



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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IN REPLY REFER TO:
1610 (WOPR) (OR-930)

DEC 30 2008

Ms. Christine B. Reichgott
Environmental Protection Agency - Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Dear Ms. Reichgott:

The purpose of this letter is to respond to the Environmental Protection Agency (EPA) review dated November 25, 2008, of the Bureau of Land Management's (BLM) Western Oregon Plan Revision, Final Environmental Impact Statement (FEIS) and Proposed Resource Management Plan (PRMP). The EPA review was conducted in accordance with the EPA's responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Water Act (CWA).

In summary, the EPA supports the proposed modifications to the PRMP but indicates that, based on the EPA's independent analysis, the BLM's analysis used in the FEIS would overestimate the ability of the PRMP to meet stream temperature water quality standards. The EPA questions some of the assumptions regarding sediment contributions and offers concerns about the effectiveness monitoring plan. The EPA recommends that the BLM maintain the current Northwest Forest Plan (NWFP)-based aquatic strategy and indicates that if the PRMP were adopted, the BLM should provide or commit to the development of a robust effectiveness monitoring plan to help guide adaptive management.

Before I respond to your letter, I would like to thank you for the EPA's participation in the development of a plan intended to meet the Bureau of Land Management's (BLM) obligations to sustainably manage the Oregon and California (O&C) Land Grant lands for timber production consistent with the O&C Lands Act while complying with the Endangered Species Act (ESA), the CWA, and other laws. I especially appreciate the contributions of the many cooperators who have offered numerous comments and suggestions that helped the BLM shape the range of alternatives, improve the environmental impact statement, and select the PRMP.

As you know, the PRMP includes a new Riparian Management Area (RMA) land use allocation and describes resource management objectives designed to provide for:

- conservation of fish species;
- riparian and aquatic conditions that supply stream channels with shade, sediment filtering, leaf litter and large wood, and streambank stability;

- maintenance and restoration of water quality; and
- maintenance and restoration of access to stream channels for all life stages of fish species.

These RMA allocations and associated management objectives are land use plan decisions that provide broad, programmatic-level direction to guide future on-the-ground management activities. They constitute the PRMP's "aquatic conservation strategy" and define the intended outcomes that must be achieved as the plan is implemented. It is important to note that the PRMP does not authorize any on-the-ground activity. Additional project-level planning, analysis, and decision-making are necessary before site-specific actions are approved. The BLM District Managers will continue to work directly with the Oregon Department of Environmental Quality (DEQ) to address water quality issues at the local level to ensure that BLM actions are consistent with the PRMP and fully comply with the CWA, approved Total Maximum Daily Load (TMDL) Strategies, and Water Quality Restoration Plans (WQRP). Consistent with the BLM's obligations as a Designated Management Agency with responsibilities pursuant to the CWA, if the BLM or the Oregon DEQ identifies specific watersheds or projects where the CWA standards would not be achieved, the BLM will work with the Oregon DEQ to address those concerns. We look forward to the EPA's support on these matters as the PRMP is implemented.

Regarding your suggestion that the BLM maintain the current NWFP-based aquatic conservation strategy, the BLM carefully considered your suggestion in the FEIS as part of the No-Action Alternative. We have concluded that the PRMP best enables the BLM to sustainably manage the O&C Land Grant lands for timber production while complying with the ESA, the CWA, and other laws. The determination that the PRMP would comply with the CWA is based, in part, on the following:

- Similar to the NWFP Standards and Guidelines, the land use allocations and management objectives under the PRMP were designed to maintain and protect the ecological processes and functions that effect riparian and aquatic habitat to ensure compliance with all applicable State and Federal laws, including the CWA.
- The FEIS analysis is based on relevant and sound scientific studies and demonstrates that actions implemented under the PRMP will continue to meet water quality goals on BLM-administered lands and would meet the State anti-degradation standard for in-stream temperatures. Under the PRMP, activities are expected to maintain water quality standards for all streams and waterbodies, including those in watersheds sensitive to disturbance, watersheds that were previously considered "Key Watersheds," watersheds that provide drinking water, and watersheds that are stream temperature impaired.
- The PRMP includes resource management objectives and Best Management Practices (BMP) that are expected to provide for effective filtering of sediment to stream channels. Landslide prone areas that could reach stream channels will continue to be protected. The BLM contracted leading scientists in the Pacific Northwest to develop and utilize state-of-the-art science and geo-spatial models to identify landslide prone areas that have a higher probability of being delivered to a stream channel. The FEIS demonstrates that, under the PRMP, the Timber Management Area (TMA) is expected to have the lowest relative landslide density compared to other land use allocations. Unstable lands have

already been withdrawn from the harvest land base and, if additional unstable lands are identified during project-level planning, those lands will be removed from the harvest land base at that time. Further, the FEIS analysis likely overestimates the potential landslide density since the positive effects of BMPs and future withdrawals of landslide-prone areas were not modeled.

- The PRMP is expected to provide for the conservation of fish species on BLM-administered lands in all watersheds within the planning area. The BLM contracted with scientists from the Pacific Northwest Research Station to model and identify streams within the planning area with the highest intrinsic potential to provide the high quality habitat for salmonids. The PRMP places a higher priority for aquatic restoration efforts along these high intrinsic potential streams and streams with high priority fish populations (such as those identified in recovery plans) rather than Key Watersheds. The FEIS demonstrates that, compared to the NWFP priority on Key Watersheds, the PRMP is expected to have a greater long-term benefit for fish conservation since a relatively small portion of the NWFP Key Watersheds coincide with high intrinsic potential streams.
- Similar to the NWFP standards and guidelines, the PRMP utilizes BMPs and addresses desired condition, suitable use, and the allowance for short-term effects to support long-term benefits to riparian condition. When riparian areas are functioning, management is proposed to maintain or improve that function. Where riparian areas are not functioning, management is proposed to restore that function and promote trends toward desired conditions.
- For temperature impaired waters, the proposed management objective is to meet the State anti-degradation standard.

Regarding your concerns about water quality analysis, I understand that the difference in the analysis results is due to differing analytical assumptions. In an e-mail, dated December 3, 2008, to Mike Mottice, the BLM Deputy State Director, the EPA clarified that the EPA's analysis looked at scenarios that included less than system potential shade on private and other lands and multiple management treatments in the riparian management areas. The BLM is encouraged that the EPA agrees that the Oregon temperature standard would not be violated if there were 150-300 feet of system potential shade in RMAs on either side of streams. It is possible that the scenario modeled by the EPA, or other variations from the BLM assumptions, could occur at some locations within the planning areas, although such conditions are not reasonably foreseeable at the land use plan scale of analysis. The BLM analysis assumptions associated with the water quality analysis in the FEIS represent a reasonable and appropriate set of assumptions for the analysis documented in the FEIS. However, as future projects are planned, the BLM will perform sufficient project-level analysis as needed to confirm compliance with RMP water quality objectives and direction consistent with the PRMP. Also, the BLM will continue to assist the Oregon DEQ in developing and implementing Total Maximum Daily Load (TMDL) and water quality restoration plans to achieve CWA compliance objectives. These project-level analyses and planning efforts could include subsequent monitoring at the appropriate scale as necessary.

Regarding your concerns about monitoring, the PRMP establishes intervals and standards for monitoring of the plan based on the sensitivity of the resource to the decision involved. The

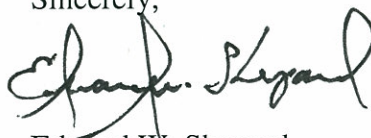
monitoring plan is designed to focus specifically on monitoring the resource management plan itself and is not intended as an overarching plan that addresses all ongoing monitoring and research efforts. As such, the monitoring plan in the PRMP does not attempt to address science questions or issues of a regional or interagency scale. There are many on-going local, regional, interagency, and research efforts in which the BLM currently participates and will continue to participate, such as the Aquatic Riparian Effectiveness Monitoring Program and the Watershed Research Cooperative with Oregon State University.

The BLM shares the EPA's concerns about the management of watersheds that provide drinking water from surface sources. It is important to note that, while BLM-administered lands include some portion of 80 source water watersheds, the BLM lands are generally far removed from the diversions, and private lands often intervene between the water source and the BLM-administered lands. The BLM will work with the Oregon DEQ, communities, and water suppliers in advance of harvest in watershed areas above community drinking water intakes to address project-level concerns as the plan is implemented.

The BLM appreciates the EPA's review and recommendations regarding the PRMP and looks forward to continuing to work in coordination with the Oregon DEQ and the EPA to ensure water quality standards are being met on BLM-administered lands as the new resource management plan is implemented.

Thank you for participating in the planning process with the BLM as a cooperating agency. I appreciate your commitment to working with the BLM to address remaining issues during site-specific analysis as the plan is implemented. If you have any questions regarding the BLM response, please contact Mike Mottice, Deputy State Director, at (503) 808-6056 or Dan Carpenter, BLM's Hydrologist for the Western Oregon Plan Revision, at (541) 751-4296.

Sincerely,



Edward W. Shepard
State Director,
Oregon/Washington