



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
ASHLAND RESOURCE AREA
3040 Biddle Road
Medford, Oregon 97504



ASHLAND FUELS REDUCTION PROJECT
DECISION RECORD No. 1

and

FINDING OF NO SIGNIFICANT IMPACT

This document describes my decision, and reasons for my decision, regarding the selection of a course of action to be implemented for the Ashland Fuels Reduction Project. This Decision Record addresses only a portion of the project area. Decisions regarding fuels reduction work in the remainder of the project area will be forthcoming and will be documented in a separate Decision Record. The Ashland Fuels Reduction Project Environmental Assessment (EA) issued for public review from August 18 to September 2, 2009, documents the environmental analysis conducted to estimate the site-specific effects on the human environment that may result from the implementation of the Ashland Fuels Reduction project proposal. 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 Ashland Fuels Reduction Project EA.

This document also describes my finding regarding the significance of impacts resulting from the implementation of the Ashland Fuels Reduction Project and the need for preparing an Environmental Impact Statement.

THE DECISION

As the Responsible Official, it is my decision to authorize hazardous fuels reduction on 1,285 acres (Table 1) located in the Wagner Creek, Anderson Creek, Griffin Creek, Kane Creek, and Lick Gulch drainages. Vegetation will be thinned using chainsaws; the cut material will be hand piled and burned on site when fuel moisture and weather conditions allow for the safe burning of material. The effects of implementing, or not implementing these activities, individually and cumulatively, have been analyzed and disclosed in the Ashland Fuels Reduction Project EA. Work will be accomplished using ecological principles to provide for retention and promotion of fire adapted species as described in the Ashland Fuels Reduction Project EA.

Follow-up maintenance underburning is planned in approximately 1 to 5 years for many of the acres treated. Post treatment evaluations will be used to determine the need for follow-up maintenance underburning. Follow-up maintenance underburning will involve the controlled application of fire to understory vegetation and downed woody material when fuel moisture, soil moisture, and weather and atmospheric conditions allow for the fire to be confined to a predetermined area at a prescribed intensity to achieve the planned resource objectives. Maintenance burning usually occurs within 1 to 5 years following initial fuels reduction treatments.

The following is the Public Lands Systems Descriptions for the units to be treated:

Wagner and Anderson Creek units: T. 38 S., R. 1 W., in sections 21, T. 39 S., R. 1 W., in sections 1, 4, 5, 12, and 13, W.M., Jackson County Oregon (EA, Map 1).

Griffin Creek units (also referred to as Jackson Creek units): T. 38 S., R. 2 W., in sections 3 and 10, W.M., Jackson County Oregon (EA, Map 2).

Lick Gulch units: T. 39 S., R. 2 W., in sections 25, 26, 27, 34, 35, and 36, W.M., Jackson County Oregon (EA, Map 3).

Kane Creek units (also referred to as Galls Creek units): T. 36 S., R. 3 W., in section 35; W.M., Jackson County Oregon (EA, Map 5).

All project design features included in the EA p. 12 to 14 are required as part of this decision.

Table 1. Fuels Treatments by Catchment Basin

Catchment Basin	Acres
Wagner/Anderson Creeks	834
Griffin Creek	80
Lick Gulch	331
Kane Creek	40
Total Acres	1,285

DECISION RATIONALE

My decision to implement fuels reduction is based on consideration of the relative merits and consequences of either implementing or not implementing the Ashland Fuels Reduction Project, as well as consideration of all public comments and concerns received. I have personally read the comments sent in response to the EA public review period, and I have considered them fully.

Both BLM-managed resources and rural residential areas are threatened from a potential for high-intensity stand replacing wildfires. This threat means that potential wildfires in these high hazard areas have a moderate to high resistance to control from fire suppression efforts (EA p. 16), and as a result could cause substantial property damage and loss, and possibly the loss of human life. Thinning small trees and brush in oak woodlands, chaparral, and conifer plant communities to reduce the ladder and ground fuels would substantially reduce wildland fire behavior within the treatment areas, along with the threat of wildfire to damage resources and adjacent private property.

I have chosen to implement the portions of the Ashland Fuels Reduction project described above, because the treatments will meet BLM's objectives for reducing hazardous fuels in the Wildland Urban Interface, while providing for the protection of natural 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.

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 No. 13420-2009-1-0045).

The Ashland Fuels Reduction Project EA was sent August 18, 2009, along with notification of the public review period, to Federally Recognized Tribes, the Klamath Tribe, the Confederated Tribes of the Siletz, the Confederated Tribes of the Grand Ronde, the Cow Creek Band of the Umpqua Indians, Shasta Indian Nation, and the Quartz Valley Indian Reservation.

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

PUBLIC INVOLVEMENT

Public outreach was completed for the Ashland Fuels Reduction Project. From 2003 to 2005, the BLM conducted public outreach in the Lick Gulch drainage (and surrounding Little Applegate Watershed), concerning landscape level vegetation and fuels reduction management activities. Notification of landscape level forest management activities in the Wagner and Anderson Creek drainages appeared in the Medford Messenger beginning in the winter of 2008. Additional coordination with some neighbors adjacent to various parcels included in the project has occurred with the help of the local fire districts.

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

This forest management proposal is in conformance with the Medford District's 1995 Record of Decision and Resource Management Plan, implementing actions consistent with Management Objectives and Direction of the 1995 RMP. The 1995 RMP directs the agency to treat hazardous fuels using a combination of thinning and prescribed fire to lower the risk of large-scale, stand replacing wildfires (USDI 1995:91), particularly within Rural Interface Areas (USDI 1995: 89).

This proposal is also in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), 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, and the Archaeological Resources Protection Act of 1979.

FINDING OF NO SIGNIFICANT IMPACT

I have considered both context and intensity of the impacts anticipated from the Ashland Fuels Reduction Project. I have determined that my decision to implement actions, as described in this Decision and under the Ashland Fuels Reduction Project EA (Alternative 2), will not have any significant adverse effects. I considered the following criteria, suggested by CEQ, for evaluating intensity or severity of the impact of the Ashland Fuels Reduction Project.

The Ashland Fuels Reduction Project will:

1) Not result in significant beneficial or adverse effect.

The Ashland Fuels Reduction Project Environmental Assessment documented the site-specific analysis of effects to the environment. Required project design features are an integral part of the Ashland Fuels Reduction 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 Ashland Fuels Reduction Project, in summary:

- Burn piles would impact less than 6 percent of the total area. As the burned area is a small percentage of the entire area, this impact is considered minimal. While there would be a moderate increase in the erosion potential in the burn pile areas, soil would not move off site as a result of the remaining vegetation surrounding the pile burn area. (EA p. 20).
- With the implementation of the PDF's, together with diligent administration of the contract, this project will have little effect on hydrology related processes or water quality because stream channels and riparian areas are being protected from ground disturbance, and stream shading (stream temperatures) will not be affected by the project (EA p. 21).
- Given the implementation of project design features, which incorporate Best Management Practices (BMPs), increased sedimentation to streams would not occur (EA p 21-22).
- The Ashland Fuels Reduction project 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 aquatic habitat (EA, p. 22).
- Project Design Features are included to avoid impacts to riparian areas and aquatic habitat (EA p. 12-13).
- The Ashland Fuels Reduction project will reduce the potential for difficult fire suppression operations in the event of a future wildfire in the project area by reducing hazardous fuels (EA p. 20).
- While fuels reduction activities will simplify vegetation structures/habitats, reducing the quality and possibly the suitability of these habitats for some species, ample areas of similar habitat exist in close proximity to the areas to be treated under the proposed action that will continue to provide areas for these species to persist (EA p. 23).
- No snags will be cut unless they pose a safety hazard to the public or forest workers (EA p. 14)
- Project design features are included to retain untreated patches in shrubland areas, fire adapted species, hardwood species, and species that are less common in the project area to maintain structural and species diversity (EA p. 12-13).
- The Ashland Fuels Reduction project will have no effects on Special Status plant species. Known locations of Special Status Plant species will be protected through project design features (EA p. 22-23).
- The Ashland Fuels Reduction project will implement project design features to minimize or avoid the potential for new introductions, or the spread of existing, noxious weed populations (EA, p. 14 and 23).

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. The implementation of hazardous fuel reduction treatments, as designed under this project, will have a beneficial impact on public health and safety by reducing the threat of large-scale high intensity wildfires in the project area.

Prescribed burning operations would follow all requirements of the Oregon Smoke Management Plan and the Department of Environmental Quality Air Quality and Visibility Protection Program, ensuring that smoke related impacts to public health and safety are mitigated or avoided altogether (EA p. 24-25).

The issue of utilizing plastic to cover burn piles was addressed in the EA (p. 25-26) and included a comparative analysis of the use of polyethylene versus Kraft paper. The use of Kraft paper is less effective, more expensive, heavier for workers to carry, and there are no data that indicate the use of Kraft paper reduces the risk for adverse effects to air quality, in comparison to polyethylene (EA p. 25). The Oregon Department of Environmental Quality and the Oregon Department of Forestry developed an MOU for polyethylene that was adopted in 2005. Best Management Practices developed in the MOU were later included in the Oregon Administrative Rules under Section 629-048-0210, Best Burn Practices; Emission Reduction Techniques. In the above referenced section of the Oregon Administrative Rules it states that “best burn practices involve methods that ensure the most rapid and complete combustion of forest fuels while nearby, “non-target” fuels are prevented from burning”. Covering of handpiles is a “Best Burn Practice”. It is also stated in this section that “When covers will not be removed and thus will be burned along with the piled forest fuels, the covers must not consist of materials prohibited under OAR 340-264-0060 (3), except that polyethylene sheeting that complies with the following may be used: (a) Only polyethylene may be used. All other plastics are prohibited.” Due to the difficulty of removing and disposing of plastic covered by debris to hold the plastic in place, especially after prolonged exposure to the elements, removing the plastic is operationally and economically infeasible (EA p. 25).

Based on the information presented in the EA the use of polyethylene ensures the most rapid and complete combustion of slash debris, thus reducing the overall emissions of burning. No evidence has been presented to support claims that the use of PE would result in increased risk to human health and safety, over burning uncovered wet debris. At this time, PE is the most reliable and effective material for accomplishing Best Burn Practices and reducing the overall emissions of burning.

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 Ashland Fuels Reduction Project Area.

4) Not have highly controversial environmental effects.

While there are differences in public opinion regarding some aspects of fuels reduction project design, these differences 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 concerning project implementation.

The Ashland Fuels Reduction project is similar in nature to many other fuels reduction projects that have been implemented within the scope of the Medford District Resource Management Plan across

the Medford District. The anticipated effects of completing fuels reduction, documented in the EA, are well known and no highly controversial effects have been identified.

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, or any effects that were not anticipated in the Final Environmental Impact Statement for the Medford District Proposed Resource Management Plan Environmental Impact Statement (EA p. 14-26).

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 Ashland Fuels Reduction Project will not set any precedents for future actions with significant effects. The Ashland Fuels Reduction Project will implement actions approved for forest management under the 1995 Medford District Resource Management Plan, and is therefore consistent with the BLM's Resource Management Plan and not precedent setting.

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.)

The potential for adverse cumulative effects was considered in the Ashland Fuels Reduction EA (EA p. 14-26) and no significant cumulative effects have been identified. Analysis included the consideration of past actions, as reflected in current conditions, current actions, and foreseeable future actions on both private and federal lands. 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.

Cultural resource surveys were completed in the Ashland Fuels Reduction project area. Known sites will be avoided. Therefore, the Ashland Fuels Reduction Project is a No Effect Determination for cultural resources (EA p. 24).

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 No. 13420-2009-I-0045).

The Ashland Fuels Reduction Project is within the range of *Fritillaria gentneri*; the project area was surveyed. Known *Fritillaria gentneri* sites will be protected with a combination of no-treatment buffers and seasonal restrictions. Therefore, this federally-listed plant species will be protected from adverse impacts (EA p. 22).

The implementation of the Ashland Fuels Reduction 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. 22).

10) *Not 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 1995 Resource Management Plan.

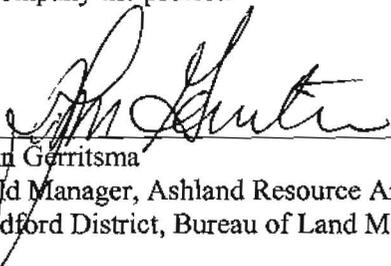
Required project design features are an integral part of the Ashland Fuels Reduction Project ensuring that project activities conform to the Management Actions/Direction of the Medford District Resource Management Plan as well as applicable laws including the Oregon and California Lands Act of 1937 (O&C 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 the Ashland Fuels Reduction EA (p. 12-14).

I have determined the Ashland Fuels Reduction 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. This conclusion is consistent with those plans and the scope of effects anticipated from the Medford District RMP. 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. In accordance with the BLM Forest Management Regulation 43 CFR 5003.2, the date of publication of this Decision Record and FONSI on BLM's Website serves as the Notice of Decision initiating the protest period provided for in accordance with 43 CFR 5003.3. Any contest of this decision should state specifically which portion or element of the decision is being protested and cite the applicable CFR regulations.

Any protests of this forest management decision must be filed with the Authorized Officer (the Responsible Official signing this Decision) within 15 days of the publication of the Notice of Decision on BLM's Website. 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.



John Gerritsma
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Medford District, Bureau of Land Management

9/28/09
Date

References Cited

USDI Bureau of Land Management. 1995(a). Record of Decision and Resource Management Plan for Medford District BLM. Medford Oregon.

United States Department of the Interior (USDI) Bureau of Land Management. October 1994. Medford District Proposed Resource Management Plan/ Environmental Impact Statement.

U.S. Department of the Interior, Bureau of Land Management. 2009. The Ashland Fuels Reduction Environmental Assessment. Medford, OR.