

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
NORTHWEST OREGON DISTRICT OFFICE

DECISION RECORD

DOI-BLM-ORWA-N050-2017-0006-EA

Thurston Hills Non-Motorized Trails and Forest Management Environmental Assessment (EA)

Decision

Based on the analyses documented in the February 2020 Thurston Hills Non-Motorized Trails and Forest Management EA, the FONSI, the associated project record, and other documents incorporated by reference in the EA, it is my decision to implement the Pedal Power Timber sale and associated activities as described and analyzed under Alternative 4 in the EA. It is also my decision to implement the trail and associated Recreation Management Zone (RMZ) designation and development action as described and analyzed under Alternative 4 in the EA (pp. 31-33). The timber harvest, trails and RMZ are shown on the attached project map.

The selected timber harvest action is a 109-acre regeneration harvest, implementing the 2016 Northwestern and Coastal Oregon Resource Management Plan (RMP) management direction for the Harvest Land Base – Moderate Intensity Timber Area (HLB – MITA), including all applicable project design features (EA pp. 83-87). The BLM has awarded the timber sale contract (based on prior Decision) to Seneca Sawmill Company (Seneca). Seneca will move forward with the timber sale activities upon notice to proceed from BLM.

The selected trail action is the designation and construction of 8.5 miles of non-motorized trails for mountain biking and an associated Recreation Management Zone (RMZ) of 50 feet from center line of the designated trails. The trail action conforms to the RMP direction for BLM's Willamalane Extensive Recreation Management Area (ERMA) by creating open spaces and non-motorized trail opportunities in and near Springfield city limits. These trails connect to the adjoining Willamalane Park and Recreation District (WPRD) non-motorized trail system (as shown in the attached map), and will allow visitors to enjoy physical exercise, leading to improved physical fitness and health maintenance. These and other recreation outcome objectives will be protected by the RMZ, which will allow the trail to be realigned within the 50 foot buffer should resource concerns be encountered during trail construction or maintenance (EA p. 40). The timber harvest within parts of the RMZ and buffer will achieve the recreation objectives established by the Willamalane ERMA framework and the RMP/ROD, by creating a variety of quality mountain biking experiences throughout the ERMA. Trail construction will begin once the timber harvest activities are complete.

Plan Conformance and Legal Compliance

The selected actions are in conformance with the BLM's 2016 Record of Decision and Northwestern and Coastal Oregon Resource Management Plan (RMP).

The BLM complied with the Endangered Species Act (ESA) through informal and formal Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). The BLM fisheries biologist determined that all project areas would be over two

miles away from Upper Willamette River Chinook salmon and bull trout critical habitat and that proposed actions would not change habitat conditions). The BLM completed consultation with the USFWS for the Thurston Hills project in fall of 2017 on potential effects to the Northern Spotted Owl (NSO). While there are no known spotted owl sites in the project area, the consultation determined that the Thurston Hills project would be “Likely to Adversely Affect” spotted owls through habitat modification, “Not Likely to Adversely Affect” spotted owls through noise disruption, and would have “No Effect” to spotted owl critical habitat. The consultation did not call for the BLM to implement or avoid specific project actions. The BLM did not identify any species or critical habitats pursuant to the ESA in the Thurston Hills project area (EA p. 74).

The BLM has complied with Section 106 of the National Historic Preservation Act (NHPA) by assessing the presence and potential effects of the proposed actions on historic and archaeological resources. The BLM conducted a cultural resource inventory of the project area in July 2017. The BLM did not identify any cultural resources eligible or potentially eligible for listing in the National Register of Historic Places per the NHPA (EA p. 14).

The project incorporates Best Management Practices (BMPs) to reduce nonpoint source pollution to the maximum extent practicable, as required by the Clean Water Act. The project complies with these and all other applicable statutory requirements.

Rationale for Selection

The BLM’s interdisciplinary team evaluated the direct, indirect, and cumulative effects of the project and presented those analyses in the February 2020 EA. Based on these analyses, I have prepared a Finding of No Significant Impact (FONSI). In the FONSI, I conclude that the selected actions would not have a significant impact on the human environment and that no further analysis is required. The EA, the FONSI, and all documents contained in the Thurston Hills EA project file are incorporated by reference in this Decision Record.

In consideration of the project analyses and project decision factors (EA, p. 8), I have determined that the selected timber action would:

- Meet the two purposes and needs for the forest management action, including the attainment of Allowable Sale Quantity (ASQ) and adjustment of forest stand age-class distribution for sustained-yield management, as expressed in the EA (pp. 9-11)
- Implement forest management activities within the ERMA prior to trail development so that subsequent trails to be constructed within the ERMA would not be impacted by regeneration harvest soon after their construction (EA p. 1).
- Manage the Willamalane ERMA in accordance with its planning framework (RMP, p. 88) by providing for a variety of user preferences for trail settings. Green tree retention within the RMZ combined with unharvested riparian areas, will allow the trail to flow through both shaded and exposed areas, with approximately 60% of the trail in shaded areas and 40% in open areas, providing for a range of recreational experiences and difficulties (EA p. 43).

In consideration of the project analyses and project decision factors (EA, p. 8), I have determined that the selected trail development action would:

- Meet the purpose and need for trail development in the ERMA, namely, providing open space and a new recreational opportunity for hiking and mountain biking in proximity to the greater Eugene urban area, as expressed in the EA (pp. 8-9).
- Accommodate the development of a hiking and mountain biking trail system within the Willamalane ERMA that connects to the adjoining WPRD non-motorized trail system, as was anticipated by the RMP (EA pp. 8-9, 32, 42, 47).
- Manage the Willamalane ERMA in accordance with its planning framework (RMP P. 88) by creating a variety of quality mountain biking experiences that will allow visitors to enjoy physical exercise, leading to improved physical fitness and health maintenance. These and other recreation outcome objectives will be protected by the RMZ, which will allow the trail to be realigned within the 50 foot buffer should resource concerns be encountered during trail construction or maintenance (EA p. 40).
- Represent the best alternative in terms of public investment. This alternative would construct trails within and adjacent to harvest areas subsequent to a regeneration harvest in the HLB. This avoids any damage to trails caused by harvesting activities, as well as prevents trail closures during harvest.

Public Involvement

The BLM offered a 30-day public comment period during the initial scoping of the Thurston Hills Non-Motorized Trails and Forest Management EA beginning on March 17, 2017 and ending on April 30, 2017. The BLM held a public meeting in cooperation with the WPRD on April 13, 2017 and solicited comments from the public. The BLM also sent coordination letters to the Confederated Tribes of Siletz, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of Warm Springs, inviting them to consult. The BLM did not receive a response from any of the Tribes. The BLM engaged a public involvement specialist who conducted in-depth interviews with stakeholders in September 2017. After developing a preliminary range of alternatives and issues in response to public comments, the BLM held a public open house on November 7, 2017, to solicit input on the range of alternatives and issues the BLM proposed to consider in the EA. The BLM posted the EA and Preliminary Finding of No Significant Impact (FONSI) on April 23, 2018, for a 15-day public comment period ending May 8, 2018, during which 6 comment letters were received. The BLM prepared responses to substantive comments and added additional language and context to the EA as a result of public comments and internal review releasing them in the May 30, 2018 Decision Record. The BLM published a Determination of NEPA Adequacy (DNA), a FONSI, and Decision Record selecting Modified Alternative 4 of the May 2018 EA on ePlanning, BLM's National NEPA Registry website, on August 15, 2018. In September 2018, the Pedal Power Timber Sale was offered for sale and purchased by Seneca Sawmill.

The August 15, 2018 Decision Record was challenged in the U.S. District Court for the District of Oregon. The court ordered BLM to prepare a revised environmental assessment to address fire hazard and risk and implement trail and RMZ buffer designations prior to timber harvest. (*Cascadia Wildlands and Oregon Wild v. Bureau of Land Mgmt.*, Case. No. 6:19-cv-00247-MC) (Sept. 18, 2019 Order). The BLM posted the February 2020 EA and draft Finding of No Significant Impact (FONSI) on ePlanning February 2, 2020, for a 30-day public comment period, ending March 5, 2020. A press release, along with a letter to neighbors of the Thurston Hills Forestry and Trails project, was sent by BLM providing the public an opportunity to provide comments to the

project. The BLM prepared responses to substantive comments, included with this Decision Record in Appendix A.

Administrative Remedies

The decisions described in this document are forest management decisions and are subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protests of these decisions may be filed with the authorized officer, Rebecca Brooke, within 15 days of the publication date of the notice of the decision in the Eugene Register-Guard, Eugene, Oregon.

43 CFR § 5003.3 subsection (b) states: “Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision.” This precludes the acceptance of electronic mail (email) or facsimile (fax) protests. Written and signed hard copies of protests can be delivered to the Northwest Oregon District, Upper Willamette Field Office by appointment only. To make an appointment, you can call the Springfield Interagency office at (541) 683-6600. The full address is as follows: ATTN: Rebecca Brooke, Upper Willamette Field Manager, BLM Springfield Interagency Office, Northwest Oregon District, 3106 Pierce Parkway, Suite E, Springfield, Oregon 97477. The protest must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

43 CFR § 5003.3 subsection (c) states: “Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered.” Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to her. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 5003.3(f). If no protest is received by the close of business (4:00 p.m.) within 15 days after publication of the decision notice, the decision will become final. For further information, contact Rebecca Brooke at the above address.

Signature of the Responsible Official:

Rebecca Brooke
Field Manager
Upper Willamette Field Office

5/18/2020

Date:

APPENDIX A – RESPONSE TO COMMENTS

The BLM received 410 emails to the project mailbox (ThurstonHills, BLM_OR_BLM_OR_ThurstonHills@blm.gov) and four comment letters mailed to the BLM office. Three letters contained substantive comments. Substantive comments are those that do one or more of the following: 1) question, with reasonable basis, the accuracy of information in the EIS or 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; 5) could result in changes or revisions to one or more alternatives. Comments that are not considered substantive are: comments in favor of or against the proposed action or alternatives; comments that agree or disagree with BLM policy or resource decisions; comments that don't pertain to the project area or the project (including those beyond the scope of the project); and comments that take the form of vague, open-ended questions.

Comment numbers, substantive excerpts, and BLM's responses are presented below.

Amy Sherwood – 1

Comment Excerpt:

"When you met with me and my neighbors last year you promised to reopen the road by my house so that it went to Cedar Flats and we had two ways off of the mountain in case of fire. This promise was not kept. Yes - you did remove the berm and reopen the road, but it was only extended .8 miles - stopping very very short and creating a confusing danger for my elderly neighbors who are not able to check that it doesn't go all the way to Cedar Flats. If they rely on your word and try to escape a fire by heading east instead of west...just consider the consequence..."

Response: During the initial planning phases of the project the BLM looked into extending the road from 79th Street to Cedar Flats, or extending the proposed trail system to Section 5 via Section 31; however, BLM did not have legal access through the last portion of Section 31 which was needed to connect the roads and/or extend the proposed trail system. As the planning process continued, the concept of connecting the roads and extending trails was dropped when the property owner denied legal access to the BLM.

Amy Sherwood – 2

Comment Excerpt:

"It is premature to sell the timber while a cap and trade bill is pending in the Oregon Legislative branch. A financial analysis needs to be done showing that the value of the Seneca contract is greater than the present value of 80 years worth of carbon credits in a cap and trade market. I suspect this form of harvesting the timber provides greater financial return to the community and doesn't destroy the forest."

Response: BLM sold and awarded this timber sale contract prior to state legislative work on the cap and trade bill referenced in the comment. But even if the timing had aligned differently, these are federal lands managed pursuant to the 1937 Oregon & California (O&C) Grant Lands Act. More than 80 years later, Congress has not changed the direction of this Act—that the dominant use of these lands is commercial timber production. The Act directs that timber is to be “sold, cut,

and removed” in accordance with sustained yield principles; leaving trees uncut in furtherance of carbon sequestration is the direct opposite of Congress’s direction that salable timber be cut and removed so that a subsequent stand of timber may be grown for future harvest. Conducting the financial analysis that the comment requests would not allow BLM to disregard Congress’s direction in the O&C Act to manage these lands for timber production versus some alternative use, such as a carbon reserve. The PRMP/FEIS, to which the EA is tied to, considered an alternative for maximizing carbon storage but dismissed it from detailed analysis as BLM had no specific or regulatory mandated or policy direction to manage BLM-administered lands for carbon storage (PRMP/FEIS pp. 103 – 104).

AFRC – 1

Comment Excerpt:

*“Under the preferred alternative, the BLM proposes to construct 0.4 miles of road and to renovate 3.5 miles of road. These additions and renovations will also improve the protection capabilities you associate with trail development. Additional and improved roads will enable firefighters quicker and safer access to suppress any fires that are ignited. **Please consider adding this component to your analysis related to fire risk.**”*

Response: The requested component is already included in the underlying assumptions and effects discussion in the fire risk analysis:

“Construction of trails **and roads** and development of access points to BLM-administered lands would increase access for wildfire suppression, and increased access would improve the effectiveness of wildfire suppression.
(EA pg. 59, last bulleted assumption)

In reference to fire risk effects from road construction and renovations, the fire risk analysis for Preferred alternative 4 states:

“There would be a decrease in fire risk associated with the protection capability component, because of increased notification and access... road construction and renovation under Alternative 4 would provide additional improvements in access, though slightly less (than Alts 3&5) because of the slightly lower mileage of road renovation...
...There would be a decrease in fire risk associated with the protection capability component because of improved access.”
(EA pg. 65).

Oregon Wild – 1

Comment Excerpt:

“None of the proposed alternatives “preserve” the RMZ or “buffer” logging activities. The proposed alternatives are completely unchanged from the 2018 Thurston Hills EA, the logging volume is the same, the maps of logged areas is the same, with the exception that the BLM has now drawn the RMZ on the map. The BLM does not even analyze any of the questions raised in the ERMA plan concerning the impacts of logging on the recreation values or why this logging is

“needed.”

We believe this is a plain violation of the Court’s prior order in this matter. Please explain why it is not and how this sale protects, preserves and buffers the trails and the RMZ.”

Response: As per the February 2020 EA, the RMP’s management direction for ERMA is to manage the ERMA in accordance with its planning framework (RMP p.88). The RMA frameworks prepared for each ERMA as part of the RMP process detail important recreation values, recreation and visitor service objectives, supporting management actions, and allowable uses. The February 2020 EA designates trails and creates an RMZ 50 feet from the center line of the designated trail, addressing both the ERMA and court order. The RMZ and 50 foot buffer from the center line of the designated trail is applied in order to protect and maintain the recreation outcome objectives created by the trail by allowing the trail to be realigned within the 50 foot buffer should resource concerns be encountered during trail construction or maintenance (EA p. 40).

Timber harvest has no impact on realizing recreation objectives. The recreation values of open space and non-motorized trail opportunities would still be created and the objective of providing mountain biking and hiking opportunities would still be met. Timber harvest does provide for a variety of user preferences for trail settings. Green tree retention within the RMZ, combined with unharvested riparian areas, would allow the trail to flow through both shaded and exposed areas, with approximately 60% of the trail in shaded areas and 40% in open areas, providing for a range of recreational experiences and difficulties (EA p. 43).

Excerpted from Court Order:

“The Court declines to make a subjective finding that BLM arbitrarily and capriciously evaluated the proposed logging’s effects on visitor experiences. BLM does not have a clear directive to preserve the area’s natural setting characteristics, and there is no evidence that visitors will be deprived of “quality” experiences because portions of the trails pass through regeneration harvest areas. In fact, the Willamalane ERMA framework cites “open space and non-motorized trail opportunities” as recreational values. AR 11374. The framework does not prioritize forest canopy or naturalness, and there is no evidence in the record that such values are universal. In fact, many comments from mountain bikers, for example, did not discuss scenery or naturalness at all. See, e.g., AR 351, 589, 591, 601, 608, 614, 619, 621.”

Oregon Wild – 2

Comment Excerpt:

"The BLM states that annual ASQ goal is 53 mmbf. Please disclose the specific ASQ goal for 2020 and how much is being contributed by these other disclosed timber sales [alluding to Upper Siuslaw Landscape Project, Nails Creek, South Siuslaw, Row River, Shotcast, London Road, King Mosby, and Marcola Sunrise] in the EA. Please also disclose where these timber sales are taking place and the type of logging being proposed or being conducted and how much volume and acreage is being logged...

The EA also confusingly states that the timber volume generated from the implementation of this EA will contribute to fiscal year 2018 for ASQ purposes...

Could the BLM please disclose and explain why the 2020 Thurston Hills EA logging volume is being calculated into the 2018 ASQ valuation. Also, could the BLM disclose how much volume was generated in 2018 towards that ASQ already.”

Response: The BLM set an internal target for the Upper Willamette FO to offer 46 mmbf annually in ASQ and the Siuslaw FO to offer 7,000 mbf annually in ASQ. (USDI, Northwest Oregon District BLM, 2018, Jose Linares).

In FY20, the Siuslaw FO plans to offer High Three, a sale analyzed in the Nails Creek EA in T. 16 S., R. 6 W., Section 3. This would be a regeneration harvest and is estimated at approximately 82 acres and 7,000 mbf ASQ. In FY20, the Upper Willamette FO has offered two sales out of the Row River EA. Both Row River sales are a combination of regeneration harvest and commercial thinning. Together they add up to 474 acres and 12,142 mbf (ASQ). They are located in T. 20 S., R. 1 W., Section 31; T. 20 S., R. 2 W., Sections 15, 21, 27, 29, and 35; T. 21 S., R. 1 W., Section 1; and T. 21 S., R. 1 W., Section 7. The Upper Willamette FO has also offered one sale out of the Shotcash EA. Located in T. 15 S., R. 1 W., Section 31, T. 15 S., R. 2 W., Sections 25, and 36; and T. 16 S., R. 1 W., Section 6, it is a mixture of regeneration harvest and commercial thinning on 236 acres with a volume of 9,324 mbf (ASQ). The Upper Willamette FO plans to offer two sales from the King Mosby project in FY20. Short & Perky is a mixture of regeneration harvest and commercial thinning, and Hawley Golightly is a regeneration harvest. They are located in T. 21 S., R. 2 W., Sections 17, 21, 25, 27, and 35, and T. 22 S., R. 2 W., Sections 3 and 5. Together they add up to 685 acres and an estimated volume of 17,000 mbf (ASQ).

The 2020 Thurston Hills EA logging volume is calculated into the 2018 ASQ valuation because the Pedal Power timber sale was offered and sold in FY18 and the sale has not been cancelled. The Eugene SYU's 2018 volume target was 54,000 mbf. The SYU's total offering for FY18 was 54,347 mbf: 7,482 mbf ASQ and 46,865 mbf non-ASQ. Without the Thurston Hills contribution of 3,657 mbf, the SYU would not have met its FY18 target: the SYU would have offered only 94% of the target volume.

The 2018 Thurston Hills EA analyzed the effects of timber harvest that was implemented with the sale of the Pedal Power timber sale. This sale was sold in September of 2018; therefore, the volume counts toward the ASQ volume of 2018. The BLM has not yet terminated cutting and removal rights for the purchaser of the Pedal Power timber sale, pending the final Decision. Since the field manager has selected the preferred alternative, the sale will remain sold and the volume will continue to count toward 2018. If the FY18 sale of Pedal Power is cancelled, the volume would be removed from the SYU's ASQ accomplishments for FY18. Without Pedal Power Timber sale, the Eugene SYU's FY18 volume would be 50,695.

Oregon Wild – 3

Comment Excerpt:

"The RMP states that even within the HLB areas need to be maintained in the mature age class group, but the Thurston Hills EA focuses solely on the need to have forests within the 0-10 age class. EA at 10. The EA would benefit from an analysis of whether or not this purpose and need would be met if these forests, or parts of the forest in this project area were allowed to remain mature (perhaps the areas immediately around the trails) and how that would affect future age class distributions within the Eugene SYU... Please include an analysis of perhaps simply a

broader purpose and need to generate commercial timber volume which would allow the consideration of fire concerns and impacts to recreation and the surrounding community...

Please include an analysis of perhaps simply a broader purpose and need to generate commercial timber volume which would allow the consideration of fire concerns and impacts to recreation and the surrounding community..."

Response: The BLM has considerable discretion defining the purpose and need for the Thurston Hills Non-Motorized Trails and Forest Management project, which is responding to the underlying problem or opportunity (*City of Angoon v. Hodel*, 803 F.2d 1016, 1021 (9th Cir. 1986); *Powder River Basin Resource Council*, 183 IBLA 242, 248 (2013)). The Thurston Hills EA need includes contributing to the Allowable Sales Quantity (ASQ). The RMP ROD HLB management direction directs the BLM to conduct regeneration harvest for a number of reasons including to “adjust the age class distribution in each sustained-yield unit (RMP Management Direction pg. 59). The BLM analyzed a reasonable range of five alternative and five Issues in detail. The revised EA analyzed information regarding the age class in the Thurston Hills project area. Currently, there are zero acres of HLB within the 0-10 age class and zero acres in the 11-20 year age class. The FO needs to regenerate the stands to create more acres in the 0-10 year age class, and thus, meet the purpose and need of adjusting the age class distribution in each SYU and contributing to the ASQ.

Commenter Oregon Wild already litigated the adequacy of the Project’s Purpose and Need Statement, and BLM was not required to revisit the Purpose and Need as requested. Excerpted from Court Order:

The 2016 RMP authorizes regeneration harvest to contribute to attainment of the Allowable Sale Quantity and adjust the age class distribution in SYUs. AR 11446. It authorizes commercial thinning to contribute to attainment of the Allowable Sale Quantity and reduce stand susceptibility to fire and other disturbances. AR 11447. BLM did not analyze thinning in detail because it did not meet its purpose to shift acres from the 70 to 0-10 year age class, and the 2016 RMP does not authorize it to use thinning for that purpose. AR 3640, 3638–41, 11447. Additionally, thinning would produce 4–6% of the necessary Allowable Sale Quantity, whereas regeneration would produce 12–18%. Def.’s Mem. 30 (citing AR 2589, 2583). The Allowable Sale Quantity can vary by up to 40%, but BLM has a target nonetheless. AR 11393. Unlike the agency in *Klamath-Siskiyou Wildlands Center*, BLM adequately explained why other alternatives would not achieve the Project’s purpose and need. *See* 373 F. Supp. 2d at 1088–89.

Fire concerns regarding timber harvest activities were addressed in Issue 5 and 6 of the EA (pg. 56 – 74).

The EA also identified the need to build non-motorized trail system for mountain biking and hiking to manage ERMA’s in accordance with planning frameworks (EA p. 6).

Oregon Wild – 4

Comment Excerpt:

“The August 8, 2018 plan maintenance document that the BLM purports to rely upon in this EA was done illegally and amounts to post-hoc rationalization, adopted without NEPA, and it alters the fundamental balance established in the RMP between recreation and timber harvest... The BLM is attempting to change substantive protections in the 2016 RMP without going through NEPA, this is illegal.”

Response: The BLM planning regulations provide that land use plan decisions and supporting components can be maintained to reflect minor changes in data and further refine, document or clarify the RMP (43 CFR 1610.5-4). The BLM Planning Handbook explains that plan maintenance is not considered a plan amendment and does not require formal public involvement, interagency coordination, or the NEPA analysis required for making new land use plan decisions (BLM Planning Handbook, H-1610-1, p. 44).

The plan maintenance pertaining to ERMAAs that overlap the HLB added text to recreation management area frameworks, which are supporting documents to the RMP. The plan maintenance explained that the text was a clarification of the RMP that was consistent with the RMP and that this clarification would not expand the scope of resource uses or restrictions or change the terms, conditions, and decisions of the approved RMP. The RMP itself specifically disclosed that the BLM will update the recreation management area frameworks through plan maintenance, and that such plan maintenance does not require NEPA compliance (RMP, p. 251).

Commenter Oregon Wild already litigated the issues it raises regarding the plan maintenance, and BLM was not required to revisit the plan maintenance. Excerpted from Court Order:

The 2016 RMP also directs BLM to “[p]rovide a diversity of quality recreational opportunities” and manage Extensive Recreation Management Areas “in accordance with their planning frameworks.” AR 11475. In November 2018, however, BLM’s Deputy State Director clarified that:

Where [Extensive Recreation Management Area] designations overlap with the Harvest Land Base, [BLM must] implement actions as directed by the Harvest Land Base management direction and consider project design features that would minimize or avoid adverse effects to the recreational resources identified in the [Resource Management Plan’s] [Extensive Recreation Management Area] Planning Framework to the extent consistent with Harvest Land Base management direction.

AR 11241; *see also* AR 11492 (explaining that “BLM will not defer or forego timber harvest of stands in the Harvest Land Base for reasons not described in the management direction or this appendix.”).

The plan maintenance pertaining to ERMAAs that overlap the HLB provided clarification to the RMP and was conducted consistent with BLM planning regulations at 43 CFR 1610.5-4 and the BLM planning handbook, which specifies that plan maintenance does not require NEPA analysis.

Oregon Wild – 5

Comment Excerpt:

"RA 32: The harvest unit in the far west edge of the project area, directly adjacent to the Willamalane property (the areas accessed by the new spur road) has numerous legacy trees and represents high quality spotted owl habitat (RA32) and should be excluded from the sale. The EA inaccurately describes stands in this project as 70 year age class. The EA failed to disclose that this stand is much older. Please resolve this discrepancy."

Response: There is no spotted owl Recovery Action 32 (RA32) habitat in the Thurston Hills project area. Recovery Action 32 calls for reserving high-quality spotted owl habitat to serve as a refuge from negative interactions with barred owls. The Eugene District developed a method for identifying Recovery Action 32 habitat based on office and field evaluation (Eugene BLM, 2012). Page 5 of the Wildlife Specialist Report describes Recovery Action 32 of the Revised Recovery Plan for the Northern Spotted Owl and how the BLM assessed the Thurston Hills project area for RA32 habitat. Despite the presence of large, older remnant trees, no parts of the project area qualify as RA32 habitat and the overall stand age was properly assigned as 70 years using accepted silvicultural standards. Regardless, it would have been inconsistent with the RMP to exclude the unit from the sale even if it had met the description of high-quality spotted owl habitat in Recovery Action 32. The RMP clearly explains, "the land use allocations constitute the BLM's contribution to Recovery Action 32 ... The BLM will not defer or forego timber harvest of stands in the Harvest Land Base to contribute to Recovery Action 32" (RMP, p. 105).

Oregon Wild – 6

Comment Excerpt:

"Snags and Downed Wood: BLM should retain snags and down wood that exists as of the date that logging starts, not the date the original Decision was approved....BLM's post-hoc attempt to change that approach with "plan maintenance" after last years snow storm is improper. BLM is attempting to change the decision reached in the ROD and never completed any NEPA analysis."

Response: The Decision Record for the Thurston Hills project was signed August 15, 2018, implementing Modified Alternative 4. The Pedal Power timber sale was sold in September of 2018. The BLM has not yet terminated cutting and removal rights for the purchaser of the Pedal Power timber sale, pending the final Decision. Therefore, any timber that was sold under the contract belongs to the purchaser. The decision to implement Modified Alternative 4 included direction to:

- Retain existing snags > 20" (inches) DBH and snags 6-20" in decay classes III, IV, and V, except for safety, operational or fuels reduction reasons (RMP, p. 60). Retain existing snags ≥ 6" DBH cut for safety or operational reasons as down woody material, unless they would also pose a safety hazard as down woody material (RMP, p. 61), and;
- Retain existing down woody material > 20" in diameter at the large end and > 20 feet in length, and existing down woody material 6-20" in diameter at the large end and > 20 feet in length in decay classes III, IV, and V except for safety, operational or fuels reduction reasons (RMP, p. 60)

All live green trees and snags in decay class I and II that are between 6-20" DBH and down woody material in decay classes I and II that are between 6-20" in diameter at the large end and >20 feet

in length, except those live green trees marked for retention (this includes trees determined to be 40" DBH or greater and established prior to 1850) or aggregated for green tree retention, were sold to the timber sale Purchaser (Seneca Sawmill) in September 2018.

The snowstorm that occurred in winter 2019 created further snags and down wood within the harvest units. The February 2020 EA included additional language to ensure that the purchaser would be able to remove all trees that had previously been sold to them should the field manager select an alternative that includes timber harvest. The updated language stated:

- Retain snags **that existed prior to the August 15, 2018 Decision Record** > 20" (inches) DBH and snags 6-20" in decay classes III, IV, and V, except for safety, operational or fuels reduction reasons (RMP, p. 60). Retain snags that existed at the time of sale \geq 6" DBH cut for safety or operational reasons as down woody material, unless they would also pose a safety hazard as down woody material, and;
- Retain down woody material **that existed prior to the August 15, 2018 Decision Record** >20" in diameter at the large end and > 20 feet in length, and existing down woody material 6-20" in diameter at the large end and > 20 feet in length in decay classes III, IV, and V except for safety, operational or fuels reduction reasons.

The additional language is not considered plan maintenance. Simply, the BLM added the language in response to a change in environmental conditions and allowed for public comment on said language. In fact, the BLM made no attempt to hide this language, and provided for easier reading of it by highlighting it in red font.

The addition of the language does not change the prescribed outcome. All previously painted and reserved trees would remain in the harvest units, whether they are now live, snags, or down wood. No additional trees and/or volume would be sold as a result of this change in language.

The 2019 storm event created a large pulse of down wood material as well as snagged trees. During implementation of this project some trees that are known to have fallen or been snagged from this event will be identified and reviewed to determine a set of characteristics that show what level of decay these trees exhibit. That list of characteristics will be used during implementation to determine what trees fell or were snag topped prior to the August 15, 2018 decision date, and they will remain reserved from harvest in accordance with the ROD RMP.

Oregon Wild – 7

Comment Excerpt:

“Fire Risk and Fire Hazard:

‘The EA needs to disclose that the current “low” WHP is due in large part to the current condition of the vegetation, being mostly mature forest that is relatively resistant and resilient to severe fire. But after regen logging and replanting and trail building, fire hazard will increase with lots of dense fuels close to the ground...

(continued) ...EA (p 59) says ‘Treatment of activity fuels in strategic locations (such as along main access routes, ridges, or property lines) would slow the spread and decrease the flame length of potential fires, increasing the likelihood that wildfires would be suppressed during initial attack.’ The analytic assumptions fail to include the fact that regen logging and replanting significantly

increases fire hazard for 40 or more years. This is addressed in detail in our prior comments attached.

Response: The EA discloses that regeneration harvest and reforestation would create changes in the forest structure that would increase fire hazard at the stand level into the long-term timeframe (30 to 50 years). Changes in structural stages and their resultant effect on fire hazard are disclosed as an issue analyzed in detail in the EA (EA, p. 66 – 74). The analysis discloses that timber harvest and reforestation would change the structural stage, fuel model, and fuel loadings within harvested areas. Issue 6 concluded: *“Under Alternatives 3, 4, and 5 would increase fire hazard in the short-term at the project scale because of the creation of residual activity fuels. The use of whole tree yarding, and slash treatments would reduce, but not eliminate, this increase in fire hazard. Subsequent reforestation would create stands that would have a Moderate fire hazard initially, followed by a High fire hazard by the end of the short term and during the intermediate timeframe, followed by a Mixed fire hazard in the long term.”* (EA p. 74)

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Comment Excerpt:

“EA (p 59) says ‘This analysis evaluates fire risk at the temporal scale of 0-10 years.... This scale of analysis hides some important adverse effects including changes in vegetation and fuel hazard that continue to become more hazardous beyond 10 years, up to 40 years and beyond. Ladder fuels continue to grow and become taller and more dense, serving as a more powerful and effective vector for fire spread. To better inform the public and the decision-maker, the analysis should disclose fire hazard for 0-50 years in ten year increments.’”

Response: The hazard analysis found that as vegetation continues to develop beyond 10 years, the effects on the fire hazard category would not substantially differ from the effects already disclosed in the 0-10 year timeframe. By the end of the 0-10 year timeframe the fire hazard category would be high and it would remain in a high hazard category until stands develop into a mature structural stage. Changes in structural stages and their resultant effect on fire hazard are discussed in detail in Issue 6 (p. 66 – 74). Structural stage development requires multiple decades, so to reduce redundancy, the effects were grouped into three temporal scales rather than 10 year increments.

In the fire risk analysis, the 0-10 year time frame sufficiently captured the issue because this timeframe captures both the increase in risk from residual activity fuels and the increase to a High fire hazard caused by the change in forest structural stages. Beyond the 0-10 year timeframe, the residual activity fuels will degrade and will not continue to contribute to increased fire risk, while the fire hazard category would remain High until the stands develop into the mature structural stage (EA pp. 66 – 74). As such, effects from activity fuels and changes in vegetation on fire risk beyond 10 years would not substantially differ from the effects disclosed in the 0-10 year analysis.

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Comment Excerpt:

“The EA describes the fire hazard associated with mature forests as “mixed.” This description is incomplete and misleading because the science clearly shows that fire hazard associated with

mature forests is generally much less than the plantations that BLM is trying to establish here with regen logging.”

Response: Both the PRMP/FEIS and in the EA under Issue 6 (EA, pp. 66 – 74) disclose that fire hazard associated with mature forests is generally much less than stands in the establishment and young stages. Stand-level fire hazard was analyzed in the PRMP/FEIS (pp. 253-271). That analysis determined that fire hazard in mature forests is less than fire hazard in early seral and young stands (Table 11, EA p. 67). Additionally, the PRMP/FEIS analysis determined that young stand establishment following a regeneration harvest of a mature stand would increase wildfire hazard for approximately 50 years on dry forest sites, and 30 to 50 years on moist forest sites (PRMP/FEIS, pp. 255, 1203-1204). These findings are consistent with prevailing science (and research/references provided in Oregon Wild’s comments).

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Comment Excerpt:

“EA (p 65) describes preferred Alternative 4 “There would be a decrease in fire risk associated with the protection capability component because of improved access. These countervailing changes in fire risk are insufficient to alter the current fire risk category at the local scale. As a result, neighboring homeowners would continue to experience the same overall fire risk over the next ten years that they currently experience, ...” This is inaccurate. The changes in road access are quite marginal, while the site-specific changes in fuel hazard are significant and long-lasting.

Response: There is no basis presented for concluding that the Fire Risk changes in road access are marginal while the site-specific changes in fuel hazard are significant. The Thurston Hills effects analysis for Fire Risk looked at 4 component pieces to Fire Risk: risk, hazard, values, and protection capability (EA pp. 56-57) and gathered site-specific information from a combination of sources. These reports are summarized in the Fire Risk analysis and were incorporated into the EA by reference, (EA pp. 58). The fire risk analysis disclosed in the effect’s discussions for Alternative 4 that there would be an immediate and initial change in fire risk associated with the hazard component due to activity fuels and the forest structural stage changes as detailed in the Fire Hazard analysis. The harvested stands would result in a fire hazard category of High, by the end of the ten-year timeframe and would increase the fire risk associated with the hazard component. This fire risk increase associated with the hazard component is consistent with the timber harvest and residual activity fuels on fire hazard analyses in the PRMP/FEIS (pp. 253-270) to which the Thurston Hills EA analysis is tiered, and this was also incorporated by reference.

The EA disclosed that under Alternative 4 timber harvest would increase fire hazard in the short-term (0-10 years) at the project scale because of the creation of residual activity fuels. The use of whole-tree yarding and slash treatments would reduce, but not eliminate, this increase in fire hazard. Subsequent reforestation would create stands that would have a Moderate fire hazard initially, followed by a High fire hazard by the end of the short term and during the intermediate timeframe (10-30 years), followed by a Mixed fire hazard in the long term (30-50 years). Because regeneration harvest is reasonably foreseeable in the intermediate timeframe under the No Action alternative the same effects on fire hazard would occur under these alternatives, except 10 to 20 years later. Therefore, the effects on fire hazard would be the same under all alternatives, although the timing of these effects would differ (EA pp. 66 – 73). At the 6th field watershed level, the

Thurston Hills project affects less than one percent of the acres within the watershed. These effects from regeneration harvest in the Thurston Hills project on fire hazard are consistent with the effects of timber harvest on fire hazard analyzed in the PRMP/FEIS (pp. 253-264) and therefore, there are no significant effects on fire hazard beyond those disclosed in the PRMP/FEIS.

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Comment Excerpt:

"EA (p 66) summarizes the fuel hazard effects as "Under all alternatives, including the No Action alternative, overall fire risk would remain Moderate to High at the local scale over the next ten years." This is misleading and hides the significant and long-lasting increase in fire hazard caused by regen logging and replanting in the wildland urban interface."

Response: The Fire Hazard analysis (EA pp. 66 – 74) analyzed how forest structural changes (including logging and replanting) affect fire hazard over short term, intermediate, and long-term timeframes. The Fire Risk analysis (EA pp. 56-66) evaluates activity fuels contribution to the fire hazard component of fire risk for the temporal scale of 0-10 years because of the time it would take for activity-generated fine fuels (less than three inches diameter) to degrade (McIver and Ottmar 2007). The FONSI considered the EA analysis that discloses that under all action alternatives timber harvest would increase fire hazard in the short-term (0-10 years) at the project scale because of the creation of residual activity fuels. The use of whole-tree yarding and slash treatments would reduce, but not eliminate, this increase in fire hazard. Subsequent reforestation would create stands that would have a Moderate fire hazard initially, followed by a High fire hazard by the end of the short term and during the intermediate timeframe (10-30 years), followed by a Mixed fire hazard in the long term (30-50 years). Because regeneration harvest is reasonably foreseeable in the intermediate timeframe under the No Action alternative, the same effects on fire hazard would occur under these alternatives, except 10 to 20 years later. At the 6th field watershed level, the Thurston Hills project affects less than one percent of the acres within the watershed. These effects from regeneration harvest on fire hazard in the Thurston Hills project are consistent with the effects of timber harvest on fire hazard analyzed in the PRMP/FEIS (pp. 253-264) and therefore, there are no significant effects on fire hazard beyond those disclosed in the PRMP/FEIS.