



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



GALLS FIREWOOD PROJECT
REVISED 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 Galls Firewood Project. The Galls Firewood Project Environmental Assessment (EA) issued for public review from September 18, 2009 to September 28, 2009, documents the environmental analysis conducted to estimate the site-specific effects on the human environment that may result from the implementation of the Galls Firewood project proposal. Two alternatives were considered and analyzed in detail: a No-Action Alternative and the Proposed Action (Alternative 2). BLM's description of the No-Action Alternative and a detailed description of BLM's Proposed Action are contained in the Galls Firewood Project EA.

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

A decision was originally issued for this project on September 30, 2009. The decision was subsequently protested. One of the protest issues was concern for the removal of oak trees for firewood. To resolve the protest the BLM agreed, under the specific circumstances of this project, to revise the decision to disallow the cutting of any live oak trees within the project area. This revised Decision Record and FONSI documents this slight modification to my earlier decision.

THE DECISION

As the Responsible Official, it is my decision to authorize Alternative 2 as described in Galls Firewood Environmental Assessment, except with the following modification:

- *No live oak trees will be cut within any of the units identified for firewood cutting.*

This decision authorizes firewood cutting on an estimated 448 acres in the Galls Creek drainage. The legal description of the project area is T. 36 S., R. 3 W. in sections 29, 30, 31, and 33; T. 37 S., R. 3 W., in sections 5, 6, 8, 9 and 17; T. 37 S., R. 4 W., in section 15. (see EA Map 1). Trees will be selected and marked by the BLM according to the silvicultural prescriptions described in the EA (p. 4-7). Project Design Features, as describe in the EA (p. 7-10), are required as part of the project implementation to reduce the potential for impacts to resources.

DECISION RATIONALE

My decision(as modified) to implement this project is based on consideration of the relative merits and consequences of either implementing or not implementing the Galls Firewood Project, as well as consideration of all public comments and concerns received. I have personally read the comments sent in response to the EA public review period, and I have considered them fully.

I have chosen to implement the Galls Firewood Project described above, because the project responds to the increasing demand for firewood opportunities for the public and will address silvicultural objectives for managing conifer and hardwood forests in the areas proposed for treatment. The proposed treatments will release conifer species, including pine species, on lands allocated to commercial forest management. The BLM is working to provide opportunities such as this to encourage biomass utilization to reduce the need for burning debris. 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. The location of this area was also taken into consideration in terms of convenience to the general public. It is located in close proximity to Interstate 5 (I-5) between Grants Pass and Medford.

MONITORING

Implementation monitoring is accomplished through BLM's contract and/or permit administration process. Project design features included in the project description are carried forward into contracts/permits as required contract specifications. BLM contract/permit administrators and inspectors will monitor project operations to ensure that project design features are implemented as designed. If work is not being implemented according to project specifications, contractors/permittees are ordered to correct any deficiencies.

CONSULTATION AND COORDINATION

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

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

Pursuant to the Endangered Species Act (ESA), informal consultation was initiated with the US Fish and Wildlife Service. Some of the project, the roadside hazard tree removal, is in suitable or dispersal habitat for the Northern Spotted Owl (*Strix occidentalis caurina*), a threatened species. The proposed treatment would maintain the current function of the habitat. Because the habitat would continue to function as suitable or dispersal-only habitat for spotted owls, the project would not adversely affect the Northern Spotted Owl. Informal consultation was completed (February 6, 2009 Letter of Concurrence).

PUBLIC INVOLVEMENT

Public outreach occurred in association with the Galls Foot forest management project starting in the summer of 2005, with the listing of the project in Medford's Messenger, BLM's quarterly newsletter. In November 2005, letters were sent to all private landowners in the Galls and Foots Creek drainages, announcing timber sale and fuels reduction activities were being planned in the area. A description of the activities proposed and a map were included in the mailing. This fuel wood opportunity is a subset of the larger landscape project described during public outreach. The Galls Firewood EA was sent to adjacent land owners and interested organizations, agencies, and individuals on September 18, 2009; the public

review period concluded September 28, 2009. Two comments were received on the project; one comment letter from an organization and one phone inquiry from an adjacent landowner.

PLAN CONSISTENCY

This forest management proposal is in conformance with the Medford District's 1995 Record of Decision and Resource Management Plan, which states:

"Manage for the production and sale of special forest products...when demand is present and where actions taken are consistent with primary objectives for land use allocation" (USDI 1995, p. 75).

This fuel wood project is utilizing material that would otherwise be cut and burned to meet silvicultural or fuels reduction objectives.

This proposal is also in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the Archaeological Resources Protection Act of 1979.

FINDING OF NO SIGNIFICANT IMPACT

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

The Galls Firewood Project will:

1) Not result in significant beneficial or adverse effect.

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

- The implementation of the PDF's, together with diligent administration of the contract, this project will have little effect on hydrology related processes or water quality because stream channels and riparian areas are being protected from ground disturbance, and stream shading (stream temperatures) will not be affected by the project (EA p. 12).
- Given the implementation of project design features, which incorporate Best Management Practices (BMPs), increased sedimentation to streams would not occur (EA p 12).
- The Galls Firewood project will have no effect to fish (including listed Southern Oregon Northern California Coho or its designated Critical Habitat), fish habitats (including Essential Fish Habitat), or aquatic habitat because all riparian areas will be protected and no riparian vegetation will be disturbed and no sediment will reach stream channels.
- Project Design Features are included to avoid impacts to riparian areas and aquatic habitat (EA p. 7-10).
- While this project activities will simplify vegetation structures/habitats, reducing the quality and possibly the suitability of these habitats for some species, ample areas of similar habitat exist in close proximity to the areas to be treated under the proposed action that will continue to provide areas for these species to persist (EA p. 15).

- The project will retain 3 snags per acre greater than 17 inches diameter where they currently exist (EA p. 10).
- All live oak trees will be retained (see “The Decision” above) and all madrone trees greater than 16 inches will be retained (EA p. 5).
- The Galls Firewood project will have no effects on Special Status plant species. Known locations of Special Status Plant species will be protected through project design features (EA p. 10 and 15).
- The Galls Firewood 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. 10 and 15).

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.

Prescribed burning operations would follow all requirements of the Oregon Smoke Management Plan and the Department of Environmental Quality Air Quality and Visibility Protection Program, ensuring that smoke related impacts to public health and safety are mitigated or avoided altogether (EA p. 16).

The issue of utilizing plastic to cover burn piles was addressed in the EA (p. 17-18). Projects of this nature are partially designed to encourage biomass utilization and thus reduce the need for burning debris (EA p. 3). Where fuels conditions are low enough lop and scattering of limbs and tops will also reduce the need to burn slash. However, in some areas the concentration of fuels may require handpiling and burning.

The EA addressed the concern of burning plastic and included a comparative analysis of the use of polyethylene versus Kraft paper. The use of Kraft paper is less effective, more expensive, heavier for workers to carry, and there are no data that indicate the use of Kraft paper reduces the risk for adverse effects to air quality, in comparison to polyethylene (EA p. 18). The Oregon Department of Environmental Quality and the Oregon Department of Forestry developed an MOU for polyethylene that was adopted in 2005. Best Management Practices developed in the MOU were later included in the Oregon Administrative Rules under Section 629-048-0210, Best Burn Practices; Emission Reduction Techniques. In the above referenced section of the Oregon Administrative Rules it states that “best burn practices involve methods that ensure the most rapid and complete combustion of forest fuels while nearby, “non-target” fuels are prevented from burning”. Covering of handpiles is a “Best Burn Practice”. It is also stated in this section that “When covers will not be removed and thus will be burned along with the piled forest fuels, the covers must not consist of materials prohibited under OAR 340-264-0060 (3), except that polyethylene sheeting that complies with the following may be used: (a) Only polyethylene may be used. All other plastics are prohibited.” Due to the difficulty of removing and disposing of plastic covered by debris to hold the plastic in place, especially after prolonged exposure to the elements, removing the plastic is operationally and economically infeasible (EA p. 18).

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

3) Not result in significant adverse effects on unique characteristics of the geographic area, as none exist.

No wilderness areas, wilderness study areas, prime farmlands, wild and scenic rivers (or rivers suitable for wild and scenic designation), caves, parks, refuge lands, or areas of critical environmental concern exist in the Galls Firewood Project Area.

4) Not have highly controversial environmental effects.

While there are differences in public opinion regarding some aspects of this 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 Galls Firewood 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 this project, documented in the EA, are well known and no highly controversial effects have been identified.

5) Not have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.

The analysis does not show that this action will involve any unique or unknown risks, or any effects that were not anticipated in the Final Environmental Impact Statement for the Medford District Proposed Resource Management Plan Environmental Impact Statement (EA p. 11-18).

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

7) Not result in significant cumulative environmental effects.

Cumulative environmental effects are "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions" (See definition of "cumulative impact" in 40 CFR § 1508.7.)

The potential for adverse cumulative effects was considered in the Galls Firewood EA (EA p. 11-18) and no significant cumulative effects have been identified. Analysis included the consideration of past actions, as reflected in current conditions, current actions, and foreseeable future actions on both private and federal lands. No significant cumulative effects were identified.

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

Cultural resource surveys were completed in the Galls Firewood project area. Known sites will be avoided. Therefore, the Galls Firewood Project is a No Effect Determination for cultural resources (EA p. 16).

9) Have no adverse effects on species listed or proposed to be listed as Federally Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species.

Pursuant to the Endangered Species Act (ESA), informal consultation was completed with the US Fish and Wildlife Service. Because the habitat would continue to function as suitable or dispersal-only habitat for spotted owls, the project would not adversely affect the Northern Spotted Owl. Informal consultation was completed (February 6, 2009 Letter of Concurrence). (EA p. 16)

The Galls Firewood Project is within the range of *Fritillaria gentneri*; the project area was surveyed. Known *Fritillaria gentneri* sites will be protected with no-treatment buffers. Therefore, this federally-listed plant species will be protected from adverse impacts (EA p. 15).

The implementation of the Galls Firewood Project was determined to have no effect to Southern Oregon Northern California (SONC) coho salmon, designated Coho Critical Habitat, or Essential Fish 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 1995 Resource Management Plan.

Required project design features are an integral part of the Galls Firewood 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 Galls Firewood EA (p. 7-10).

I have determined the Galls Firewood Project does not constitute a major federal action having a significant effect on the human environment and an environmental impact statement (EIS) is not necessary and will not be prepared. This conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR §1508.27), both with regard to the context and to the intensity of the impacts described in the EA and based on my understanding of the project, review of the project analysis and review of public comments. As noted above, the analysis of effects has been completed within the context of the Medford District's Resource Management Plan. This conclusion is consistent with those plans and the scope of effects anticipated from the Medford District RMP. The analysis of effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts and the effects were determined to be insignificant.



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Medford District, Bureau of Land Management

11/17/09
Date

ADMINISTRATIVE REMEDIES

This revised decision is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4. A person wishing to appeal this decision to the Board must file an appeal in the office of the officer who signed this decision within 30 days after the date of receiving the decision. This decision will become effective on the day after the expiration date of the appeal period.

References Cited

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

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

U.S. Department of the Interior, Bureau of Land Management. 2009. The Galls Firewood Environmental Assessment. Medford, OR.