



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Medford District Office  
3040 Biddle Road  
Medford, Oregon 97504  
email address: Medford\_Mail@blm.gov

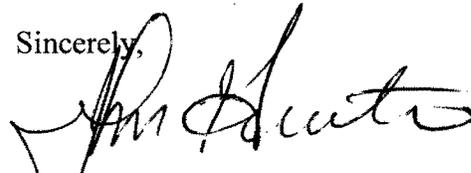
IN REPLY REFER TO:  
1792(ORM060)

AUG 04 2010

Dear Interested Public:

This letter transmits to you a copy of my decision, including my rationale for the decision, regarding the Dead Stew Stewardship Project. The 515-acre Dead Stew Project will utilize a stewardship contract designed to encourage the utilization of small diameter trees and biomass while accomplishing thinning for fuels reduction and improving the fire resiliency of forest stands. The Dead Stew Project is part of the Deadman's Palm Landscape Project, analyzed under the Deadman's Palm Environmental Assessment (EA), which was issued for public review in 2005. If you have any questions regarding my decision for this project, please contact me at (541) 618-2438.

Sincerely,



John Gerritsma  
Field Manager  
Ashland Resource Area

Enclosure



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



**DEAD STEW STEWARDSHIP PROJECT**

**DECISION RECORD**

and

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

This document describes my decision, and reasons for my decision, regarding the selection of a course of action to be implemented for the Dead Stew Stewardship Project. The Dead Stew Project will utilize a stewardship contract designed to encourage the utilization of small diameter trees and biomass while accomplishing thinning for fuels reduction and improving the fire resiliency of forest stands. The Dead Stew Project is part of the Deadman's Palm Landscape Project. The Deadman's Palm Environmental Assessment (EA) documented the analysis conducted to estimate the site-specific effects of landscape projects including commercial timber harvest and thinning small diameter trees and shrubs for fuels reduction. The Deadman's Palm Landscape Project EA was issued for public review on August 7, 2005; the public review and comment period ended on August 29, 2005.

Three alternatives were considered and analyzed in detail: a No-Action Alternative, the Proposed Action (Alternative B), and an alternative to the Proposed Action, Alternative C. A detailed description of the alternatives is contained in the Deadman's Palm Landscape Project EA (available on BLM's Website <http://www.blm.gov/or/districts/medford>). Alternative C was selected for implementing the Deadman's Palm Landscape Project.

The Deadman's Palm timber sale was offered for sale in September of 2005. No bids were received and the Deadman's Palm timber sale, as originally designed, was rescinded. A re-designed and substantially reduced timber harvest project, called the East Star Timber Sale, was sold in 2006. Operations are still ongoing in the 615-acre East Star Timber Sale.

On September 29, 2009, I signed a Decision Record authorizing fuels reduction treatments on 1,479 acres analyzed under Alternative C, in the Deadman's Palm Landscape Project EA. Fuels reduction treatments authorized under the September 29, 2009 decision consisted of cutting non-commercial sized trees (7 inches diameter breast height (dbh) and smaller) and shrubs with chainsaws and disposing of the material by handpiling and burning, lopping and scattering in lighter fuels, and by utilizing accessible material for fuelwood and other miscellaneous forest products. There is now an opportunity to complete additional thinning of commercial sized small diameter material on about 515 of the 1,479 acres through stewardship contracting, allowing the BLM to further the objectives for fuels reduction and fire resiliency in the Dead Stew Project Area.

## THE DECISION

It is my decision to implement the Dead Stew Project, a forest management project that focuses on thinning small diameter conifers to implement fuels reduction and improve fire resiliency on an estimated 515 acres (Map 1).

The Dead Stew Project is located within portions of the Ashland Resource Area's Deadman's Palm no-bid timber sale involving units that were deferred from treatment due to the poor economics associated with small diameter/low value material. This decision authorizes the removal of both non-commercial and commercial-sized trees under a stewardship contract that will encourage biomass removal and utilization. Under the Dead Stew Project, the value of extracted products will help to offset the costs of fuels reduction work.

Product extraction will employ the use of a small cable yarding system (such as a Koehler yarder or Yoder) on about 442 acres and the use of a crawler tractor on about 73 acres.

Selective tree cutting will generally consist of the removal of the smaller diameter trees within a stand allowing the larger, healthier trees to grow. Trees targeted for removal will generally be 20-inches diameter breast height (dbh) or smaller. Some trees greater than 20 inches may be removed to meet the objectives for retaining larger healthier and more fire resilient trees, removing insect and disease infested trees, safety and operational needs, and retaining and promoting fire resilient species. No black oak or white oak would be cut unless needed for safety requirements and operational feasibility. The prescriptions respond to variations in forest stand and site conditions; the following provides a brief summary of prescriptions:

**Non-commercial thinning and biomass removal:** Common to all treatment units, conifers less than 8 inches diameter will be thinned. Biomass removal and utilization is encouraged where economically feasible; cut material not removed as biomass will be hand-piled and burned.

**Douglas-fir and Pine Pole Stands:** Dense, decadent pole stands on dry sites will be thinned to a 3 to 15 foot crown spacing when possible. Focus on the removal of trees with less than 30 percent crown ratios (the percentage of the tree height with live green vegetation) and dying trees.

**Late-seral emphasis ( $\geq 60$  percent canopy):** Thin trees to a 1 to 4 foot crown spacing, meaning there will be a 1 to 4 foot opening between the tips of branches of the remaining trees. The most vigorous dominant and codominant trees with the best crowns (greater than 30 percent crown ratio) will be left to maintain 60 percent or greater canopy cover. Pine and cedar trees greater than 30 inches dbh with 30% or greater crown ratios should have trees removed from beneath the canopy of the tree (within the dripline).

**Late-seral emphasis ( $\geq 40$  percent canopy):** Thin from below to leaving the most vigorous dominant and codominant trees with the best crowns (greater than 30 percent crown ratio) to maintain 40 percent or greater canopy cover. Crown spacing will be 3 to 10 foot between crowns of trees. Favor fire resilient pine and incense cedar as leave trees over Douglas-fir. Pine trees that are suppressed or beetle infested will be thinned.

**Dry Douglas-fir Stands:** Thin from below retaining the most vigorous dominant and codominant trees with the best crowns (greater than 30 percent crown ratio). Crown spacing will be 5 to 15 foot between tree crowns. Create openings around individual pine or old-growth trees (no more than 1/4 acre in size); leave healthy pine or incense cedar when they are available in the created opening. These group selections should be no closer than 250 feet between the edges of openings and other group selections. For the remaining area between openings, thin trees using crown spacing prescription described above.

**Pine Site Stands:** Thin stands to about a 10 to 25-foot spacing between the crowns of trees; leave all healthy dominant and codominant pine trees. Only pine trees that are intermediate or suppressed (less than 30 percent crown ratio), damaged, or beetle infested will be thinned. Create 1/5 to 1- acre openings around large pine trees. Leave healthy pine and all incense cedar trees in created openings. These group selections should be no closer than 150 feet between the edges of openings and other group selections. For the remaining area between openings, thin trees using the crown spacing prescription described above.

**Moist Douglas-fir Stands:** Thin from below retaining the most vigorous dominant and codominant trees with the best crowns (greater than 30 percent crown ratio); thin stands to 3 to 10 feet between tree crowns. Retain some trees in the intermediate crown class to maintain structural diversity.

## DECISION RATIONALE

My decision to implement this stewardship project is based on consideration of the relative merits and consequences of implementing the Dead Stew Project as well as consideration of all public comments and concerns received.

I have chosen to implement the Dead Stew Project as it is located in the Wildland Urban Interface and will meet BLM's objectives for reducing the threat of large-scale high intensity wildfire threatening adjacent private property as well as natural resources on public land.

The Dead Stew Project is located within Ashland Resource Area's Deadman's Palm no-bid timber sale, as well as other portions of Deadman's Palm Project Area, that were deferred from treatment due to the poor economics associated with small diameter/low value material. However, these areas are still in need of hazardous fuels reduction. Under a stewardship contracting, the value of products extracted will offset some of the cost of treating non-commercial sized hazardous fuels.

The BLM is working to provide opportunities such as this to encourage biomass utilization. It is hoped that by increasing these types of opportunities, that more industries specializing in biomass utilization will take root in Jackson and Josephine Counties. Increasing biomass utilization would also reduce the acreage of debris burning.

This project also lies within a zone identified through the collaborative Applegate Fire Learning Network as a landscape where many social and ecologically important values are at risk, and where there is substantial agreement that restoration work toward healthy and resilient forest systems should occur. This project follows the project design guidelines of both the Fire Learning Network and the Southwest Oregon Small Diameter Collaborative. Therefore, the restoration of fire adapted ecosystems in this project is consistent with the "social license" expressed by the aforementioned collaborative processes.

This portion of the Deadman's Palm Project Area was previously reviewed by the Small Diameter Collaborative, where the Resource Area discussed the need to reduce hazardous fuels and improve the fire resiliency of forest stands. The Small Diameter Collaborative determined they would support the implementation of a small diameter project from the Deadman's Palm Project Area. Additionally, many comments received in response to the Deadman's Palm EA supported the implementation of small diameter thinning to accomplish fuels reduction work and to improve the fire resiliency of our forests.

The implementation of required project design features ensures the protection of fish, wildlife, and other terrestrial and aquatic resources consistent with existing laws, policy, and the direction of the 1995 Medford District Resource Management Plan (see Plan Consistency & Legal Requirements 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 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**

Scoping notices were sent in November 2004 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, and the Quartz Valley Indian Reservation. Notification of the availability of the Environmental Assessment was also sent in August 2005 initiating the EA public review period.

Jackson County Commissioners, Oregon Department of Fish and Wildlife, and Oregon Department of Forestry were also notified of this project during the scoping period and were sent notification of the EA availability during the public review period. The Jackson County Commissioners were notified of BLM's intent to implement the Dead Stew Project under a stewardship contract in the spring of 2010.

## **PUBLIC INVOLVEMENT**

Scoping for the Deadman's Palm Landscape Project began with the listing of the project in the Medford Messenger. Outreach also included mailings beginning in November 2004 to interested organizations, community groups, other agencies, tribes, adjacent land owners, individuals, and meetings with neighbors and organized neighborhood groups.

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 that would respond to purpose and need. Comments generally supported small diameter thinning.

The BLM is coordinating with the Small Diameter Collaborative on the implementation of this project. The BLM will work with the Collaborative to monitor and assess the outcome of the treatments for the improvement of future small diameter projects like this one, and draw upon the cooperative experiences to improve the overall collaborative process.

## **PLAN CONSISTENCY & LEGAL REQUIREMENTS**

The forest management proposal is designed to be in conformance with the *1995 Medford District Record of Decision and Resource Management Plan (RMP)*. 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 1995 Medford District Resource Management Plan was later amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*.

On July 25, 2007, the *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* amended the 1995 Medford District Resource Management Plan by removing the Survey and Manage Mitigation Measure Standards and Guidelines.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects (including timber sales).

This project may proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. This is because this meets the provisions of the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (not including subsequent Annual Species Reviews) See Attachment 1.

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 (FONSI)**

I have considered both context and intensity of the impacts anticipated from the Dead Stew Stewardship Project. I have determined that my decision to implement the proposal, as described in this Decision and under the Deadman's Palm Landscape Project EA, 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 Dead Stew Project.

The Deadman's Palm Fuels Reduction Project will:

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

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

- The effects to soils will be adverse short-term, although the potential for erosion will be minimal:
  - Only about 9 percent of the project area will be disturbed by yarding systems on the average; although erosion will increase slightly, most soil will remain on site and erosion rates will return to normal within 5 years as vegetative cover is reestablished (EA p. III-38).
  - burn piles will impact only 3 to 5 percent of the total area (EA p. III-39) and piles will be burned when soil moisture is high (EA p. II-24) resulting in the maintenance of unburned vegetation and debris to keep soil from moving out of the pile burn area.
- With implementation of the PDF's (EA Chapter II), which incorporate Best Management Practices (RMP Appendix D), this project will have little to no effect on hydrology related processes or water quality. This is due to the protection of stream channels, stream banks, and riparian area vegetation, which eliminates the potential for increased sedimentation in streams or decreased stream shading (EA p. III-61 and III-73 to III-76).
- There will be little to no potential for adverse effects to aquatic habitats and fish due to implementation of Project Design Features required for the protection of water and soil resources described above (EA p. II-22-II-28, III-92).

- Site productivity will be maintained consistent with RMP guidance by requiring designated skid trails and the use of existing skid trails where appropriate; which will limit compaction to less than 12 percent of the project area (EA p. III-39).
- The Deadman’s Palm 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. III-25).
- While fuels reduction activities will reduce the density of understory vegetation, the overall existing structural complexity of these forest stands and habitats will be maintained and enhanced:
  - Thinning will primarily remove smaller diameter trees while retaining the larger most vigorous trees in the stands; however, trees will be retained in the smaller diameter classes to maintain structural diversity.
  - No snags will be cut unless worker safety is at risk and existing large downed material will be retained (II-19 and II-20). Additionally, areas of similar untreated habitat exist in close proximity to the areas to be treated under the proposed action that will continue to contribute to habitat complexity at the landscape scale.
  - At least 60 percent canopy cover will be retained in late-seral emphasis ( $\geq 60$  percent canopy).
  - Project Design Features are included to retain fire adapted conifer and hardwood species, and species that are less common in the project area to maintain species diversity.
  - The project area does not include any stands identified as Recovery Action 32<sup>1</sup>.
  - The Deadman’s Palm Fuels Reduction project will have no effects on Special Status plant species. Surveys did not detect any sites of Threatened or Endangered botanical species, within project units and known locations of Sensitive species and Survey and Manage species will be protected through project design features (EA p. III-114, III-125, and Attachment 1).
  - The Deadman’s Palm 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. III-44, III-130-131).

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 Dead Stew Project Area.

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, ensuring that smoke related impacts to public health and safety are mitigated (EA p. III-30).

The Oregon Department of Forestry Regulations, Section 629-048-0210, Emission Reduction Techniques, addresses “Best Burn Practices”. The regulations state that “Best burn Practices” involve

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<sup>1</sup> In 2008, the U.S. Fish and Wildlife Service issued a Recovery Plan for the Northern Spotted Owl (NSO). The Recovery Plan includes Recovery Actions, which are recommendations to guide activities that would help to further the recovery objectives for the northern spotted owl. Recovery Action 32 (RA 32) recommends maintaining “substantially all of the older and more structurally complex multi-layered conifer forests on Federal lands outside of MOCAs” (Managed Owl Conservation Areas). The purpose of Recovery Action 32 is to provide refugia for northern spotted owls as they adapt to competitive pressures from an increasing population of barred owls. Using the Draft RA 32 Habitat Evaluation Methodology (version 1.3) developed jointly by the Medford Bureau of Land Management, Rogue River-Siskiyou National Forest, and the Roseburg Office of the US Fish and Wildlife Service, BLM wildlife biologists evaluated the Dead Stew Project Area. One five acre area meeting the intent of Recovery Action 32 was removed from the project area.

methods that ensure the most rapid and complete combustion of forest fuels. Covering of handpiles is a “Best Burn Practice”. Also in this section it states “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”

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 Dead Stew Project Area.

4) *Not have highly controversial environmental effects.*

While there are differences in public opinion regarding some aspects of this forest management 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 Dead Stew Project is similar in nature to many other forest management projects that have been implemented within the scope of the Medford District Resource Management Plan across the Medford District. The anticipated effects of completing small diameter thinning and 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, documented in the EA (III-1 to III-134), 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 Resource Management Plan.

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 Dead Stew Project will not set any precedents for future actions with significant effects. The Dead Stew Project will implement actions approved for forest management to reduce hazardous fuels and improve the fire resiliency of forests under the 1995 Medford District Resource Management Plan (RMP p. 62, 89-91), 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.) (EA p. III-1).

The potential for adverse cumulative effects was considered in the Deadman’s Palm Landscape Project EA (EA p. III-1 to III-134) 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.*

The Dead Stew Project area was reviewed for the potential for adverse impacts to cultural resources. The project area was surveyed for cultural resources. All known sites will be avoided; therefore, the Dead Stew Project will have no adverse impacts on cultural resources (EA p. III-132).

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.*

Surveys completed within the Deadman's Palm Project Area documented one occurrence of the Federally endangered species *Fritillaria gentneri*. The occurrence of *Fritillaria gentneri* is outside of all treatment areas and the Dead Stew Project will have no effect on this species (EA p. III-114). No other occurrences of Federally listed or proposed plant species are present within the project area.

A biological assessment (BA) was completed to meet the requirements given in Instruction Memorandum No. OR-2004-085, which describes consultation for species listed as Threatened or Endangered (Listed Species) by the Endangered Species Act (ESA) for National Fire Plan (NFP) projects undertaken for the Bureau of Land Management (BLM) in Oregon and Washington. The set of guidelines describing this kind of consultation is commonly referred to as the counterpart regulations. The counterpart regulations may be used only in cases where the proposed action may affect, but is not likely to adversely affect (NLAA) Listed Species or their designated Critical Habitat and the actions are part of the NFP. The Federal Register entry, that codifies the use of the counterpart regulations, states that they "do not change the analysis that is conducted for determining how a proposed project affects listed species or critical habitat" (50 CFR Part 402, p.68258). BLM has determined the Dead Stew Project may affect, but is not likely to adversely affect (NLAA) northern spotted owls, (*Strix occidentalis*) (NSO) or their Critical Habitat.

The fish biologist determined that the Deadman's Palm Landscape Project "May affect, not likely to adversely affect" (NLAA) Southern Oregon/Northern California (SONC) coho and "Not likely to adversely affect" SONC coho Critical Habitat (EA page III-83). The effects were the result of decommissioning the Ladybug Gulch Road as part of the project. However, the Dead Stew Project is not linked to the decommissioning of the Ladybug Gulch Road. The effects from decommissioning the Ladybug Gulch Road as a separate project were considered and analyzed in the October 18, 2002 (as amended May 21, 2003) programmatic section 7 Biological Opinion and Letter of Concurrence. The activities associated with the Dead Stew Project resulted in a "No Effect" determination in regards to coho and coho Critical Habitat.

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 Resource Management Plan.

Required project design features are an integral part of the Dead Stew 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 Deadman's Palm Landscape Project EA (p. II-22 to II-44).

I have determined the Dead Stew 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, my understanding of the project, and 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 1995 Resource Management Plan. This conclusion is consistent with the RMP and the scope of effects anticipated from the 1994 Medford District PRMP Environmental Impact Statement. 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

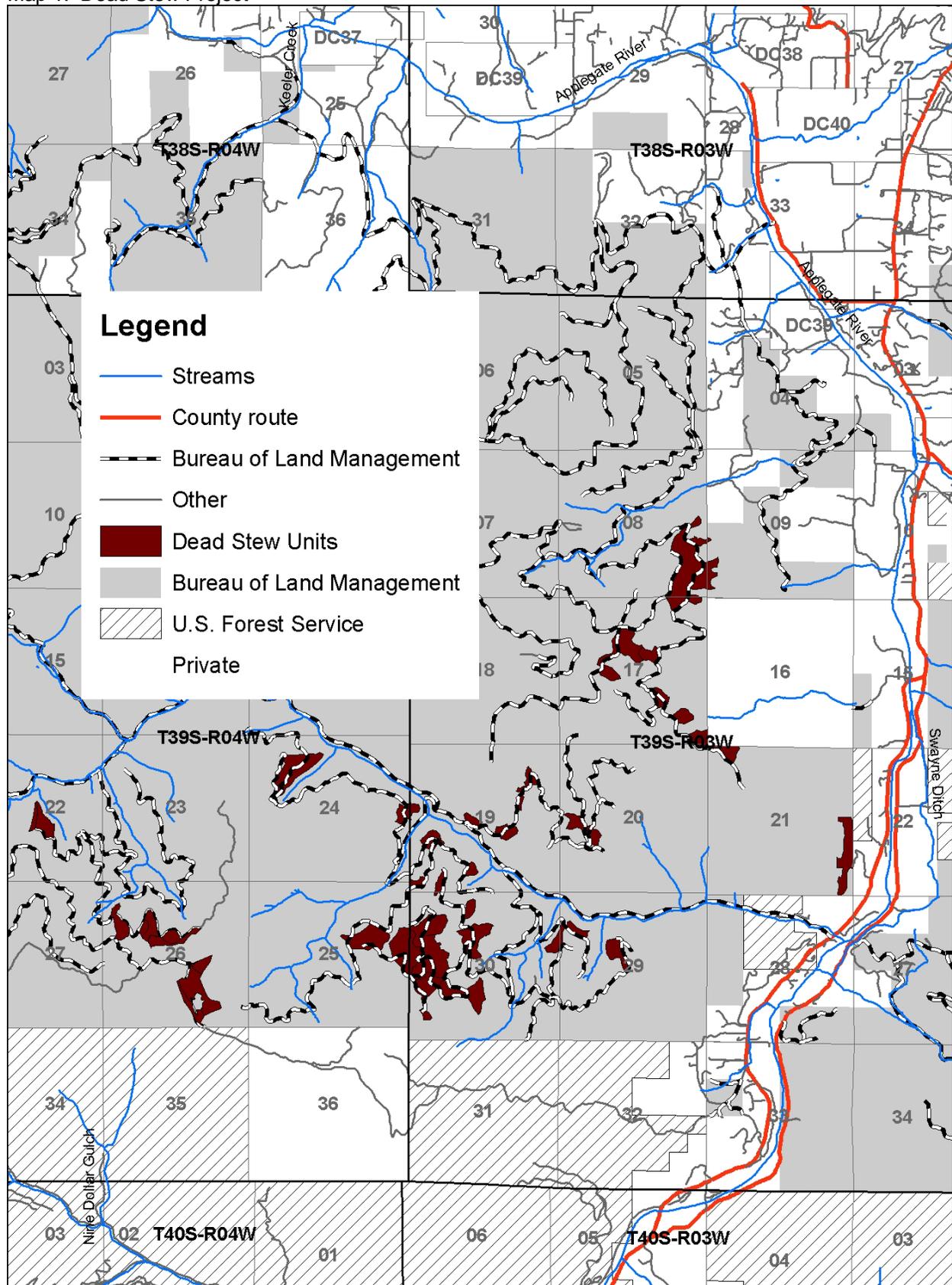
This decision is a Forest Management Decision. Administrative remedies are available to persons who believe that they will be adversely affected by this decision. In accordance with the BLM Forest Management Regulation 43 CFR 5003.2, the effective date of this decision will be the date of publication of the Notice of Decision for the Dead Stew Project in Medford's *Mail Tribune* newspaper. Publication of the Notice of Decision establishes the date 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 Responsible Official signing this Decision within 15 days of the publication of the Notice of Decision 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.

  
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John Gerritsma  
Field Manager, Ashland Resource Area  
Medford District, Bureau of Land Management

8/4/10  
\_\_\_\_\_  
Date

Map 1. Dead Stew Project



## Attachment 1: Deadman's Palm EA Addendum

### **Compliance with 2001 Survey and Manage Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines**

While Survey and Manage was not required at the time of the release of the Deadman's Palm EA<sup>1</sup>, surveys had already been conducted for many of the Survey and Manage species for which pre-disturbance surveys were required.

On July 25, 2007, the *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* amended the 1995 Medford District Resource Management Plan by removing the Survey and Manage Mitigation Measure Standards and Guidelines.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects.

This project may proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. This is because this project meets the provisions of the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*.

This EA addendum documents the results of surveys completed, in the spring of 2010, to ensure complete compliance with the 2001 *Survey and Manage Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* without annual species reviews.

The Dead Stew Project was initially surveyed for vascular and non-vascular botanical species in 2003-2005 for the Deadman's Palm Landscape Project. Additional surveys for species that were eliminated from the survey list due to 2001-2003 annual species reviews were conducted by qualified botanists during the spring/summer of 2010. No new species were found that had not been discussed in the Deadman's Palm Environmental Assessment; however, additional sites of some species were detected and will be protected as noted in Table 1, below. All sites discovered and analyzed under the Deadman's Palm project will receive the protection as described in the Deadman's Palm EA. Therefore, all federal/state-listed, bureau sensitive, and Survey and Manage plants requiring predisturbance surveys have been surveyed for and protected per existing management recommendations and professional judgment. Due to required protection, this project will not trend these species towards listing under the ESA. The Dead Stew Project is compliant with the 2001 Survey and Manage Record of Decision.

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<sup>1</sup> The 1995 Medford District Resource Management Plan was amended by the March 22, 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 Documents Within the Range of the Northern Spotted Owl*. A January 9, 2006, Court order set aside the 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 Documents Within the Range of the Northern spotted Owl* (March, 2004) (2004 ROD) and reinstated the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (January, 2001) (2001 ROD), including any amendments or modifications in effect as of March 21, 2004.

**Table 1. Dead Stew Botany Update**

<b>Species</b>	<b>Status</b>	<b># of new sites in project area</b>	<b>Protection</b>
<i>Cypripedium fasciculatum</i>	SM C; Sen	3	50'-100' buffer
<i>Cypripedium montanum</i>	SM C	2	25'-100' buffer
<i>Leptogium teretiusculum</i>	SM E; Str	1	edge-25' buffer
<i>Zigadenus micranthus</i> var. <i>montanus</i>	Sen	4	seasonal restriction/edge buffer

Surveys for 2001 Survey and Manage Mollusc species, were conducted for the majority of the project prior to the release of the Deadman's Palm Landscape Project EA. About 10 acres were surveyed in spring of 2010 to ensure full compliance with the 2001 Survey and Manage Record of Decision. No new sites were detected.

Protocol surveys were conducted for red tree voles in the spring of 2010. No red tree voles were detected.