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BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE  
ASHLAND RESOURCE AREA  
3040 Biddle Road  
Medford, Oregon 97504

**WINDY SODA SALVAGE PROJECT**

**DECISION RECORD**

and

**FINDING OF NO ADDITIONAL SIGNIFICANT IMPACT (FONASI)**

This document describes my decision, and reasons for my decision, regarding the selection of a course of action to be implemented for the Windy Soda Salvage Project. This document also describes my finding regarding the significance of impacts resulting from the implementation of the Windy Soda Salvage Project and the need for preparing an Environmental Impact Statement. The Environmental Assessment (EA), for the Windy Soda Salvage Project, documents the environmental analysis conducted to estimate the site-specific effects on the human environment that may result from the implementation of the Windy Soda Salvage proposal. The Windy Soda EA was issued for public review on July 11, 2008; the public review period ended on July 28, 2008.

The Windy Soda Project would salvage trees that were windthrown (trees uprooted or snapped off) during a wind event in early January 2008. The Windy Soda Salvage Project is a forest management action, designed to implement Timber Resource Objectives of the Bureau of Land Management's Medford District Record of Decision and Resource Management Plan (RMP) (USDI 1995). The overall effects of implementing resource program management, under the Medford District Resource Management Plan, were analyzed and disclosed in the Medford District Proposed Resource Management Plan/Environmental Impact Statement (RMP/EIS) (USDI 1994). The Windy Soda EA discloses the site-specific effects of implementing a project designed to meet resource program direction provided by BLM's Resource Management Plan.

The 413-acre Windy Soda Project is located on Bureau of Land Management (BLM)-administered lands primarily in the Soda Creek Drainage, with a small proportion of the project located in the Deer Creek Drainage; both are tributaries of the South Fork Little Butte Creek. The legal description for the proposed Windy Soda project area is: T. 37 S., R. 2 E., in sections 24 and 25; T. 37 S., R. 3 E., in sections 18, 19, 29, 30, 31, and 32; W.M., Jackson County Oregon.

Two alternatives were considered and analyzed in detail: a No-Action Alternative and the Proposed Action (Alternative 2). BLM's description of the No-Action Alternative and a detailed description of BLM's Proposed Action are contained in the Windy Soda EA, Chapter 2.

## **THE DECISION**

As the Responsible Official, it is my decision to implement Alternative 2 as described in the Windy Soda EA. The effects of implementing, or not implementing these activities, individually and cumulatively, have been analyzed and disclosed in the Windy Soda Salvage Project EA.

My decision authorizes the following actions:

The implementation of Alternative 2 will result in the sale and removal of windthrown trees on approximately 413 acres of BLM-administered lands in the Soda Creek and Deer Creek drainages. Trees identified as partially blown over (roots sprung from the soil) and/or identified as safety hazard trees will be cut and removed. An estimated 111 acres will be salvaged using cable yarding, about 265 acres will be salvaged using tractor yarding methods, and 37 acres will be salvaged using helicopter yarding. Windthrown trees are not distributed evenly across the units proposed for salvage. BLM estimates that only about 50 to 70 percent of the acreage identified will be actually affected during salvage operations. The Windy Soda Project units are displayed in Map 2-1 and Table 2-1 of the Windy Soda EA (p. 2-2 and 2-3).

Fuels reduction will take place following yarding operations. Fuels will be treated primarily by handpiling and burning and lopping and scattering. An estimated 146 acres will be handpiled and burned. Slash will be lopped and scattered on an estimated 188 to 268 acres. Blowdown trees are not uniformly distributed in the project units; therefore, treatment will occur in areas where the slash is concentrated due to blowdown. Post salvage evaluations will determine the extent and method (hand pile and burn, lop and scatter, or underburn) of treatments to best meet fuels reduction needs and economic objectives. Underburning may be utilized as a fuels treatment method.

All project design features included in the EA p. 2-4 to 2-9 are required as part of this decision.

## **DECISION RATIONALE**

My decision to implement Alternative 2 is based on consideration of the relative merits and consequences of either implementing or not implementing the Windy Soda Salvage Project, as well as consideration of all public comments and concerns received. I have personally read the comment letters sent in response to the EA public review period, and I have considered them fully.

I have chosen to implement Alternative 2 for the following reasons:

The Windy Soda Project is located on BLM-administered lands allocated to produce a sustainable supply of timber. By implementing Alternative 2, an estimated 0.8 to 1.0 million board feet (MMBF) of timber will contribute towards the District's Allowable Sale Quantity, thus, meeting Timber Resource Objectives of the Medford District RMP (USDI, 1995, p.17, 72-73), one of the primary needs identified for this project (Windy Soda EA p. 1-1).

As designed, the Windy Soda Salvage Project takes an economically practical approach for salvaging blowdown timber. Research indicates that deterioration of timber following a wind event begins almost immediately (EA p. 3-33). The Windy Soda Salvage project will be implemented late this summer and early fall to recover the greatest economic value of wood, both in terms of the quality of wood and total volume of wood. Utilizing the existing road system reduces the upfront costs and start-up time, allowing for the rapid recovery of wood values.

The implementation of the Windy Soda Salvage Project will meet BLM's objectives for producing an economically practical project and contributing to the Medford District's allowable sale quantity, while providing for the protection of resources consistent with existing laws, policy, and the direction

of the 1995 Medford District Resource Management Plan (see Plan Consistency and Finding of No Significant Impact discussed below).

## **MONITORING**

Implementation monitoring is accomplished through BLM's contract administration process. Project design features included in the project description are carried forward into contracts as required contract specifications. BLM contract administrators and inspectors monitor the daily operations of contractors to ensure that contract specifications are implemented as designed. If work is not being implemented according to contract specifications, contractors are ordered to correct any deficiencies. Timber sale contract work could be shut down if infractions of the contract are severe. The contract violations would need to be corrected before the contractor would be able to continue work. If contract violations are blatant, restitution could be of a monetary value of up to triple the amount of damage.

## **CONSULTATION AND COORDINATION**

Pursuant to the Endangered Species Act (ESA), informal consultation was completed with the US Fish and Wildlife Service. The Service concurred with the BLM's determination that the proposed action *may affect, is not likely to adversely affect* the spotted owl or designated spotted owl critical habitat (Letter of Concurrence dated July 10, 2008).

The Klamath Tribe, the Confederated Tribes of the Siletz, and the Confederated Tribes of the Grand Ronde were notified of this project during the scoping process and the public review period for the EA.

Jackson County Commissioners, Oregon Department of Fish and Wildlife, and Oregon Department of Forestry were also notified during the scoping process and the EA public review period.

## **PUBLIC INVOLVEMENT**

The Windy Soda Salvage Project proposal appeared in the Ashland Resource Area's Schedule of Proposed Actions published in Medford's Messenger (BLM's quarterly newsletter) beginning in the spring 2008 edition. Letters were sent May 28, 2008 to interested organizations, community groups, other agencies, tribes, adjacent land owners, and other individuals. The letter described the purpose and need for the proposed action and included a detailed description and map of the activities proposed. Additionally, a public meeting was held June 12, 2008 at the Butte Falls Community Center, in Butte Falls Oregon. A presentation was also made to Jackson County Natural Resource Advisory Committee on June 17, 2008. Letters and comments were received by the BLM in response to this public outreach. The Windy Soda EA was made available for public review from July 14 to July 28, 2008; a notice of the EA availability was published in Medford's Mail Tribune newspaper on July 14, 2008. Three comment letters were received in response to the Windy Soda EA review period.

All public input received regarding the Windy Soda Salvage project was carefully reviewed and evaluated. Relevant issues identified during scoping were addressed in the Windy Soda EA. Review of the comments received in response to the EA did not identify (1) any new information that would affect the analysis; (2) information or evidence indicating flawed or incomplete analysis; or (3) additional alternatives to the Proposed Action that would respond to purpose and need.

## **PLAN CONSISTENCY**

The proposed Windy Soda Project is designed to conform with and is tiered to the *Medford District Record of Decision and Resource Management Plan (RMP)*, as amended by the *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from the Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl (USDI 2007)*.

The 1995 Medford District Resource Management Plan incorporated the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan)* (USDA and USDI 1994).

The Windy Soda Project is located within a Tier 1 Key Watershed (RMP p. 23 and RMP Map 3). Key Watersheds, a component of the Aquatic Conservation Strategy, are designated for the conservation of at-risk anadromous salmonids, bull trout, and resident fish species. Management Actions/Direction of the Medford District RMP requires that watershed analysis is conducted prior to management activities; a watershed analysis was conducted in 1997 (EA p. 1-5 and 3-6). Management Actions/Direction also requires that there be no net increase in the amount of roads in key watersheds (USDI 1995, p. 23). There are no new roads proposed for the Windy Soda salvage project (EA p. 1-5).

### **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

I have considered both context and intensity of the impacts anticipated from the Windy Soda Salvage Project. I have determined that my decision to implement Alternative 2, as described in this Decision and under the Windy Soda Salvage EA, will not have any significant adverse effects, beyond those described in broader analyses conducted and disclosed in Environmental Impact Statements for the Medford District Resource Management Plan and the Northwest Forest Plan, or the effects have been determined to be insignificant. I considered the following criteria, suggested by CEQ, for evaluating intensity or severity of the impact of the Windy Soda Salvage Project.

The Windy Soda Project will:

*1) Not result in significant beneficial or adverse effect.*

The Windy Soda Salvage Project Environmental Assessment documented the site-specific analysis of effects to the environment. Required project design features are an integral part of the Windy Soda Project, ensuring that any potential for adverse effects on resources are minimized to the extent possible. Based on the analysis documented in the EA, there will be no significant adverse or beneficial effects as a result of implementing the Windy Soda Salvage Project, in summary:

- Soils and site productivity will be protected by requiring pre-designated skid trails, the use of existing skid trails to the extent practical, and operations only during the dry season (EA p. 3-6).
- There will be no risk for an increase in peak flow as the Windy Soda Project will not affect crown closure, will not build new roads or landings, will not increase compaction levels above a 12 percent level of concern, and will maintain road drainage to ensure water will adequately disperse from roadways (EA p. 3-13).
- There is no potential for sediment delivery to streams in the Deer Creek Drainage due the location of units along a ridgetop and distance of the haul route from stream channels.
- Effects on sedimentation in the Soda Creek analysis area will be minimal because potential for sediment delivery to streams in the Soda Creek Drainage is substantially reduced by required project design features such as allowing only dry season operations, completing road maintenance, no yarding in Riparian Reserves, no handpiling in Riparian Reserves (Windy Soda EA, p. 3-21).
- Will have no effect to fish (including listed Southern Oregon Northern California Coho or its designated Critical Habitat), fish habitats (including Essential Fish Habitat), or upstream aquatic habitat (Windy Soda EA, p. 3-24).
- Will not increase the threat of a bark beetle epidemic and will likely reduce the threat of an epidemic by removing bark beetle food and breeding habitat (fresh down wood), thus, reducing the potential for a build-up of beetle populations (Windy Soda EA, p. 3-30).

- Will reduce hazardous fuels, created by the tops and branches of blowdown timber, either by handpiling and burning or lopping and scattering slash (Windy Soda EA, p. 3-32).
- Will reduce the potential for difficult fire suppression operations in the event of a future wildfire in the Windy Soda Project area by removing large wood in excess of coarse woody material requirements (Windy Soda EA p. 3-32).
- Will protect an important structural component of present or future wildlife habitats, thus mitigating any concerns for impacts to species associated with class 1 downed wood, by retaining the level of coarse woody material required by the Medford District RMP and the Northwest Forest Plan (Windy Soda EA p. 3-33 to 3-35).
- Will have no known effects on special status botanical species; the project area is outside of the range of listed or candidate species, and there are no known occurrences of sensitive fungi species in the project area (Windy Soda EA, p. 3-41 to 3-42).
- Will implement project design features to minimize or avoid the potential for new introductions, or the spread of existing, noxious weed populations (Windy Soda EA, p. 3-41 to 3-42).

*2) Not result in significant impacts on public health or safety.*

No aspects of the project have been identified as having the potential to significantly and adversely impact public health or safety. All operations on BLM-administered lands are required to meet Occupational Safety and Health Association regulations for worker and public safety.

Prescribed burning operations will follow all requirements of the Oregon Smoke Management Plan and the Department of Environmental Quality Air Quality and Visibility Protection Program.

*3) Not result in significant adverse effects on unique characteristics of the geographic area, as none exist.*

No wilderness areas, wilderness study areas, prime farmlands, wild and scenic rivers (or rivers suitable for wild and scenic designation), caves, parks, refuge lands, or areas of critical environmental concern exist in the Windy Soda Project Area; all BLM-administered lands in the project area are designated as Matrix land, to be managed for timber production (EA p. 1-1).

*4) Not have highly controversial environmental effects.*

Public comments received during scoping indicated differences of opinion regarding whether or not to salvage blowdown timber in the Windy Soda project area. While differences in public opinion regarding managed versus unmanaged forests reflect a range of values that humans place on public lands and its management, they do not indicate the presence of highly controversial environmental effects. “Highly controversial”, in the context of 40 CFR 1508.27(b)(4), refers to substantial disagreement within the scientific community about the environmental effects of a proposed action. It does not refer to expressions of opposition or expressions of preference among alternatives.

The effects of the Windy Soda Salvage project are similar in nature to those of other commercial timber sales, including timber salvage projects that have been implemented within the scope of the Medford District Resource Management Plan. The anticipated effects of salvaging blowdown timber, and post salvage fuels reduction, documented in the EA, are well supported with referenced literature throughout the EA. Literature was submitted by some commenters for consideration in assessing the environmental effects of salvaging. However, it was determined by BLM specialists that the studies submitted were not applicable to the Windy Soda project due one or more of the following reasons: 1) there were differences in environmental and site conditions between the referenced study site and the Windy Soda Project Area that prevented comparisons (EA, p. 3-27), the study did not apply to this type of activity (EA p. 3-30), the study was incomplete (EA p. 3-26). or the

study did not provide evidence to support its findings (EA p. 3-30). Neither the EA analysis nor the public comments identified or provided evidence indicating a high level of scientific controversy regarding the effects of implementing the Windy Soda Salvage Project (EA Chapter 3, Environmental Consequences).

*5) Not have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.*

The analysis does not show that this action will involve any unique or unknown risks outside of those addressed and anticipated in the Medford District Resource Management Plan EIS and the Northwest Forest Plan EIS. While wind storm events do not occur routinely, they are more periodic, the methods for removing windthrown timber (tractor, cable, and helicopter yarding) are the same methods used on a regular basis when harvesting commercially thinned timber sales. The anticipated effects of implementing the Windy Soda Salvage Project are well supported with referenced literature throughout the EA, and are similar in nature to the effects estimated and observed for other timber sales implemented on the Medford BLM district.

*6) Not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

The decision to implement the Windy Soda Salvage Project will not set any precedents for future actions with significant effects. The Windy Soda Salvage Project will implement actions approved for forest management under the 1995 Medford District Resource Management Plan (which incorporated the Northwest Forest Plan) and analyzed under the Medford District Resource Management Plan Environmental Impact Statement. It is therefore consistent with the types of projects envisioned in the BLM Resource Management Plan and Northwest Forest Plan. Salvage of disturbance events, including windstorms, was anticipated under, and consistent with, the direction of the Medford District Resource Management Plan (USDI, 1995, p. 72).

*7) Not result in significant cumulative environmental effects.*

Cumulative environmental effects are “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions” (See definition of “cumulative impact” in 40 CFR § 1508.7.) (EA p. 3-1).

Cumulative effects analyses were conducted for the Windy Soda Salvage project and no significant cumulative effects have been identified. Analysis was performed at multiple scales, and included the consideration of past actions, as reflected in current conditions, current actions, and foreseeable future actions on both private and federal lands (EA, Environmental Consequences, p. 3-1 to 3-42). No significant cumulative effects were identified.

*8) Have no significant effects on scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places.*

The entire Windy Soda project area was reviewed for the potential for adverse impacts to cultural resources. The area was surveyed previously in conjunction with the Indian Soda timber sale project. No sites requiring protection occur where tree salvage removal is planned in the Windy Soda Project Area. The Windy Soda Project is No Effect Determination for cultural resources (EA p. 3-42).

9) *Have no adverse effects on species listed or proposed to be listed as Federally Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species.*

Pursuant to the Endangered Species Act (ESA), informal consultation was completed with the US Fish and Wildlife Service. The Service concurred with the BLM's determination that the proposed action *may affect, is not likely to adversely affect* the spotted owl or designated spotted owl critical habitat (Letter of Concurrence dated July 10, 2008).

The Windy Soda Project is not within the range of any plant species listed as Threatened or Endangered, or candidate species (EA p. 3-35).

The implementation of the Windy Soda Salvage Project was determined to have no effect to Southern Oregon Northern California (SONC) coho salmon, designated Coho Critical Habitat, or Essential Fish Habitat (EA p. 3-23 to 3-24).

10) *Violate a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment.*

Analysis did not identify any actions that will threaten a violation of any federal, state, or local environmental protection laws. The project is designed to comply with the Medford District's Resource Management Plan and the Northwest Forest Plan.

Recovery goals are identified in the *Water Quality Restoration Plan for the North and South Forks Little Butte Key Watershed* (USDI BLM 2006). The proposed action draws upon the passive restoration management actions recommended for achieving federal recovery goals. Following the WQRP for the North Fork and South Forks Little Butte Creek Key Watershed assures that BLM's management in the interim, between listing of the stream as water quality limited and the establishment of TMDL for the stream, will not violate the Clean Water Act. Project Design Features are included to ensure compliance with Oregon Department of Environmental Quality water quality objectives.

The Windy Soda Salvage Project will have minimal adverse effects on sedimentation in the Soda Creek analysis area. "Minimal adverse effects" means actions will not result in the listing of streams as water quality limited. Soda and Deer creeks are on the 2004/2006 303(d) list for sedimentation. Implementation of erosion prevention and sediment control BMPs will reduce the amount of sediment reaching these listed waterbodies to the maximum extent practicable (Windy Soda EA p. 3-21).

This decision will not result in significant wetland or floodplain-related impacts (per Executive Orders 11990 or 11998). Any wetlands within or near the project area have been identified, mapped, and protected by excluding wetlands from the project area through establishment and designation of Riparian Reserves. All Northwest Forest Plan and Medford District Resource Plan protection measures for Riparian Reserve and wetlands are incorporated in the Windy Soda Project design.

Required project design features are an integral part of the Windy Soda Project ensuring that project activities conform to the Management Actions/Direction of the Medford District Resource Management Plan as well as applicable laws including the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), National Environmental Policy Act (NEPA) of 1969, the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act of 1990, and the Archaeological Resources Protection Act of 1979. A listing of the required project design features, and the objectives to be accomplished through the application of project design features, is included in Chapter 2 of the Windy Soda EA (p. 2-4 through 2-9).

I have determined the Windy Soda Salvage Project does not constitute a major federal action having a significant effect on the human environment and an environmental impact statement (EIS) is not necessary and will not be prepared. This conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR §1508.27), both with regard to the context and to the intensity of the impacts described in the EA and based on my understanding of the project, review of the project analysis and review of public comments. As noted above, the analysis of effects has been completed within the context of the Medford District's Resource Management Plan and the Northwest Forest Plan. This conclusion is consistent with those plans and the scope of effects anticipated from those plans. The analysis of effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts and the effects were determined to be insignificant.

### ADMINISTRATIVE REMEDIES

This decision is a Forest Management Decision. Administrative remedies are available to persons who believe that they will be adversely affected by this decision. When timber is offered for sale, a Notice of Sale will be published in Medford's *Mail Tribune* newspaper. Publication of the first Notice of Sale establishes the effective date of the decision and the date initiating the protest period provided for in accordance with 43 CFR 5003.3. Any protests of the timber sale must be filed with the Authorized Officer (the Responsible Official signing this Decision) within 15 days of the publication of the Notice of Sale in Medford's *Mail Tribune* newspaper. The regulations do not authorize the acceptance of protests in any form other than a signed, written hard copy that is delivered to the physical address of the advertising BLM office. No e-mail or fax protests will be accepted. A statement of reasons for protesting the decision must also accompany the protest. It is anticipated that the Notice of Sale will be published in Medford's *Mail Tribune* newspaper early to mid August of 2008. The BLM does not warrant publication on an exact date. All parties considering protest of this decision are encouraged to review the aforementioned newspaper to ensure accurate knowledge of the exact publication date of the Notice of Sale.



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7/30/08  
Date

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