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April 23, 2009

Mary Wagner, Regional Forester,  
Kristy Boscheinen,  
Pacific Northwest Region Forest Service,  
John Allen, Forest Supervisor,  
Deschutes National Forest,  
Holly Jewkes, District Ranger,  
Crescent Ranger District,

### **Notice of Conditional Withdrawal of the BLT Project Appeal**

In accord with the agreement below modifying the decision for the BLT Project EIS; reached by the Deschutes Forest Service Supervisor John Allen, Crescent District Ranger Holly Jewkes, Asante Riverwind, Eastern Oregon Forest Organizer for the Oregon Chapter Sierra Club, Tim Lillebo of Oregon Wild, and Karen Coulter, Director of LOWD-Blue Mountains Biodiversity Project; appellant organizations hereby conditionally withdraw our appeal of this project. It must be noted this agreement represents only some of our many concerns with this project, and is made in good faith by all parties towards cooperatively resolving significant conservation science and legal issues. The USFS-Deschutes NF letter of resolution, modifying the BLT Project EIS Record of Decision is presented here in full:

**File Code:** 1570

**Date:** April 16, 2009

Asante Riverwind  
Oregon Chapter Sierra Club  
PO Box 5534  
Bend, OR 97708

Dear Mr. Riverwind,

Pursuant to 36 CFR 215.17, we met in my office on March 17, 2009, to discuss resolution of your appeal of the BLT Project. Your appeal is dated March 16, 2009. On March 23, 2009, we went to the project area to discuss prescriptions for the BLT project, as well as the proposed Old Growth Area Forest Plan Amendment. We were accompanied by Asante Riverwind representing the Oregon Chapter Sierra Club and Blue Mountain Biodiversity Project, Tim Lillebo representing Oregon Wild, District Ranger Holly Jewkes, Wildlife Biologist Paul Miller and District Silviculturist Joe Bowles. A follow-up field trip was held on March 30, to visit units we were unable to reach on the 23<sup>rd</sup>. District Ranger Holly Jewkes, Joe Bowles, Brent Kerr, Tim Lillebo and I attended this field visit. On April 7, we met again in my office where we discussed details on a unit by unit basis, with Karen Coulter of LOWD/BMBP also participating in this meeting. We met again on April 13, 2009, and a final field trip to visit several units was made on April 14, with Tim Lillebo, Asante Riverwind, Holly Jewkes and Joe Bowles.

First, I'd like to document the results of several general discussions. I stated that my objective was to maintain the purpose and need for the BLT project, including a focus on density management, limiting the extent of disturbance processes in order to maintain large stand structure across the landscape far into the future, for these dry pine and dry mixed conifer sites. We discussed the large changes between what was proposed during scoping, and what remained in my final decision. Concerns about riparian areas were mentioned. I want to be clear that there are no units in Northwest Forest Plan Riparian Reserves. Eastside screen areas were buffered to the same standards, with the exception of one riparian restoration unit. Also, no units are in wet mixed conifer other than very small microclimate areas. I would propose that we favor marking the 15% leave areas in the small microclimate wet areas. While exact acreages won't be available until after snow melt, we do know the areas are very limited and small- estimated to be between 0-2% of the acreage within a unit, and far less than the 15-25% leave areas. We will validate acreages after snow melt. Wildlife leave patches are designated before units are marked. While we would favor these locations, we might find situations where, for example, a moist area contains a large sugar pine and medium diameter sugar pine that are at risk because of stand density. In order to maintain vigor of these trees, we may want to thin other trees in this moist area. Retention patches will range from 15-25% depending on specific post sale review by the wildlife biologist and silviculturist.

Both commercial and non-commercial thinning of ponderosa pine and mixed conifer will be thinned using variable density, retaining clumps of 2-10 trees with 3-4+ clumps per acre.

During field trips, we discussed trees to leave, and trees to mark for basal area reduction and thinning. While I believe we were in basic agreement with the prescriptions, I have decided to document my decision to implement prescriptions for variable density thinning in ponderosa pine and mixed conifer to include an upper diameter limit of 18 inch dbh. Exceptions to the diameter limit may occur when thinning of a larger than 18 inch diameter tree is necessary to promote the survival and growth of larger, older Douglas fir, sugar pine, shasta red fir, western white pine, mountain hemlock or ponderosa pine. Appellants asked that we maintain the historic mix of species for each unit. We agree with this objective. Thinning prescriptions are generally designed to promote vigor and maintenance of the historic mix of species.

We discussed temporary roads. We all agree we want to minimize the use of temp. roads. After appeal resolution we will re-evaluate temp road needs. As we lay out units, we will re-evaluate the need again. We expect we will reduce temp road needs over the temp roads identified in my decision. Monitoring of recent past projects has shown that actual temporary roads are significantly lower than those analyzed in the NEPA document.

The Muttonchop Old Growth Management Area (OGMA), and corresponding stand treatments in unit 845, were discussed. We agree that the OGMA currently does not provide optimum habitat for focal species as identified in the 1990 Deschutes National Forest Land and Resource Management Plan. We agree in principal that a replacement OGMA is preferred, and I explained that this action would need to be proposed in a separate NEPA process. My staff has identified a potential replacement area, which would replace the current 95 acres of Unit 845 as follows: *the district proposes that a new OGMA could include portions of Units 1260/1310/1275 (Hemlock Butte); these units include mixed conifer that would meet the habitat needs of several focal species and would also provide connectivity to the OCRA.* New NEPA and public involvement will be needed and initiated.

We did not reach full agreement on the specific language below, but this will allow us to accomplish our objectives:

To meet the purpose and need of the BLT project, 20 to 30% of the stand density as expressed in basal area needs to be removed in commercial thinning. Trees of any size and of all species (excluding LPP) that exhibit old growth characteristics will be preferentially retained in meeting this goal. These characteristics include those discussed on the field trip to unit 420 on April 14, 2009.

A unit by unit discussion follows:

I have decided to drop units 675, 1100, 1260, 1275, and 1310, except for hand non-commercial thinning.

- **125** –Thin to 18” with exceptions, thin lpp to retain non-lpp species. Stand is mostly cold lpp with scattered large trees.
- **195** - Drop steep portion to only include noncommercial; commercial thin the rest to 18” with exceptions and leave patches 20%.
- **525** – Drop upper portion/clump of mountain hemlock and thin remaining unit.
- **575** –OW proposes nct in middle section (OG Sugar pine) or thin to 18” with exceptions and “pull out” material to avoid heavy equipment impact as much as possible. No skid trails in central sugar pine clump and limit machine felling equipment to 1 pass. Remainder of unit is lpp, commercial and nct thin ok.
- **725** –Drop portion of unit above road 430 and thin to maintain species diversity on remainder.
- **845** - All in agreement to have an increased leave area of 20-25% in unit 845. Thin to 18” with exceptions. Retain historic species mix. Retain higher density end of thinning regime. Identify possible OG replacement (see narrative above).
- **1085**- Drop eastern portion beyond the “dry draw” for commercial operations.
- **1135** –Drop portion that has not been previously harvested, using the skid road furthest to the west as the new unit boundary. In the remaining unit, commercial and noncommercial thin, thin to (18”) with exceptions as noted in narrative above. NCT to favor WWP, SP, SRF, and PP.
- **1175** –Commercial thin along road. Pull material to road. NCT rest of unit.
- **1160/1165** –Thin to 18” w/exceptions; in higher moister areas thin to higher density of thinning regime. Leave higher end of cover patches/retention areas where possible.
- **1235/1300** – in agreement due to the riparian areas that dropped out earlier in the process.

Once areas of concern noted above are marked, but before advertisement and sale, a field trip to select units of concern will be arranged to review this agreement as interpreted on the ground.

Based on our discussions on March 17, 23, 30, April 7, 13 and 14, and by including the above in silvicultural prescriptions, it is my understanding that your primary concerns have been met and you would be willing to withdraw your appeal of the BLT Project.

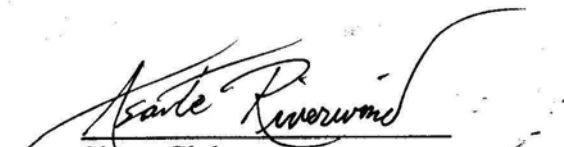
Thank you for your time and willingness to meet with us, and for a successful appeal resolution.

Sincerely,

*/s/ John Allen*  
 JOHN ALLEN  
 Forest Supervisor

Signed this 23<sup>rd</sup> of April 2009, conditionally withdrawing our appeal as per the above resolution agreement changing the Record of Decision for the BLT Project.

For Appellants,



**Sierra Club**  
**By: Asante Riverwind**  
**Its: Eastern Oregon Forest Organizer**

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