



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
GRANTS PASS INTERAGENCY OFFICE
2164 NE SPALDING AVENUE
GRANTS PASS, OREGON 97526

TENNESSEE LIME LANDSCAPE MANAGEMENT PROJECT FINDING OF NO SIGNIFICANT IMPACT #2 For Decision Record #2 on the Tennessee Lime Timber Sale EA# OR117-06-02

I. INTRODUCTION

The BLM's interdisciplinary planning team designed the Tennessee Lime Landscape Management Project (LMP) based on: (a) current resource conditions in the project area; (b) meeting the objectives and direction of the Medford District Resource Management Plan (RMP) and the Northwest Forest Plan (NWFP); and (c) community interest and involvement. The proposals presented and evaluated in the Tennessee Lime LMP Environmental Assessment (EA) reflect what the planning team believes to be the best balance of resource conditions, resource potential and competing management objectives.

As stated in the Environmental Assessment (EA p. 1), the actions proposed and analyzed in the EA were developed to be consistent with, and/or tier to the following:

- *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS 1994 and ROD 1994);
- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS 1994 and RMP/ROD 1995);
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS 2004 and ROD 2004);
- *Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2000), and the *Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001)
- *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the *Northwest Area Noxious Weed Control Program* (EIS 1985);

The EA also tiered to the ROD Final SEIS for the Clarification of Language in the 1994 Record of Decision for the Northwest Forest Plan amending wording about the Aquatic Conservation Strategy (2004). On March 30, 2007, the District Court ruled adverse to the US Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA-Fisheries) and USFS and BLM (Agencies) in *Pacific Coast Fed. of Fishermen's Assn. et al v. Natl. Marine Fisheries Service, et al and American Forest Resource Council*, Civ. No. 04-1299RSM (W.D. Wash)(*PCFFA IV*).

As a result of PCFFA IV, the BLM reviewed the Tennessee Lime project for consistency with the 9 ACS objectives as originally described in the 1994 Northwest Forest Plan. The ACS review (December 2007 ACS Consistency Review (located in the project record)) found the actions to be consistent.

II. BACKGROUND

The planning effort for the Tennessee Lime LMP afforded community members several opportunities to input and participate in the planning process. The planning team synthesized issues and comments received from previous planning efforts under the Free and Easy 2 LMP as well as the Tennessee Lime LMP. Each project provided scoping periods, an EA review comment period and public meetings.

The Tennessee planning team reviewed and considered Public Comments on the Free & Easy 2 project (EA #OR110-00-15) completed in 2000. Scoping for Free and Easy 2 project began in December 1998. A comment period from December 2000 through February 2001 followed the release of the EA. The fuels work analyzed under that EA has been completed; however, no timber was harvested under that project as BLM received no bids on the timber sale offering. However, the need for treatments in these units for forest health and commodity production remains. Therefore, the untreated vegetation units of the Free and Easy 2 project located within the Kerby watershed have been included in the Tennessee Lime project.

Planning for the Tennessee Lime project began in July 2005 when BLM mailed out more than 600 scoping letters to landowners and other individuals and groups who asked to be informed about upcoming BLM projects. The BLM held an open house on September 27, 2005 to introduce the local communities to the BLM planning team, resource specialists, and the scope of the proposed project. A field trip on October 19, 2005 facilitated informal discussions between BLM resource specialists and the public.

From the beginning, the scope of the project was intended to address the full range of conditions and opportunities that were found, and to design a multi-faceted project that addressed a range of resources. The result is a project that includes a broad suite of activities: wildlife habitat restoration, young forest management, older seral stand thinning, fuel hazard reduction, and road maintenance, renovation, decommissioning and construction. It provides commercial and non-commercial outputs as directed by the Bureau's Strategic Plan and the RMP.

The Tennessee Lime LMP EA presented and analyzed a no action alternative and two action alternatives (Alternatives 2 & 3). The two action alternatives reflect what the planning team determined to be the best balance and integration of resource conditions, resource potential, and management objectives included in the Purpose and Need of the EA (pp. 2-3). In designing the Tennessee Lime LMP, the BLM interdisciplinary team was aware of and sensitive to the range of views and values of the public. As a result, the Tennessee Lime project is an integrated and multi-faceted plan that balances these factors and objectives.

The Tennessee Lime LMP EA was available for public review from July 7 to August 6, 2006. It incorporated analysis of the proposed actions; addressed issues raised in public comments; and referenced pertinent information and literature. Many comments BLM received clearly show the

value placed on this area by many members of local communities as well as people from other areas. Values and concerns identified by commenters include, but are not limited to, fire hazard, species diversity, riparian areas, water quality, commercial harvest, healthy fisheries, and wildlife habitat (EA section 4.0 Agencies and Persons Consulted, p. 92). For a more detailed summary of public comments, see Section VII, Public Involvement; and Appendix 2 of Decision Record #2, which is associated with this FONSI.

The first Notice of Decision for the Not Likely to Adversely Affect (for spotted owls) activities in the Tennessee Lime LMP was published on May 22, 2010. This decision was protested and protest resolution is in process.

The second decision on this project, for the timber sale portion of the project, is found in the attached document and was based on the extensive public input, recommendations from the planning team, and careful consideration of the objectives of the laws, regulations and planning documents, and NEPA analysis governing these lands.

III. CONSULTATION AND COORDINATION

Pursuant to the Endangered Species Act, BLM completed consultation with the US Fish and Wildlife Service. The Tennessee Lime project was covered under the 2006 BO and LOC (FWS Log #1-15-06-F-0162 and Log #1-15-06-I-0165) for actions that may affect Northern Spotted Owls. However, since then the BO and LOC were pulled by the USFWS due to pending litigation and the BLM has reinitiated consultation on the NLAA portions of the Tennessee Lime project. The NLAA portions of this project are covered under two LOCs from the USFWS (Tails # 13420-2007-I-0231 and Tails #1342-2009-I-0093). In April 2010, the BLM prepared a Biological Assessment to evaluate impacts to Northern Spotted Owls and their critical habitat for this project. In June 2010, the USFWS gave BLM a Biological Opinion for treatments that are Likely to Adversely Affect (LAA) Spotted owls, which includes timber harvest activities in the Tennessee Lime Project Area (Tails # 13420-2010-F-0082).

In accordance with section 7 of the ESA, the BLM analyzed project activities for their potential to affect to the following plant species; the endangered Gentner's fritillary (*Fritillaria gentneri*) endangered Cook's lomatium (*Lomatium cookii*), endangered large-flowered woolly meadowfoam (*Limnanthes floccosa ssp. grandiflora*), and McDonald's rockcress (*Arabis macdonaldiana*). In August 2008, BLM prepared a BA to evaluate impacts to listed plant species. In September 2008 the USFWS gave BLM a letter of concurrence (LOC) (Tails # 13420-2008-I-0136). The BLM is implementing all applicable PDCs in accordance with the mandatory terms and conditions as specified in the LOC. The Service stated that the proposed action will not jeopardize the continued existence of ESA listed species.

After the EA was released the U.S. Fish and Wildlife Service proposed Critical Habitat for the Federally Endangered plant Cook's desert parsley (*Lomatium cookii*) (Federal register, Vol. 74, No. 143, Tuesday July 28, 2009, pages 37314-37392). Proposed Critical Habitat for the Federally Endangered plant *Lomatium cookii* is located within the Tennessee Lime Project Boundary. Critical Habitat Units (CHU) IV3, IV4, IV5, and IV6A are located within the project boundary in their entirety, while approximately 14 acres of IV6B is within the project boundary. There are approximately 110 acres of project units within CHU IV3 and approximately 20 acres within IV4.

The treatments proposed for these project units are DM/Mod GS and Fuel Hazard Reduction. These treatments would not adversely modify or destroy the critical habitat because the project will not enter or affect wet meadow habitat that is suitable for the species. The proposed treatment may improve habitat by reducing the canopy cover and creating openings that would be suitable for *Lomatium cookii*. There are three populations of *Lomatium cookii* in the treatment units. These populations would be protected in accordance with USFWS LOC (Tails # 13420-2008-I-0136).

In accordance with the ESA and the Magnuson-Stevens Fishery Conservation and Management Act (MSA), on April 14, 2000 the BLM initiated informal consultation with the National Marine Fisheries Service (NMFS) on the Free and Easy 2 project, which is now included within the Tennessee Lime LMP. In a Letter of Concurrence (LOC) dated June 21, 2000, the NMFS agreed with the BLM's determination that the proposed project is not likely to adversely affect (NLAA) Southern Oregon/Northern California (SONC) coho salmon or Critical Habitat, and that it will not adversely affect Essential Fish Habitat under the MSA. In addition, the BLM evaluated the effects of the Tennessee Lime Landscape Management Project not already covered by the existing Letter of Concurrence or a programmatic Biological Opinion and determined that project actions will not affect SONC coho, Critical Habitat, or Essential Fish Habitat under the MSA. According to section 7 of the Endangered Species Act and the Magnuson-Stevens Act, consultation with the NMFS is not necessary on actions that have no effect on listed species, Critical Habitat, or Essential Fish Habitat.

The project will not adversely impact any sites of cultural or historical significance (EA pp. 909-91). The State Historic Preservation Office (SHPO) was informed of the BLM's finding in accordance with 36 CFR 800.5(b).

The Confederated Tribes of the Siletz and the Grande Ronde were notified of this project during scoping and the EA's public comment period. Josephine County Commissioners and the Josephine County Forestry Department were also contacted. No responses were received.

IV. FINDING OF NO SIGNIFICANT IMPACT (FONSI)

A. Plan Consistency

Based on the information in the Tennessee Lime Landscape Management Project's EA, in the record, and from the letters and comments received from the public about the project, I conclude that this decision is in conformance with the 1995 Medford District Resource Management Plan (RMP) and subsequent plan amendments which include:

- *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS 1994 and ROD 1994);
- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS 1994 and RMP/ROD 1995);
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Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001)

- *Medford District Integrated Weed Management Plan Environmental Assessment (1998)* and tiered to the *Northwest Area Noxious Weed Control Program (EIS 1985)*;

The ACS Consistency Review (EA p.28, ACS consistency review December 2007(in project record)) found that the project is in compliance with the Aquatic Conservation Strategy as originally developed under the Northwest Forest Plan.

This decision is also consistent with the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

This decision will not have any adverse impacts to energy development, production, supply and/or distribution (per Executive Order 13212).

B. Finding of No Significant Impact

Based on information in the EA and comments received from the public, it is my determination that this decision will not result in significant impacts to the quality of the human environment.

Anticipated impacts are within the range of effects addressed by the Medford District RMP and the Northwest Forest Plan, or are otherwise not significant. Thus, the Tennessee Lime LMP does not constitute a major federal action having a significant effect on the human environment and an 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), regarding context and intensity of the impacts described in the EA and on my understanding of the project. As noted above, the analysis of effects has been completed within the context of the Medford District RMP and it is consistent with that plan and the scope of effects anticipated from that plan. The analysis of effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different resources and types of impacts.

I have considered the intensity of the impacts anticipated from this Tennessee Lime LMP decision relative to each of the ten areas suggested by the CEQ. With regard to each:

1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects. Project design features (PDFs) are included in the proposed actions for the purpose of reducing anticipated adverse environmental impacts which might otherwise stem from project implementation. There are no significant effects expected from project activities. The following is a synopsis of the effects expected from implementation of activities detailed in the Decision Record.

The EA disclosed that there is a potential for minor, short term impacts to riparian and stream habitats, and hydrologic function as a result of the proposed road maintenance activities. Any impacts will be negligible at the sixth field level (EA pp. 21-31). Site productivity and hydrology will not be negatively affected by fuel hazard reduction activities (EA p. 24). No ground based

logging will occur on serpentine soils, and therefore project activities will not negatively affect these sensitive soils (EA p. 25). There is potential for soil compaction in the project area from timber harvest and biomass removal (EA pp. 25-26), but loss of long-term productivity is not expected (EA pp. 26, 37). Minimal erosion is expected from project activities or from road maintenance (EA pp. 26-27). There are potential effects to botanical species and habitat, including drying of moist microsites (EA p. 43), and potential for spread of noxious weeds from vehicles and equipment (EA p. 44). However, PDFs will reduce the risk of weed spread, and known sites will be treated under the Medford District's Noxious Weed EA (EA pp. 43, 44).

The EA appropriately disclosed that proposed actions would result in downgrading of suitable spotted owl habitat and associated effects on late-successional associated species and connectivity, (EA pp. 54-57, 76). There are also some actions in the decision that will treat and maintain suitable habitat, potentially reducing the canopy cover within the stand. However, those stands will continue to provide nesting, roosting or foraging habitat, and dispersal habitat because a minimum 60% or 40% canopy cover would be retained, as well as other key habitat features such as snags and coarse woody material (EA p. 131). The proposed action will retain 99 percent of currently occupied or unsurveyed spotted owl nest, roosting, and foraging (NRF) and dispersal habitats in the action area. Effects to NRF and dispersal habitat, are addressed in the EA and allowed due to appropriate consultation with the US Fish and Wildlife Service (See section III, Consultation and Coordination above). Additionally, season restrictions listed as Project Design Features will prevent disturbance to nesting spotted owls within the project area.

As with spotted owls, there is an acknowledged effect on fisher habitat (EA pp. 59-63). Fuels and thinning treatments will degrade fisher habitat, but will still provide suitable dispersal and foraging habitat. Habitat features, such as large snags and coarse wood would be maintained throughout the project area, which will provide future denning and resting habitat, and will reduce potential impacts to fishers.

Depending on the species, the project will result in both positive and negative impacts to neotropical birds. The effects to habitat and the associated effects to populations will be immeasurable at the regional scale (EA pp. 69-72).

There is a potential for increase in legal and illegal OHV use; however, there are measures (EA p. 19) such as barrier construction, signing and monitoring integral to the project that will minimize this unauthorized use (EA p. 90).

Beneficial effects include reduction in canopy and resultant release of residual trees, which will accelerate diameter growth, develop high crown ratios and increase individual tree vigor (EA pp. 36-38). Additionally, riparian thinning will increase structural diversity and result in accelerated development of late-successional forest conditions in riparian areas. In the long term, late-successional forest conditions in riparian reserves will result in an increased structural diversity, and large woody debris recruitment, leading to improved stream complexity and water quality (EA p.47). Salmonid production will likely increase through an increase in adult holding areas and gravel retention (EA p. 47). Increased stream complexity would result in improved juvenile rearing habitat. Reduction in hazardous fuel loading will result in moderation of extreme fire behavior (EA p. 84-88).

Visual resource management objectives would be met, as proposed prescriptions would implement project design features (EA pp. 18-19) to blend the treatments with the characteristic landscape, which is already varied by human alterations, as well as a variety of vegetation types (EA pp. 91-92).

2) *The degree of the impact on public health or safety.* The project has not been identified as having the potential to significantly and adversely impact public health or safety. Fuel hazard reduction will benefit public health and safety, particularly in CARs and WUIs. Implementation of Alternative 2 will have the highest amount of smoke produced from prescribed burning compared to Alternative 3 but should result in reduced smoke emissions from wildfires and will comply with air standards.

3) *Unique characteristics of the geographic area.* Eight Dollar Mountain Area of Critical Environmental Concern (ACEC) is in the project area. No treatments are proposed in the ACEC. The team also identified sensitive serpentine resource values within the project area. To protect and enhance resource values, limitations on ground-based harvest (EA p. 25) have been established and reintroduction of fire (EA p. 11) to help restore and maintain serpentine habitat will be implemented. These actions will maintain or enhance the values that make those areas unique.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.* The effects of this project are similar to those of many other projects that are implemented within the scope of the RMP and Northwest Forest Plan. There is a continuing full range of debate, findings and opinions about the potential effects of such land management activities as evidenced by public comments received regarding this project. It underscores a level of uncertainty that exists in assessing the changes that may occur as a result of such projects. Any uncertainty in actual effects is acknowledged by the EISs (e.g., FEIS/PRMP pp. 4-7; 4-24; 4-73; 4-79; 4-98) to which the Tennessee Lime LMP EA is tiered. Opposition to the project is not the same as “controversial effects.” The Ninth Circuit has 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 likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that this action will involve any unique or unknown risks.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* The action and the decision will not set any precedents for future actions with significant effects. It is one of many similar projects designed to implement the RMP and NWFP.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant cumulative impacts have been identified. There are no cumulative effects on soils or hydrology expected on either the project, Josephine-Kerby 6th field

sub-watershed, or the Illinois River scale (EA p.28). As no cumulative effects were identified in the analysis of impacts to soil, riparian and water, no cumulative effects to fish and aquatic habitats are expected (EA p. 48). Reductions in natural fuels, in combination with forest thinning, would increase initial attack effectiveness, and public and firefighter safety (EA p. 88). Wildland firefighter and public safety would increase in treated areas and direct strategies and tactics could be used to control fire, resulting in fewer acres burned and less threat to private property within the watershed and the region. Smoke produced from prescribed fires is expected to be short term and not contribute cumulatively to any air quality impacts (EA p. 87-88). There will be no project level effects to botanical species because all known sites are protected from project activities; therefore, there are no cumulative effects from this project for botany.

At the Illinois Valley scale (>630,000 acres) processes and conditions across the landscape and through time need to be considered. Under the NWFP and as adopted by the RMP, > 75% of the BLM lands are in reserves for protection of wildlife and watersheds. Under the 1995 RMP, timber harvest declined dramatically; road decommissioning has occurred; riparian conditions have improved; road building and ground based harvest has decreased, and watershed restoration activities have occurred. Based on the changes in management across the landscape there is an improving trend in condition of late-successional habitat across BLM lands. The USFWS (2004) estimated that within the NWFP area, late-successional forest habitat development through in-growth (tree growth) is occurring at approximately 8% (600,000 acres) per decade over the baseline condition established in the NWFP. This development is 2.5 times the rate of loss through stand replacement fire and harvest, and would result in a 2.7 million acre net increase in late-successional forest over 3-4 decades (USDA, USDI, 2004) (EA p. 75) across the NWFP planning area.

The proposed Illinois Valley projects maintain the trend of improving habitat conditions for late-successional habitat. The EA disclosed that BLM projects in the Illinois Valley collectively propose density reduction and thinning on less than 1% of the watershed. The proposed action combined with other proposed, underway, or completed actions on BLM lands in the Illinois Valley represents approximately 5% of the Illinois Sub-Basin. Of this amount, approximately 0.15% is contained within commercial timber sales between the Althouse Sucker, West Fork Illinois, East Fork Illinois, South Deer and Tennessee Lime projects.

Based on decision records issued to this time, and projected acreage in timber sales currently being planned (Althouse Sucker and East Fork Illinois), total harvest area is <0.5% of the watershed and < 1% of BLM land in planning areas in the Illinois Valley. BLM lands total approximately 6% of the Illinois Valley. This is not a significant impact requiring preparation of an EIS. Each project is independent of the others (i.e., implementation of one is not dependent on the others); and effects are not additive or synergistic (i.e., effects of one do not contribute cumulatively to effects of any of the other projects). Each project evaluated cumulative effects at the project and sub-watershed scale, and at larger scales as appropriate for the particular resource. Additionally, planning for the suite of projects in the valley began between 1999 and November 2005; projects are separated by both space and time.

Project activities in this decision are consistent with consultation. No substantial negative effects are anticipated to any Bureau Sensitive or former Survey and Manage wildlife species because of the small scope of the proposed action compared to the available habitat within the Josephine-Kerby

6th field sub-watershed. There are no expected cumulative effects to cultural resources, economics, recreation, and visual resources (EA p.91-92).

8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* The project area does not contain any sites that are listed on the National Register of Historic Places. All cultural sites will be buffered from project activities (EA p. 18). No activities will be authorized within the buffered boundary, protecting sites from project activities.

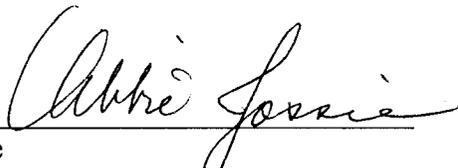
9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* Project design features will reduce potential adverse impacts on ESA listed species. ESA consultation with NMFS and USFWS has been completed. All actions proposed in this decision are consistent with mandatory terms and conditions set forth by the regulatory agencies. The project area does not contain spotted owl critical habitat.

10) *Whether the action threatens a violation of environmental protection law or requirements.* There is no indication that this decision will result in actions that will threaten a violation of any environmental laws.

V. CONCLUSION

Based on information in the EA and comments received from the public, it is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of effects addressed by the Medford District RMP (1995) and the Northwest Forest Plan or are otherwise not significant. Thus, the Tennessee Lime LMP does not constitute a major federal action having a significant effect on the human environment and an 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), regarding context and intensity of the impacts described in the EA and on my understanding of the project. As noted above, the analysis of effects has been completed within the context of the Medford District RMP and it is consistent with that plan and the scope of effects anticipated from that plan. The analysis of effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts.



Abbie Jossie
Field Manager, Grants Pass Resource Area
Medford District, Bureau of Land Management

8-13-2010
Date