

# **Fruit Growers Supply Company Reciprocal Right-of-Way Agreement ENVIRONMENTAL ASSESSMENT**

South River Field Office  
EA# OR-105-07-02

Date Prepared: January 31, 2008

## **Finding of No Significant Impact**

The South River Field Office, Roseburg District, Bureau of Land Management (BLM), has completed the Environmental Assessment (EA) for the proposed Fruit Growers Supply Company Reciprocal Right-of-Way Agreement. Two alternatives are analyzed in detail, consisting of Alternative One, No Action, and Alternative Two, the Proposed Action. The alternatives are described in Chapter Two of the EA (EA, pp. 4-7).

A decision has been made to amend existing O&C Logging Road Right-of-Way Permit R-1204B (Permit), and Reciprocal Right-of-Way and Road Use Agreement R-1204B (Agreement) with Fruit Growers Supply Company in lieu of issuing a new agreement as described in the EA. Construction of a 300-foot extension of BLM Road No. 29-4-31.2 is not authorized.

Lands under the administration of the BLM to be amended into the Permit include:

- W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>, Section 31, T. 29 S., R. 4 W., Willamette Meridian (W.M.),
- N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, Section 1, T. 30 S., R. 5 W., W.M.,
- S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Section 5, T. 31 S., R. 5 W., W.M.,
- E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Section 5, T. 31 S., R. 5 W., W.M., and
- E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Section 5, T. 31 S., R. 5 W., W.M.

Roads under the control of the BLM to be amended into the Permit include:

- Road No. 29-4-31.0 beginning in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Section 31, T. 29 S., R. 4 W., W.M. and ending in the NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Section 31, T., 29 S., R. 4 W., W.M.,
- Road No. 29-6-21.0 beginning in the S<sup>1</sup>/<sub>2</sub>, Section 21, T. 29 S., R. 6 W., W.M. and ending in the SW<sup>1</sup>/<sub>4</sub>, Section 22, T. 29 S., R. 6 W., W.M.,
- Road No. 29-6-22.0 beginning in the SW<sup>1</sup>/<sub>4</sub>, Section 22, T. 29 S., R. 6 W., W.M. and ending in the NW<sup>1</sup>/<sub>4</sub>, Section 22, T. 29 S., R. 6 W., W.M., and
- Road No. 30-5-31.0 beginning in the N<sup>1</sup>/<sub>2</sub>, Section 6, T. 31 S., R. 5 W., W.M. and ending in the SE<sup>1</sup>/<sub>4</sub>, Section 5, T. 31 S., R. 5 W., W.M.

### *Unaffected Resources*

As addressed in the EA (pp. 7-8), the following Critical Elements of the Human Environment will not be affected because they are absent from the lands to be included in the amendment: Areas of Critical Environmental Concern (ACEC); prime or unique farmlands; floodplains; wilderness; waste, solid or hazardous; and Wild and Scenic Rivers. No unique characteristics will be impacted (Council on Environmental Quality (CEQ) Regulations - 40 CFR § 508.27(b) (3)).

## *Environmental Justice*

Amendment of the existing Fruit Growers Supply Company Permit and Agreement is consistent with Executive Order 12898 which addresses Environmental Justice in minority and low-income populations. As discussed in the EA (p. 8), no potential impacts to low-income or minority populations have been identified by the BLM internally or through the public involvement process. Correspondence with local tribal governments did not identify any unique or special resources in the project area which provide religious, employment, subsistence, or recreation opportunities.

## *Cultural and Historical Resources*

As described in the EA (p. 18), resources thought to exist on the lands to be included in the proposed reciprocal right-of-way agreement are segments of historic-era trails and wagon roads. Most of these resources have been incorporated into the modern road system and, therefore, lack integrity. In addition, inventories did not discover evidence of prehistoric use in the vicinity of the proposed road renovation and new road construction in Section 31, T. 29 S., R. 4 W., W.M. Consequently, there will be no adverse impacts to scientific, cultural, or historical resources in association with the amendment (40 CFR § 1508.27(b) (8)).

## *Wildlife*

The use of existing roads will not remove or modify the present condition of wildlife habitat.

As stated in the EA (p. 13), the Fruit Growers Supply Company parcel and BLM- managed land in Section 5, T. 31 S., R. 5 W., W.M., to be included in the amendment are in Critical Habitat Unit OR-63, designated for the survival and recovery of the **northern spotted owl** (*Strix occidentalis caurina*). Remaining lands to be included in the amendment are not within any critical habitat units. Effects to Critical Habitat Unit OR-63 are not expected because there will be no removal of suitable spotted owl habitat on BLM-managed land.

No effect to spotted owls from noise disruption are expected because potential disturbance activities will not occur within prescribed distances of any known spotted owl nest site during the critical breeding season from March 1 to June 30. Seasonal restrictions may be waived if surveys indicate that spotted owls are not present, not nesting, or failed in nesting. These factors will ensure that noise disruption does not cause spotted owls to abandon nests or fledge prematurely.

Use of existing roads will not affect northern goshawks because suitable habitat will not be removed and potential disturbance activities will not occur within one-quarter mile of the known goshawk nest site in Section 31, T. 29 S., R. 4 W., W.M. between March 1 and July 30, or until it is determined that the young have dispersed.

There will be no effects to Oregon shoulderband or Chace sideband snails from the use of existing roads because suitable habitat will not be removed.

### *Fisheries*

There are no listed fish species in the project area or on the entire Roseburg District. As described in the EA (p. 12), streams designated as Essential Fish Habitat and near roads to be included in the amendment to the permit and reciprocal right-of-way agreement include West Willis Creek and Mitchell Creek. The only potential effect identified is with respect to sediment, but with implementation of the project design features and best management practices described in the EA (pp. 5-7) the risk for sediment will be localized and the risk of adverse effects to Essential Fish Habitat downstream of these two areas will be negligible.

### *Water Quality*

The sole water quality parameter with the potential for being affected by the proposed action is sediment. The existing roads Fruit Growers will be authorized to use are primarily gravel roads with adequate drainage, and their use will not increase sedimentation to stream channels.

### *Consistency of the Proposed Action with the Aquatic Conservation Strategy*

The Aquatic Conservation Strategy was developed to restore and maintain the ecological health of watershed and aquatic ecosystems contained within them on public lands. The components of the Aquatic Conservation Strategy are Riparian Reserves, Key Watersheds, Watershed Analysis, and Watershed Restoration.

Use of existing roads is not expected to have any effect on the existing condition of the watersheds in which the lands covered by the amendment are located.

As discussed in Appendix D of the EA, the effects of the proposed action are judged to be consistent with the objectives of the Aquatic Conservation Strategy.

### *Botany*

Existing roads are not managed as plant and wildlife habitat, and the use of these roads will not affect any Special Status vascular plants, lichens or bryophytes. There will be no effects to Special Status fungi as there will be no habitat disturbance.

Wayside aster identified in Section 31, T. 29 S., R. 4 W., W.M. in June of 2005 will not be affected because the amendment does not authorize the proposed road construction.

For the reasons described above, there will be no significant adverse impacts to any special status species (40 CFR § 1508.27 (b) (9)). The anticipated impacts will be within the range and scope of those analyzed in the *Roseburg District Proposed Resource Management Plan/Environmental Impact Statement* (PRMP/EIS).

The project is consistent with all applicable Federal, State, and local laws (40 CFR § 1508.27(b) (10)).

Of the ten points listed under 40 CFR § 1508.27(b), the following were considered and were found not to apply to the proposed action: significant beneficial or adverse effects; significant effects on public health or safety; effects on the quality of the human environment that are likely to be highly controversial; anticipated cumulatively significant impacts; highly uncertain or unknown risks; and no precedents for future actions with significant effects.

Based on the analysis of potential impacts contained in the environmental assessment, I have determined that the proposed action will not have significant impact on the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969, and that an environmental impact statement is not required. I have determined that the proposed action is within the scope of impacts anticipated in the PRMP/EIS, and is in conformance with the *Record of Decision and Resource Management Plan (ROD/RMP)* for the Roseburg District, approved by the Oregon/Washington State Director on June 2, 1995.

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Date