



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



FINDING OF NO SIGNIFICANT IMPACT
for the
HOWARD FOREST MANAGEMENT PROJECT
(DOI-BLM-OR-M060-2013-0007-EA)

Introduction

The Medford District Bureau of Land Management, Ashland Resource Area (BLM) analyzed for forest management activities, including commercial timber harvest utilizing ground based systems and associated activity fuels treatments (638 acres), on BLM-administered Matrix lands in the *Environmental Assessment for the Howard Forest Management Project*. Transportation management activities, including road maintenance and use (approximately 17 miles), temporary road construction (0.46 miles), road decommissioning (1.37 miles), and long-term road closure (0.5 miles) were also analyzed. Proposed activities are located mostly in the northwestern portion of the Jenny Creek watershed, a 5th Field Tier 1 Key Watershed within the Upper Klamath Subbasin. The total size of the Planning Area is 12,970 acres. The BLM manages 5,594 acres (43%) within the Planning Area, and treatments are proposed on 11% of those lands.

The Howard Forest Management Project was designed to provide for long-term forest (timber) production in the Howard Project Area while minimizing the effects to existing northern spotted owl habitat within the provincial home ranges of spotted owl sites.

Based on the context and intensity of the effects analyzed in the Howard Forest Management Project EA, (pp. 3-1 through 3-116), I have determined Alternative 2, the Selected Alternative, with the incorporated Project Design Features, 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.

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 Howard Forest Management Project.

The Howard Forest Management Project will:

1. Not result in significant beneficial or adverse effects.

The Howard EA documented the site-specific analysis of effects to the environment. Required PDFs (EA, pp. 2-15 through 2-23), an integral part of the Howard Forest Management Project, will ensure the potential for adverse effects on resources is avoided or minimized to the extent possible.

Based on the analysis documented in the EA, no significant adverse or beneficial effects will result from implementing Alternative 2 in the Howard Forest Management Project EA.

Soil Resources

Soil resources would be protected by implementation of the following:

- Tractor yarding would be limited to Contract Administrator-approved designated skid trails, thus minimizing the compacted area to 12% or less of the harvest units (EA, pp. 2-16, 3-39, 3-54).
- During dry soil conditions, mechanized ground-based harvesting (harvester/forwarder or feller/buncher) systems would be allowed off designated skid trails for one-to-two passes, and would be limited to soil moisture conditions of 15% or less by weight, or snow-logging conditions (EA, p. 2-16). This is expected to result in a slight soil disturbance, but detrimental compaction is not expected to occur (EA, p. 3-39).
- There will be a slight decrease in long-term soil productivity due to the 12% increase in compacted area. Based on research and past monitoring of operational activities, it is assumed there would be a 5% loss of productivity on all lands that would be tractor harvested using designated skid trails. The loss is accounted for in the Medford District non-declining timber harvest calculations, and is therefore, within the magnitude of effects described in the EIS for the RMP (USDI 1994).
- Tractor operations and skid trail locations would be restricted to slopes less than 35%. The intent is to minimize areas affected by tractors and other mechanical equipment (disturbance, particle displacement, deflection, and compaction) and thus minimize soil productivity loss (EA, p. 2-16).
- Tractor yarding or other mechanized operations would be allowed on snow only when the snowpack is sufficient to protect soil resources. Logging on snow would be allowed when snow depth is 18 inches or greater, and negligible ground surface exposure would occur during operations. Skid trail spacing and soil moisture requirements would be waived if ground-based operations occur over sufficient snow pack. The intent is to minimize compaction and off-site erosion and sedimentation to local waterways (EA, pp. 2-17, 3-38, and 3-39).
- When operationally feasible, all units would be yarded in such a way that the coarse woody material remaining after logging would be maintained at or greater than current levels in order to protect the soil surface and to maintain soil productivity (EA, p. 2-16).
- Decommissioning of roads would result in a long-term return of soil productivity. Seeding and mulching would reduce the potential for soil displacement, reintroduce organic material and rooting systems into the soil, and facilitate the vegetative recovery of the soil. Approximately 3.68 acres of soil that currently has no or very little vegetative productivity would be restored towards being productive land (EA, pp. 3-36 and 3-37).
- With project implementation, soil productivity would experience a slight (less than 15%) short-term negative decrease, but potential long-term positive effects would be realized from thinning and prescribed fire within density management units (EA, p. 3-40).
- Tractor yarding would occur between June 15th to October 15th or as approved by the Authorized Officer, and would be allowed when soil moisture content is 30% or less to ensure that soil rutting or displacement beyond the trail does not occur (EA, p. 2-16).
- Short-term erosion rate potential would increase moderately (15-50% over undisturbed rates) in the tractor units where slopes exceed 20% and where the skid trails are not on the contour (EA, p. 3-39). Although erosion rates would increase initially in the harvest units, soil particles would not reach local waterways under normal rainfall conditions because of the gentle topography and Riparian Reserve buffers. Erosion rates would be expected to return to near-normal rates within 5 years as vegetation cover is re-established (EA, p. 3-38).

- All skid trails would be waterbarred according to BLM standards. Where soil erosion is not expected to occur (e.g. flat ground), waterbars would not be necessary. Main tractor skid trails, where they intersect haul roads and radiate from landings, would be camouflaged and blocked by scattering slash and other debris. The intent is to reduce the potential for use of these features by OHVs and the resulting resource damage, and to minimize erosion and routing of overland flow to streams by decreasing disturbance (e.g. unauthorized use by OHVs) (EA, pp. 2-16, 2-17, 3-39, and 3-56).
- The increase in erosion rates over present levels would be less than 15% as a result of burning handpiles because the piles would be spaced throughout and occupy approximately 3-5% of the total area in a treatment unit (EA, p. 3-40). The terrain is gentle, piles would be burned when soil moistures are high, and duff/organic matter would remain between piles to protect soils (EA, p. 2-18).
- Soil erosion from the construction and decommissioning of temporary roads is expected to be avoided or minimized due to the incorporation of PDFs. All new temporary roads are located on upland ridges or flat, stable slopes, decreasing the potential for eroded soil particles from leaving the site (EA, p. 3-36).
- Because all of the temporary roads would be located on gentle topography and stable slopes, it is anticipated that under average rainfall conditions, the erosion rates be less than one-half of those reported by Swanson (<4 yd³/ac/yr) the first few substantial storm events after construction, and would decrease to about three times that of natural rates after three years (EA, p. 3-37).
- Some road improvement activities, such as installing water dips, grading, shaping, and cleaning of ditches, would displace soil from its current location. This soil, however, is already disturbed due to the presence of the road. Work involved with improvement would result in minimal disturbance, and would ultimately improve the road due to improved shaping, drainage and spot rock surfacing, which would reduce future soil erosion (EA, p. 3-37). Associated PDFs would help to minimize soil erosion, minimize movement of soil particles from the roads to local streams, and discourage future use of the roadbeds by OHVs (EA, p. 3-38).
- Construction of landings would disturb less than one-half acre and would be associated with and managed consistent with the temporary road construction and decommissioning. Potential erosion from the landings would be less than twice the natural erosion rate immediately after construction, and would return back to near-natural rates within 3-5 years. This small increase in erosion rates is predicted due to the gentle topography of the landscape and required PDFs addressing the treatment of landings for erosion control during and after use (EA, p. 3-38).
- Renovation of existing landings and construction of new landings would not occur during the wet season (October 15th to June 15th), when the potential for soil erosion and water quality degradation exists (EA, pp. 2-17, 2-18, and 3-56).

Water Resources

Alternative 2 would have minimal adverse effects on water quality because:

- The potential for sediment from commercial harvest units to reach stream channels is low due to the combination of Riparian Reserve buffers and the relatively flat to rolling terrain in the Analysis Area (EA, p. 3-54);

- Temporary road construction would have minimal risk of road erosion to occur as roads would be located on flat or gentle terrain, no culvert or ditches would be installed, and none would be located within Riparian Reserves (EA, p. 3-55);
- The reduction of road densities via road decommissioning would result in a slight long-term decrease of adverse effects to soil and water within the Water Resources Analysis Area (EA, p. 3-56);
- Any sedimentation resulting from decommissioning would be localized and minor in extent (EA, p. 3-55);
- Rock surfacing on existing native surfaced roads and the adding of rock to the existing base (where necessary) would likely decrease sediment delivery (EA, p. 3-55);
- Proposed fuels reduction treatments, including piling activity fuels and burning of piles, would not affect canopy cover or increase ground disturbance, and therefore, would not have any effect on peak flows, erosion rates, or sedimentation in the Water Resources Analysis Area (EA, pp. 3-54, 3-57);
- Sediment increases from pile burning would be very slight given the low-intensity burn and PDFs that stipulate no ignition or fire lines would occur in Riparian Reserves (EA, p. 3-54); and
- New or expanded landings would be constructed outside Riparian Reserves. Renovation of existing landings would occur during the dry season only (June 15th to October 15th). Stabilization of landings (e.g. rock surfacing, seeding and mulching, or other approved methods) would be implemented prior to seasonal rains. Low gradient slopes also greatly reduce the likelihood of any sediment from entering stream channels (EA, p. 3-56).

The frequency and magnitude of peak flow would not be altered.

- Because canopy cover in Alternative 2 would not be reduced below 40%, proposed commercial harvest and associated activity fuels treatments would not change the overall percent of historic canopy closure on forest lands in the Analysis Area. No noticeable increase in the magnitude or frequency of peak streamflows would be expected as a result of canopy cover reductions proposed under Alternative 2 (EA, p. 3-54).

Aquatic Habitat

No measurable adverse effects to long-term aquatic habitat conditions are anticipated, while road decommissioning would yield a slight long-term benefit to one small non-fish bearing stream.

- Harvest and yarding operations would not decrease stream shade, reduce existing coarse woody debris or future wood inputs, increase peak flows, negatively modify summer base flows, or input sediment into aquatic habitats; therefore, these project elements would not directly affect the aquatic environment (EA, p. 3-66).
 - All harvest units would be buffered from stream channels by full width Riparian Reserves, and therefore, any fine sediment mobilized from units or skid trails would be filtered by vegetation within the Riparian Reserves, and assimilated into the forest floor before reaching aquatic habitat. No connectivity, and therefore no causal mechanism, would exist for commercial timber harvest to input sediment through the Riparian Reserve buffers and into stream channels.

- Harvest units would retain at a minimum 40% overstory canopy cover following harvest, a level the Water Resources analysis in this document determined would have no probability of measurably affecting or altering the timing of peak or base flows.
- There is a risk that OHV use could increase in tractor units, especially in areas where use is already occurring, and this would result in increased surface erosion. However, even if increased use were to occur it is unlikely to affect aquatic habitat because tractor units are flat, and would retain full-width Riparian Reserve buffers between streams, making it unlikely that sediment would move off-site and be transported through the Riparian Reserves to channels (EA, p. 3-66). PDFs designed to discourage unauthorized OHV use, including blocking and scattering slash and other debris on main skid trails where they connect to roads and radiate from landings, are included in the proposed action as well (EA, pp. 2-16 and 2-17).
- Activity fuels treatments will have no causal mechanism to affect aquatic habitat as no-treatment buffers around stream channels would be utilized, eliminating any potential for sediment or ash to enter the channels from fuels treatments (EA, pp. 3-66 and 3-67).
- New landing construction, use, and follow-up stabilization would have no causal mechanism to influence aquatic habitat as all landing locations are located in upslope areas outside of Riparian Reserves and are disconnected from the hydrologic network (EA, p. 3-67).
- None of the temporary roads would have hydrological connectivity to the aquatic system, and therefore, would have no potential impact to the aquatic system (EA, p. 3-68).
- Road maintenance, construction, and decommissioning would be restricted to the dry season, when the potential risk of increasing surface erosion rates from roads is low (EA, p. 3-68).
- The construction, use, and decommissioning of 0.46 miles of temporary road would occur during the same dry season, and would not contribute to an increase in road densities in the Jenny Creek Watershed in the long-term. There would be no hydrological connectivity between these roads and the aquatic system, and therefore, there would be no direct effect to the aquatic habitat (EA, p. 3-68).
- Fully decommissioning Road 38-3E-23.2 is anticipated to result in the input of less than one cubic yard of fine sediment at the crossing locations; however, sediment would likely work its way 0.5 miles downstream to Howard Prairie Reservoir where it would be assimilated in the existing muddy bottom. Fully decommissioning the road would preclude future trespass and associated erosion to occur, would restore aquatic connectivity to aquatic organisms, and allow for the recovery of approximately 0.5 acre of riparian vegetation. Long-term benefits to aquatic habitat would greatly outweigh the short-term, one-time negative effects anticipated to occur, as a result of removing the culverts (EA, p. 3-69).
- Although haul would have a small likelihood of inputting sediment into aquatic habitat, the magnitude of the inputs would be very small because seasonal hauling restrictions would reduce impacts to the road surfaces. There are relatively few channel crossings, the amount of hydrologically connected haul is light, and the majority of the road system is disconnected from the aquatic system by drainage control devices. It is not anticipated that inputs would be discernible above those contributions chronically occurring (EA, p. 3-70).

Aquatic Conservation Strategy

Alternative 2 of the Howard Forest Management Project was evaluated for consistency with the Northwest Plan Aquatic Conservation Strategy Objectives. There will be no significant effect to any of the nine indicators that will prevent attainment of these objectives (EA, pp. 3-73 through 3-76).

Fire and Fuels

Hazardous fuels levels would increase immediately following forest management activities by approximately 3-11 tons to the acre prior to scheduled fuels disposal activities (EA, p. 3-23). However, despite this temporary increase in ground fuels, research indicates that a reduction in crown fuels outweighs any increase in surface fire hazard; this temporary increase usually lasts less than one year, but can be up to two years (EA, p. 3-23).

Wildlife

See criteria number nine for discussion of species listed or considered for listing under the Endangered Species Act.

The Proposed Action would have minimal impacts on great gray owls and will not cause them to trend toward further listing.

- Known great gray owl sites would be protected with a 125-acre management area and a 0.25-mile protection zone.
 - a. Within the 125-acre management area, treatments would be limited to protection or improvement of nesting habitat.
 - b. Within the 0.25 mile protection zone,
 - I. Provide a 300-foot buffer around natural openings greater than 10 acres that have nesting habitat associated with them. Within this 300-foot buffer, treatments are limited to protection or improvement of nesting habitat.
 - II. In Units 13-2, 13-3, 13-4, 13-5, 19-1, 23-1, and 29-1, prohibit disturbance from management activities within 300 feet of nesting habitat (one mile radius for blasting) from March 1 to July 31, or until fledging, whichever is later, unless surveys of the nesting habitat indicate no presence or no nesting. (EA, p. 2-21)
- Treatments proposed adjacent to great gray owl core areas would apply prescriptions that would benefit stands in the long-term by increasing growth rates of the residual stand and accelerating development of late-successional structural complexity (EA, p. 3-95).

The Project would have minimal negative impacts on Survey and Manage terrestrial mollusk species. Anticipated impacts of the Proposed Action would not trend these species towards listing.

- Known locations of Survey and Manage and Bureau Sensitive snails, *Monadenia chaceana*, *Helminthoglypta hertleini*, *Monadenia fidelis celeuthia*, and *Vespericola sierranus* would be protected through the application of site specific buffers (EA, pp. 2-21 and 3-95);
- Impacts of the treatments on terrestrial mollusks will be dispersed in relation to the Wildlife Analysis Area and the proximate undisturbed habitat for species to recolonize the impacted areas (EA, p. 3-95); and
- Potential habitat that occurs within treated units will remain suitable after treatments due to retention of forest canopy and woody debris (EA, p. 3-85).

Implementation of Alternative 2, with required Project Design Features (PDFs), will have minimal negative direct, indirect or cumulative effects on Bureau Sensitive wildlife species (bald eagles, pallid and fringed myotis bats, and the Johnson's hairstreak butterfly) (EA, pp. 3-95 and 3-96).

- Four known Bald Eagle nest sites exist in the Project Area. Seasonally restrict Project activity around nest sites. Avoid disturbance within 0.5 mile from February 1st through August 15th

(USDI 1995, p. 57). This limited operating period will affect units 13-5, 19-1, and 23-1. Manage approximately 30-acre core area around nest sites. Retain older forests within 0.5 mile of nests. Large overstory trees and dominant trees along ridges in the vicinity of nests will be retained (EA, p. 2-20).

- Even though the two Bureau Sensitive bats species could be adversely affected in the short-term and habitat loss may occur in some cases, the Project is not expected to affect the long-term population viability of any bat species in the Project Area. PDFs and marking guidelines requiring the retention of snags and decadent wildlife trees would continue to provide roosting habitat, and no-treatment areas, such as Riparian Reserves, 100-acre Known Spotted Owl Activity Centers (KOACs), NSO Nest Patches and other reserves would continue to provide undisturbed habitat for these Sensitive bat species (EA, pp. 3-95 and 3-96).
- The Johnson's Hairstreak butterfly is not known to occur in the area; however, suitable habitat (mistletoe trees) will continue to persist in the Project Area (EA, p. 3-96).

Some migratory bird individuals other than USFWS species of concern may be disturbed or displaced during project activities; however, adequate undisturbed areas adjacent to the Project Area would maintain habitat for displaced individuals. Overall, populations in the region would be unaffected due to this small amount of loss that would not be measurable at the regional scale (EA, p. 3-96).

Indirect effects from habitat changes in Alternative 2 would be beneficial to the five identified USFWS species of concern (band-tailed pigeon, mourning dove, olive-sided flycatcher, rufous hummingbird and purple finch) until the forest matures into a mid- to late-successional seral stage (EA, p. 3-96).

There are no known golden eagle nest sites in the Wildlife Analysis Area. Any impacts to golden eagle habitat are expected to be minimal as more than 97% of all habitat types and most large suitable nest trees would be retained (EA, p. 3-96).

Road maintenance has the potential to negatively impact wildlife species through noise and displacement, but would be of short-duration and subject to wildlife seasonal PDFs (EA, p. 3-96). Seasonal restrictions incorporated as PDFs would avoid adverse disturbance to Special Status wildlife species during temporary road construction (EA, p. 3-97). Reducing road densities via proposed road decommissioning would benefit multiple species through the reduction of habitat fragmentation (EA, p. 3-97).

Botany, Noxious Weeds and Introduced Species

There will be no effect on sites of Special Status Plants (SSP) (vascular and nonvascular species listed as Bureau Special Status (BSS) or as Survey and Manage (S&M) species), as botanical surveys documented no occurrences of BSS or S&M plant species within the Project Area (EA, p. 3-98).

Alternative 2 would have no effect to the site of Special Status/ S&M fungi, as the known site is protected by distance from units. Construction of temporary roads and decommissioning of existing roads would have no effect on Special Status and S&M fungi species (EA, p. 3-100).

In the short-term, due to the increase in disturbed ground, Project activities would result in a low-to-moderate probability of introducing or spreading noxious weeds and introduced plants. Implementation of PDFs and ongoing weed treatments occurring within the Analysis Area would result in no introduction or spread of these species as a result of implementing Alternative 2, and no cumulative effect (EA, pp. 3-103 and 3-104).

Recreation and Visual Resources

Dispersed types of recreation within the Project Area would receive adverse short-term, intermittent impacts as a result of implementation of Alternative 2. However, some of the safety risks (e.g. log truck traffic, equipment, traffic suggestion) associated with project activities would be minimized through increased signage on major travel routes. Prescriptions would not change the overall character of the landscape from the point of view of the average recreationist, and would not impact the desirability of the area for dispersed recreation in the long-term (EA, p. 3-106). There would be no long-term impacts to the Hyatt-Howard Special Recreation Management Area or the Pacific Crest National Scenic Trail (PCNST) or the users of these areas (EA, pp. 3-106 and 3-107).

See criteria number 3 for more discussion of effects to the PCNST and its users.

Most Project units will not be visible to the casual observer due to the dense vegetation in the foreground. Project units that may be visible or partially visible are not anticipated to be the primary focus of the observer (EA, p. 3-108). The level of change to the landscape would be low and the casual observer would likely not notice the changes in landscape character. Therefore, it was determined that implementation of Alternative 2 will meet visual resource management (VRM) objectives (EA, p. 3-111).

Rangeland Resources/Grazing

Implementation of Alternative 2 of the Howard Forest Management Project would decrease stand density, opening the forest canopy and increasing forage production by allowing sunlight to reach the forest floor. Range improvements may occur near or adjacent to Project units, but implemented silvicultural prescriptions are not expected to change use patterns or damage improvements. Implementation of PDFs (EA, p. 2-22) would both protect rangeland improvements and prevent livestock trespass during Project activity. There would be no direct, indirect, or cumulative effects to rangeland resources with implementation of Alternative 2 (EA, p. 3-112).

Carbon Storage

The total carbon dioxide emitted as a result of implementing Alternative 2 is considered a negligible amount in the context of total U.S. emissions (EA, p. 3-114).

2. Not result in significant impacts on public health or safety.

No aspects of the Howard Forest Management Project have been identified as having the potential to significantly and adversely impact public health or safety.

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. By implementing actions to minimize smoke effects and by complying with DEQ regulations, smoke associated with the proposed action will not reduce air quality of the Medford/Ashland area (EA, p. 3-26).

3. Have no significant adverse effects on unique characteristics of the geographic area.

A portion of the boundaries of proposed Project Units 1-1, 1-2, 1-3 and 1-4 are within approximately 125-400 feet of the Pacific Crest National Scenic Trail (PCNST), established through the National Trails System Act of 1968. Long-term impacts are not anticipated as a 50 foot no-harvest buffer along each side of the trail would be maintained and the silvicultural prescriptions for these units would use selective thinning to improve tree growth and vigor while maintaining 40-60% canopy cover, allowing for the continuance of the existing landscape character as observed from the PCNST (EA, p. 3-107).

No wilderness areas, wilderness study areas, prime farm lands, 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 Howard Forest Management Project Area.

4. Not have 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 among alternatives or differences of opinion concerning how public lands should be managed.

The Howard Forest Management Project is similar in nature to many other forest management projects that have been implemented across the Medford District within the scope of the 1995 Medford District RMP. The anticipated effects of harvesting timber, post-harvest fuels treatments, road decommissioning and temporary road construction documented in the Howard Forest Management 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. The silvicultural prescriptions and harvesting methods are the same methods used on a regular basis for managing forest stands on BLM-administered lands. The anticipated effects of implementing the Howard Forest Management Project are well-supported with referenced literature throughout the EA, and are similar in nature to the effects estimated and observed for other timber sales implemented on the Medford BLM District.

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 Howard Forest Management Project will not set any precedents for future actions with significant effects. The Howard Forest Management Project was designed to meet objectives and will implement actions approved for forest management under the 1995 Medford District RMP, actions that have been implemented under the RMP for nearly two decades. This project is 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).

Analysis was performed at multiple scales, and included the consideration of past actions (as reflected in current conditions), ongoing (i.e. present) actions, and foreseeable future actions on both private and Federal lands. Details of these actions are included in Chapter 3 of the EA (EA, pp. 3-1 through 3-3, *Consideration of Past, Ongoing, and Reasonably Foreseeable Actions in Effects Analysis*), and analyses were performed and documented by resource specialists. No significant cumulative impacts were identified.

Also refer to criteria number one (“Not result in significant beneficial or adverse effects”) above for determination of presence of significant adverse or beneficial effects that could contribute to significant cumulative effects. None were identified.

8. Have no significant effects on scientific, cultural, or historic resources, including those listed in or eligible for listing in the National Register of Historic Places.

In accordance with the Protocol for Managing Cultural Resources on Lands Administered by the BLM and the National Historic Preservation Act of 1966 (specifically section 106), as amended, a literature review and archaeological reconnaissance was conducted for the Howard Forest Management Project Area. No new sites were located during the Cultural Resource Survey, and no previously recorded sites are located within the Area of Potential Effect (APE). If cultural sites are located during project implementation, the project will be stopped and the BLM archaeologist will determine appropriate mitigation (EA, p. 3-114).

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), consultation with the US Fish and Wildlife Service (USFWS) was initiated April 4, 2013 (Medford BLM Grave Howard Mining Biological Assessment (BA)). The USFWS released a Biological Opinion (BO) on June 21, 2013 (Reference Number 01EOFW00-2013-F-0137). The BA and BO used the Owl Estimation Methodology (OEM) that was found to be invalid by the District Court for the District of Columbia on June 26, 2013 because it did not go through the rulemaking procedures of 5 USC § 553 (*Swanson, et al. v. Salazar, et al.*, No. 10-1843-RJL). However, the Amended Order, dated July 25, 2013, stated that consultation completed prior to 70 days after the date of the Amended Order was permissible. As consultation for the Howard Forest Management Project was completed June 21, 2013, this consultation is valid (EA, p. 1-5). In their BO, the USFWS determined that the proposed activities “may affect, but are Not Likely to Adversely Affect northern spotted owls” (EA, p. 3-89).

With regard to the northern spotted owl (NSO) and associated habitats:

- Alternative 2 would not incrementally affect the stability of the NSO population in southwestern Oregon because there would be no net loss of habitat due to treat and maintain prescriptions in NSO Core Areas in the Wildlife Analysis Area, and there is substantial in-growth of habitat (EA, p. 3-90).
- Long-term (>10 year) effects of Alternative 2 are anticipated to increase the health and vigor of the residual stands, post-treatment, and would likely result in more structurally complex and structurally diverse forest stands (EA, p. 3-89).
- Seasonal restrictions and disturbance distance thresholds incorporated as PDFs will avoid adverse disturbance to nesting NSOs and their young in the Project Area (EA, pp. 3-89, 3-91).
- No harvest will occur in NSO nest patches (EA, p. 3-89).
- The analysis in the EA considered the new information presented in the 2011 *Revised Recovery Plan for the Northern Spotted Owl* regarding barred owls, disclosed that one historic NSO nest site located within the Terrestrial Wildlife Analysis Area was occupied by a pair of barred owls in 2013, and acknowledges that the barred owl issue is being addressed at a range level by the Regional Barred Owl Working Group through research efforts, management strategies, and protocol revisions. However, at the local level, Alternative 2 meets Recovery Action 32, which is intended to not further exacerbate competitive interactions between spotted and barred owls, by retaining older and more complex multi-layered conifer forests. Newly identified threats (i.e. barred owl presence) are independent of implementation of Alternative 2 (EA, pp. 2-20 and 3-90).

- While there may be short-term impacts to foraging by changing habitat for NSO prey species, implementation of PDFs would retain and protect existing large down wood, while also retaining snags in treatment units, will provide cover for prey species, and will help minimize impacts to prey habitat. Alternative 2 would have minimal short-term effects on NSO prey species, and a long-term positive effect. An adequate amount of prey species will be available, post-harvest, in the area (EA, pp. 2-16, 3-91).
- Fuels treatments are expected to be limited and localized because not all the existing snags or CWM within a unit is lost during firing operations and every reasonable precaution is taken to prevent loss of wildlife habitat (Mason 2012). Activity-generated down woody material will be treated through pile burning; however, 10% of these piles will be retained for wildlife. Prey species, such as woodrats, utilize unburned piles for cover and nesting. In addition, while some prey species may be adversely affected from fuels treatments, a proportion of the prey are primarily arboreal in habit, and would remain largely unaffected by these treatments (EA p. 3-91).
- As the Project incorporates mandatory PDFs that restrict activities outside of the breeding season and beyond recommended disturbance distance thresholds established by the US Fish and Wildlife Service, no direct and/or indirect negative effects to nesting NSOs, or their young, is expected from proposed temporary road construction. Minimal impacts to NSOs through noise and displacement are anticipated as a result of road maintenance activities due to the incorporation of PDFs. Road decommissioning would contribute to the reduction of habitat fragmentation, a direct beneficial effect to NSOs (EA, p. 3-92).
- Alternative 2 is located outside of any critical habitat; therefore, there would be no effect to critical spotted owl habitat (EA, p. 3-92).

The Pacific fisher (formerly *Martes pennanti*, now *Pekania pennanti*) was petitioned for listing as Endangered or Threatened under the Endangered Species Act on December 12, 2000. In 2003, the USFWS released their notice of 90-day Petition Finding and Initiation of Status Review (68 Federal Register, No. 132, pp. 41169-41174), and in 2004, published their Notice of 12-Month Petition Finding, concluding that listing Pacific fishers as Threatened was warranted, but was precluded by higher priority listing actions (69(68):18769-18792). The species remains a USFWS candidate species (Federal Register 71(176): 53777).

- Implementation of the Howard Forest Management Project includes Project Design Features (EA, p. 2-20) that will minimize impacts to fishers. These include the retention of key structural elements such as decadent trees and those exhibiting old-growth characteristics, trees with mistletoe brooms, snags, coarse woody debris (CWD), and large hardwoods for denning. Additionally, treatments are expected to increase areas of structural complexity within stands that have remained homogeneous from previous treatments. Five percent of NRF habitat acres within the 27,870-acre Wildlife Analysis Area would be harvested; areas such as Riparian Reserves, NSO RA-32 habitat, 100-acre KSOAC owl cores, NSO nest patches, an adjacent USFS-administered LSR, and other reserves will continue to provide undisturbed habitat for Pacific fishers within that area (EA, p. 3-94).
- Alternative 2 will not further contribute towards the need to Federally-list the Pacific fisher as Threatened or Endangered because suitable habitat would not be removed. Even when combined with recent projects located in the Wildlife Analysis Area, Alternative 2 would not preclude Pacific fishers from dispersing through or reproducing within the Upper Jenny Creek Watershed (EA, p. 3-94).

The gray wolf is a Federally-listed species in Oregon in areas west of highways 395 and 78. Until 2011, gray wolves were only known to occur in Oregon east of these highways. In September 2011, one radio collared male wolf (OR-7) disappeared from the Imnaha pack in Northeastern Oregon. Since 2011, ODFW has been tracking OR-7's dispersal, which included some time in Northern California, and ODFW has posted an area of activity map on their website.

The Howard Forest Management Project is located within the known wolf activity area of OR-7 (ODFW 2014). This area covers the southeastern portion of Douglas County, the eastern edge of Jackson County, and the western edge of Klamath County. Since March of 2013, ODFW has documented OR-7 spending the majority of his time in the southwest Cascades. Wolves use a variety of habitats, but use primarily coincides with wild ungulate ranges, including winter range, summer range and calving/fawning areas (ODFW 2010)¹. Important wolf habitat components for reproduction are denning sites and rendezvous sites. Den sites may be in hollow logs, clefts between rocks, deep riverbank hollows, spaces under upturned trees or rock overhangs, or in abandoned dens of other animals. In the time since the Howard EA was released to the public, the USFWS and ODFW narrowed down the area of activity of OR-7 where a female wolf was detected and pups were confirmed. The Howard Forest Management Project is outside of this new area; even with the new information, an additional assessment to the effects to wolves is not necessary. As with all projects, if new Threatened or Endangered species locations are discovered prior or during project implementation, the project would be stopped under E-4 contract stipulations. At that time, the BLM would assess the situation and apply seasonal restrictions, other mitigation, and complete additional NEPA and Section 7 consultation, if necessary (Snider 2014).

The Howard Forest Management Project is entirely outside the range of all Federally Threatened or Endangered botanical species found on the Medford District (EA, p. 3-98). Any sites of listed, proposed or candidate plant species detected outside of their known range would have been reported during botanical surveys, and none were found.

There are no Threatened or Endangered aquatic species in the Jenny Creek Watershed; therefore, there is no designated critical or essential fish habitat (EA, p. 3-63).

10. Not violate a Federal, State, Local or Tribal law, regulation or policy imposed for the protection of the environment.

The Howard Forest Management Project is designed to be in conformance with the *1995 Medford District Record of Decision and Resource Management Plan (RMP)*. The 1995 Medford District RMP 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* (USDA and USDI 1994). With implementation of required Project Design Features, the Proposed Action would not threaten a violation of any federal, state, or local environmental protection laws. Project Design Features are an integral part of the Proposed Action. They are developed to avoid or reduce the potential for adverse impacts to resources. The Project Design Features also incorporated Best Management Practices (BMPs) to reduce nonpoint source pollution to the maximum extent practicable. BMPs are considered the primary mechanisms to achieve Oregon Water Quality standards (EA, pp. 2-1 and 2-15).

The Howard Project is consistent with the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and*

¹ Oregon Department of Wildlife. 2010. Oregon Wolf Conservation and Management Plan. Oregon Department of Wildlife. Salem, Oregon. 189 pages.

Guidelines (2001 ROD), as incorporated in to the Medford District Resource Management Plan (EA, p. 1-5).

The Howard Project is consistent with the Revised Recovery Plan for the Northern Spotted Owl (USFWS 2011) as the Project will maintain all existing suitable northern spotted owl habitat within the provincial home ranges of spotted owl sites; does not propose treatments in RA 32 stands identified by interagency survey guidance; considered the effects of barred owls as one of the primary threats to the recovery of the spotted owl; and is consistent with consultation completed with the U.S. Fish and Wildlife Service (EA, pp. 2-1, 3-82, 3-83, and 3-90).

The Howard Project is consistent with BLM Manual 6840 (USDI 2008), the purpose of which is to provide policy and guidance for the conservation of BLM Special Status Species and the ecosystems upon which they depend on BLM-administered lands (EA, pp. 1-4 and 1-5).

The Howard Project 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 National Environmental Policy Act of 1969 (NEPA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended in 1986 and 1996), Clean Air Act of 1990, the National Historic Preservation Act of 1966 as amended, and the Archaeological Resources Protection Act of 1979.

Finding

I have determined that the Howard Forest Management Project does not constitute a major Federal action having significant effect on the human environment; therefore, an environmental impact statement (EIS) 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 documented in the EA has been completed within the context of multiple spatial and temporal scales and within the context of the 1995 Medford District Resource Management Plan and the 1994 Northwest Forest Plan and associated Environmental Impact Statements. The anticipated effects are within the scope, type, and magnitude of effects anticipated and analyzed in those plans.



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

Date

8/5/14