INTRODUCTION

The effects of the Walter’s Cabin Timber Sale are analyzed in the Walter’s Cabin Forest Treatments Environmental Assessment (EA), (EA# OR014-06-03). This Decision Record applies only to the Walter’s Cabin Timber Sale and follow-up hazardous fuel reduction treatments as proposed in the EA. The timber sale is scheduled to be sold August 23, 2006.

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

DECISION

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

- Commercial timber harvest in sections 15 & 21 of T.39S., R.6E., W.M. within the Matrix Land Allocation (see Figure 2, Contract Map). Approximately 1.9 million board feet (MMBF) of timber will be harvested.
  - The general Silvicultural prescription will consist of Variable Density Management in the Matrix - Approximately 575 acres. The Klamath Falls Resource Area density management prescriptions are designed to meet the purpose and need of the EA, remove forest products, improve forest health, and reduce hazardous fuels and associated risks of high severity wildfires. They are also designed to reserve an array of stand stocking
levels, tree sizes and forest structure and maintain and enhance the existing ecological functions of the stand including wildlife habitat. Figure 1 (below) is based on data collected from the Walter’s Cabin Timber Sale area during monitoring of tree marking. The graph shows the expected distribution by diameter class of trees designated for cutting (take trees) and retention (leave trees).

- **Fuel Reduction** in the Matrix through the following methods:
  - whole tree yarding
  - lop and scatter of fuel concentrations
  - piling of fuel concentrations
  - Slash Busting where indicated in the Matrix – Up to 670* acres
  - No prescribed fire**

- **No Riparian Reserve Vegetation Treatments:**
  - Streams have been buffered and will be protected as described in Appendix B of the Walter’s Cabin Forest Treatments EA and the BMPs in Appendix D of the KFRA ROD/RMP.
  - The objectives of the Aquatic Conservation Strategy (ACS) will be met with implementation of the PDFs and BMPs.
  - No Fuel Reduction Treatments are planned in Riparian Reserves
  - No Timber Harvest is planned in Riparian Reserves

- **Road Treatments:**
  - Road improvement (resurfacing) - none
  - Renovation (grading & brushing – road maintenance) - Approximately 3.4 miles
  - Road closures (Blocking) - Approximately 1.2 miles
  - Roads Fully Decommissioned – Approximately .5 miles
  - Temporary Spur Road Construction – Approximately .2 miles
  - Permanent New Road Construction – Approximately 250 feet
  - Reduction of Open Roads – Approximately 1.4 miles

- **Wildlife Protection**
  - Northern Spotted Owl - The portion of the sale area to be harvested that is designated as NRF will retain a stocking level of 120 square feet of basal area (BA) on average compare to 100 BA on average for the rest of the sale area. The higher BA is being retained to promote/retain NSO habitat features.
  - Sharp Shinned Hawk – The Sharp Shinned Hawk nest located in section 15 will be protected and buffered with a small no-treatment area as described in the EA on page 19.
  - Special Status and Threatened and Endangered Species – The management actions/directions as described on pages 38 & 39 of the RMP will be applied.

*Note: These acres include the areas treated with timber harvest and approximately 95 additional acres outside the harvest units. The 670 acres are an upper limit.

**Note: The use of prescribed fire, although not part of this timber sale, is not precluded by this action. Prescribed fire will likely be implemented in the Walter’s Cabin Timber Sale area under future federal land management actions.
Monitoring
The KFRA ROD/RMP (Appendix K) requires that at least twenty percent of the timber sales, silviculture projects, or other ground disturbing activities be monitored annually. The KFRA has issued an Annual Program Summary (APS) and Monitoring Report on a yearly basis since the signing of the Resource Management Plan in 1995. The Annual Program Summary documents the results of annual timber sale monitoring as well as on-going monitoring of other resources. The 2005 Annual Program Summary and Monitoring Report, Table 19-5 on page 38, lists all the sales that have been sold and those that have been monitored to date. Monitoring related to timber harvesting has included determining soil effects, stand attribute changes (basal area, trees per acre, species composition, structure, etc.), numbers and spacing of skid trails, coarse woody debris and snag requirement compliance, establishment and adherence to riparian reserve buffers, threatened and endangered species buffers, cultural resources buffers, and seasonal use restrictions. The Walters’s Cabin Timber Sale may have some or all of these attributes monitored.

Mitigation
The PDFs and BMPs described in Appendix B of the Walters’s Cabin Forest Treatments EA and the BMPs in Appendix D of the KFRA ROD/RMP that pertain to timber harvesting and affected resources will be implemented. In addition, most areas within the project area in excess of thirty-five percent (35%) slope were not included as part of the timber sale. To address the issue
of treating the few small (less than one acre) and isolated areas with slopes in excess of thirty-five percent (35%), additional soil mitigation measures were added.

- On all slopes in excess of thirty-five percent (35%), all trees designated for cutting shall be hand felled in the direction of designated skid trails.
- All logs not within grapple reach of a skid trail shall be line pulled to a skid trail.

No other additional mitigation measures were deemed necessary.

**Resources Not Present**
The following resources are not present within the proposed Walters’s Cabin Timber Sale Area: prime and unique farmlands, mining claims, paleontological resources, hazardous materials, roadless areas, wilderness areas, and wilderness study areas.

**Environmental Consequences**
Implementation of the proposed action is consistent with the effects analyzed for the Walters’s Cabin Forest Treatments EA and the KFRA RMP EIS. The PDFs and BMPs from the Walters’s Cabin Forest Treatments EA and the BMPs from the KFRA ROD/RMP, and the mitigation measures will minimize the effects to the affected resources and result in no effects that are greater than those described in the EA and the KFRA RMP EIS.

**RATIONALE FOR SELECTION OF PROPOSED ACTION**
The decision to implement the Proposed Action meets the purpose and need identified in the EA (page 3) and furthers the intent established in the RMP to harvest timber and protect other resource values.

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

Other alternatives considered but rejected (see EA pages 8 and 9) include a Restoration Only Alternative and a Salvage Only Alternative. Both alternatives were rejected because they would not meet one or more parts of the Purpose and Needs section of the EA. The Salvage Only Alternative would not address the need to reduce the density of overstocked forested areas to improve forest health, stand resiliency, and growth. In addition it would contribute only minimally to the maintenance of a stable timber supply as required in the KFRA/RMP. The Restoration Only Alternative, primarily treatment with prescribed fire would accomplish some thinning and fuels reduction. However, the thinning could be poorly controlled and would likely cause significant mortality to smaller diameter (6” to 16” DBH) white fir and ponderosa pines stands. In addition, no trees would be harvested and no timber would be provided to support local economies as required in the KFRA/RMP. Therefore, the Salvage Only and Restoration Only Alternatives were rejected.
CONSULTATION AND COORDINATION
Section 7 Consultation with the U.S. Fish and Wildlife Service (FWS) was completed for the proposed thinning and regeneration harvest. A biological assessment dated June 28, 2006, addressed the actions proposed in the Walters’s Cabin Forest Treatments EA.

For the Walters’s Cabin Timber Sale a determination of “May Affect, Not Likely to Adversely Affect” was made by the BLM for the northern spotted owl. A “No Effect” determination was made for all other listed species. The FWS concurred with this determination (concurrence letter July 17, 2006; 1-10-06-I-0145).

PUBLIC INVOLVEMENT
The KFRA requested public comments on the Walters’s Cabin Forest Treatments EA on two different occasions. The first was an initial scoping letter dated March 7, 2006 and mailed to approximately 110 individuals and groups on the KFRA’s EA mailing list. That letter outlined the proposed treatments for the analysis area. Two written comments were received from individuals and three written comments were received from two organizations. Upon completion of the EA, the public was notified on June 14, 2006 through a legal notice published in the Klamath Falls Herald and News and through an EA availability letter mailed to those on the EA mailing list. Two individuals and three members of two different organizations requested and were mailed copies of the EA. Two comment letters were received from two different organizations during the formal thirty (30) day public comment period. Following are responses to relevant issues raised in both the initial scoping and EA comment periods:

Roads
Comments: Adverse impacts from roads to streams, aquatic resources, imperiled salmonids, soils, wildlife, hydrology, vegetation, noxious weeds, tree growth, and increased spreading of diseases should be addressed. The greatest surface erosion from roads occurs during the construction phase and first year after. Soil erosion and compaction from roads causes long-term loss of soil productivity. Loss of topsoil and therefore the loss of soil productivity is permanent. The removal of trees and other vegetation from roads causes long-term loss of soil productivity. Road obliteration does not immediately stop severely elevated soil erosion from roads. Temporary roads have enduring impacts on aquatic resources. Roads cause long term negative impacts on a variety of aquatic biota, including imperiled salmonids.

Response: The Walter’s Cabin Forest Treatments EA is tiered to the KFRA ROD/RMP which addresses and analyses in detail, road use, construction, specifications and associated impacts (pages 71-73 and Appendix D, D13-D21). In addition, the EA addresses road-related environmental effects to the above resources (pages 7 and 24-28). Page 46 (Table 24.1) of the 2005 Klamath Falls Resource Area Annual Program and Monitoring Report summarizes the road and transportation management progress in the KFRA since 1995 when the RMP was signed. There has been a net decrease in permanent existing roads and open roads in the KFRA since 1995 resulting in beneficial effects to wildlife and hydrological resources. Fewer roads and fewer open roads generally results in decreased potential for sediment to be delivered to streams, decreased potential for water quality to be degraded and decreased potential for wildlife to be disturbed. The proposed action includes further reductions in existing open roads and fully decommissioning one existing road and portions of several others. The new construction of
approximately 250 feet of permanent road is needed in order to close and fully decommission approximately 1,000 feet of an existing road. The use of the two temporary spur roads is needed to close and fully decommission approximately 1,900 feet of a road existing in a riparian reserve and to allow yarding of logs away from, rather than through, that riparian reserve.

**Comment:** The 250 feet of new road construction is in a riparian reserve  
**Response:** While the EA maps show an ephemeral drainage adjacent to the location of the proposed new construction, the road will not be built in a riparian reserve. The road will be specifically designed to avoid riparian reserves.

**Comment:** The BLM is urged to consider helicopter logging in the areas where new road construction is “required”  
**Response:** The new road construction and temporary spur road construction have several purposes. One is to allow for recovery of commercial products (logs) from the project area. The vast majority of the trees being harvested from this sale are small, in the 8 to 14 inch diameter range (see Figure 1). Helicopter logging of such small material would not be economically feasible. Another purpose of the new roads, as stated above, is an overall reduction of existing roads and associated impacts. If the new road construction described above is not conducted, approximately 2,900 feet of existing roads (1,900 feet of it in a riparian reserve) would not be closed or fully decommissioned. Therefore, the BLM has elected to further reduce overall road densities and road impacts to a riparian reserve in part by constructing two temporary spurs and a connecting road.

**Riparian Reserves/Water Quality**  
**Comment:** Proposed action is contrary to the requirements of Aquatic Conservation Strategy  
**Response:** Pages 26-29 of the EA discusses the hydrologic and water quality effects of the proposed action. The objectives of the ACS include maintaining and restoring the species composition and structural diversity of plant communities in riparian areas (RMP page 7). Although aquatic species and habitat are limited in the project area, Riparian Reserve buffers, Best Management Practices, and Project Design Features, as described in the proposed action, are expected to maintain and restore the plant communities in the area thereby reduce potential negative effects. Therefore, the Walter’s Cabin Timber Sale does meet ACS objectives.

**Vegetation**  
**Comment:** Do not harvest large overstory trees.  
**Response:** The KFRA ROD/RMP (page E-3) specifies that “…trees in all size classes are eligible for thinning in order to reduce stocking to site capacity.” The EA (page 6) addresses the issue of harvesting larger trees. The KFRA monitors stand structure and forest conditions on an annual basis (see 2004 Annual Program Summary and Monitoring Report pages 88-92). The bulk of the trees to be removed under the Walter’s Cabin Timber Sale are in the 8” to 14” size classes (Figure 1). While retaining all large trees may be desirable to some of the public, there is no basis for an arbitrary tree diameter limit for this project. Stand diversity has been maintained in similar previous projects as verified by monitoring (refer to Annual Program Summaries). Wildlife habitat and stand diversity is expected to be retained with this project as well. Therefore, the KFRA sees no need to modify its prescription to limit harvesting to certain diameters when current prescriptions are meeting the multiple RMP objectives for Matrix lands and the purpose and need of the EA.
Comment: Retain all large snags.
Response: As described in the EA (Appendix B, page A-5), a minimum of 2.4 snags per acre would be retained (where available) to meet the 60% optimum cavity nesting habitat in the area and to meet snag requirements from the 2001 Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines (2001 ROD) for white headed woodpeckers, black backed woodpeckers, pygmy nuthatches and flammulated owls (pages 33-34 2001 ROD). In addition, because this is a density management harvest where approximately 1/4 to 1/3 of the trees (by basal area) are removed, mostly from the smaller diameter classes, there is expected to be sufficient recruitment trees available to meet future snag and down woody debris requirements, therefore negating the need to retain all large snags. In general, existing snags will not be designated for harvest during sale preparation. The only existing snags that would be designated to cut in the proposed action and during the administration of the contract, would be those that present a hazard to logging operations or public use. These would include snags immediately adjacent to landings and main public roads.

Comment: Ensure long-term recruitment of future old-growth.
Response: The treatments are expected to maintain future old-growth recruitment (see vegetation discussion above). As Figure 1 demonstrates, more than ninety (90%) of the trees over 20” inches DBH are being retained. In addition, thinning around larger high resource value trees is prescribed in the harvest prescription to enhance their resiliency and reduce fire risk (see Appendix B, page A-3). Therefore, the long-term maintenance and recruitment of old-growth is expected.

Comment: The BLM states without analysis that the proposed project would not violate the Northwest Forest Plan requirements to maintain at least 15% of the watershed in a late successional condition
Response: The NWFP standard states that 15% of the federal lands in a fifth field watershed must remain in late successional habitat. The standard is to not reduce the Late Successional Habitat below this threshold on federal lands. The Walter’s Cabin Timber Sale and follow-up treatments will not reduce the amount of Late Successional Habitat in the fifth field watershed below that level. The uneven-aged silvicultural prescriptions adopted in the Klamath Falls Resource Area RMP are designed to maintain the structural and functional late-successional characteristics in those stands proposed for treatment. Therefore, the proposed treatments are expected to result in no reduction of late-successional habitat within the EA analysis area and no significant impacts are expected beyond those analyzed in the RMP.

Comment: Thinning should be done at variable densities and carefully.
Response: The KFRA implements silvicultural prescriptions that results in variable densities. A typical density management unit may contain a patch cut, stands with a residual density of 60 to 100 square feet of basal area per acre, stands with a residual density of 120 to 180 square feet of basal area per acre, and thermal clumps where no harvest is implemented. The Walter’s Cabin Timber Sale contains no patch cuts. The residual density of the Walter’s Cabin Timber Sale is expected to vary from a residual basal area of 60 to 180 square feet per acre to untreated thermal clumps. In addition to a variable density, Figure 1 (above) shows that trees in diameter classes ranging from eight to over 20 inches will remain which will result in the desired uneven-aged,
multi-structured stand. The 2005 Annual Program Summary and Monitoring Report (page 90) shows a summary of the post treatment stand attributes of a timber sale that includes canopy closure, basal area, trees per acre, tree sizes, fuel loading, coarse woody debris data, and snag data. The summary shows stand data indicating that the residual stand contains a considerable amount of variation thereby validating that variable density thinning is being implemented.

**NEPA**

Comments: The BLM failed to analyze a reasonable range of alternatives and to consider an alternative with commercial thinning of plantations, retention of late successional forests, construction of no new logging roads, upgrades of existing roads, and reduction of road density

Response: All potential alternatives were put to the test of meeting the requirements stated in the Purpose and Need sections of the EA. Commercial thinning of “plantations” in the Walter’s Cabin Timber Sale area would produce very small amounts of commercial wood products. The sale area has very limited amounts of commercial sized plantations. Most of the forested area treated consists of second growth mixed conifers. Therefore commercial thinning of plantations would not provide sufficient amounts of wood to help sustain local and regional timber related businesses. In addition, thinning only in plantations would provide no thinning benefit to the majority of the analysis area that is overstocked with small and medium sized timber. Therefore, no fuel reduction benefits and improved forest health benefits from thinning would be realized. Finally, no new road construction would preclude closing and fully decommissioning approximately 2,900 feet of existing roads and the removal of 1,900 feet of road from the riparian reserve. No new temporary spur roads would require continued yarding to and landing of logs on the -15.0 Road in the riparian reserve. This alternative would result in less road reduction, continued yarding in and through a riparian reserve, little thinning of over stocked stands and very minor amounts of harvested volume from plantations. Therefore, the alternative would not meet the requirements put forth in the Purpose and Needs sections of the Walter’s Cabin Forest Treatments EA.

Comments: Ensure that the Public is well-informed and meaningfully involved through public notices, adequate information to participate effectively, sufficient time for comments and provide for accountability through administrative appeal and judicial review.

Response: The KFRA mailed approximately 110 initial public scoping letters on March 7, 2006 to the persons and organizations on our EA mailing list. In addition, a notification was published in the Klamath Falls Herald and News on June 14, 2006 requesting EA input. In developing the EA, public comments were considered. The EA availability notification was mailed to the same public mailing list on June 14, 2006 for the required thirty (30) day review period. The KFRA has provided opportunity for the interested public to provide comments.

Comments: Inadequate analysis of past, present and foreseeable cumulative effects to multiple resources (soils, hydrology, and wildlife) including private logging and treatments.

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

Although other actions (See Table 1 and Table 2 in the Walter’s Cabin Forest Treatments EA) will occur on BLM land within the watershed, the effects of the Walter’s Cabin Timber Sale, when added to other past, present and these reasonably foreseeable actions do not result in any significant environmental effects. This is true, especially in light of the fact that the applicable Best Management Practices in the ROD/RMP, the Project Design Features provided in Appendix B of the EA and the additional mitigation in the EA and this decision record will be implemented to protect resources and minimize potential environmental effects.

The analysis for the RMP EIS assumed that adjacent forested private land would be reduced to early seral condition. As a result, the Walter’s Cabin Forest Treatments EA analysis of cumulative effects was based on that “reasonably foreseeable action” and I have no basis for changing the assumption made for the RMP EIS. Therefore, the analysis in the EA which is tiered to the analysis for the RMP EIS is sufficient.

**Fish & Wildlife**

**Comments:** The BLM needs to conduct Site-specific wildlife review, surveys and methodologies.

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

**Northern Spotted Owls**

**Comment:** According to the EA, there would be no negative effects to the owls due to logging.

**Response:** The EA states (page 20) that there would likely be no direct effects on spotted owls under the proposed action. However, the EA goes on to describe indirect effects to spotted owls through changes in habitat: “This modification (thinning) would degrade the habitat in the short-term (reduce canopy closure, lower snag recruitment, reduce CWD recruitment, and reduce understory vegetation). Canopy closure would likely be reduced to 50-60% in the short-term measured at the stand level. This estimation is based on similar past density management thinning treatments (BLM 1999-2005). This would degrade, but not eliminate, foraging habitat in the short term while still maintaining the green-tree multi-structure stand and foraging habitat for the long-term. The remaining 44 acres of foraging habitat would not be treated and would maintain current canopy closure and stand structure immediately after the proposed project.” For the Walters’s Cabin Timber Sale a determination of “May Affect, Not Likely to Adversely Affect” was made by the BLM for the northern spotted owl. A “No Effect” determination was made for all other listed species. The FWS concurred with this determination (concurrence letter July 17, 2006; 1-10-06-I-0145).

**Comment:** The EA fails to account for the fact that this owl pair fledged two young in 2004. The EA must account for all potential impacts to spotted owls.

**Response:** The EA does shows in Table 4 (page 16) that 2 young were fledged in 2004. The pair of fledglings was banded with color bands and FWS bands but neither has been recaptured...
as of yet at a new territory. The EA (pages 19-21) does account for the impacts associated with the proposed action and the potential cumulative affects to spotted owls and their habitat.

**Comment:** *The EA asserts that the habitat within the owls’ home range is dispersal habitat. The EA fails to disclose the basis for its conclusion that this habitat is dispersal even though it enjoys high canopy closure.*

**Response:** Canopy closure is only one factor of suitable habitat for the northern spotted owl. The current stand in question was labeled as dispersal habitat in 1994 because it lacked some of the structural components that would provide the nesting, roosting and foraging components needed to satisfy spotted owls daily and annual needs. Those types of stands are typically more uniform in canopy closure and have the understory structure (vegetation and CWD) that provides for the prey base needed to support owls. On page 16 of the EA, a brief summary was given of spotted owl habitat definitions that are used for such determinations.

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

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

The Bureau of Land Management (BLM), Forest Service (FS), and US Fish and Wildlife Service (USFWS) coordinated review of four recently completed reports containing information on the Northern Spotted Owl (NSO). These agencies reviewed the following four reports (hereinafter collectively referred to as “the reports”):

- **Scientific Evaluation of the Status of the Northern Spotted Owl** (Sustainable Ecosystems Institute, Courtney et al. 2004);
- **Status and Trends in Demography of Northern Spotted Owls, 1985-2003** (Anthony et al. 2004);
- **Northern Spotted Owl Five Year Review: Summary and Evaluation** (USFWS, November 2004); and

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

**Comment:** Why does the BLM consider a 1/10 acre buffer sufficient for a sharp shinned hawk nest site when the RMP provides for up to a 15 acre buffer?

**Response:** The RMP uses the language of “up to” to provide the discretion in the management of that site dependant on the proposed action. The normal density management prescription conducted by the BLM has been shown to continue to provide the needed habitat for the sharp-shinned hawk, by retaining relatively high canopy closure and a mix of younger and older trees. If the proposed project were a regeneration harvest, then the need for a larger buffer would be necessary to maintain nesting habitat for the sharp-shinned hawk. The majority of sharp-shinned nests on the resource area have been found in smaller diameter trees (8-16”) and that is consistent with the literature (Marshall 2003). The proposed variable density management prescription will maintain a sufficient mix of both young and older trees to provide ample nesting and foraging habitat (see Figure 1).

**Comments:** In regard to Survey and Manage, the BLM is encouraged not to rely on ASRs as these documents have not undergone NEPA review

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

- set aside the 2004 Record of Decision To Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern spotted Owl (March, 2004) (2004 ROD) and

The order further directs "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities...unless such activities are in compliance with the provisions of the 2001 ROD (as amended or modified as of March 21, 2004)".

The ASR process is one of the provisions in the 2001 ROD and is described (pages 14-19) for adding, removing or changing categories for Survey and Manage species. The Walter’s Cabin project meets the requirements of the 2001 ROD and subsequent 2003 ASR (EA pages A-7-8, Appendix C Survey and Manage Compliance Review).

**Comments:** Has the BLM completed a Biological Assessment and consultation as required by the Endangered Species Act? If so these documents should be referenced in the EA and made available to the public for review during the comment period.
Response: The BLM has completed consultation with the US Fish and Wildlife Service (FWS). As stated on page 35 of the EA, consultation was initiated and the BLM had made its effects determination for the proposed action. Consultation was initiated on June 28, 2006. Consultation was completed and a concurrence letter from FWS (1-10-06-I-0145) was received by the BLM on 07/17/06. The consultation process coincides with the NEPA process. The streamlining process for the proposed action was initiated in the summer of 2005 with the Service and was continued throughout the NEPA process until the concurrence letter was received. On page 35 of the EA, the BLM states that the Walter’s Cabin Timber Sale will result in a “May Effect, Not Likely To Adversely Effect” determination for the NSO. A letter from the US Fish and Wildlife Service dated July 17, 2006, concurs with this determination. The determination was based on a biological assessment (also referenced earlier in this decision record). Copies of the biological assessments and concurrence letters are available at the Klamath Falls Field Office. The biological assessment provides the quantitative data used in the determination. The EA analyzes the complete array of treatments under the proposed action including variable density management, slash busting, road improvements, road construction, road closing and road decommissioning. Those effects are not expected to be significant nor greater than those analyzed in the KFRA RMP EIS. Therefore, the analysis of the specific wildlife species is adequate.

Grazing
Comments: The EA is deficient in its cumulative effects analysis, particularly as it pertains to grazing.
Response: The current level of livestock grazing has no measurable effect on timber or soil resources in the project area. The areas proposed for forest health treatments in Sections 15 and 21 comprise less than 1% of the total combined acreage (public and private) of the Grubb Spring and Buck Mountain Allotments. Few cattle ever use these areas due to the lack of forage and physical barriers created by the densely stocked, light-inhibiting overstory of trees and the distance of these areas from water. Although the proposed treatments would create a slight increase in palatable herbaceous plant species and allow access for grazing animals, livestock use is not expected to increase in the treated areas due to the abundant forage and available water on the remaining, mostly privately owned acres. Livestock grazing will not contribute any measurable cumulative impact to soil or vegetative resources in the treatment area.

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

Fire and Fuels
Comment: BLM does not provide evidence that fire hazard exists or that the proposed project will reduce fire hazard
Response: On March 15, 2006, the BLM preformed a Fire Regime Condition Class (FRCC) assessment, using the Landscape Standard Method according to the Interagency FRCC Guidebook. The assessment was performed by an FRCC certified user. The Walter’s Cabin Timber Sale area was determined to be Fire Regime I and currently in condition class III. As stated in the EA on page 16, “Forested areas within this condition are classified as most
vulnerable to severe effects from wildfire. The primary stand characteristics for this classification are the high existing fuel loads and densely stocked trees.” Documentation is available at the Klamath Falls BLM office.

Comments: Harvest activities increase rather than decrease fire hazard
Mechanical thinning increases fire hazard, removes large trees, opens stands to more sunlight, higher winds, higher temperatures.
Logging large, fire resistant trees will increase, rather than decrease, fire hazard
Harvesting will actually increase wildfire severity and risks.
Response: Harvesting of trees by itself can increase wildfire risks through accumulation of slash and changes in canopy cover. However, the Walter’s Cabin Timber Sale harvests mostly small trees (8” to 14” DBH) and relatively few of the larger trees (see Figure 1). In addition, the proposed treatments include several fuels reduction treatments that when used together will minimize the generation of activity fuels and reduce fire severity and risks. The treatments include; all trees harvested will be whole tree yarded (the tops and attached limbs will be removed from the woods and yarded to landings), residual slash accumulations will be lopped and scattered to break up fuel concentrations and arrangements, some slash concentrations will be piled for later chipping or burning, and finally, after harvesting is completed, concentrations of fuels such as slash, brush and small trees (ladder fuels) will be masticated (slash busted). Slashbusting will be used to reduce the flammability of accumulated fuels including any slash generated by timber harvest. Suppression efforts are expected to be more effective in the post-treatment stand. The overall effect of the proposed action is expected to modify the present fuel condition class to closely resemble historic conditions thereby benefiting multiple resources. As a result of all actions proposed including harvesting, the wildfire severity and risk is not expected to increase.

Comments: Prescribed fire reduces fire hazard and contributes to ecological process, provides better fuel reduction than mechanical thinning treatments
Response: In general, prescribed fire does reduce relative fire hazard with positive ecological effects. However, several other factors were considered when it was decided not to use prescribed fire as part of the Walter’s Cabin Timber Sale. First, as noted on page 9 of the EA, prescribed fire would likely have adverse impacts (high mortality) on small trees in plantations and second growth stands of white fir and ponderosa pine. Second, such mortality would impact canopy closure adversely affecting spotted owl and other wildlife habitat. Finally, not using prescribed fire as part of the Walter’s Cabin Timber Sale does not preclude the use of prescribed fire in other federal actions considered for the analysis area.

Slashbusting
Comments: Slashbuster - no studies to show it is effective, not clear how it impacts soils, chaparral, oak woodlands, and associated species, spreads noxious weeds, harms native plants, impacts herbaceous understory, increases ground fuels
Response: Slashbusting has been used as an effective fuels management tool on the KFRA for several years. Monitoring activities on the KFRA have shown that impacts from slashbusting activities are within acceptable parameters for soil disturbance as described in the RMP (see 2005 APS). In addition, the portions of the Walter’s Cabin Timber Sale area where slashbusting will be implemented are generally flat which should result in less soil disturbance. Slashbusting will also adhere to the BMPs and PDFs for soil resources in Appendix B of the EA (page A-4).
Due to implementation of the BMPs and PDFs, the flat terrain, and results of past monitoring, soil impacts are not expected to exceed RMP standards. There will be no impacts to oak woodlands as they are not present in the Walter’s Cabin Timber Sale area. Slashbusting, as well as all other activities involving equipment use in forested areas, will adhere to the noxious weed prevention BMPs in Appendix B of the EA. The EA (page 14) and the BMPs (page A-6) require washing of equipment, avoidance of noxious weed sites, and/or mowing of weed sites to prevent their spread. Therefore, the risk of spreading noxious weeds will be reduced. Not all areas of the sale area will be slashbusted. In accordance with the BMPs and PDFs for all fuels treatments (EA page A-6), slashbusting will be accomplished in uneven patterns to create a mosaic of treated and untreated areas. No slashbusting treatment will occur in the riparian reserve and no treatment will occur in the steeper and unharvested portions of Section 15. Therefore, sufficient areas of untreated vegetation will be retained to protect native plants and associated wildlife species. Slashbusting will not be the only fuels treatment. It will be used in conjunction with whole tree yarding, lop and scatter of fuel concentrations, and piling of fuel concentrations. Slashbusting will be used primarily to break up concentrations of activity fuels and to reduce or thin concentrations of brush and small trees. Therefore, slashbusting in conjunction with the other fuel treatments should reduce overall fire hazard and make suppression efforts more effective.

**Comment:** Neotropical birds often nest in chapparal sites that are the target of Slashbuster projects.

**Habitat for many species could be impaired by the widespread use of the Slashbuster.**

**Response:** The EA considered those neotropical birds (called landbirds in the EA page 16) that are categorized as Birds of Conservation Concern by the FWS. None of these species are typical ground nesters; therefore there were no specifics to the effects of slashbusting and nesting habitat. However the EA (page A5-6) did provide project designs for fuel projects to maintain diversity in the understory shrub component that would provide for ground nesting species.

**Comments:** Thinning and fuels reduction should focus on smaller trees, ladder fuels, activity fuels, and surface fuels and not on larger trees.

**Response:** Thinning and fuels reduction objectives for this project do focus on treating ladder fuels, smaller trees, surface fuels, and activity fuels. Thinning, whole tree yarding, lop and scatter of fuel concentrations, piling of fuel concentrations and follow-up fuel reduction treatments (slash busting) are proposed for this very reason. Much of the Walter’s Cabin Timber Sale area was pre-commercially thinned within the last ten years resulting in accumulations of thinning slash. In addition, on-going fir engraver (*Scolytus ventralis*) mortality has added additional dead and down fuels. A combination of thinning, whole tree yarding, lopping and scattering fuel concentrations, piling fuel concentrations and slash busting is prescribed to meet fuels management objectives and modify the present Condition Class III.

**Comments:** Don’t focus on reducing canopy fuels since they are not large contributors to fire severity.

**Response:** Canopy levels will be reduced from the proposed thinning and recent findings have validated that thinning of forested stands can reduce hazardous fuels and fire intensities. The Cone Fire occurred on September 26, 2002 within the Blacks Mountain Experimental Forest on the Lassen National Forest. The fire is unique in that it burned into several mechanically thinned and underburned units. The fire effects changed from predominately a stand replacing crown fire in the unthinned area to a ground fire with lower intensities when it reached the thinned
units. More trees survived in the thinned unit than in the unthinned unit (Jablonski, October 2003). One of the objectives of the proposed action is to thin canopy fuels to reduce the potential of a crown fire but maintain sufficient canopy to meet wildlife and other resource objectives as well.

**Soils**

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

**Response:** Pages 22 & 23 of the EA address the soil impacts expected from the proposed action. The effects of both ground based logging and follow-up slash busting treatments are discussed and analyzed. As stated on page 22 of the EA, many of the skid trails in the area contain brush and trees indicating amelioration of past soil impacts. The KFRA annual soil monitoring results can be found in the Annual Program Summary and Monitoring Report and monitoring to date indicates that effects of similar timber harvests and slashbusting activities are within the RMP standards. Soil disturbance does not necessarily equate to soil compaction. The KFRA limits ground based operations to those periods when the soil moisture is twenty percent (20%) or less at six (6) inches in depth regardless of the time of year (see EA, Appendix B, page A-4). Operations are normally limited to May 15 to November 1 depending upon the soil moisture criteria stated above. Therefore, the effects to soils have been sufficiently analyzed and potential effects are within those thresholds analyzed in the KFRA RMP/EIS.

**Comment:** Clarify proposed action for slopes over thirty-five percent (35%).

**Response:** As stated on page 22 of the EA, most of the ground in excess of thirty-five (35%) is not proposed for harvesting. There are a few small isolated areas (smaller than one acre) where the slopes exceed thirty-five (35%) and where cable operations are not feasible without building additional roads. It is not economically feasible nor ecologically sound to build roads to log an area of one acre or less. It would also not be feasible to require helicopter logging of these areas. Most of these areas were ground based logged in the past and contain existing skid trails. Two mitigation measures (listed earlier) will be added to the timber sale contract. The mitigation measures are to hand fall these areas and use line to pull the trees to existing skid trails in these isolated areas. The impacts are not expected to be in excess of those analyzed in the KFRA RMP/EIS.

**CONCLUSION**

A. Consideration of Public Comments

I have reviewed the public comments summarized above and have discussed them with the interdisciplinary team of specialists on my staff. The EA and this DR contain sufficient site specific information to implement the proposed action. The comments received do not provide any substantially new information or new analysis, nor do they identify substantial new data gaps that would indicate additional analysis is needed. Finally, the comments do not identify any significant new data which would alter the effects described in the EA or in the RMP EIS. I am confident that the Walter’s Cabin Forest Treatments EA plus the supplemental information contained in this Decision Record represents a thorough analysis of impacts to affected habitats and species, in light of the more comprehensive analysis done in the Klamath Falls Resource Area RMP to which the Walter’s Cabin Forest Treatments EA is tiered.
B. Plan Consistency
Based on the information in the Walter’s Cabin Forest Treatments EA and in the record, I conclude that this action is consistent with the Klamath Falls Resource Area Resource Management Plan. The action will help to move this portion of the landscape towards the desired future conditions considered in development of the RMP. The actions will comply with the Endangered Species Act, the Native American Religious Freedom Act, cultural resource management laws and regulations, and Executive Order 12898 (Environmental Justice). This decision will not have any adverse effects to energy development, production, supply and/or distribution (per Executive Order 13212).

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

D. Summary
In consideration of public comments, the consistency with the RMP and the finding that there would not be any significant impacts, this decision would allow for activities related to the Walter’s Cabin Timber Sale.

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

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

Signed: __Heather Bernier___ 7/21/06
Acting Field Manager  Date
Klamath Falls Resource Area
Lakeview District, Bureau of Land Management
Figure 2 – Walter’s Cabin Timber Sale Contract Map

T. 39 S. R. 6 E.
Sections 15 & 21, W.M.
15-1 313 acres
21-1 265 acres

Walter's Cabin Contract Map
Contract No. OR014-TS6-02
Exhibit A

Legend
- Roads to Fully Decomision
- Permanent Construction
- Temporary Spur Roads
- Private Road
- Roads
- Cutting Units
- Boundaries Flagged, Posted, Painted Orange
- Reserve Area
- Contract Area
- Streams

0 0.15 0.3 0.6 0.9 1.2
Miles
The Bureau of Land Management (BLM), Lakeview District, Klamath Falls Resource Area (KFRA), has completed an Environmental Assessment (EA) and analyzed alternatives to the proposal to conduct a variety of treatments within the Walter’s Cabin Forest Treatments area on BLM lands. The EA considered four alternatives. Two alternatives were not analyzed in detail because they would not meet the objectives of the Proposed Action (EA, page 1) and/or would not conform to management direction from the KFRA Resource Management Plan (RMP). The two alternatives analyzed in detail include the Proposed Action Alternative and the No Action Alternative. Treatments included in the Proposed Action Alternative are described in detail in the EA, are summarized as follows:

**Commercial Timber Harvest**
- Approximately 1.9 million board feet (MMBF) of timber would be harvested.

**Forest Health Treatments**
- Variable Density Thinning on approximately 575 acres in the Matrix is designed to improve forest health; reserve an array of stand stocking levels, tree sizes and forest structure; and maintain and enhance the existing ecological functions of the stand including wildlife habitat.
- Fuel reduction in the Matrix is designed to reduce hazardous fuels and associated risks of high severity wildfires through implementation of the following methods: whole tree yarding during harvest operations and post harvest slashbusting on approximately 670 acres.

**Riparian Reserves**
- There would be no vegetation treatments in the riparian reserves.
- Streams have been buffered and will be protected as described in Appendix B of the Walter’s Cabin Forest Treatments EA and in the BMPs in Appendix D of the KFRA ROD/RMP.
- The objectives of the Aquatic Conservation Strategy (ACS) will be met with implementation of the PDFs and BMPs.

**Road Treatments**
- Approximately 3.4 miles of road renovation (road maintenance)
- Approximately 1.2 miles of road closures (blocking)
- Approximately .5 miles of roads would be fully decommissioned.
- Approximately .2 miles of temporary spur road would be constructed.
- Approximately 250 feet of new permanent road construction
- Approximately 1.4 miles of overall reduction of open roads

**Wildlife Management**
- Northern Spotted Owl – The portion of the sale area to be harvested that is designated as NRF Category 2 foraging habitat will retain a higher stocking level (averaging 120 square feet of basal area of conifer trees) to promote/retain NSO habitat features.
- Sharp Shinned Hawk – The sharp shinned hawk nest located in Section 15 will be retained and buffered with a no-treatment area surrounding the nest tree as described in the EA (p.19).
- Special Status and Threatened and Endangered Species – The management actions/directions as described on pages 38 & 39 of the RMP will be applied.
The proposed action was analyzed for significant effects as per the Council on Environmental Quality (CEQ) Regulations - 40 CFR § 1508.27. The following criteria listed under 40 CFR § 1508.27(b) were considered and found to be not applicable to this action: significant beneficial or adverse effects; significant effects on public health or safety; effects on the quality of the human environment that are likely to be highly controversial; anticipated cumulatively significant impacts; highly uncertain or unknown risks; and precedents for future actions with significant effects.

The following unique characteristics (Critical Elements of the Human Environment), listed in 40 CFR § 1508.27(b)(3), are not present and will not be affected: Areas of Critical Environmental Concern (ACECs); prime or unique farmlands; floodplains; wilderness; solid or hazardous waste; and Wild and Scenic Rivers.

In regard to 40 CFR § 1508.27 (b)(8), no adverse impacts are expected to cultural, scientific, or historical resources. Surveys for cultural resources were conducted and known sites will be avoided. There are no sites, structures or objects listed or eligible for listing in the National Register of Historic Places.

There will be no significant impacts to any special status species or habitat that has been determined to be critical under the Endangered Species Act [40 CFR § 1508.27 (b)(9)]. Surveys of the proposed treatment area were conducted for special status species, including Survey and Manage species and Threatened and Endangered species. There are no known sites of special status plants within the treatment unit boundaries. No Designated Critical Habitat occurs within the proposed project area. Implementation of mitigations and project design features (Appendix B of the EA) as part of the proposed action would be sufficient to avoid significant impacts to habitat for special status species (woodpeckers, bats, and flammulated owl) and Northern spotted owls.

As per 40 CFR § 1508.27(b)(10), this action conforms with all applicable Federal, State, and local laws and regulations.

The action is consistent with Executive Order 12898 which addresses Environmental Justice. No potential impacts to low-income or minority populations have been identified internally by the BLM or externally through public notification and involvement. Correspondence with local tribal governments has not identified any unique or special resources providing religious, employment, subsistence or recreation opportunities. Employment would involve local contractors who engage in similar types of work throughout Klamath County and the state of Oregon.

Pursuant to Executive Order 13212, the BLM must consider effects of this decision on National Energy Policy. There will be no known adverse effect on National Energy Policy. Within the project area there are no known energy resources with commercial potential and no pipelines, electrical transmission lines, energy producing or processing facilities (EA, p. 10).

The project will contribute to meeting the Management Action/Direction and Objectives of the Klamath Falls Resource Area RMP. Based on the information in the EA, it is my determination that neither alternative analyzed constitutes a significant impact affecting the quality of the human environment greater than those addressed in the following:
Based on the analysis of potential environmental impacts contained in the environmental assessment, I have determined that this action will not have any significant impact on the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969, and an environmental impact statement is not required. I have further determined that the proposed action conforms to management direction from the Klamath Falls Resource Area Record of Decision and Resource Management Plan from June of 1995.

Therefore, an Environmental Impact Statement, or a supplement to the existing RMP or Environmental Impact Statement, is not necessary and will not be prepared.

Signed:  Heather Bernier  
Date:  7/21/06  
Acting Field Manager  
Klamath Falls Resource Area