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Rusty Nel

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE**

**DECISION RECORD and FINDING OF NO SIGNIFICANT IMPACT
Rusty Nel Timber Sale
Environmental Assessment No. OR090-EA-03-03
Sale Tract No. E-03-502**

BACKGROUND

The Bureau of Land Management prepared an Environmental Assessment (EA) which analyzed the effects of this Proposed Action and alternatives. The EA and a preliminary Finding of No Significant Impact (FONSI) were made available for public comment in June, 2003. Four public comments were received.

During field work in preparation for this timber sale, subsequent to the release of the EA in June 2003, further reconnaissance revealed an additional ridgetop spur road (Spur J) will be needed to ensure one-end suspension. This spur will be approximately 200 feet long and rocked and would have no impacts beyond those analyzed in the EA. Spur J would be needed to implement the Proposed Action and Alternative 4, but not Alternative 2 or 3.

Additionally, subsequent to the release of the EA in June 2003, further analysis of construction of Spurs G2 and H (Proposed Action) revealed a change in the amount of waste that would be generated by excavation. The preliminary estimate was 4,900 cubic yards of waste; the final analysis calculated approximately 10,000 cubic yards of waste. On June 19, 2003, 12 days into the 30-day comment period, a letter detailing this was sent to those individuals and organizations who received an EA through the mail.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA (OR090-EA-03-03), and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the "Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl," (April 1994) and the "Eugene District Record of Decision and Resource Management Plan," (June 1995); (2) the Proposed Action and alternatives are in conformance with the Eugene District Record of Decision and Resource Management Plan; and (3) the Proposed Action and alternatives do not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

DECISION

It is my decision to select Alternative 4 as the Preferred Alternative. Alternative 4 would be implemented as described in the Rusty Nel Timber Sale EA, with the addition of Spur J described above. This EA and the FONSI analyzed the selected alternative and found no significant impacts.

Implementation of this decision will result in forest management activities including: regeneration harvest of Matrix by commercial timber harvest, and road construction and decommissioning within the Matrix. All design features identified in the EA (p. 6) will be implemented.

The selected alternative is in conformance with the "Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl," (NSO ROD, April 1994), and the "Eugene District Record of Decision and Resource Management Plan," (RMP, June 1995), as amended.

ALTERNATIVES

In addition to the selected alternative, the EA considered three other alternatives in detail (EA, pp. 3-6). The Proposed Action (Alternative 1) would be similar to the Preferred Alternative (Alternative 4) except that there would be more road construction and no aerial logging. Alternative 2 would be similar to the Preferred Alternative (Alternative 4) except that there would be no road construction and no aerial logging. Alternative 3 is the "no action" alternative and would involve no management activities.

RATIONALE FOR SELECTION

The purpose of the action is to provide forest products while providing early successional habitat. The Preferred Alternative (Alternative 4), the Proposed Action (Alternative 1) and Alternative 2 would meet these purposes.

The Preferred Alternative (Alternative 4) and the Proposed Action (Alternative 1) would most effectively meet these purposes. Through regeneration harvest of approximately 100 acres, they would provide the greatest amount of timber volume for forest products. Alternative 2 would involve approximately 56 acres of regeneration harvest.

Based on the analysis discussed and presented in the EA, the Preferred Alternative (Alternative 4) is consistent with the Aquatic Conservation Strategy and the objectives for the Riparian Reserves, and would not prevent or retard attainment of any of the Aquatic Conservation Strategy objectives (EA, pp. 11-12).

The Preferred Alternative (Alternative 4), the Proposed Action (Alternative 1), and Alternative 2 would remove dispersal habitat for spotted owls (EA, pp. 12-13). Alternative 2 would degrade fewer acres of dispersal habitat but would provide less timber. The Proposed Action (Alternative 1) would have the same effects on spotted owl dispersal habitat and would provide approximately the same amount of timber as the Preferred Alternative (Alternative 4).

No suitable marbled murrelet habitat exists within the harvest area, but two trees with structure suitable for murrelet nesting exist within 0.25 mile of the project area. Climbing of these trees showed one murrelet nest about 4 years old that appeared to no longer be in use. Because use of heavy helicopters would be restricted outside of the marbled murrelet critical breeding season, there would be no impact due to disturbance.

The Preferred Alternative (Alternative 4) would contribute to the permanent roading of the watershed to a lesser degree than the Proposed Action (Alternative 1) and to a greater degree than Alternative 2. The Proposed Action (Alternative 1) would have resulted in approximately 10,000 cubic yards of waste excavated for the construction of Spurs G2 and H. The Preferred Alternative (Alternative 4), with the addition of Spur J (.06 acres), will result in less permanent road construction (total 1.95 acres) than the Proposed Action (Alternative 1) (total 2.81 acres).

Alternative 3 (no action) would not meet the purpose of the action within the Matrix. Alternative 3 would provide no timber and no early-successional habitat. Alternative 3 would result in faster development of late-successional forest structural characteristics than the Proposed Action (Alternative 1), Alternative 2, and the Preferred Alternative (Alternative 4) (EA, p. 14). Alternative 3 would have no immediate effects on wildlife habitat (EA, p. 14) and would not increase the permanent roading of the watershed (EA, p. 13).

CONSULTATION AND COORDINATION

A public notice advertising the availability of the EA and FONSI appeared in the Eugene Register-Guard on June 7, 2003. Additionally, the EA and FONSI were mailed to interested individuals and organizations. A 30-day public comment period closed on July 7, 2003. Four comment letters were received. The comments were acknowledged by letters mailed on July 28, 2003. A copy of the Decision Record and Finding of No Significant Impact will be mailed to the commentors.

Pursuant to the Endangered Species Act, consultation was completed with the U.S. Fish and Wildlife Service, which found that the action "May Affect but is Not Likely to Adversely Affect" the northern spotted owl and "May Affect and is Likely to Adversely Affect" the marbled murrelet.

The National Oceanic and Atmospheric Administration concurred with BLM through informal consultation that the action is "Not Likely to Adversely Affect" the Oregon Coast salmon.

The Confederated Tribes of the Siletz and the Confederated Tribes of the Grand Ronde were notified of this project during the scoping process, requesting information regarding tribal issues or concerns relative to the project. No response was received.

IMPLEMENTATION

A timber sale contract will implement the road construction, timber harvest, and decommissioning of roads used for timber harvest operations as described in Alternative 4 (EA, p. 6).

ADMINISTRATIVE REVIEW OPPORTUNITIES

The decision to implement the timber sale portion of this project may be protested under 43 CFR 5003 - Administrative Remedies. In accordance with 43 CFR 5003.2, the decision for the timber sale portion of this project will not be subject to protest until the notice of sale is first published in the Eugene Register-Guard on April 28, 2004. This published notice of sale will constitute the decision document for the purpose of protests of the timber sale portion of this project. 43 CFR 5003.2(b) Protests of the timber sale portion of this decision must be filed with this office within fifteen (15) days after first publication of the notice of sale.

/s/ Steven Calish
Steven Calish
Field Manager, Siuslaw Resource Area

Date: 4/26/2004
