UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Klamath Falls Resource Area

Draft Finding of No Significant Impact (FONSI)
Oregon Gulch Fire Salvage and Rehabilitation Environmental Assessment
#DOI-BLM-OR-L040-2015-01-EA

Introduction

The Klamath Falls Resource Area (KFRA) of the Lakeview District, Bureau of Land Management (BLM) has conducted an environmental analysis to evaluate the effects of salvage harvest and rehabilitation treatments on approximately 2,800 acres in the 4,870-acre KFRA Oregon Gulch Fire burned project area. Four alternatives (including no action) are analyzed in the EA. Proposed treatments include up to 2,211 acres of salvage, 2,738 acres of tree planting, temporary suspension of livestock grazing, 0.30 mile of road construction, 268 acres of noxious weed (medusahead rye) treatment, fence reconstruction, and wildlife cistern (guzzler) replacement.

Plan Conformance and Consistency

The proposed actions are subject to the following land use plan(s): Klamath Falls Resource Area Resource Management Plan (RMP) and Environmental Impact Statement, approved in September 1994. The proposed action has been determined to be in conformance with this RMP as required by regulation (43 CFR 1610.5-3(a)).

Context

The Oregon Gulch Fire burned on approximately 35,101 acres of federally and non-federally managed land. Of those acres, 4,870 are managed by the KFRA BLM, 82 acres are State-owned lands, and 11,951 acres are private land. The KFRA BLM lands consist of 4,052 acres of O&C lands (Oregon and California Railroad Act) and 818 acres of PD (Public Domain lands). The majority of those lands are in the Matrix land use allocation. In context, salvage harvest is proposed on up to 2,211 acres, which represents 45% of KFRA BLM-managed land within the fire perimeter. None of the alternatives analyzed would have international, national, region-wide, or state-wide importance.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from Oregon Gulch project actions relative to each of the ten areas suggested for consideration by the CEQ:

1. ***Impacts that may be both beneficial and adverse.***

The EA considered both potential beneficial and adverse effects on numerous resources in the project area and especially for relevant resources such as the northern spotted owl. Alternatives 2, 3, or 4 could have potentially beneficial and adverse impacts, but they would not be significant as they would be consistent with the range and scope of those effects of natural resource management analyzed in the 1995 KFRA RMP, to which the EA is tiered.

I have determined that none of the direct, indirect or cumulative impacts associated with the proposed action are significant, individually or combined.

2. ***The degree to which the proposed action affects public health or safety.***

The proposed project is located within a rural setting and involves a similar type of timber harvest operation and other activities that have been conducted in the KFRA on a regular basis. The action alternatives propose to reduce the risk to public health and safety along roads by removing hazardous fire-killed and fire-injured trees. The action alternatives are all consistent with Oregon Occupational Safety and Health Administration (OSHA) provisions, and the "2008 Field Guide for Danger Tree Identification and Response" by Oregon OSHA, US Forest Service, BLM and Associated Oregon Loggers. Based on resource specialist analysis, public scoping, and other information contained in the EA, I have determined that the actions proposed would not affect public health or safety.

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.***

Surveys for historic and cultural resources were completed in the Oregon Gulch Project Area. Certain eligible resources will have treatment activities within resource boundaries, and these will be conducted in a manner as to result in No Adverse Effect. The undertaking has been determined to result in No Adverse effect under the terms of the BLM/Oregon State Historic Preservation Office Protocol.

The project area does not contain park lands, prime farmlands, or wetlands.

The Oregon Gulch fire burned through 1.75 miles (153 acres) of the north side of the Upper Klamath Wild and Scenic River (WSR) corridor and 807 acres of the Upper Klamath River Area of Critical Environmental Concern (ACEC). The proposed actions would be expected to maintain or enhance the values for which these areas were designated (see EA Section 3.9).

4. ***The degree to which the effects on the quality of the human environment are likely to be controversial.***

Scoping for the proposed action and background information was sent to other agencies, groups, known affected and interested publics. Five letters of comment were received in response. Public concerns and input have been considered throughout the analysis (see Section 1.3 of the EA and Appendix B, the Scoping Comment Summary). For this project, the BLM considered and reviewed numerous publications, both in support of, or in opposition to the analysis performed and conclusions reached in the EA. While there is some opposition regarding the appropriateness of salvage harvest on O&C Matrix lands or in other land use allocations, the interdisciplinary team used the best available science specific to the purpose and need of the project.

Opposition to the project is not the same as "controversial effects." The Ninth Circuit has held that a project is "highly controversial" if there is a "substantial dispute [about] the size, nature, or

effect of the major Federal action rather than the existence of opposition to a use." Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208, 1212 (9th Cir. 1998) (quoting Sierra Club v. U.S. Forest Service, 843 F.2d 1190, 1193 (9th Cir. 1988)). After review of the analysis, I have determined that the effects described in the EA are not highly controversial.

5. ***The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.***

Timber harvest, tree planting, road construction or decommissioning, slash disposal or pile burning, and weed treatment (imazapic application) are common actions authorized by the BLM, and similar actions have been implemented in similar areas. The analysis provided in the attached EA does not indicate that these actions 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 proposed actions would not establish a precedent for future actions on KFRA-managed lands. This analysis would be used for the implementation of the treatments described in the KFRA BLM Oregon Gulch project area only.

7. ***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***

The action alternatives were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Based upon the EA analysis, significant cumulative effects are not anticipated.

8. ***The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.***

New inventory has been conducted as needed for all harvest and treatment units. All identified cultural resources in treatment units would be evaluated for National Register eligibility. Potential adverse effects to eligible resources will be avoided during project implementation. Most eligible cultural resources will be completely avoided. Local tribes were consulted regarding project effects on significant cultural and tribal resources and none were identified. The tribes consulted are listed in the EA.

9. ***The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.***

For all alternatives, including no action, there would be no direct effects to territorial/resident spotted owls from proposed activities. None of the proposed actions will have any effect on the current spotted owl population due to the lack of resident or territorial spotted owls within the project area. None of the alternatives would have any effect on suitable nesting, roosting or

foraging (NRF) habitat for spotted owls because there is no suitable NRF habitat remaining in the project area post-fire.

The gray wolf is listed as endangered under the Endangered Species Act in this part of Oregon at this time. There is no indication that the wolves are actually using the Oregon Gulch fire, or the BLM stands within the Oregon Gulch fire. Absent a den in or near the project units, none of the action alternatives are likely to affect gray wolves.

There are no other threatened or endangered listed, proposed, candidate species or designated critical habitat under the Endangered Species Act (as amended USDI Fish and Wildlife Service (USFWS) 1973) that occur within the project area or that would be affected from project activities.

10. ***Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.***

The project does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. In addition, the project is consistent with applicable land management plans, policies, and programs.

DRAFT Finding of No Significant Impact Determination

I have reviewed the Oregon Gulch Fire Salvage and Rehabilitation EA, #DOI-BLM-OR-L040-2015-01-EA, dated February 2015. On the basis of the information contained in the EA, it is my determination that:

(1) implementation of any of the action alternatives will not have significant environmental impacts beyond those already addressed in the KFRA RMP;

(2) all of the alternatives are in conformance with the RMP; and

(3) None of the alternatives constitute a major Federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing RMP and Environmental Impact Statement is not necessary and will not be prepared.

This finding 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 or as articulated in the letters of comment.

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Donald J. Holmstrom Date
Field Manager, Klamath Falls Resource Area