United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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DECISION RECORD
and
FINDING OF NO SIGNIFICANT IMPACT
Birdseye Jones Landscape Management Project
(EA # OR110-02-23)

I. INTRODUCTION

The BLM's interdisciplinary planning team designed the Birdseye Jones Landscape Management Project based on current resource conditions in the project area and to meet the objectives and direction of the Medford District Resource Management Plan (RMP) and the Northwest Forest Plan. The proposals presented and evaluated in the Birdseye Jones Landscape Management Project's Environmental Assessment (EA) reflect what the planning team believes to be the best balance for managing resource conditions, resource potential and competing management objectives.

This project is multi-faceted and is designed to address a range of resource conditions, values and objectives. Project work includes wildlife habitat enhancement and connectivity corridors; riparian treatment; fuel hazard reduction; tree removal for stand health, growth and diversity; recreation trail construction; and road work (improvements for safety and drainage, decommissioning, and new construction). The decision and project will provide commercial and non-commercial outputs as directed by the RMP and the BLM's strategic plan.

Based on public input, recommendations from the interdisciplinary planning team, and careful consideration of applicable laws, regulations, planning documents and NEPA analysis, the following constitutes my decision.

II. DECISION and DECISION RATIONALE

It is my decision to implement the actions proposed in the Birdseye Jones Landscape Management Project EA as outlined below. The decision is primarily to implement Alternative 3, although many of the actions are common to both alternatives 2 and 3. Alternative 3 places a greater emphasis on late-successional habitat maintenance. This decision record addresses the elements of the proposal sequentially in the order they are addressed in the EA beginning on page 4. All project design features will also be implemented (EA pp. 19-25).

Alternative 1, the No Action Alternative, is rejected because it does not meet the resource management objectives identified in the RMP. It would not improve existing resource

conditions and trends that are of concern for healthy forests and resource and property protection. The No Action Alternative would perpetuate or promote undesirable resource conditions. For example, high fire hazard conditions would worsen, forest health would continue to decline, and existing erosion problems would not be repaired.

1. **Older Seral Stage Stands** (EA p. 7, 64-69)

Decision: Implement the older seral stage treatments as proposed in Alternative 3.

Rationale: Implementation of Alternative 3 will retain greater late-successional forest habitat and habitat connectivity than would Alternative 2. It will also contribute to meeting the BLM's commitment to provide timber products.

Alternative 3 was designed with a consideration of the current fragmented distribution of late-successional forest on BLM land in the watershed and the general absence of it on private land. The proposed treatments carefully considered individual stand conditions and identified specific units where existing conditions permitted addressing stand health / vigor while retaining the higher levels of canopy closure and thus late-successional habitat conditions. The proposed treatment will also allow some variability in thinning levels based on the existing stand variability while retaining it across the project area.

2. **Young Stand / Forest Development** (EA pp. 8, 64-69)

Decision: Implement the young stand and forest development treatments as proposed. As noted in the EA, after the young stand treatments are completed for a unit, an interdisciplinary team review of the unit will be conducted to reassess fuel hazard reduction treatment needs. If adjustments are made, it is anticipated that they will be relatively minor in overall scope and will be within the scope of the types of manual fuel treatments described in the EA and the impacts anticipated in the analysis.

Rationale: The stands identified for this treatment are currently overstocked or have considerable brush competition. Thinning and brushing in young stands will hasten tree growth, maintain desired species composition and help meet long term RMP forest production goals and habitat goals.

3. **Special Forest Products and Small Sales** (EA p. 9)

Decision: Implement the special forest products work as proposed. Particular emphasis is to be placed on insuring that special forest products work will be consistent with and further the silvicultural stand management objectives.

Rationale: Special forest products sales and use will help meet social and economic needs of the local community as well as vegetation objectives, including fuel hazard reduction.

4. **Riparian Reserves** (EA pp. 9-11, 64-69)

Decision: Implement the vegetation treatments as proposed for the riparian reserves. The slashbuster will not, however, be used to accomplish fuel reduction or slashing work in the riparian reserves. The work will be done manually and, as proposed, will focus on the small diameter (<12”DBH) trees and competing vegetation in early, mid and mature seral stages stands.

The star thistle located in Section 9 will be treated as proposed (hand pulling).

Rationale: The proposed action will address the current overly dense forest stand conditions in some areas of the riparian reserves. Such conditions are neither desirable nor sustainable in the long term. Thinning, burning (hand pile or under burning), noxious weed treatment and mechanical treatments will improve stand vigor, reduce fuel hazard, and provide long term stream channel and aquatic habitat protection. If these actions are not implemented, increased tree mortality is anticipated. Increased fuel loadings and the perpetuation of ladder fuel conditions will continue with a consequent increasing high fuel hazard and an increasing potential for a high intensity wildland fire.

The proposed riparian reserve treatment prescription also allows for more focused and small scale site specific treatments with a particular attention to coarse wood levels a key habitat element in the riparian reserves.

5. Wildlife Habitat Restoration and Enhancement (EA pp. 11-13)

Decision: Implement the woodlands, oak woodlands and oak savannah treatments as proposed.

Rationale: Reducing shrub and hardwood density and encroaching conifers will help restore historical wildlife habitat conditions. This will serve to maintain and improve habitat diversity and vigor (e.g., chaparral and big game winter range, meadows and bat habitat) across the project area. The retention of small untreated islands or areas within woodlands and savannahs will contribute to habitat diversity as well and reduce the potential impact to some of the species that currently use these sites.

Decision: Implement the meadow restoration as proposed.

Rationale: Meadow habitats are important elements in the habitat mosaic in the project area. The extent and vigor of these meadow areas is being lost due to grass thatch buildup and the encroachment of conifers. Treating the meadows as proposed will reinvigorate them.

6. Wildlife corridors (EA p. 12)

Decision: Implement the wildlife corridors at proposed with the correction that if average snag densities are below 4 / acre, additional snag creation will be considered.

Rationale: Implementation will result in maintaining dispersal habitat and connectivity between drainages by extending this function of riparian reserves to link to the top of the ridge and thus

better link drainages in this project area.

7. Prescribed Fire / Fuel Hazard Reduction (EA pp. 13-15)

Decision: The fuel hazard reduction treatments will be implemented as proposed except the slashbuster will not be used. Fuel reduction treatments in areas initially proposed for slashbuster treatment will be accomplished using manual or prescribed fire methods.

Fuel hazard reduction work will be prioritized as follows:

- fuel hazard reduction work within the defense zone[1] adjacent to structures.
- to the extent possible, activity created fuels (e.g., thinning slash) will be piled prior to the onset of the next fire season. Pile burning will be completed as quickly as possible thereafter (subject to smoke management constraints) with the goal of having all work completed within 18 months of the initial vegetation / fuels treatment.

As noted in the EA, all units that receive any type of vegetation treatment (precommercial thinning, harvesting, slashing, etc.) will be reviewed and re-evaluated after treatment for fuel hazard reduction needs. This review, to be conducted by an interdisciplinary team of resource specialists, will ensure that appropriate fuel treatments are applied to meet fuel hazard reduction goals and other resource and safety goals. Based on this review and analysis, the fuel reduction treatments outlined in the EA may be modified, adjusted or eliminated. Substantial changes to proposed fuels treatments are not anticipated. Any changes made will be consistent with the fuel treatments described in the EA. For example, hand piling of slash and pile burning may be utilized when prescribed under burning is not feasible, where fuel loadings are too great, or where it is operationally the best option due to risks to resources, private property or residences or due to smoke management considerations. Fuel hazard reduction treatment changes will be within the scope of effects analyzed in the EA and it is not anticipated that additional NEPA analysis or documentation will be necessary.

Approximately 2,873 acres will be treated for fuel hazard reduction (1,791 acres as the primary vegetation treatment and approximately 1,100 acres associated with timber harvest).

Rationale: Fuel hazard reduction of both activity generated and existing fuels is an important aspect of the project, especially in the rural interface. Reducing fuel loadings and altering fuel profiles as proposed will reduce the potential for a major high intensity wildfire and will make wildland fire suppression safer and more effective. Completing treatment of activity fuels (thinning and harvesting slash) may take up to 18 months. Concern about this is sometimes expressed by some individuals. It should be kept in mind, however, that prescribed burning is highly constrained due to weather, pile dryness, personnel availability, and air quality requirements. This often results in very narrow windows when burning can occur. This limitation is particularly acute in the Birdseye Jones project area. The BLM will pursue the fuel hazard reduction work as quickly as possible given these constraints. Prompt slash piling will

[1] The "defense zone" extends outward from structures for approximately ¼ mile or until it reaches the project area / unit boundary. The fuel treatment objective is to prevent loss of life and property by creating defensible space. Overall effectiveness is contingent on appropriate fuel reduction work within the home ignition zone around the structure (50-200' depending on topography and vegetation type)

reduce the fuel hazard even before full treatment can be completed. Not treating the existing vegetation and fuels would perpetuate and over time compound the existing high fuel hazard conditions in this National Fire Plan designated Community at Risk.

The slashbuster is being excluded because further evaluation of areas initially proposed for this treatment indicated that there would be small disjunct areas and the economic benefits of this treatment method would not be realized.

7. Recreation (EA p. 15)

Decision: Implement the Beacon Hill Trail as proposed. Implementation will be contingent on the support of the City of Grants Pass.

Rationale: Providing recreational opportunities on BLM lands within or adjacent to cities and town is an important aspect of the BLM's land management programs. The two mile long Beacon Hill trail will provide year around hiking and mountain biking opportunities near Grants Pass.

8. Visual Resource Management (VRM) (EA p. 16)

Decision: Implement the actions as proposed.

Rationale: Implementing the VRM based actions will serve to maintain the scenic quality in the project area and to meet the scenic / visual objectives identified in the RMP for the project area. These proposals are also directed at reducing some of the existing high contrast aspects of existing developments (the power line on Beacon Hill) by feathering the edges of existing openings to create a more uneven edge and reduce the clearing's visual impact.

9. Roads, Access and Transportation Management (EA pp. 17-19)

Decision: My decision is to implement road option 1 (EA p. 18) for access to BLM lands in Section 3 (T36S, R5W).

The unmaintained portion of Rancho Vista road, a Josephine county road, will be bladed and maintained as needed to support the Birdseye Jones project activities (e.g., fuels work, timber harvest unit access, etc). It will *not* be used for Birdseye Jones timber hauling purposes.

My decision is also to implement the proposed road maintenance and renovation work as described in the EA.

Rationale: Selection of road Option 1 is possible because the BLM has been successful in obtaining legal access across private land to the north of this section. This has occurred since preparation of the EA. It will mean the construction 0.8 miles of new road that will be maintained for future forest management needs. It locates new road construction high on the ridge reducing the potential for impacts on the aquatic systems. It also reduces the need for appreciable timber hauling on Rancho Vista road. Option 2 is rejected because it would have

resulted in 0.5 miles more road. Option 3 is rejected because of the road construction within a riparian reserve that would be required and because Option 1 would provide for a higher degree of safety during helicopter yarding. Option 4 is rejected because it would result in greater helicopter yarding distances and appreciably higher yarding costs. It also would not address the long term access needs for future management in Section 3.

The road maintenance and renovation work is necessary to support the other management actions proposed in the EA. The decision will result in safer driving conditions, improved road drainage conditions and reduce road based sediment runoff, and road access conditions necessary for the long term management of these areas.

The unmaintained portion of Rancho Vista road will be maintained as needed so as to reduce any potential traffic impacts traffic to nearby residences and to reduce any potential road sourced soils / water impacts.

11. Project Design Features (EA p. 19)

Decision: Implement the PDFs as described except as follows:

- Additional helicopter timber yarding restrictions will be implemented when operating in T36S,R5W, Sections 1, 3, 4, and 10 and T36S,R4W, Sections 29 and 31. Helicopter yarding will be restricted to between the hours of 7AM and 5PM when operating in these sections.
- CWD surveys in regeneration harvest units will be conducted informally. If post logging conditions suggest that CWD levels are insufficient to meet the standard, an ID team review will be made to determine if additional tree felling for CWD should actually be made. It is anticipated that CWD levels will meet the standard 3 years after logging and, that the overstory / residual tree density will be such that it will provide an adequate CWD recruitment pool through natural mortality.
- As noted above, the slashbuster will <u>not</u> be used as a part of this project. The vegetation / fuel work will be done by manual means.
- Road surface dust abatement during log hauling operations adjacent to residences will be done proactively with water or lignin applications when operating within 1/8 mile of a rural residence.

Rationale: The additional helicopter yarding constraints will reduce the potential inconvenience of helicopter noise for nearby residents. A commitment to fell standing trees to augment CWD levels in the SR / regeneration harvest unit is not being made at this time because it is anticipated that CWD levels will be adequately met within 3 years of harvesting and because the 16 – 25+ trees / acre left standing for the GFMA regeneration harvest retention standards should provide an adequate recruitment pool of CWD into the future. The more specific dust abatement requirement will help to reduce potential impacts due to dust for local residents. This was a particular concern for log hauling on Rancho Vista Road, a road that will not be used for hauling with the selection of road option 1 (see above).

13. Proposed Mitigating Measures (EA pp. 30, 46)

Proposed Mitigating Measure #1: Accept

Rationale: Inappropriate OHV use and road damage during wet periods is an issue across the Grants Pass Resource Area. While road closures, gating and barricades are not 100% effective in reducing this, they do reduce the potential. The road closure as proposed will also help to reduce wildlife disturbance. Road closures are directed at inappropriate vehicle use. The roads are always open to foot traffic.

Proposed Mitigating Measure #2: Accept

Rationale: Buffering snag clumps and removing fuels from their bases will reduce the potential loss of snags during harvest and fuel treatments.

16. Other

Further refinement of actual treatments may be necessary during project implementation. Such changes and refinements are a normal part of the implementation of projects of this nature and reflect the BLM's ongoing effort to reduce potentially adverse environmental impacts. In the event that a refinement is determined to be necessary, it will first be reviewed to ensure that it is consistent with, and within the scope of, the EA, the EA addendum and this decision. Such refinements also reflect the incorporation of new information that arises during project implementation.

In that Port-Orford Cedar does not occur in the Birdseye Jones project area, these decisions will not affect Port-Orford Cedar or the potential spread of *Phytophthora lateralis* and no special mitigation measures are necessary.

The vegetation treatments in the older seral stage stands may be accomplished by different methods. A standard BLM advertised timber sale contract will be used in some cases. The condition of and treatments in some older stands / units that will be treated may not be amenable for accomplishing the necessary work via a timber sale contract (e.g., Units 29-003, 29-005, 32-003, 9-001, 2-005, 2-006 and 7-021). In these cases other approaches may be used such as stewardship contracting or service contracting.

D. Decision Rationale: BLM's Strategic Plan

The Decision will implement a range of activities that will promote a number of the goals of the BLM's Strategic Plan for FY2000 to FY2005:

- *Goal 1.2: Provide opportunities for environmentally responsible commercial activities*;

  - *1.2.3: By FY2005, consistent with established health standards, annually offer for sale, on a decadal average, 211 million board feet of timber in western Oregon (Oregon and California Grant Lands).*

The EA estimates that the Birdseye Jones project will contribute an approximately 6 MMBF to

meet this goal. While providing this timber volume to the local economy, it will thin stands to create more vigorous and healthy stand conditions.

- *Goal 1.4: Reduce threats to public health, safety and property*.

Various fuel hazard reduction treatments (in conjunction with other vegetation treatments or as a primary treatment) will be implemented throughout the project area in order to better protect public and private property and resources from the effects of severe wildland fire. Extreme fire behavior and suppression difficulties experienced during recent fires in southwest Oregon (e.g., the Biscuit) clearly demonstrate the need for proactive fuel hazard reduction that will reduce threats to public health, safety and property. The Birdseye Jones project helps achieve these objectives.

- *1.4.2: Assess the condition of BLM-maintained roads to identify public and administrative access needs, maintenance requirements to resolve public safety and environmental concerns, and prospective road closures*.

Preparation of the Birdseye Jones project included road assessment of all of the roads in the project area. Maintenance and repair needs along with opportunities for road closure or decommissioning were identified for the roads in the Birdseye Jones project area. Road side brushing and pruning will be done as needed to enhance public safety. Approximately 0.6 miles of existing roads and 0.9 miles of temporary roads (constructed for this project) will be decommissioned upon the conclusion of their use (EA pp. 72-73).

- *Goal 2.2: Restore at-risk resources and maintain functioning systems*

- *2.2.2: Achieve proper functioning condition or an upward trend on BLM-administered land.*

The Birdseye Jones Project will reduce fuel loadings and stand densities moving them closer to historical levels and "normal" ranges. Roads will be repaired, maintained or decommissioned which will contribute to the attainment of Aquatic Conservation Strategy objectives and properly functioning systems. The project will also restore and invigorate a variety of habitats (e.g., oak woodlands, chaparral and riparian).

E. Decision Rationale: National Fire Plan Context

The National Fire Plan, a culmination of various reports, (i.e., *Managing the Impacts of Wildfires on Communities and the Environment, Integrating Fire and Natural Resource Management – A Cohesive Strategy for Protecting People by Restoring Land Health*), accompanying budget requests, Congressional direction, and resulting strategies, plans, projects, and other activities have set the stage and provided direction for an increased use of prescribed fire and other fuel treatments on federally managed lands. This is further reinforced by the 1995 *Federal Wildland Fire Management Policy* and its accompanying 2001 review and update.

The Birdseye Jones project area is within the Grants Pass "Community at Risk" (National Fire

Plan (Federal Register Vol. 66, No. 3). Consequently, this area has received regional and national attention as a wildland/urban interface area that is at high risk from wildland fire.

Much of the project area has high risk fire regimes and is classified as fire condition classes two or three under the Department of the Interior's "Cohesive Strategy." The fire regimes in these fire condition classes have been moderately to significantly altered from their historical range of fire frequency. To restore them to their historical fire regimes, these lands require some level of restoration through mechanical and prescribed fire treatments (Integrating Fire and Natural Resource Management – A Cohesive Strategy for Protecting People by Restoring Land Health, DOI, March 2001 Draft). The Birdseye Jones project includes a range of management actions directed at this restoration and at reducing the high wildfire risk on Federal lands.

IV. CONSULTATION AND COORDINATION

Pursuant to the Endangered Species Act (ESA), consultation was completed with the US Fish and Wildlife Service (USFWS). The USFWS's December 1, 2003 Biological Opinion (BO) (log # 1-14-03-F-511) addresses timber sale projects for FY04-08 including the Birdseye Jones timber sale which will be based upon this decision. The USFWS has stated that the proposed action will not jeopardize the continued existence of ESA listed species. The Birdseye Jones Landscape Management Project is consistent with the mandatory terms and conditions identified in the BO and incorporates all of the recommended conservation measures. The project is not located in any ESA designated critical habitat.

In accordance with the ESA and the Magnusen- Steven's Act (MSA), the BLM initiated informal consultation on the Birdseye Jones project with NOAA – Fisheries in June, 2004. In their August 27, 2004 Letter of Concurrence, NOAA – Fisheries concurred with the BLM's determination that the proposed project is not likely to adversely affect the listed fish species. It states that the proposed action is "unlikely to cause adverse effects or incidental take of SONC coho salmon.

The project will not adversely impact any culturally or historically significant sites. The State Historic Preservation Office (SHPO) was informed of the BLM's finding in accordance with 36 CFR 800.5(b).

The Confederated Tribes of the Siletz and of the Grande Ronde were notified of this project during scoping and the public comment period. Josephine County Commissioners and county departments (forestry, planning, etc.) were also contacted. No responses were received.

V. PUBLIC INVOLVEMENT

Public notification and involvement for the Birdseye Jones Landscape Management Project was initiated in May 2000 by mailing scoping notices to 47 individuals and organizations. Scoping recipients had either requested to be notified of such projects, were governmental entities, or were landowners of record (according to county tax rolls) for lands adjacent to the project area. A notice announcing the scoping period was also published in the Grants Pass Daily Courier.

Scoping responses were received from two organizations and five individuals.

Most scoping respondents expressed strong support for fuels reduction. Three scoping respondents expressed a desire for no commercial logging. Two requested that no new roads be built and that a restoration alternative be developed. Other concerns included the potential for: increased hiking and trespass onto private land; land slides following project activities on the hillside above private residences; disturbance to a favorite walking path near a creek in Section 3; and logging slash deposition on private property.

A formal public comment period for the EA was held during June and July, 2004. The public was notified through a newspaper notice and letters to 373 individuals, Tribes, organizations and government entities. Seven comment letters were received (two organizations and five individuals). Some of the key points raised are noted below.

- Residents along Rancho Vista road raised the concern that the county does not maintain all portions of the road and Birdseye Jones log truck traffic would leave the road in a disruptive state during and after logging. With the selection of road option 1 (see above), there will not be the log truck traffic on this road. Some use of the road is expected from timber sale workers and others doing forest management work tributary to the Rancho Vista road. The BLM will maintain the road in its current condition which will include grading the road once. It should be recognized that a timber sale purchaser may find alternative landing sites on private land that relies on the use of Rancho Vista road. If this were to occur, the BLM will work with the purchaser to insure appropriate road maintenance occurs on Rancho Vista road.

One local resident indicated that they would like to obtain firewood from the project area. The firewood gathering opportunities in the project area will depend upon the accumulation of logging slash at landings. The logging slash will made available to the public on a permit basis through our special forest products forester.

A commenter suggested that is was inappropriate to use helicopters in a mountainous rural area and that the noise and activity generated by a helicopter yarding was not good. Helicopters are, in fact, frequently used in forest management activities for such uses as yarding and fire suppression. Their use on the Birdseye Jones project will be restricted to an operating period of Monday through Saturday 7 AM to 5 PM in order to reduce potential impacts. Using helicopters allows us to avoid road construction that would otherwise be required.

A comment requested a longer comment period preceded by a public presentation of the proposal. A thirty day comment period on a large project is our standard practice. And while the formal comment period ended in July 2004, all comments received up to the date of this decision have been carefully reviewed and considered. A formal presentation was not made on the project but the BLM has discussed the project with those who have inquired, and have met with individuals to discuss their particular concerns. We will continue to meet with individuals and to discuss the project as project implementation proceeds.

Some expressions in support of the fuel hazard reduction work (especially near residences) and wildlife enhancement work was received. Opposition to commercial logging of old trees or

within northern spotted owl habitat; new road construction; and use of the slashbuster was also received. Some project changes that were requested included imposing a 20" DBH limit on harvested trees, the withdrawal of some units from commercial harvest, precluding slashbuster use in riparian reserves and elsewhere on the project, treating all logging slash by hand piling and burning in lieu of using the slashbuster, and treating activity generated fuels more aggressively than logging and scattering.

While I respect the preference of some people for diameter limits and withdrawal of some units from timber harvest, I have decided that the need to improve forest health and mandates of the BLM's RMP make a stronger case for proceeding with the decisions outlined. These vegetation treatments have been designed to balance a variety of objectives including, but not limited to, fuel hazard reduction, sensitive species habitat, the need to provide wood products and overall forest stand health. In many stands, thinning treatments across all diameter classes are needed and withdrawing land or imposing simple diameter limitations would not allow the stands to be treated in the best manner and or to meet the various RMP resource management objectives.

One commenter suggested that withdrawal of some units from the timber sale would prevent "take" of spotted owls. This is incorrect, however. Removal of these units would reduce the impact, but would not reduce the "take". Only four of the units requested for removal are within the provincial home range of any known owl pairs. For one pair of owls, unit removal would reduce the habitat degradation by one-third. For another pair the amount of habitat degraded would be reduced by half. Because no home ranges within the project area exceed the 40% threshold of suitable habitat within a provincial home range, any habitat degradation results in "take". Take (habitat degradation, not a direct impact to individual owls) would still occur for activities that are planned in other units that were not requested for withdrawal and has been approved by US Fish and Wildlife Service in their 2003 Biological Opinion. However, the project has been designed to improve long term spotted owl habitat.

The concerns about the proposed use of the slashbuster machine been addressed above. As noted in the decision, even though there are strong benefits in its use, I have decided not to use on this project due to the economic considerations.

A variety of fuel hazard treatments are available. Lop and scatter is one that is appropriate in areas where relatively lighter fuel concentrations exist. All of the units treated under the Birdseye Jones project will be reviewed after the primary vegetation treatment is completed to validate or update the initially proposed fuel hazard reduction treatments thus to insure that the most effective and feasible approach is implemented.

VI. CONCLUSION AND FINDING OF NO SIGNIFICANT IMPACT (FONSI)

A. Plan Consistency

Based on information in the Birdseye Jones Landscape Management Project EA, project record, and from letters and comments received from the public, I conclude that my decisions as documented this Decision Record are consistent with the *Medford District Resource Management Plan* (1995), *Record of Decision and Standards and Guidelines on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the*

Northern Spotted Owl (1994), *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001), *Record of Decision Amending Resource Management Plans for Seven Bureau of Land Management Districts and Land and Resource Management Plans for Nineteen National Forests Within the Range of the Northern Spotted Owl: Decision to Clarify Provisions Relating to the Aquatic Conservation Strategy* (2004); *Record of Decision to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Document within the Range of the Northern Spotted Owl*. (2004), and the *Record of Decision* (ROD) *and Resource Management Plan Amendment for Management of Port-Orford-Cedar in Southwest Oregon, Coos Bay, Medford, and Roseburg Districts* (May 2004). They are also consistent with the Endangered Species Act, Native American Religious Freedom Act and cultural resource management laws and regulations and Executive Order 12898 (Environmental Justice). This decision will not have any adverse impacts to energy development, production, supply and/or distribution (per Executive Order 13212).

As noted in the EA (p. 1), planning and biological surveys for the Birdseye Jones project began prior to the March 2004 ROD that changed the NFP's Survey and Manage program. The ROD (p. 8) allows such a project to be completed under the S&M standards and guidelines. The Birdseye Jones project is designed in conformance with the S&M standards and guides.

B. Finding of No Significant Impact

Based on information contained in the EA, the project's record, and on comments received from the public regarding the project, it is my determination that the proposed action will not result in significant impacts to the quality of the human environment beyond the range of impacts and effects anticipated and addressed by the Medford District RMP, the Northwest Forest Plan, their EISs and respective Decision Records. During scoping and the public comment period, those who commented shared their preferences for one alternative over another but did not reveal any new resource information or impacts that would indicate a need for further analysis. This project does not constitute a major federal action having a significant effect on the human environment. An environmental impact statement (EIS) is not necessary and will not be prepared.

This conclusion is based on my consideration CEQ's criteria for significance (40 CFR § 1508.27) both with regard to the context and intensity of the impacts described in the EA and based on my understanding of the project. **Context** refers to analysis of environmental consequences at various social or geographic scales. For this project, impacts were assessed at the site-specific and the larger watershed scales. **Intensity** refers to the severity of impacts. As noted above, the analysis of effects and my finding has been completed within the context of the Medford District's Resource Management Plan. The Birdseye Jones project is consistent with that plan and the scope of the impacts anticipated from that plan. The analysis of effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts.

I have considered the intensity of the impacts anticipated from this Birdseye Jones decision relative to each of the ten areas suggested by the CEQ. With regard to each:

1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on the balance the effect will be beneficial. The project has beneficial and adverse impacts. None of the individual or cumulative effects have been identified as being significant. Impacts are within the scope of the EISs to which the EA is tiered.

2) The degree to which the proposed action affects public health or safety. No aspects of the project have been identified as having the potential to significantly and adversely impact public health and safety. The fuel hazard reduction treatments will have a beneficial impact on public health and safety, particularly within the wildland urban interface.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. No unique characteristics have been identified.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial. The effects of the Birdseye Jones project are similar in nature to those of many other projects that are implemented within the scope of the NFP and RMP. There is a continual and full range of debate, findings and opinions about the potential effects of such land management activities as evidenced by the public comments received for this project. It underscores a level of uncertainty in assessing potential changes for these types of projects. This uncertainty is acknowledged by the EISs to which the project is tiered. Neither the analysis nor the public comments identified any significant or unique levels of controversy specific to the effects of the project. Certainly a range of views was expressed regarding the desirability of some project elements such as commercial harvest and slashbuster use and the desirability of some of the changes that would result (e.g., wildlife habitat changes).

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The analysis does not show that this action would involve any unique or unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. The action and the decision will not set any precedents for future actions with significant effects. It is one of many similar projects designed to implement the RMP and NFP.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. No significant cumulative impacts have been identified. The project is consistent with the actions and impacts anticipated in the RMP-EIS.

8) The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources. The project area does not include any listed or eligible National Historic Register sites. Cultural sites in the project area will be protected according to the project design features outlined in the EA (p. 25).

9) The degree to which the action may adversely affect ESA listed species or critical habitat. Project design features will prevent or minimize adverse impacts on ESA listed species such that significant impacts are not anticipated. The project is not located within ESA designated critical habitat. ESA consultation with NOAA-Fisheries indicates that the project is unlikely to cause adverse effects of incidental take of listed fish. USFWS consultation indicates that the project will not result in jeopardy of any listed species.

10) Whether the action threatens a violation of Federal, State or local law or requirements for the protection of the environment. There is no indication that this decision will result in actions that will threaten a violation.

VII. 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. Administrative recourse is available in accordance with BLM regulations and must follow the procedures and requirements described in 43 CFR § 5003 - Administrative Remedies.

In accordance with the BLM Forest Management Regulations 43 CFR § 5003.2(a&b), the effective date of this decision, as it relates to an advertised timber sale, will be when the first notice of sale appears in a newspaper of general circulation in the area where the lands affected by the decision are located. This newspaper is the Grants Pass Daily Courier. Publication of the first Notice of Sale establishes the effective date of the decision for those portions of this decision record included in the advertised timber sale. The effective date of this decision establishes the date initiating the protest period provided for in accordance with 43 CFR § 5003.3. Any protest must be submitted in a signed hard copy delivered to the physical address of the advertising BLM office.

In accordance with the BLM Forest Management Regulation 43 CFR § 5003.2 (a&c), the effective date of this decision, as it pertains to actions which are not part of an advertised timber sale, will be the date of publication of the Notice of Decision and FONSI in The Grants Pass Daily Courier. Publication of this notice establishes the date initiating the protest period

provided for in accordance with 43 CFR § 5003.3. While similar notices may be published in other newspapers, the date of publication in the Grants Pass Daily Courier will prevail as the effective date of this decision.

Any contest of this decision should state specifically which portion or element of the decision is being protested and cite the applicable CFR regulations.

for Abbie Jossie
Field Manager, Grants Pass Resource Area
Medford District, Bureau of Land Management

September 2, 2004
Date