Oregon" programmatic consultation with National Marine Fisheries Service (USDC - National Marine Fisheries Service, 2018)

The BLM has completed consultation with the National Marine Fisheries Service, for the South Siuslaw EA and the associated Why Pass Timber Sale, for Oregon Coast coho salmon.

Consultation documents – USDC National Marine Fisheries Service (NMFS): Endangered Species Act Section 7(a)(2) Biological Opinion, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat for the Programmatic Forest Management Program for Western Oregon, NMFS Reference Number WCR-2017-7574.

IMPLEMENTATION

The BLM anticipates implementing this Decision Record during 2020.

PUBLIC INVOLVEMENT

The BLM mailed a scoping letter on August 25, 2017, to the Eugene sustained-yield unit NEPA document recipient list, which includes environmental groups, economic interest groups, private citizens, timber companies, tribes, local governments, and to adjacent landowners within one mile of the project area. The BLM received written external scoping comments from the Lane County Board of Commissioners, American Forest

Resources Council, Benton Forest Coalition, Oregon Wild, and Cascadia Wildlands, and neighboring landowners. External and internal scoping comments have shaped issue and alternative development for the EA. The BLM has addressed each of the topics brought forward during scoping.

The BLM posted the Draft EA and FONSI to the BLM's ePlanning website on February 14, 2019, for a 30-day public comment period. The BLM also sent a notice to the Eugene sustained-yield unit NEPA document recipient list on February 14, 2019, to notify them that the Draft EA and FONSI are available on the BLM's ePlanning website for a 30-day public comment period. The BLM received comments from three groups, the American Forests Resources Council, Oregon Wild, and Cascadia Wildlands during this review period. The BLM has included responses to substantive comments, from these groups, in Appendix A of this Decision Record.

Scoping and EA comment letters and emails are available for review at the Northwest Oregon District – Springfield Interagency Office, 3106 Pierce Parkway, Suite E., Springfield, Oregon.

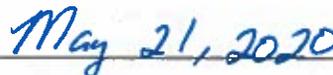
ADMINISTRATIVE REMEDIES

The decision to implement this project may be protested under 43 CFR 5003 - Administrative Remedies. In accordance with 43 CFR 5003.2, the decision for this project will not be subject to protest until the notice of sale is first published in the Eugene Register-Guard. This published notice of sale will constitute the decision document for the purpose of protests of this project (43 CFR 5003.2b). Protests of this decision must be filed with the Northwest Oregon District's Siuslaw Field Office within fifteen (15) days after first publication of the notice of sale. As interpreted by BLM, the regulations do not authorize the acceptance of protests in any form other than a signed, written hard copy that is delivered to Cheryl Adcock, Siuslaw Field Manager, at the physical address of the BLM Northwest Oregon District's Springfield Interagency Office at 3106 Pierce Parkway, Suite E, Springfield, OR 97477.

Signature of the Responsible Official:



Cheryl Adcock
Field Manager, Siuslaw Field Office
Northwest Oregon District BLM



Date

APPENDIX A - RESPONSE TO COMMENTS

The BLM received two comment letters from three different groups during the February 14, 2019, 30-day public comment period. These three groups were the American Forests Resources Council, Oregon Wild, and Cascadia Wildlands. Oregon Wild and Cascadia Wildlands submitted a joint comment letter.

The BLM prepared responses to substantive comments. Substantive comments are comments that do one or more of the following: 1) question, with reasonable basis, the accuracy of information in this EA; 2) question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis; 3) present new information relevant to the analysis which, if used, could have changed the results of the analysis; 4) present reasonable alternatives other than those analyzed; or 5) could result in changes or revisions to one or more alternatives. Comment numbers, substantive excerpts, and BLM's responses are presented below.

Failure to analyze an adequate range of alternatives:

1. Level of thinning, excerpt from American Forests Resource Council's comment letter:

"...each action alternative includes some level of thinning that is modified to a lighter-touch based on location relevant to both active and potential owl sites..." (p. 3)

The commenter requests that BLM analyze a moderate thinning only alternative. The EA analyzed moderate thinning in all action alternatives (EA, p.9). Alternative 2 analyzed moderate thinning, outside of core areas of known sites with recent activity for the northern spotted owl, on the majority of the treatment area (EA, p. 19). The volume difference in moderate thinning only alternative as compared to alternative 2, resulted in only a 1% volume increase. Therefore, the BLM did consider the alternative as suggested by the commentator, but did not present it in detailed analysis because it is substantially similar to an alternative already evaluated.

2. No new roads, excerpt from Cascadia Wildlands and Oregon Wild's comment letter:

- *"Road construction impacts are not compatible with reserve objectives."* (p.7)
- *"BLM needs to consider an alternative that leaves much larger areas untreated, such as areas inaccessible from existing roads."* (p.7)
- *"We raised concerns about roads and suggested consideration of alternatives without roads in our scoping comments."* (p.8)

Response: A no new roads alternative was brought up during the scoping period for this EA. This alternative was considered but not analyzed in detail, in section 6.1.11 "Alternative considering no new road construction" (EA p. 45). The EA found that, "New road construction is required to access every acre identified for treatment in the South Siuslaw project area." The comment was brought up again during the 30 day comment period. BLM took a hard look at this alternative and revisited the amount of acres lost. The EA evaluated commercial thinning on approximately 2,207 acres (EA p.46), evaluating no new roads alternative would drop approximately 550 acres in Alternative 2. Thus not treating approximately 25 percent of the project area. Not treating a quarter of the project area would not meet the purpose and need to "speed the development of northern spotted owl nesting-roosting habitat in the stand" (EA, p.3). Helicopter logging is not feasible for this project as there are no existing helicopter landings within the project area. Constructing proper landings and service landings in order to use a helicopter logging would result in new construction. Alternatively, utilizing a yarder for side hill and downhill yarding rarely meets BLM project design feature criteria that limit soil disturbance and sedimentation issues. Therefore, the BLM did consider the alternative as suggested by the commentator, but did not present it in detailed analysis because it did not meet the purpose and need.

3. ACEC alternatives, excerpt from Cascadia Wildlands and Oregon Wild's comment letter:

"We urge BLM to drop a portion of the commercial logging in the ACEC... Alternative approaches... might include the following: i) No treatment, or ii) Non-commercial fall and leave (or girdle) conifers less than 18" dbh that are located within 30 feet of healthy white oak trees that appear likely to survive." (pp. 2-3)

Response: The comment letter suggests two alternatives, both of which are substantially similar the alternatives evaluated in this EA. The no-treatment suggestion is considered in Alternative 1, the no-action alternative. An alternative that would release oak with a width of 30 feet, which is substantially similar to Alternative 4. This is described in the EA alternative table within the Willamette Valley Prairie Oak, and Pine ACEC - Kelly Creek parcels 1 & 2. The EA states, "Commercially thin to a canopy cover of => 60 percent. In a 10 acre area with oaks, thin to => 60% hardwood and conifer cover. In other areas with oaks, use group selection openings to release oaks" (EA, p. 10). The direct and indirect effects of Alternative 4 found that this alternative would not meet the Relevant and Important values of the ACEC over time (EA, p. 31). "In summary, Alternative 4 would maintain the Relevant and Important values in the short term, but within 20 years the average canopy cover would rise above 65 percent and most oak trees that the BLM released under this alternative would start to receive reduced light, there growth would stagnate, and they would eventually die." Therefore, the BLM did consider the alternative as suggested by the commentator, but did not present it in detailed analysis because it is substantially similar to an alternative already evaluated.

4. Snag creation, excerpts from Cascadia Wildlands and Oregon Wild's comment letter:

- *"The analysis needs to show that widespread thinning will cause long-term delay in attainment of desired levels of dead wood habitat."* (p. 4).
- *"...tree removal through thinning can lead to stand development trajectories that miss the reference condition for dead wood."* (p. 6)
- *"The analysis needs to show that leaving 10% untreated skips will not adequately mitigate for the long-term effects of reduced snag recruitment."* (p. 7)
- *"The EA should consider more alternative ways of creating snags, e.g., fungi inoculation, various means and methods of physical damage, fire girdling, etc."* (p. 7)

Response: The comment letter suggest alternatives that address snag creation and requests a hard look at dead wood. The EA evaluated snag creation methods across all action alternatives comparing clumping, scattering, high girdle, and low girdle (EA, p.10). BLM's proposed action follows the 2016 ROD/RMP direction of creating 10 snags per acre within the Late-Successional Reserve land use allocation (ROD/RMP pp. 66-67). The comment letter suggested alternative of methods for snag creation, which are substantially similar to what the EA evaluated. The BLM took the requisite "hard look" at the environmental effects of the alternatives in the EA. The EA discussed snag creation and dead wood within Issue 1 – "Northern Spotted Owl: How would the alternatives affect the availability of nesting, roosting, and foraging habitat within known spotted owl sites in the project area?" (pp. 13 – 23). The EA found that, "The stand complexity rating for the stands proposed for treatment is currently low based on lack of snags, down wood, and deciduous middle story, which serves as a food source for spotted owl prey" (EA, p.17). The EA concluded regarding Alternative 2 that, "The amount and quality of restored habitat would be highest in this alternative, due to the amount of created openings, open-grown trees, groupings of created dead wood, and method of dead wood creation" (EA, p.18). Therefore, the BLM did consider the alternative as suggested by the commentator, but did not present it in detailed analysis because it is substantially similar to an alternative already evaluated.

Architecture Decision Record is a term I had started hearing a lot recently. Maybe it's my interest which started me driving towards this term or something else. Since we live in the world of agile development now how does that affect our architectural decisions. Do we take all the decision at once? Do we have answers for all our questions before even we start? Are our systems designed only once? Many of these questions will always reply back with a "NO". Architecture for agile projects has to be described and defined differently. A Record of Decision (ROD) in the United States is the formal decision document which is recorded for the public. In the United States Environmental Protection Agency, the Record of Decision (ROD) is a public document that explains the remediation plan for the clean up a Superfund site. An ROD issued by the Federal Highway Administration (FHWA) signals formal federal approval of an Environmental Impact Statement (EIS) or Environmental Assessment (EA) concerning a proposed highway project. The ROD... An Architecture Decision Record is a tool for documenting a decision that has been made (or is under discussion) related to the architecture of a particular system or application. You'll find many templates available to help you get started but in general when you find that a decision needs to be made you should think about documenting the following: What is the issue you are deciding (brief and clear). What decision did you make (if any, yet). Current status (Under Discussion, Decided, etc.) Decision records also serve as historic documentation when someone questions the decision. You can revisit the argumentation and check why the decision looks stupid now. Did the circumstances change? Then there is no reason to blame anyone. Was something overlooked? Now we might learn something: How can you prevent to overlook similar things in the future? A decision record is frozen once a decision is made. The only exception is declaring it obsolete. Lightweight Architectural Decision Records Should be Adopted. ThoughtWorks lists architectural decision records as "adopt" at their technology radar vol. 18. It is still listed as "adopt". A "lightweight" ADR consists of title, status, context, decision, and consequences (according to @mntnygard). We think that the considered options are crucial to understand the reason of a chosen option. Thus, we propose MADR " The Markdown Architecture Decision Records (MADR: [MADR]) as alternative in this ADR organization.