

**Finding of No Significant Impact
for the
Trail Creek Forest Management Project
DOI-BLM-OR-M050-2013-0004-EA**

Introduction

The Medford District Bureau of Land Management, Butte Falls Resource Area (BLM) analyzed forest management activities, road work, fuels treatments, and restoration work on 4,659 acres of matrix lands and 63 acres of riparian reserves in the *Trail Creek Forest Management Project Environmental Assessment* (EA). Proposed projects are located primarily in the Trail Creek fifth field watershed with small portions located in the Elk Creek watershed (South Umpqua subbasin) and Shady Cove-Rogue River watershed.

The EA analyzed the potential effects of the following forest management activities: regeneration harvest, density management, commercial thinning, restoration thinning, small diameter thinning, precommercial thinning, riparian thinning, hazardous fuel reduction, and public roadside firewood cutting. Timber yarding systems included in the analysis were ground-based, skyline-cable, and helicopter. The activity slash resulting from the forest management activities would be hand piled and burned, lopped and scattered, underburned, or removed for biomass utilization.

Road projects that would be completed to support the timber harvest activities include road renovation and temporary route construction and reconstruction and decommissioning. The Trail Creek Forest Management Project also analyzed closing or decommissioning roads that are surplus to BLM needs at this time, but could be used in the future.

Projects to restore streams, riparian areas, meadows, water sources, and unauthorized off-highway vehicle trails, and to reclaim a quarry were included to reduce adverse impacts to soil and water resources and plant and wildlife species.

Based on the context and intensity of the effects analyzed in the EA (p. 37–102), I have determined Alternative 3, the Selected Alternative, with the associated project design features from the Trail Creek Forest Management Project, is not a major Federal action that would significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area.

The Trail Creek Forest Management Project will not have significant effects beyond those described in the broader analyses conducted and disclosed in the environmental impact statements (EISs) for the 1995 Medford District Resource Management Plan (RMP) and the 1994 Northwest Forest Plan, or the effects have been determined to be insignificant. Environmental effects do not meet the definition of significance in context or intensity as defined in 40 CFR § 1508.27. Therefore, an environmental impact statement is not necessary and will not be prepared.

In making this finding, I considered the following criteria, as required in 40 CFR § 1508.27 by the Council on Environmental Quality (CEQ) for evaluating the significance of the effects of the activities proposed in the Trail Creek Forest Management Project.

Context

The Trail Creek Forest Management Project EA analyzed site-specific actions on 4,722 acres, or 13% of the 35,646-acre Project Area. The BLM manages 15,015 acres (42%) within the Project Area and management activities would occur on 31% of those lands. BLM lands in the Project Area have the following land use allocations: matrix, riparian reserve, and late-successional reserve (known northern spotted owl activity centers). Activities analyzed in the Selected Alternative are located on matrix and riparian reserve lands. No activities will occur in late-successional reserves.

Under the Selected Alternative, a total of 1,483 acres (4.2% of the Project Area and 9.8% of BLM lands in the Project Area) will receive the following forest management treatments: 1,019 acres of restoration thinning, 63 acres of riparian thinning, 185 acres of small diameter thinning, and 263 acres of precommercial thinning. Slash (branches, twigs, bark, wood debris) created from the timber harvest will be treated by lopping and scattering, hand piling and burning, or biomass removal. The Selected Alternative also contains up to 80 miles of road renovation, 10.3 miles of road decommissioning, 1.4 miles of road closure (gates or barricades), 0.6 mile of temporary route construction and decommissioning, and 0.8 mile of temporary route reconstruction and decommissioning.

The Selected Alternative will include implementation of the project design features listed in the EA (p. 24–36), and applicable Best Management Practices in Appendix D of the 1995 Medford District ROD/RMP. By implementing these protective measures, the BLM will avoid or reduce adverse effects from management activities.

The Trail Creek Forest Management Project is consistent with the 1995 Medford District ROD/RMP and any plan amendments in effect at the time this document is published and the effects anticipated from implementation of that plan.

Intensity

I have considered the intensity of the effects anticipated from the Trail Creek Forest Management Project relative to the severity of the effects, as described in the 10 considerations for evaluating intensity in the CEQ regulations at 40 CFR § 1508.27(b).

Chapter 3 of the EA (p. 37–102) details the effects of the project. None of the effects identified, including direct, indirect, and cumulative effects, are considered to be significant and all anticipated effects are of the type and within the magnitude of effects analyzed and described in the EIS for the Medford District RMP.

The following discussion is based around the 10 considerations for evaluating intensity.

1. Effects that may be both beneficial and adverse.

Based on the analysis documented in the EA, no significant adverse or beneficial effects will result from implementing the Selected Alternative (Alternative 3) in the Trail Creek Forest Management Project EA. All effects are of the type and within the magnitude of effects described in the EIS for the Medford District ROD/RMP.

The EA documented the site-specific analysis of effects to the environment. Required project design features (EA p. 24–37), an integral part of the Trail Creek Forest Management Project, will ensure the potential for adverse effects on resources is avoided or minimized to the extent possible.

- a) Restoration thinning will reduce stand densities to increase landscape resiliency to environmental disturbances such as fire, insects, disease, and climate change. Thinning will create structural diversity by leaving small unthinned patches and creating small openings. The unthinned patches

and openings will be from 0.1 to 0.25 acre in size with an irregular shape. They will occur in spatially random locations in the stand. Healthy ponderosa pine, sugar pine, Douglas-fir, and incense cedar will be favored for retention over white fir. Trees 150 years or older will be retained. The largest hardwoods (greater than 12 inches in diameter at breast height) with full vigorous crowns will be retained to provide species diversity, canopy layers, and natural drought tolerance. Effects to forest condition were described in the EA on pages 43–53.

- b) The EA included effects to fragile soils (unstable areas) (p. 53–64) and localized road sediment (p. 64–76). No project activities are proposed on Fragile Slope Gradient soils within the Project Area. Timber harvest or small diameter thinning activities would occur outside areas categorized as Fragile Mass Movement Potential (FP) that are considered unsuitable for forest management activities. Areas on FP soils considered suitable for management activities that are proposed for small diameter thinning do not show signs of unstable slopes. The proposed activities meet the recommendations for operations on fragile and sensitive soils as advised by the Medford RMP. The BLM soil scientist field reviewed project activities proposed where soils were categorized as fragile. Precommercial thinning, fuels treatments, public firewood collection, stream habitat and riparian restoration, and road renovation would have no effect on slope stability. Road decommissioning, closure of off-highway vehicle trails, water source restoration, and quarry reclamation would improve drainage and localized sedimentation and could have a positive effect on slope stability.
- c) The Trail Creek Forest Management Project will protect water quality by implementing no-cut buffers of 35 feet on non-fish-bearing streams and 60 feet on fish-bearing and perennial streams in small diameter and riparian thinning units (EA, p. 13–14). For other activities within the riparian reserve (precommercial thinning, off-highway vehicle trail closure, stream habitat enhancement and riparian restoration, and water source restoration), specific riparian reserve project design features will be implemented (EA, p. 24–36). This will protect stream temperatures and stream sediment levels and prevent hazardous materials from entering streams.
- d) Fuel levels will increase immediately following forest management activities and prior to slash disposal; however, most fuels treatments will begin within 90 days of completion of harvest activities. After slash disposal treatments, fire hazard and risk within the watershed will be reduced (EA, p. 97–98).
- e) Timber harvest from the Trail Creek Forest Management Project will provide economic benefits by supporting jobs and contributing to community stability. The project will result in an estimated return to the Federal Treasury of about \$2.2 million under current market conditions and an estimated volume of 8 million board feet of timber. Direct employment from timber harvest and processing will result in approximately 61 full-time equivalent jobs. The effects to economics are discussed in the EA on pages 90–96.
- f) The Trail Creek Forest Management Project will minimize or avoid the potential for the introduction or spread of existing noxious weed populations by implementing noxious weed project design features (EA, p. 24–25). Project design features and other mitigation measures will reduce the risk of the spread or introduction of noxious weeds. The effects to noxious weeds are discussed in the EA in Appendix G, pages 213 and 216.
- g) Effects to Endangered Species Act (ESA) listed threatened and endangered (T&E) wildlife and plant species are discussed in CEQ consideration number 9.

2. The degree to which the selected alternative will affect public health or safety.

The Trail Creek Forest Management Project will not significantly or adversely affect health or safety because

- treatment activities will meet Occupational Safety and Health Association regulations for worker and public safety,
- fire hazard and risk will be reduced within the watershed (EA, p. 97–98), and
- prescribed burning operations will comply with the Oregon Smoke Management Plan.

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.

The Trail Creek Forest Management Project Area does not contain and will not affect wild and scenic rivers, park lands, or ecologically critical areas. Prime farmlands are found within the project boundary on private lands; however, no projects are located within or would affect prime farmland. Where required, the BLM completed surveys and inventories to identify areas with unique characteristics. This allowed the BLM to design the project in such a way to avoid effects to these features as follows:

- Cultural surveys for the Project Area were completed and the project archaeologist assessed the project as “No Effect Determination, No Resources.”
- No projects will occur within wetlands; therefore, wetlands will not be destroyed, lost, or degraded in accordance with Executive Order 11990, Protection of Wetlands.

Restoration thinning was proposed for 35 acres in the Berry Creek Unit of Lands with Wilderness Characteristics (LWC). The canopy closure remaining after harvest will be high enough to prevent the loss of wilderness characteristics (EA, p. 237). A boundary road of the Berry Creek LWC will be blocked with a gate to prevent vehicle access into the area. The BLM will use the land use planning process to determine how to manage lands with wilderness characteristics as part of the BLM’s multiple-use mandate (IM-2011-154).

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

The effects of the Selected Alternative for the Trail Creek Forest Management Project are similar in nature to many other projects that have been implemented across the Medford District BLM. The anticipated effects of the projects, documented in the EA, are disclosed in Chapter 3 of the EA (p. 37–102). There is a continuing full range of debate, findings, and opinions about the potential effects of land management activities as evidenced by public comments received regarding this project. Opposition to the project is not the same as controversy. The Ninth Circuit 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]).

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

The analysis did not indicate the effects of the Selected Alternative will involve any unique or unknown risks. The anticipated effects of implementing the Trail Creek Forest Management Project are similar in nature to the effects estimated and observed for other projects implemented on lands in the Medford District BLM and are well supported with referenced literature throughout the EA.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about future considerations.

The decision to implement Alternative 3 of the Trail Creek Forest Management Project will not set any precedents for future actions with significant effects nor does it represent a decision in principle about future considerations. The Trail Creek Forest Management Project will implement actions that meet management direction in the Medford District RMP (EA, p. 3, 6, and 10). Any future action will have its own set of conditions and will be evaluated through a future NEPA process.

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

The analysis did not identify any significant cumulative effects outside of those addressed and anticipated in the EISs for the 1995 Medford District RMP and the 1994 Northwest Forest Plan. The project's interdisciplinary team performed analyses for various resources at multiple scales and included past, current, and foreseeable future actions on both private and Federal lands. The effects of Alternative 3 for each resource are disclosed in the EA in Chapter 3 (EA, p. 37–102).

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

The project archaeologist surveyed the Project Area for cultural and historic resources and none were identified. Implementation of Alternative 3, including project design features, will not affect objects listed on the National Register of Historic Places, nor will it cause destruction of significant scientific, cultural, or historic resources. If cultural resources are located during project implementation, the project will be stopped and the BLM archaeologist will determine appropriate mitigation.

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 Endangered Species Act of 1973.

T&E Plant Species

The Trail Creek Forest Management Project is within the range of two T&E plants: federally endangered large-flowered woolly meadowfoam (*Limnanthes floccosa* ssp. *grandiflora*) and federally endangered Gentner's fritillary (*Fritillaria gentneri*). The Project Area also contains suitable habitat for the Gentner's fritillary. The BLM conducted surveys for these T&E plants and no plants were discovered within project boundaries. Therefore, the proposed actions would have no effect on T&E plant species (EA, p. 104).

T&E Fish Species

The Trail Creek Forest Management Project Area contains one T&E fish species, the federally threatened Southern Oregon/Northern California coho salmon. The project fish biologist determined the actions proposed in this project would have no effect on coho salmon, coho critical habitat, or essential fish habitat; therefore, consultation was not required (EA, p.104).

T&E Wildlife Species

The Trail Creek Forest Management Project Area contains one T&E wildlife species, the federally threatened northern spotted owl. The project wildlife biologist determined the proposed timber harvest that maintains spotted owl habitat within critical habitat would have an insignificant effect to spotted owl critical habitat and is a *may affect, not likely to adversely affect* critical habitat under ESA because it would result in an insignificant removal of a primary constituent element (EA, p. 89).

The proposed timber harvest and temporary route and landing construction that would downgrade or remove roosting/foraging habitat and remove dispersal habitat is a *may affect, likely to adversely affect* ESA determination. The unique features across the Project Area will be retained following the principles of ecological forestry, resulting in spatial variability and structural complexity. Unique features include patches of plant diversity, large snags and down woody debris, seeps, and springs. The retention of these features contributes to prey diversity for spotted owl foraging (EA, p. 89).

The Medford District BLM prepared a biological assessment for the proposed timber harvest projects that included the Trail Creek Forest management project and submitted it to the US Fish and Wildlife Service on August 16, 2013. The BLM received a Biological Opinion from the Fish and Wildlife Service on December 2, 2013 (FWS Reference Number 01EOFW00-2013-F-0195). Their Opinion concluded that implementation of the proposed action would not jeopardize the continued existence of the spotted owl. The proposed action would not destroy or adversely modify their designated critical habitat (EA, p. 104).

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

The Selected Alternative will not violate Federal, state, or local environmental protection laws. Project design features, an integral part of this project, ensure project activities are consistent with the 1995 ROD/RMP, as well as comply with legal requirements applicable to this project (EA, p. 10).

Finding

I have determined Alternative 3, the Selected Alternative, does not constitute a major Federal action having a significant effect on the human environment; therefore, an environmental impact statement is not necessary and will not be prepared. This conclusion is based on my consideration of the CEQ's criteria for significance (40 CFR §1508.27) with regard to the context and intensity of the effects described in the EA, and on my understanding of the project, review of the project analysis, and review of public comments. As previously noted, the analysis of effects has been completed within the context of the Medford District RMP and the Northwest Forest Plan. This conclusion is consistent with those plans and the anticipated effects are within the scope, type, and magnitude of effects anticipated and analyzed in those plans. The analysis of project effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of effects and the effects were determined to be insignificant.



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Date