

ERNEST J. GOERTZEN

IBLA 80-736  
(IBLA 80-814)

Decided December 5, 1980

Appeal from a decision of the Eugene, Oregon, District Office of the Bureau of Land Management, dismissing protest against timber sale (Tract No. E-80-60-A).

Affirmed.

1. Timber Sales and Disposals

A decision by a BLM district office to proceed with a proposed timber sale which was made after consideration of all relevant factors and which is supported by the record will not be set aside in the absence of a showing that the decision is clearly in error.

APPEARANCES: Ernest J. Goertzen, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

This case commenced with a protest filed by Ernest J. Goertzen. The protest filed with the Manager of the Eugene, Oregon, District Office of the Bureau of Land Management (BLM), objected to the sale and proposed logging of tract E-80-60-A. <sup>1/</sup> In his protest, dated May 28, 1980, and received by BLM on June 2, 1980, appellant alleges that if area two of the section were logged, it would in all likelihood bring debris into a nearby creek.

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<sup>1/</sup> The land in issue is N 1/2 NE 1/2 sec. 21, and Lot 2 sec. 22, T. 16 S., R. 8 W., Willamette meridian, Oregon.

The BLM District Manager responded to appellant's protest by letter of June 10, 1980, in which it was stated that the "clear cut" area of the tract involved did not include Bear Creek or its tributary to the west, but only a small draw along the east boundary of the cutting area. The BLM District Manager further noted, in response to the protest, that all logging debris would be removed from the draw, that all trees within 200 feet of Bear Creek would be pulled into the unit, away from the creek during falling, and that yarding operations would be limited to summer months to minimize soil damage, which in turn would result in a minimum of erosion.

This appeal was brought from the announced intention of the BLM to proceed with the award of a contract to the highest bidder, the Murphy Company.

In his statement of reasons on appeal, filed with this Board, July 31, 1980, appellant states several grounds in support of his protest. He asserts that the fragility of the soil and the steep grade of the terrain would make reforestation difficult, if not impossible. Appellant also asserts that the logging would cause soil erosion and landslides into nearby Bear Creek which would destroy its potential as a spawning ground for various species of fish native to the area. Finally, appellant requests that the subject timber sale be voided and that future sales be more carefully considered, taking into account citizens who are directly involved with the results of the sale. BLM responded to appellant's protest and appeal by arguing that the decision to conduct the proposed sale was carefully reviewed and found to be proper and timely and by controverting appellant's assertions.

[1] In the case at bar, it appears that BLM has considered the environmental impact of the proposed timber sale, and that appropriate care has been taken to avoid interference with the water sources in the area, especially Bear Creek. In summary, the logging of the tract to be carried out under several protective stipulations involving removal of debris, manner of log removal, and restriction of yarding operations to the summer months, does not appear to threaten any legitimate interest of appellant or of any other private party. It has been previously held that a decision by the BLM to proceed with a proposed timber sale, which was made after consideration of all relevant factors and which decision is supported by the record, will not be disturbed in the absence of a showing that the decision is clearly in error. Preserve Our Scenic Environment, 47 IBLA 276 (1980); George Jalbert, 39 IBLA 205 (1979). See Crooks Creek Commune, 10 IBLA 243, 250 (1973).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

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Douglas E. Henriques  
Administrative Judge

We concur:

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Edward W. Stuebing  
Administrative Judge

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Bernard V. Parrette  
Chief Administrative Judge

