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ALTHOUSE-SUCKER LANDSCAPE MANAGEMENT PROJECT DECISION RECORD

I. INTRODUCTION

The Bureau of Land Management's interdisciplinary planning team designed the Althouse-Sucker Landscape Management Project (LMP) based on: a) current resource conditions in the project area; b) 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 alternatives presented and evaluated in the Althouse-Sucker LMP Environmental Assessment (EA) reflect what the planning team believes to be the best balance of resource conditions, resource potential and competing management objectives.

The main commercial timber sale portion of the project and associated road construction, analyzed as part of Alternative 2, is being deferred and will be decided on in a separate decision projected for summer 2010 once consultation with the USFWS is complete. Refer to the consultation section for more details.

This decision includes a portion of the Density Management, Modified Group Select and Understory Reduction treatments proposed in Alternative 3, which will be completed under stewardship contracts. All of the actions proposed for inclusion in a stewardship contract are actions that are Not Likely to Adversely Affect for the Northern Spotted Owl and No Affect for Southern Oregon/Northern California coho salmon. All project design features are integral to the selected alternative and will be implemented. See section III, Decision and Rationale for details on the decision.

The implementation of the actions contained within this decision will not have significant environmental effects beyond those already identified in the 1995 Final EIS/Proposed RMP. The proposed action does not constitute a major federal action having significant effects on the human environment; therefore, an environmental impact statement will not be prepared (see enclosed Finding of No Significant Impact).

II. BACKGROUND

Planning for this project began in November 2005 when BLM mailed out approximately 250 scoping letters to adjacent landowners and other individuals and groups. The BLM held an open house on December 15, 2005 to introduce the local communities to the planning team, resource specialists, and the scope of the proposed project. BLM sent a second scoping letter to the public in April 2007, providing an update to the planning process.

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 Althouse Sucker project was designed in a manner that strives to be sensitive to the range of views and values, to the resource management mandates that are set forth in the various pertinent laws and resource plans, and to the current resource conditions in the project area. As a result, the planning team designed an integrated and multi-faceted plan that seeks to balance these factors and objectives given current constraints. 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. More than one decision will be issued based upon the analysis contained within the environmental analysis, the timing of which may be dependent upon other regulatory processes or funding.

Within the Althouse-Sucker planning area, the BLM manages approximately 10,483 acres (34%) of the 30,395-acre planning area, most of which is in a checkerboard pattern of public and private ownerships. Of the 10,483 acres of BLM-administered lands, 6,983 (67%) acres are lands revested from the Oregon and California Railroad and Coos Bay Wagon Road Grant Lands, and 3,500 acres (34 %) are public domain (PD) lands. BLM lands in the planning area include various land allocations: 6,341 acres (60%) of matrix lands, designated as Southern General Forest Management Areas (SGFMA) by the 1995 RMP (pp. 38-40; 192-194), 2,651 acres of riparian reserves (25%), and overlapping Late-Successional Reserves (LSR), and a spotted owl Critical Habitat Unit (CHU) totals 1,492 acres (14%). Approximately 320 acres are in the Brewers Spruce Area of Critical Environmental Concern/Research Natural Area (ACEC/RNA).

The Althouse-Sucker LMP EA presented and analyzed a No Action alternative and three action alternatives (Alternatives 2, 3 and 4). The three action alternatives reflect an array of options seeking to balance and integrate resource conditions, resource potential, and management objectives included in the Purpose and Need of the EA (pp. 2-3).

The Althouse-Sucker LMP EA was available for formal public review for 30 days beginning on February 9, 2008. Many comments BLM received clearly show the value placed on this area by many members of local communities as well as by people from other areas. Values and concerns identified by commenters include, but are not limited to, risk of 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 and Appendix F and G). For a more detailed summary of public comments, see Section VII, Public Involvement.

III. PLANNING UPDATES

Since the release of the EA, legal requirements guiding project development and implementation have changed. In addition, subsequent to the release of the EA, BLM was informed of additional projects occurring within the watershed that warrant consideration of possible cumulative effects. This section provides acknowledgements and consideration of those changes as well as project implications resulting from the updates.

Subsequent to the release of the EA, BLM initiated section 7 consultation with the United States Fish and Wildlife Service (USFWS) for the Northern Spotted Owl. Consultation is complete for actions that are *Not Likely to Adversely Affect* (NLAA) for the Northern Spotted Owl based on the Letter of Concurrences received from the USFWS. This decision includes portions of the proposed project that have completed consultation; all actions in this decision are NLAA for the Northern

Spotted Owl. Consultation is in progress for action that are *Likely to Adversely Affect* (LAA) for Northern Spotted Owls. Consequently, the decision regarding a commercial timber sale and associated road construction is being deferred until consultation is completed, and may be decided on in a separate Decision.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure. Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation had entered into a stipulation, exempting certain categories of activities from the Survey and Manage standard (hereinafter "Pechman exemptions").

The Althouse Sucker LMP project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan.

Judge Pechman's Order from October 11, 2006 directs: "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

- A. Thinning projects in stands younger than 80 years old (emphasis added);
- B. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;
- C. Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and
- D. The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph."

Following the Court's December 17, 2009 ruling, the Pechman exemptions are still in place. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects. I have reviewed the Althouse Sucker LMP Project in consideration of both the December 17, 2009 and October 11, 2006 Orders. The Althouse Sucker LMP project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Medford District Resource Management Plan. This decision entails thinning in stands that have been surveyed as per the 2001 Survey and Manage ROD; thinning in stands less than 80 years old; stream and riparian restoration projects; and hazardous fuel treatments. Therefore, this decision is consistent with the 2001 ROD without Annual Species Reviews, or meets the Pechman Exemptions, A-D (October 11, 2006 Order).

In addition, in February of 2009 BLM received a mining Plan of Operations adjacent to Sucker Creek in Township 40 Range 7 Section 1. The operation includes removing vegetation, excavation 12-15 feet deep, and removal of gold and other metals in an area as large as 2.6 acres within the riparian reserve adjacent to Sucker Creek. After consideration of the actions included in this decision record and the mining plan of operations the interdisciplinary team found that the proposed mining activities do not invalidate or change the EA's conclusions regarding the direct, indirect or cumulative effects.

A second Plan of Operations has recently been received approximately 0.5 mile to the north of the above Plan. While the Plan has not been finalized, the planned area of excavation is expected to be approximately 2 acres. The project would occur in an already disturbed area with little vegetation, so there are expected to be minimal effects on vegetation and shade for Sucker Creek, and except for an authorized diversion from Sucker Creek, all activities would occur above the high water mark for Sucker Creek. As the mining proposals under this plan develop firm proposed actions, effects will be analyzed, including cumulative effects, which will also consider the effects of the Althouse Sucker project.

The EA found no cumulative effects of the proposed actions. The assessment found no cumulative effects on soils or hydrology and no cumulative effects within the Althouse, Sucker or East Fork Illinois River (EA p. 43) watersheds. Similarly, since no cumulative effects were identified in the analysis of impacts to soil and water, there will be no cumulative effects to fish or aquatic habitats at the project area, 6th, or 5th field watershed scales (EA p. 98).

The analysis found that the proposed riparian and aquatic restoration activities will benefit fisheries and aquatic habitat. In Riparian Reserves, the proposed thinning would benefit water quality and aquatic conditions by enhancing the growth of residual trees (EA p.40). The instream placement of habitat structures and culvert replacements would improve spawning and rearing habitat; fish would benefit from unrestricted passage upstream and downstream of the proposed culvert replacements through improved aquatic connectivity (EA p. 97).

Project activities will maintain spotted owl habitat consistent with consultation. Under this decision, there will be no downgrading or removal of suitable habitat. Similarly, negative effects are not 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, riparian reserves, late successional reserves, untreated areas, and maintenance of suitable spotted owl habitat (EA p. 74-75).

As shown in the EA (pp. 40, 43, 74, 75, 97, 98), the Althouse-Sucker proposal protects, maintains and enhances riparian areas, water temperature and aquatic habitat; therefore, there will be no interactions between actions in this decision and the proposed mining project that would generate cumulative effects. See attached FONSI for further details.

IV. DECISION and RATIONALE

Based on extensive public input, recommendations from the interdisciplinary planning team, and careful consideration of the objectives and mandates of the laws, regulations and planning documents/decisions, and NEPA analysis governing these lands, the following constitutes my decision.

Alternative 1, the No Action Alternative, is rejected because it does not fully meet the resource management objectives identified in the Medford District Resource Management Plan, or the purpose and need (EA pp. 2-4) or objectives (EA pp. 7-20) for the project. The No Action Alternative would not address, or alter many of the existing resource conditions and trends that are of major concern relative to healthy forest conditions and resource protection. With the No Action alternative, certain undesirable ecological trends will continue unchanged and, in some cases, will be exacerbated with the passage of time. For example, high fire hazard conditions will continue or increase, and stand vigor and forest health will continue to decline.

It is my decision to implement, in part and as outlined below, Alternative 3 for the Althouse Sucker Landscape Management Project. This decision defers commercial sale activities and associated road construction to a future decision. Alternative 3 was designed to address scoping comments from the communities, responding to citizen interest to maintain habitat yet provide for forest product opportunities for local businesses. Alternative 3 retains a dense canopy closure with a more complex forest structure than Alternative 2. Through the various silvicultural treatments, the alternative aims to maintain habitat characteristics for late-successional dependent species while providing opportunities for a variety of special forest products. Alternative 3 also reduced proposed road building by 50% compared to Alternatives 2 and 4; all alternatives reduced road densities throughout the watershed through road decommissioning.

Because of limitations on treatments allowed under current consultation for the Northern Spotted Owl, Alternative 3 is chosen to maximize treatments acres which would increase the level of timber and other forest products produced from this project. The selected units for treatment including density management, understory reduction, and restoration will be completed under stewardship or small business and other service contracts, partnerships, youth programs, or other community based crews in Josephine County. All these actions are Not Likely to Adversely Affect for the Northern Spotted Owl. Fuel treatments under Alternative 3 provide fuel reduction and protection to a greater number of acres in the project area than the other alternatives.

Road maintenance, young stand management, variable density thinning, wildlife habitat enhancement and riparian reserve treatments will be implemented as described below and detailed in alternative 3 in the EA (pp. 11-20). In addition this decision selects all activities presented as common to all in the EA (pp. 7-11). All project design features (EA pp. 20-26) are integral to the selected alternative and will be implemented.

The following section provides details and the rationale for my decision. Resources and issues will be addressed in the same order in which they are presented in the EA. All actions in this decision are Not Likely to Adversely Affect the Northern Spotted Owl and are included in Biological Assessments and Letters of Concurrence from the U.S. Fish and Wildlife Service.

A. Common to all

The EA analyzed a suite of activities that were common to all action alternatives. The decision is to implement all activities identified as common to all (EA p. 7-11) including:

a. Activity Fuels

Decision: The decision is to treat activity fuels for fuel hazard reduction (EA p. 7). Activity fuels, when necessary, will be treated in all units proposed for treatment in mid and older seral stage stands and in identified young stands. Additional fuel hazard reduction treatments will occur in harvested stands to meet objectives of reducing the density of small diameter trees.

Slash and fuel loading created from vegetation treatments will be handpiled and burned (HP/B). It can be expected that $\leq 10\%$ of each individual pile would not be consumed leaving pile “rings” and that $\leq 5\%$ of the piles on the site would not burn, resulting in scattered pockets of surface fuels remaining on site. To remove these fuels and achieve desired surface fuel conditions a light underburn would be implemented as part of the initial treatment on select units within 1-2 years after the handpiles are burned.

Following initial fuel reduction low-intensity underburns will be used to maintain the site in low fuel hazard condition. Frequency of underburns will be based on vegetation responses, vegetation types, and other natural disturbances, such as wind throw, ice/snow damage, or wildfire. It is estimated that maintenance burning throughout the project area will be on a 7-15 year rotation. Prior to the maintenance underburn, the cutting of approximately 90% of madrone (and some oak) resprouts (one to three stems on each plant would be retained) may be done.

Criteria used to determine fuel treatment needs include field reconnaissance and professional judgment, considering stand density, presence of ladder fuels, fuel accumulation, and proximity to communities at risk (CAR) or wildland urban interface (WUI) areas. Proposed treatments may be adjusted based on post-harvest review of conditions and on considerations of site-specific physical, biological, and social features at the time of review. Vegetation treatments in the selected units apply density reduction and fuel hazard reduction. These treatments typically do not require follow up treatment of activity fuels. However, upon inspection following primary treatments, stands with a high fuel hazards will be treated.

Rationale: This decision defers commercial sale activities to a future decision. As a result, activity fuels will not be generated in proposed commercial timber sale units and will not need to be treated at this time.

Activity fuels treatments are specifically designed to reduce the risk of crown fire by reducing overall fuels and increasing the Canopy Base Height (CBH)(EA pp56-57). Areas with low fuel hazard provide fire fighters opportunities for direct attack, reducing the chance of a large scale fire. Furthermore, density-induced mortality would decrease, reducing the dead fuel component.

Fuel treatments will reduce the chance of uncharacteristic fire behavior, protect communities from wildfire, and improve access for fire suppression forces. Fuel hazard reduction of existing and activity generated fuels are an important purpose of this project, especially in the rural interface. (See section C below for general fuel hazard reduction.)

b. Forest Products

Decision: The decision is to implement approximately 4,360 acres of vegetation treatments including forest development, density reduction, young stand management and fuels reduction; each are described in greater detail below. All units will be available for forest product extraction such as biomass, special forest products and/or small sales. Table DR-1 and Appendix DR-1 display the treatments and associated acres.

Table DR-1. Summary of Decision by Treatment Type and Acres

Prescription	Acres
Density Management/Understory Reduction (DM/UR)	368
Density Management/Understory Reduction in Community at Risk (CAR)	50
Restoration Thinning	98
Restoration Thinning-CAR	136
Fuel Hazard Reduction	1,672
Fuels Hazard Reduction in LSR	105
Young Stand Management in LSR	187
Variable Canopy Thinning	515
White Oak Restoration	52
Jeffrey Pine Restoration	1,148
Total	4,360

Biomass removal within 200 feet of roads greater than 35% slope will be performed by low level aerial cable yarding systems that offer one end log suspension for at least 80% of the turns. Material removed will generally be small diameter and will be removed in its entirety, usually whole tree yarding. On slopes less than 35%, low impact ground-based equipment will be used. Main skid roads will be greater than or equal to 75 feet apart with a maximum trail width of 6 feet. With larger equipment, 150 foot spacing will apply.

Rationale: Both the public and EA (p. 4) identified a need for providing forest products. Special forest products, stewardship and small sale or service contracting offer potential treatment methods to accomplish ecological objectives as well as to diversify economic opportunities to local communities and contractors. Small sales, service, and stewardship contracting also provide opportunities for innovative methods to utilize woody material. Additionally, biomass utilization reduces the need for hand-pile burning, reducing smoke emissions.

c. Tartar Gulch Quarry

Decision: The decision selects to implement expanding the Tartar Gulch Quarry. The quarry is located in the T40S R7W SE ¼ of Section 4. The northeast end of the quarry will be expanded by 80 feet x 100 feet to a face height of 35 feet. Expansion will occur as material is needed.

Rationale: The expansion will provide approximately 6,000 cubic yards of rock. The Quarry will provide needed material source for existing and future road improvements.

d. Instream and Riparian Restoration

Decision: The decision selects to implement the Instream and Riparian enhancement projects as discussed in the EA (EA pp. 9-10). The activities will include:

Riparian Thinning and Fuels Reduction: Approximately 290 acres for riparian thinning and 272 acres of fuel hazard reduction in riparian zones will be implemented. Thinning would be accomplished by cutting understory trees and retaining 50-60% canopy closure. No treatment areas and a 50 foot no treatment buffer within units would continue to provide dense understory habitat. No cable yarding would occur in riparian reserves, and for any yarding in riparian corridors, trees

will be felled toward existing roads; no new skid roads will be constructed in riparian zones (EA p. 21).

Fuels reduction within riparian reserves will include brushing, hand piling and burning, and underburning. Direct ignition would not occur within the no-treatment zones, but may encroach into the no-treatment zones, simulating naturally occurring, low intensity ground fire.

Approximately 247 acres are proposed for Young Stand Management. Young Stand Management within Riparian Reserves will include thinning and brushing.

Large Wood Placement: Five to ten wood-boulder jams will be placed in the main stem and side channel of Althouse Creek (40S-7W-9 and 15). Jams will be stabilized using large key pieces of wood with additional stability provided by the boulders.

For large wood placement (EA p. 10), riparian trees will be girdled or felled toward the stream by hand crews using chain saws to add wood to the creek in select reaches. These riparian reaches currently have fully stocked riparian zones, many dominated by small diameter trees, and lack large overstory trees as well as large instream woody structure. Trees targeted for selection will be from the understory, maintaining primary shade to the creek. These riparian reaches currently have fully stocked riparian zones, many dominated by small diameter trees, and lack large overstory trees as well as large instream woody structure. Twenty stream reaches in the Althouse and Sucker drainages will be treated including: Althouse Creek; Blind Sam Gulch; Number 7 Gulch; Yeager Creek; Sucker Creek; Little Grayback Creek; and unnamed tributaries in T40S R7W sections 1, 3, 8, 9, 10, 11, 12, 15, and 17; and T39S R7W sections 12, 13, and 35 (EA p. 10).

Fish Culvert Replacement: Two culverts on fish bearing streams will be replaced with open bottomed (natural stream bed) culverts. Two of these culverts are located on Road 39-7-21 in section 16 over Bear Creek, a tributary to Sucker Creek. A third culvert that was proposed has already been replaced under the Aquatic Restoration EA (NEPA #DOI-BLM-OR-M000-2009-0004-EA); this was on #7 Gulch, a tributary to Althouse Creek along a Forest Service road, FS 4703. The culvert is located on BLM lands in T40S R7W section 15.

Rationale: The primary goal in riparian reserves is the maintenance and long term restoration of aquatic ecosystems as identified in the NWFP Aquatic Conservation Strategy (ACS) objectives (EA p.4). Areas selected for riparian thinning and fuels reduction lack structural complexity and species diversity, and are at risk of high intensity wildfire. Using the ACS as a guide, objectives for treatments in the riparian reserve include accelerating development of large conifers, promoting snag and down wood recruitment, increasing structural complexity, and promoting connectivity corridors for terrestrial wildlife.

Placement of instream structure will increase aquatic habitat complexity increasing needed cover, pool formation and spawning gravel retention. Culvert replacement activities will improve aquatic connectivity increasing potential for species distribution throughout the watershed (EA pp. 96-97). Culvert replacement will occur as funding becomes available.

e. Noxious Weed Treatments

Decision: The decision is to treat known noxious weed populations in the project area with methods analyzed in the Medford District Integrated Weed Management Plan and Environmental Assessment (USDI 1998) (EA p. 11). Treatments would primarily consist of herbicide application,

hand pulling, and mechanical cutting. Treating noxious weeds will reduce current weed populations and reduce chance of spreading to new areas.

Rationale: Treatment of noxious weeds will aid in maintaining native vegetation and plant diversity, and reducing degradation to wildlife and plant habitats. Detecting and rapidly treating noxious weeds decreases the chance for new populations becoming established, and increases the chance to eradicate noxious weed species from the area (EA p. 88).

B. Older Seral Stand Treatments

This decision defers commercial timber sale units and associated road construction to a future decision. The selected units for treatment include Density Management / Understory Reduction (DM/UR), restoration thinning, and young stand management. Treatments are designed to maintain spotted owl habitat; all actions are *Not Likely to Adversely Affect* for the Northern Spotted Owl. Table DR-1 (above) summarizes acres treated by prescription. Each is discussed in more detail below. Appendix 1 displays treatment units and associated prescriptions.

Decision: The decision is to treat older seral stage stands with the density management / understory reduction (DM/UR) prescription (EA p. 13) on 368 acres of mid-to late seral stands in the Douglas-fir/Tan-oak and Douglas-fir series. This treatment is prescribed for older seral stands that may provide multiple forest products (i.e., poles, sawlogs, firewood, special products) or opportunities for restoration. Densities in these older seral stands are highly variable; some have a continuous overstory canopy while others are more patchy with high densities in the mid and lower tree layers. In areas with a continuous canopy, removal will occur primarily from below (the smallest diameter trees) to achieve a target canopy closure of 60%. Where overstory closure is <60%, the prescription retains the most vigorous large trees in patches and thins the lower and middle tree layers to accelerate development of a multi-layered structure.

Restoration thinning (EA p. 13) will occur on 234 acres (136 acres within CAR) on drier, less productive sites where oaks and pines predominate. Vigorous pines and oak will be the preferred leave species. Stands would be maintained through underburning.

Rationale: Density Management/Understory Reduction reduces competition, providing greater resources for the residual stand leading to increased growth rates and stand vigor. Following treatment, stands will be composed of healthy trees of all species and diameter classes. Mature forest characteristics will be retained or encouraged through maintaining multiple canopy layers, species diversity, multiple age classes, and stand connectivity (EA pp. 47-48). Treatments will maintain stand age because trees in all canopy strata and age classes remain. In mixed conifer stands with shade intolerant pine and oak, reduced competition will promote the growth and structural development of the remaining stand and lead to long term species diversity (EA p. 48).

Restoration thinning will reduce stand densities, particularly around vigorous pines and oaks, reducing completion from encroaching conifers and other vegetation. This will restore oak and pine habitat to support ecosystem processes and species requiring drier habitat conditions and an open forest structure.

The selected units will be completed under stewardship or small business and other service contracts, partnerships, youth programs, or other community based crews in Josephine County.

C. Fuel Hazard Reduction

Decision: The decision is to implement fuel hazard reduction as described in Alternative 3 (EA pp. 14-16). The fuels treatments will be accomplished by a combination of slashing, underburning and handpile burning, depending on site specific conditions. All understory thinning done for fuel hazard reduction will be integrated into the silvicultural stand treatment objectives. Approximately 1,600 acres of natural fuels in the CAR and WUI, and areas with high fire hazard will be treated. Additionally, within the Late Successional Reserve, 105 acres along roadsides and within previously managed stands located within the CAR boundary will be treated. Some material may be removed as biomass.

Rationale: Approximately 50% and 45% of the project area rates as high and moderate fire hazard, respectively. Based on the fire hazard rating, the potential for a large fire to occur is moderate to high across the project area (EA p. 54). Fuel treatments will reduce the chance of uncharacteristic fire behavior, protect communities from wildfire, and promote the Healthy Forest Initiative and National Fire Plan (2002), and Jackson and Josephine Integrated Fire Plans (2004). Fuel hazard reduction is an important purpose of this project (EA p.4), especially in the rural interface. Reduced fuel loadings and altered fuel profiles will make fire suppression safer and more effective.

D. Variable Density Thinning/Forest Development

Decision: The decision is to treat 515 acres for forest development of stands as described in the EA (pp. 16-17). This action will reduce competing vegetation in stands less than 50 years old in order to accelerate growth, promote stand differentiation, and maintain the non-tanoak hardwood component for future stand diversity. Hardwood stems not selected as leave trees and all surplus trees up to 10" DBH will be cut. All tanoak <12" dbh and most brush will be cut. Tree spacing will be variable, depending on existing crown radius. Conifers and hardwoods will be thinned to twice the crown radius spacing, retaining vigorous and well-formed conifers.

Following activities, fuels (slash) in these stands will be hand piled and burned within the CAR. Outside the CAR, project slash treatment will be determined by the level of fuel hazard, wildfire risk, and resource values. All acres may not be treated. Other options include lop and scatter or removal of slash as poles or firewood.

Rationale: Recently managed stands are experiencing intense competition from brush and hardwoods. Variable Canopy thinning seeks to reduce stand densities, promote species diversity, and maintain vigorous crowns. Variable canopy thinning will promote the development of structurally diverse stands and increase structural heterogeneity (EA p. 51). Further reducing density and competition for resources will promote stand growth and vigor as well as reduce fire hazard.

E. Wildlife Habitat Restoration and Enhancement

Decision: The decision is to treat units in Jeffrey Pine, oak woodland and mixed conifer stands to enhance wildlife habitat and connectivity as detailed below.

Jeffery pine treatments: Approximately 1,148 acres of thinning, hand piling and burning, and under burning treatments (EA p. 17) to reduce encroachment of Douglas-fir, incense cedar, and shrubs (e.g., ceanothus and Manzanita) will be implemented. Decadent brush will be targeted for removal, as will all conifers except vigorous pine and large limbed, open-grown Douglas-fir.

White oak woodland treatments: The decision is to implement 52 acres of oak woodland treatment with a combination of thinning, hand piling and burning, and underburning. Oak woodland treatments target decadent brush, small oaks (≤ 8 "DBH) and encroaching conifers (≤ 8 "DBH) for removal. Cut material will be piled and burned when necessary and/or disposed of by underburning. Hardwoods with the largest diameters and canopies will be retained, as will vigorous pine.

Connectivity: Approximately 65 acres in mid and mature mixed conifer stands within large areas of serpentine influenced habitat will be treated to enhance wildlife corridors (EA p. 18). These mixed conifer stands (units 40S-7W-17 (001A) and 40S-7W-03 (005)) are riparian stringers that provide connectivity and dispersal within areas of low canopy cover. Selective slashing, and hand pile and burning treatments will be implemented to improve and maintain the function of these wildlife corridors. Some suppressed and intermediate trees in the smallest diameter classes may also be removed.

Rationale: Thinning of vegetation and reintroduction of fire will increase presence and persistence of plant communities suppressed due to vegetation encroachment. Treatments will improve habitat suitability through reinvigorating and maintaining chaparral, Jeffrey pine, and oak woodlands (EA p. 17). An increase in native grasses and herbaceous layer will provide forage habitat for big game, flammulated owls, and blue birds (EA p. 77).

Treatments in riparian stringers will improve habitat connectivity through riparian corridor development while providing for connectivity and dispersal within areas of low canopy cover. Fuel reduction and thinning small diameter vegetation will improve the health of the riparian areas by reducing fuel loads (EA p. 18).

Maintaining 60% canopy cover will provide for wildlife connectivity and habitat for late-successional dependent species.

F. Late-Successional Reserve (LSR) Young Stand Management

Decision: The decision is to treat approximately 187 acres of young stands in Late-Successional Reserve with an Incremental Canopy Thinning Treatment with Gap Formation prescription (see description in EA, p. 18). Stands treated would be less than 50 years old. A minimum of 10% of the entire stand would be untreated to enhance diversity.

Rationale: Treating of young stands would enhance late-successional forest within the LSR by speeding the trajectory of young stands toward late-successional habitat. Thinning is expected to increase stand vigor and accelerate development of a multi-layered stand structure.

G. Roads and Transportation Management

a. Road Maintenance and Renovation

Decision: The decision is to upgrade and maintain approximately 95 miles of existing road to reduce erosion and sedimentation as identified in the EA (pp. 18-20; Appendix C). Deteriorated surfacing would be replaced with crushed aggregate. Additional drainage structures, such as culverts or drain dips, will be installed on existing roads to improve drainage.

Selected road surfaces and ditch lines will be bladed. To reduce maintenance generated sediment from entering streams, ditches would not be bladed within 75 feet of live streams, unless necessary to protect culvert/road stability. Other maintenance activities will include cleaning catch basins,

brushing near pipe inlets and outlets, and removing vegetation along roadsides to improve site distance.

b. Road Construction

Decision: This decision defers construction of temporary and permanent roads as road construction is associated with the commercial timber sale portion of this project. A future decision may be made that would authorize road construction activities.

c. Road Decommissioning

Decision: Approximately 5.0 miles of roads would be decommissioned to improve hydrologic connectivity and reduce road density (EA p. 20). Selected roads (EA Appendix C), some slated for use for project activities, but determined to have no future management use will be water barred, seeded with native species, mulched, or planted to reestablish vegetation. Cross drains, culverts and fill slopes in stream channels and potentially unstable fill areas will be removed to restore natural hydrologic flow. Roads will be closed with a barricade or gate. These decommissioned roads will not be maintained in the future. Road decommissioning will be completed when the roads are no longer necessary for treatments proposed under this project.

Rationale: Road maintenance and decommissioning will improve road drainage, and maintain existing roads at levels consistent with the planned long term use of the roads. Improving road drainage, pulling culverts and decommissioning will reduce chronic erosion and sedimentation (EA p.39). Road improvements will also protect government investments and increase driver safety. Road decommissioning in the key watershed will maintain or improve aquatic conditions in the Upper Sucker Creek key watershed, and help to attain objectives of no increase in roads in Tier 1 Key Watershed (EA p. 90).

V. BLM STRATEGIC PLAN

The Decision will implement a range of activities that will promote a number of the goals of the BLM's Strategic Plan for FY2003-2008:

Resource Protection-Goals 1& 3: Protect Cultural and Natural Heritage Resources; Improve Health of Watersheds and Landscapes (Restore Fire Adapted Ecosystems)

This project will protect and in some cases enhance cultural resources through project design features and reduced fire hazard. Wildlife habitat improvements will be completed through restoration of Jeffrey pine savannahs, white oak habitats and ultramafic plant associations.

Resource Use-Goal 4: Manage or Influence Resources to Enhance Public Benefit, Promote Responsible Use, and Ensure Optimal Value

This decision will provide opportunities for biomass utilization, small sales and special forest product on up to approximately 4,074 acres (EA p. 7), although the extent of biomass utilization would likely be less. Small sales and stewardship contracting provide opportunities for innovative methods to utilize woody material.

Serving Communities-Goal 1: Protect Lives, Resources, and Property

Implementation of Alternative 3 will reduce fuel loadings and stand densities, moving them closer to historical levels and normal ranges. All areas to be thinned include fuel hazard reduction to protect resources, homes and property. In some areas of the Sucker Althouse LMP, fuel hazard

reduction is the primary objective. Fire behavior and suppression difficulties experienced in recent fires in southwest Oregon (e.g., the 500,000 acre Biscuit fire) clearly demonstrate that fuel hazard needs to be addressed to reduce threats to public health, safety and property.

VI. CONSULTATION AND COORDINATION

This Decision is covered under two LOCs from the USFWS (Tails # 13420-2007-I-0231 and Tails #1342-2009-I-0093) for consultation for Northern Spotted Owls. In September 2007, the BLM prepared a Biological Assessment to evaluate impacts to Northern Spotted Owls and their critical habitat. In September 2007 the USFWS gave BLM a letter of concurrence (LOC) for treatments Not Likely to Adversely Affect (NLAA) Spotted owls, which included fuels reduction and restoration activities in the Althouse Sucker Project Area (Tails # 13420-2007-I-0231). In April 2009, the BLM prepared another Biological Assessment to evaluate impacts to Northern Spotted Owls and their critical habitat. In May 2009 the USFWS gave BLM a letter of concurrence (LOC) for thinning and stewardship activities that are Not Likely to Adversely Affect spotted owls or critical habitat (Tails #1342-2009-I-0093). These LOCs cover the Not Likely to Adversely Affect treatments included in this Decision Record.

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 September 2008, BLM prepared a BA to evaluate impacts to listed plant species and to reinstate consultation on all acres unsold in the Fiscal Year 2006-2008 timber sale plan, which included the Althouse Sucker LMP. In September 2008 the USFWS gave BLM a letter of concurrence (LOC) (Tails # 13420-2008-I-0136). The BLM will implement all applicable PDCs in accordance with the mandatory terms and conditions as specified in the LOC.

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). There are no Critical Habitat Units within the Althouse Sucker Project Area.

BLM analyzed project activities for their potential to affect Southern Oregon/Northern California (SONC) coho salmon or their designated critical habitat. The BLM also analyzed these activities for their potential to affect Essential Fish Habitat (EFH), in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In May 2007, BLM received concurrence from the National Marine Fisheries Service that the Althouse Sucker Landscape Management Project was Not Likely to Adversely Affect (NLAA) coho salmon.

The project will not adversely impact any sites of cultural or historical significance. 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.

VII. CONCLUSION

A. Plan Consistency

Based on the information in the Althouse Sucker 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 consistent with the:

- 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 Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (FSEIS 2000 and ROD 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 pp. 100-101, ACS consistency review February 2006 – located in project record) found that the project is in compliance with the Aquatic Conservation Strategy as originally developed under the Northwest Forest Plan.

The Althouse Sucker LMP project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Medford District Resource Management Plan. This decision entails thinning in stands that have been surveyed as per the 2001 Survey and Manage ROD; thinning in stands less than 80 years old; stream and riparian restoration projects; and hazardous fuel treatments. Therefore, this decision is consistent with the 2001 ROD without Annual Species Reviews, or meets the Pechman Exemptions, A-D (October 11, 2006 Order).

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

This document complies with the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA; 40 CFR Parts 1500-1508); the Department of the Interior's regulations on the National Environmental Policy Act of 1969 (43 CFR Part 46); and BLM-specific NEPA requirements in the Departmental Manual (516 DM 11).

VIII. PUBLIC INVOLVEMENT

The BLM extended an invitation to the local and regional communities, Native American tribes and other state and federal agencies, private organizations and individuals to develop issues and resources important to local, state, and national economies.

Public involvement began in November 2005 when BLM mailed out approximately 250 scoping letters to residents and landowners near or adjacent to BLM parcels within the planning area, to federal, state, and county agencies, and to tribal and private organizations and individuals that requested information concerning projects of this type. The BLM held an open house on December 15, 2005 to introduce the local communities to the BLM planning team, resource specialists, and the scope of the proposed project. Field trips facilitated informal discussions between BLM resource specialists and the public. BLM sent a second scoping letter to the public in April 2007 providing an update to the planning process.

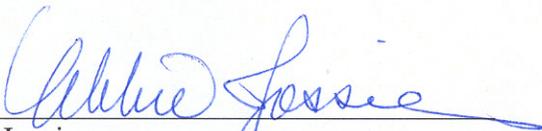
In February 2008 BLM released the EA for a 30-day comment period. Approximately 230 letters were sent to individuals, groups and agencies that requested that they be kept informed of the project. A legal ad (Notice of Availability) was published in the Grants Pass Daily Courier on February 9, 2008, initiating the comment period. 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, risk of fire hazard, species diversity, riparian areas, water quality, commercial harvest, healthy fisheries, and wildlife habitat. Public comments and associated BLM responses are summarized in Appendix 2.

IX. ADMINISTRATIVE REMEDIES

This decision is a forest management decision. Administrative remedies are available to those who believe that they will be adversely affected by this Decision. Administrative recourse is available in accordance with BLM regulations and must follow the procedures and requirements described in 43 CFR § 5003 - Administrative Remedies.

In accordance with the BLM Forest Management Regulation 43 CFR § 5003.2 (a&c), the effective date of this decision, as it pertains to actions which are not part of an advertised timber sale, will be the date of publication of the notice of decision in the Grants Pass Daily Courier. Publication of this notice establishes the date initiating the protest period provided for in accordance with 43 CFR § 5003.3. While similar notices may be published in other newspapers, the Grants Pass Daily Courier publication date will prevail as the effective date of this decision.

Any contest of this decision should state specifically which part of the decision is being protested and cite the applicable CFR regulations.



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



Date

Appendix 1. Vegetation treatments and Prescriptions

UNITS	ACRES	PRESCRIPTION
Alt Sucker 40S-07W-03-013A	25	DM/UR
Alt Sucker 40S-07W-09-001C	8	Restoration Thinning (RT)
Alt Sucker39S-07W-04-005	19	Variable Canopy Thinning
Alt Sucker39S-07W-09-001A	33	DM/UR
Alt Sucker39S-07W-09-001B	34	Variable Canopy Thinning
Alt Sucker39S-07W-09-008	35	Variable Canopy Thinning
Alt Sucker39S-07W-09-009	24	Variable Canopy Thinning
Alt Sucker39S-07W-09-014	34	Variable Canopy Thinning
Alt Sucker39S-07W-11-007	41	Variable Canopy Thinning
Alt Sucker39S-07W-11-015	13	Variable Canopy Thinning
Alt Sucker39S-07W-11-900	10	Variable Canopy Thinning
Alt Sucker39S-07W-15-001	18	Variable Canopy Thinning
Alt Sucker39S-07W-15-003	23	Variable Canopy Thinning
Alt Sucker39S-07W-15-004A	54	DM/UR
Alt Sucker39S-07W-15-005	27	Variable Canopy Thinning
Alt Sucker39S-07W-21-002	11	Restoration Thinning-CAR
Alt Sucker39S-07W-21-003A	32	Restoration Thinning-CAR
Alt Sucker39S-07W-21-005	18	Restoration Thinning-CAR
Alt Sucker39S-07W-21-009	24	WO Restoration
Alt Sucker39S-07W-26-001A	9	Restoration Thinning
Alt Sucker39S-07W-26-001B	6	Restoration Thinning
Alt Sucker39S-07W-26-003A	12	Restoration Thinning
Alt Sucker39S-07W-26-003B	5	Restoration Thinning
Alt Sucker39S-07W-26-006	14	Restoration Thinning
Alt Sucker39S-07W-27-003A	31	DM/UR
Alt Sucker39S-07W-27-004	22	Variable Canopy Thinning
Alt Sucker39S-07W-27-007B	9	DM/UR, CAR
Alt Sucker39S-07W-27-008	8	Variable Canopy Thinning
Alt Sucker39S-07W-27-014	9	DM/UR, CAR
Alt Sucker39S-07W-35-003	34	Variable Canopy Thinning
Alt Sucker39S-07W-35-004	29	Variable Canopy Thinning
Alt Sucker39S-07W-35-006	25	Variable Canopy Thinning
Alt Sucker39S-07W-35-007	8	Variable Canopy Thinning
Alt Sucker39S-07W-35-013B	6	DM/UR
Alt Sucker39S-07W-35-015	40	DM/UR
Alt Sucker39S-07W-35-021B	6	Restoration Thinning
Alt Sucker39S-07W-35-022B	4	Restoration Thinning
Alt Sucker40S-07W-01-008	42	Variable Canopy Thinning
Alt Sucker40S-07W-03-001E	17	DM/UR, (CAR)

UNITS	ACRES	PRESCRIPTION
Alt Sucker40S-07W-03-004	5	White Oak (WO) Restoration
Alt Sucker40S-07W-03-007B	21	Restoration Thinning
Alt Sucker40S-07W-04-003B	3	Restoration Thinning-CAR
Alt Sucker40S-07W-04-003C	2	Restoration Thinning-CAR
Alt Sucker40S-07W-04-007B	12	Restoration Thinning-CAR
Alt Sucker40S-07W-04-007C	4	WO Restoration
Alt Sucker40S-07W-09-007	31	Restoration Thinning-CAR
Alt Sucker40S-07W-09-009B	12	Restoration Thinning-CAR
Alt Sucker40S-07W-10-002B	13	Restoration Thinning
Alt Sucker40S-07W-10-008	24	DM/UR
Alt Sucker40S-07W-10-010B	1	DM/UR
Alt Sucker40S-07W-11-002	6	WO Restoration
Alt Sucker40S-07W-11-004	17	Variable Canopy Thinning
Alt Sucker40S-07W-11-009	123	DM/UR
Alt Sucker40S-07W-11-013A	7	DM/UR
Alt Sucker40S-07W-12-002	21	Variable Canopy Thinning
Alt Sucker40S-07W-12-008A	6	DM/UR
Alt Sucker40S-07W-12-013A	5	DM/UR
Alt Sucker40S-07W-12-013B	7	DM/UR
Alt Sucker40S-07W-12-014B	8	DM/UR
Alt Sucker40S-07W-17-007	15	DM/UR, CAR
Alt Sucker40S-07W-18-005B	6	Restoration Thinning-CAR
Alt Sucker40S-08W-13-001	11	WO Restoration
Alt Sucker40S-08W-13-003	2	Restoration Thinning-CAR
Alt Sucker40S-08W-13-005	6	Restoration Thinning-CAR
Alt Sucker40S-08W-23-011	7	WO Restoration
Alt Sucker40S-08W-23-013	15	Variable Canopy Thinning
Alt Sucker40S-08W-23-014	2	Variable Canopy Thinning
Total	1,211	

Appendix 2. Public Comment Summary and Response

The formal public comment period for the Althouse Sucker Landscape Management Project's EA was held from February 9 through March 10, 2008. The public was notified of these comment opportunities via newspaper notices and letters to 250+ individuals, Tribes, organizations and government entities.

Some of the issues described within the letters included general topics of concern such as, old growth management, watershed effects and Riparian Reserve management. Most were not specific about this project but concerned about federal forest management in general. The following is a synopsis of the key or primary issues and concerns raised in the comment letters received by the BLM.

1. Public Comment Period

Response: Numerous opportunities for comment were provided to the public. Public involvement began in November 2005 and ended after the 30 day comment period in March 2008. The EA has also been available on BLM's website. During this time BLM sent two scoping letters to interested citizens, held public meetings, hosted field trips with the public and provided a 30-day public comment period.

2. Purpose and Need

Response: As part of the NEPA process, an agency must examine alternatives to a proposed project. The range of alternatives considered in an EA is largely dependent on the purpose and need for the project. The overarching purpose and need of the project is to implement the Medford District RMP. Other purposes and needs for the project are defined in Section 1 of the EA (pp. 1-4), and in the objectives as defined under each action description (EA pp. 7-20). All three action alternatives analyzed in the EA meet the purpose and need for the project and all were available for selection by the decision maker as was the No Action alternative.

Management of BLM lands is based on land allocations under the Northwest Forest Plan (NWFP) and the Medford District RMP. The project area contains approximately 6,700 acres are BLM-administered Oregon and California Railroad (O&C) land; 1500 acres are in Late-Successional Reserves with an additional 1,400 acres in spotted owl critical habitat (EA, 1-2). The objective for matrix lands is to manage to provide a moderately high level of sustained timber productivity and set stands on a trajectory representing a variety of structures, ages, sizes, and canopy configurations (EA p. 2; RMP p. 192). The decision includes vegetation treatments considered to be Not Likely to Adversely Affect spotted owls. Decisions regarding timber sale units are deferred at this time.

3. Range of Alternatives

Response: The range of alternatives considered in an EA is largely dependent on the purpose and need for the project. The EA analyzed three action alternatives including alternatives to maximize forest products and timber receipts to the county, an alternative that minimized alternation to spotted owl habitat, and a No Action alternative. The Team also examined options with no large tree removal, which were not analyzed in detail. See EA, Appendix F for rational for not including these as separate alternatives in the EA.

BLM considered an alternative that would not include development of new roads. However, the BLM determined that a proposal without new roads will not provide access to meet the need to treat many forest units. Further, a proposal with no new roads will not provide an economically viable

sale, as helicopter and fuel costs have greatly increased (EA pp. 4, 182-183). Economic viability is a key component of the Purpose and Need for this project, as receipts from this activity are shared with the counties in Western Oregon to provide services to their residents.

The RMP establishes land allocations and objectives. Objectives for matrix land include providing a sustainable supply of timber and providing a variety of habitats. The project is consistent with the RMP, as it will produce timber and create a diversity of habitats. The Althouse-Sucker project follows direction in the RMP, which identified structural retention/regeneration harvest as the primary method for achieving the sustainable volume goals and objectives for matrix land. No structural retention treatments will occur in designated LSRs.

4. New information regarding forests, carbon, and climate change requires RMP reassessment

Response: We are aware of two new reports regarding carbon sequestration from research completed at Oregon State University. Reassessing or changing the RMP based on this research would require a management plan amendment; this is outside the scope of this EA.

5. Snags and Dead wood

Response: The purpose of snag and coarse wood retention is to reduce impacts from project activities and maintain natural processes to the extent possible, while meeting the overarching purpose and need of the project. To ensure the proper level of snag and coarse woody debris (CWD) retention, project design features include maintaining all snags except those that need to be felled for safety reasons. Those snags felled for safety reasons will be left on-site (EA p. 24). Where feasible, snag patches (6 or more snags) will be buffered by one half to one site tree height to protect the snag patch from damage during logging operations. Maintain existing large coarse woody debris (CWD) to the greatest extent possible from disturbance during treatments (EA p.24). To further provide structure and diversity, in Commercial Thinning and Density Management treatments, all stage 1 and 2 snags greater than 20" DBH will remain for wildlife, future CWD, and structural diversity (EA p.48). Preharvest snags will remain, as will healthy or cull green trees greater than 20 inches DBH to meet snag and CWD requirements. In Regeneration Harvest units, a minimum of 2 to 4 large hardwoods per acre greater than 12 inches DBH will be reserved for wildlife and stand diversity (EA p.50).

6. Late-Successional Forest and Late-Successional Habitat

Response: According to the late-successional forest assessment for this project, 75% of BLM land within the Althouse watershed classifies as late-successional forest, and in the Sucker Creek watershed, 68% of BLM land classifies as late successional forest (EA p. 78). At the maximum, the project would reduce late-successional forest on approximately 281 and 317 acres in the Althouse and Sucker Creek watersheds, respectively. It is expected that due to plant and wildlife buffers treatments will be less. Following the maximum treatment, BLM lands will maintain late-successional forest on 66% and 59% in the Althouse and Sucker Creek watersheds, respectively. Combined, the 598 acres represents 0.7% of the watersheds (EA p. 51).

Approximately 1,300 acres (13%) of BLM lands within the Althouse-Sucker Project Area are late-successional habitat suitable for spotted owl nesting, roosting and foraging (EA p. 61). Under the maximum treatment alternatives (Alternatives 2 and 4), 379 acres would be removed, and 192 acres would be downgraded (EA p. 70), resulting in 729 acres of late-successional habitat remaining. These effects, and resulting effects on species associated with this habitat were disclosed as appropriate.

Under the 1995 RMP, Matrix lands in the Medford District are divided into the Northern General Forest Management Area (NGFMA) and the Southern General Forest Management Area (SGFMA). The Southern General Forest Management Area requires retention of 16 to 25 large conifer trees per acre for regeneration harvest prescribed stands in the project. The project is in the SGFMA; however, there are “local situations in the northern GFMA that should be managed along SGFMA prescription guidelines and vice versa” (Medford District RMP ROD, p 73). The NGFMA retention level of 9-16 large trees per acre is utilized where competition from tanoak is preventing conifer development and growth. Given tanoaks ability to thrive in diffuse light conditions, retaining 16-25 trees per acre creates ideal conditions for tanoak development, intensifying the competition to young conifer development. In addition, the low light levels presented by leaving a higher level canopy reduce the success of establishing conifer seedlings and subsequent conifer understory. Through retention of both individual trees and groups of conifers, remaining trees will have growing space and adequate light to develop a conifer dominated understory necessary for future mature conifer stands (EA p.49).

Under this decision there will be no reduction in late-successional habitat.

7. Special Status Species and Area of Critical Environmental Concern

Response: A variety of comments stated that effects were not disclosed on a variety of special status species. However, they did not state how the analysis was inadequate. It should be noted that a project such as this is not intended to have *no effects* on the resources and species across the landscape, but to adequately disclose those effects to inform the public, and so that a decision can be made as to whether those effects rise to the level of significance. The potential effects on resources were described in the EA (for wildlife, pp. 60-80; for botany, pp. 80-87) and made available to the decision maker.

Effects to the following species and habitats were all disclosed in the Althouse Sucker EA:

Northern Spotted Owl: Effects to the Northern Spotted Owl were disclosed on pages 60-61 and 66-72; and to spotted owl prey species on pages 62, 69, and 71-72, specifically addressing effects to nesting, roosting and foraging habitat, and edge effects to species (pp. 62; 69; and 77-78). Cumulative effects to owls and other species (EA pp. 78-80) was analyzed to an extent necessary to provide the decision maker with enough information to make a reasoned decision among the alternatives. Please note that the issue of “take” of spotted owls is in the purview of the US Fish and Wildlife Service. Whether take authorized for the project or not will be a decision made by that agency.

Pacific fisher: As with the Northern Spotted Owl, the effects analysis (EA pp. 62-63; 66; 72-73) for the Pacific fisher and fisher habitat was adequate for the decision maker to make a reasoned choice among alternatives. Comments did not say how the analysis was in error, and without further information, it is impossible to assess the comment in any detail.

Effects to other species (red tree voles, Del Norte salamander, Great Gray Owl, landbirds, mollusks, bats and other species) was likewise adequately analyzed in the EA (pp. 73-80).

Additionally, the effects on wildlife species was analyzed for road construction (EA pp. 77-78); Jeffrey pine and white oak savannahs and meadows (EA p. 77); and land bird habitat (EA pp. 75-76).

Effects to fish and fish habitat: As with wildlife, effects to fish and fish habitat were likewise disclosed (EA pp. 94-100; also see Soils/Hydrology/Riparian analysis (pp. 37-44). Because of lack of connections and routing mechanisms, and subsequent sediment routing to streams, there is no expected increase in sedimentation. As there are minimal to no increases in peak flow or soil erosion, sedimentation of stream channels is not anticipated (EA p. 38). Because there is no anticipated increase in sedimentation rates above background levels, there are no anticipated effects to fish or fish habitat (EA pp. 95, 96, 98, 99, 100).

Brewer's Spruce Area of Critical Environmental Concern (ACEC): No project activities are proposed within the ACEC (EA p. 186).

Protection of Special Status Plants: There is an acknowledged impact on the Bureau sensitive plant, *Erythronium howellii*. However, there are 102 sites in the project area (EA p. 177), with many sites with more than 100 plants (EA p. 83). Therefore, the analysis concluded that the potential impact on a few sites will not lead the species toward federal listing (EA p. 84).

Survey and Manage Surveys: Survey and Manage surveys, consistent with the 2001 Survey and Manage ROD were completed for botanical species (EA p. 80) and for red tree voles and Great Gray Owls (EA p. 63) for all units in this decision.

8. Watershed Concerns: Cumulative effects and peak flows

Response: Peak flow issues regarding the proposed actions include forest vegetation removal, and road building and soil compaction. The analysis examined current forest conditions (EA p. 31); current compaction and roads (EA p. 32, 35); transient snow zone (EA p. 36-38); proposed vegetation management (EA pp. 37, 38); road building and decommissioning (EA pp. 39-41); riparian reserves (EA p. 41); and cumulative effects (EA p. 42-44). All analyses concluded that the risk of elevated peak flows is very low.

This decision acknowledges that additional mining proposals were introduced subsequent to the release of the EA. However, these proposals and effects of these proposals do not modify or invalidate the conclusions in the EA. As shown in the EA, the Althouse-Sucker proposal protects, maintains and enhances riparian areas, water temperature and aquatic habitat; therefore, there will be no interactions between projects that would generate cumulative effects.

As the mining proposals develop firm proposed actions, cumulative effects will be addressed in those NEPA documents, and that analysis will consider effects of the Althouse Sucker project.

9. Riparian Habitat:

Response: NWFP Standards and Guidelines identify appropriate objectives for treatments within Riparian Reserves, including stocking control, re-establishment and management of stands, and promoting desired vegetation characteristics.

As recommended in the Althouse Creek and Sucker Creek watershed analyses, and supported by field surveys and fuel models, thinning and fuel reduction in Riparian Reserves are warranted to reduce stocking, increase stand resiliency, and improve riparian conditions for future, long-term large wood recruitment and use as wildlife migration corridors.

Thinning in the Riparian Reserve will meet the stated objectives in the EA and comply with direction in the NWFP for riparian treatments (EA 40-41).

10. Clean Water Act:

Response: There will be a net reduction of roads in the Upper Sucker Tier 1 Key Watershed (EA pp. 20, 78), consistent with the NWFP and RMP for improving aquatic habitat conditions in key watersheds. Retention of riparian buffers will maintain stream shade, protecting streams from water temperature increases (EA p. 40). Light thinning in overstocked, suppressed riparian stands will accelerate tree development leading to future increases in shade (EA p.41).

Riparian reserves and project designs for roads and tractor logging will buffer the stream from and prevent any potential off-site sediment from routing to streams. Road maintenance and renovation will reduce sediment leaving road surfaces (EA p.39). Therefore, due to protection of riparian vegetation, minimal disturbance and no routing mechanisms (EA p. 41), the project maintains and protects water quality, consistent with the Clean Water Act.

11. Off-Road Vehicles:

Response: The EA recognized OHV use as an issue (EA p. 104), incorporated appropriate design features to reduce future potential use (EA pp. 21, 25), and addressed cumulative effects (EA pp. 78, 88-89) as appropriate. PDFs stipulate that new roads will be closed, and temporary roads will be obliterated and barricaded, which will help reduce the potential future disturbance from OHV. Actions are consistent with the RMP which identified traffic control devices, such as gates, as an accepted method to prevent or reduce adverse OHV impacts (RMP p. 68).

12. Roads

Response: The proposed actions will result in a net decrease in roads (EA p. 19, 20) – both across the watershed and within the Upper Sucker Key watershed. The EA (p. 78) disclosed that there will be a decrease in road density, decreasing potential disturbance to wildlife.

There are no unroaded sections in the project area. However, the EA included alternatives which will reduce roads in a section 13 – an area with and adjacent to sections with low road densities (See EA, Appendix A, Map Alternative 3 and 4). Further the EA team considered a road in Section 9 but dropped it from consideration due to environmental concerns. Further this decision does not include road construction.

13. Soil Health:

Response: The EA discloses, consistent with the RMP, that road building and tractor yarding will result in soil compaction and forest management will result in soil exposure (EA pp. 40, 41). The analysis concludes that hardwoods and conifers will continue to provide organic duff layers, forest litter, and coarse woody debris necessary to support beneficial mycorrhizae, bacteria, and fungi to maintain and provide nutrients (Stark, J.M. 1997) and soil structure for long term site productivity. The analysis further disclosed that observation at past harvest sites show little to no reduction in soil productivity. Therefore, soil health will be maintained.

14. Port-Orford-Cedar (POC):

Response: The Althouse-Sucker Landscape Management Project is within the natural geographical range of POC (*A Range Wide Assessment of POC on Federal Lands*), and POC is present within the project area. The only prescribed harvest where POC root disease, *Phytophthora lateralis*, is present is within the riparian areas in T40S, R7W, Section 9 unit 009.

Harvest and hauling have been shown to spread Port-Orford cedar root disease. The POC risk key was used to determine appropriate management recommendations. When all of the project design

criteria regarding POC are applied, the risk for spreading POC root disease from land treatments in the project area is negligible (EA p. 52).

Port-Orford-cedar in the project area will be managed according to the May 2004 BLM POC-FSEIS/ROD. Mitigation measures (EA pg. 52) will be implemented if uninfected POC are in, near or downstream of the activities (USDA, USDI 2003).

15. Visual Resource Management:

Response: The Resource Management Plan requires the use of a visual contrast rating system to determine whether or not proposed activities will meet VRM objectives. The Althouse Sucker project area is VRM Class III and IV. The objectives are to manage lands for moderate levels of change to the characteristic landscape. Management activities may attract attention but should not dominate the view of the casual observer from main viewpoints, not from within the forest. The Visual Resource Management analysis revealed that the project design features will meet the overall change in the vegetative character within the landscape area and is consistent with and will meet VRM class objectives as identified in the RMP (USDI 1995) and BLM H-8410-1, Visual Resource Inventory Handbook (USDI 1986) (EA pg. 102).

16. Cumulative impacts across the Illinois River Basin:

Response: Developing EAs for projects in different 5th field watersheds is common practice and addresses cumulative effects at an appropriate scale for each resource. Some resources address cumulative effects on the 5th field watershed level because effects are usually not discernable at analysis areas larger than this (e.g., EA p. 44 for Hydrology, Soils & Riparian). Other resources address effects at additional scales as appropriate to that resource. The EA did not identify any cumulative effects at the project level. Further, this decision does not convert any late-successional forests to early seral conditions and reduces road density. Therefore, there are no cumulative effects at the project, watershed or the 630,000 acre Illinois River basin scale. The EA addressed the level of harvest across the Illinois River basin, disclosing that BLM projects propose commercial harvest on approximately 2,200 acres across the basin, representing 0.3% of the watershed (EA p. 188). Additionally, because of constraints of consultation, buffers for special status species, economic and other factors, harvest levels will likely be less.

17. Cultural Resources:

Response: The EA on page 59 states that there are no anticipated effects to cultural resources because PDFs are in place to reduce any potential effects from thinning or fuels reduction.

18. Noxious Weeds:

Response: Known noxious weed populations in the project area will be treated with methods analyzed in the Medford District Integrated Weed Management Plan and Environmental Assessment (USDI 1998) (EA p. 11).

19. Fire Hazard:

Response: The BLM recognizes that there is some conflicting opinion regarding logging, canopy closure, and fire risk. Generally, there is some agreement that the wildlands are in need of fuel hazard reduction treatments, especially in the urban interface. The disagreements often revolve around the tools used to achieve desired conditions, and the extent of crown thinning. There is an acknowledged concern that forest thinning does not reduce fire hazard, and logging slash may increase fire hazard (EA p. 5). In the Althouse-Sucker project area, stands will be thinned to varying degrees, opening tree canopies, reducing crown bulk densities, and increasing crown base

height. As acknowledged in the EA (p. 56), an increase in solar radiation on the forest floor may increase surface temperatures, decrease fine fuel moisture, decrease relative humidity, and increase surface wind speeds compared to untreated stands (Odion et al. 2004; Omi et al. 2002). Therefore, surface fuels will be treated in all thinned stands reducing fire hazard.

20. Commercial thinning in stands greater than 80 years old:

Response: The 1995 Medford RMP (p.185) identifies Commercial Thinning as a practice to control stand density, maintain stand vigor, and move stands toward a developmental path for desired future conditions. The EA (p. 12), consistent with the RMP direction proposed commercial thinning to widen the spacing of residual trees in order to promote the growth and structural development of the remaining stand.

22. Size and number of trees proposed for logging:

Response: This decision does not include a commercial timber sale. Therefore the volume and size of trees proposed for logging are not available. Subsequent decisions may include a timber sale. Size and volume of trees selected will be displayed in the future decision record.

23. Economic loss of mushrooms:

Response: The small scale of activities (<1% of the Illinois basin), and associated low level of impacts spread across the 633,517 acre Illinois River Valley subbasin to the Rogue River does not warrant an economic analysis on mushrooms.

24. Acknowledge logging and public controversy:

Response: The EA (pp. 182-185) identified public opinion of logging and addressed public comments regarding logging issues.

25. Potentially unstable lands:

Response: Forest units identified as unstable are identified in the inventory data and are considered as Riparian Reserves in the EA (EA p. 9). Slope restriction on harvest methods and riparian protection buffers protect areas susceptible to mass movement and erosion (EA p. 21).



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ALTHOUSE SUCKER LANDSCAPE MANAGEMENT PROJECT FINDING OF NO SIGNIFICANT IMPACT EA # OR117-07-02

I. INTRODUCTION

The BLM's interdisciplinary planning team designed the Althouse Sucker Landscape Management Project (LMP) (from here on referred to as the Althouse Sucker LMP) in the Althouse and Sucker Creek watersheds based on current resource conditions in the project area, and to meet the objectives and direction of the 1995 Record of Decision and Resource Management Plan (1995 ROD/RMP). The proposals presented and evaluated in the Althouse Sucker LMP Environmental Assessment 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:

This EA tiers to or is consistent with the following documents:

1. *Final EIS/ROD for the Medford District Resource Management Plan (RMP) (1995)*
2. *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);*
3. *Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2000), and the ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001)*
4. *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon (FSEIS 2004 and ROD 2004);*
5. *Medford District Integrated Weed Management Plan Environmental Assessment (1998) and tiered to the Northwest Area Noxious Weed Control Program (EIS 1985).*

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage

mitigation measure. Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation had entered into a stipulation, exempting certain categories of activities from the Survey and Manage standard (hereinafter "Pechman exemptions").

Judge Pechman's Order from October 11, 2006 directs: "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

- A. Thinning projects in stands younger than 80 years old (emphasis added);
- B. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;
- C. Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and
- D. The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph."

Following the Court's December 17, 2009 ruling, the Pechman exemptions are still in place. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects. I have reviewed the Althouse Sucker LMP Project in consideration of both the December 17, 2009 and October 11, 2006 order. This decision entails thinning in stands that have been surveyed as per the 2001 Survey and Manage ROD; thinning in stands less than 80 years old; stream and riparian restoration projects; and hazardous fuel treatments. Therefore, this decision is consistent with the 2001 ROD without Annual Species Reviews, or meets the Pechman Exemptions, A-D (October 11, 2006 Order).

II. BACKGROUND

Public involvement began in November 2005 when BLM mailed out approximately 250 scoping letters to residents and landowners near or adjacent to BLM parcels within the planning area, to federal, state, and county agencies, and to tribal and private organizations and individuals that requested information concerning projects of this type. The BLM held an open house on December 15, 2005 to introduce the local communities to the BLM planning team, resource specialists, and the scope of the proposed project. Field trips facilitated informal discussions between BLM resource specialists and the public. BLM sent a second scoping letter to the public in April 2007 providing an update to the planning process.

The proposed 30,390 acre Althouse Sucker LMP is located within the 29,000 and 62,000 acre Althouse and Sucker 5th field watersheds. Approximately 6,700 acres are BLM-administered Oregon and California Railroad (O&C) land; 1500 acres are in Late-successional Reserves with an additional 1400 acres in spotted owl critical habitat.

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 the range of resources. The EA analyzed a suite of alternatives, the proposed actions and addressed issues raised in public scoping comments. The result is a project that includes a broad suite of recreation, road, wildlife habitat, forest stand, and fuel hazard reduction activities. It provides commercial and non-commercial outputs as directed by the Bureau's Strategic Plan and the 1995 RMP.

The Althouse-Sucker LMP EA was available for formal public review from February 9 to March 10, 2008, and has been available for review and comment on the Medford District website. Comment letters 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) risk of fire hazard, species diversity, riparian areas, both support and disapproval of commercial harvest, recreational opportunities, off-highway vehicles, healthy fisheries, and wildlife habitat.

In designing the Althouse Sucker LMP to address current resource conditions, the BLM interdisciplinary team was aware of and sensitive to the range of views and values of the public while complying with a variety of resource management mandates. As a result, the Althouse Sucker LMP is an integrated and multi-faceted plan balancing these factors and objectives.

III. CONSULTATION AND COORDINATION

Pursuant to the Endangered Species Act, BLM completed consultation with the US Fish and Wildlife Service. The Althouse Sucker LMP 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 Althouse Sucker LMP. This Decision is covered under two LOCs from the USFWS (Tails # 13420-2007-I-0231 and Tails #1342-2009-I-0093).

In September 2007, the BLM completed a Biological Assessment to evaluate impacts to Northern Spotted Owls and their critical habitat. In September 2007 the USFWS gave BLM a letter of concurrence (LOC) for treatments Not Likely to Adversely Affect (NLAA) Spotted owls, which included fuels reduction and restoration activities in the Althouse Sucker Project Area (Tails # 13420-2007-I-0231). In April 2009, the BLM prepared another Biological Assessment to evaluate impacts to Northern Spotted Owls and their critical habitat. In May 2009 the USFWS gave BLM a letter of concurrence (LOC) for thinning and stewardship activities that are Not Likely to Adversely Affect spotted owls or critical habitat (Tails #1342-2009-I-0093). These LOCs cover the Not Likely to Adversely Affect treatments in the Althouse Sucker Land Management Plan included in this Decision Record. Consultation is in progress for action that are *Likely to Adversely Affect* (LAA) for Northern Spotted Owls. Consequently, the decision regarding a commercial timber sale and associated road construction is being deferred until consultation is completed, and may be

decided on in a separate Decision.

In accordance with section 7 of the ESA, the BLM analyzed project activities for their potential to affect 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 September 2008, BLM prepared a BA to evaluate impacts to listed plant species and to reinitiate consultation on all acres unsold in the Fiscal Year 2006-2008 timber sale plan, which included the Althouse Sucker LMP. 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). There are no Critical Habitat Units within the Althouse Sucker Project Area.

BLM also analyzed project activities for their potential to affect Southern Oregon/Northern California (SONC) coho salmon or their designated critical habitat. The BLM also analyzed these activities for their potential to affect Essential Fish Habitat (EFH), in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In May 2007, BLM received concurrence from the National Marine Fisheries Service that the Althouse Sucker Landscape Management Project was Not Likely to Adversely Affect (NLAA) coho salmon.

The project will not adversely impact any sites of cultural or historical significance. The State Historic Preservation Office (SHPO) was informed of the BLM's finding in accordance with 36 Code of Federal Regulations (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 Conformance

Based on the information in the Althouse Sucker 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:

1. Record of Decision and Resource Management Plan Amendment for Management of Port-Orford-Cedar in Southwest Oregon, Coos Bay, Medford, and Roseburg Districts, May, 2004.
2. Medford District Noxious Weed Environmental Assessment (1998)

The decision is also consistent with 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 Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (FSEIS 2000 and ROD 2001)
- *Medford District Integrated Weed Management Plan Environmental Assessment (1998)* and tiered to the *Northwest Area Noxious Weed Control Program* (EIS 1985)

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure. Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation had entered into a stipulation, exempting certain categories of activities from the Survey and Manage standard (hereinafter "Pechman exemptions").

Following the Court's December 17, 2009 ruling, the Pechman exemptions are still in place. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects. I have reviewed the Althouse Sucker LMP Project in consideration of both the December 17, 2009 and October 11, 2006 order. This decision entails thinning in stands that have been surveyed as per the 2001 Survey and Manage ROD; thinning in stands less than 80 years old; stream and riparian restoration projects; and hazardous fuel treatments. Therefore, this decision is consistent with the 2001 ROD without Annual Species Reviews, or meets the Pechman Exemptions, A-D (October 11, 2006 Order).

The ACS Consistency Review (EA pp. 100-101, ACS consistency review February 2006) 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

I have considered the intensity of the impacts anticipated from this Althouse Sucker 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.

All vegetation and fuels treatments in this decision will maintain the current seral stage and will preserve a mix of overstory and understory vegetation; open areas will not be created. Therefore, there will be no effects to peak flows (EA p.37).

Burning and log yarding, will minimally increase surface disturbance in the short term; however, project design features (PDF's) and proposal limitations (reserves, riparian areas, vegetation retention in no treatment areas) will prevent stream bank disturbance and discourage routing of water and sediment to streams. Implementation of PDFs (e.g., waterbars on skid roads, riparian buffers) will ensure that the erosion will not be routed to streams. Road maintenance and renovation activities in the project area will result in a short-term increase in sediment production. However, a long term (5+ years) reduction in sedimentation and altered flow routing will be expected following road drainage improvement and decommissioning (EA p. 39). Consequently, the current improving trend of stream channels will continue in both the short and long term (EA p. 38).

The EA disclosed that approximately 110 acres of soil disturbance and compaction will result from stewardship and biomass activities; commercial harvest activities are deferred in this decision, resulting in no additional compaction. Ground-disturbance from use of cable corridors and tractor skid roads will expose mineral soil, but PDFs (such as waterbarring skid trails and cable corridors) will disperse any surface flow and prevent erosion-causing concentrated flow energy. Therefore, due to the scale, PDFs and seasonal restrictions, soil productivity loss from erosion is not likely (EA p. 40-41).

Riparian thinning and fuel reduction activities in some Riparian Reserves will benefit water quality and aquatic conditions by enhancing the growth of residual trees and promoting mixed age classes (EA p. 40). No activity will occur within 50 feet of the stream. The 50-foot no-treatment buffer on each side of streams will maintain current conditions in the primary shade zone. Identified fuel treatments will reduce fire hazard in the project area and lessen the intensity of a wildfire if one were to occur; therefore, the risk to the aquatic environment from delivery of sediment and loss of riparian vegetation will be reduced (EA p.41-42).

The BLM minimized or eliminated potential adverse effects to threatened SONC coho and critical

habitat. There will be no reduction in streamside shade or large instream wood recruitment because only smaller diameter trees will be cut, and the larger ones that provide shade and future large wood recruitment will be retained (EA p. 96-97).

Riparian functions of streamshade and large wood recruitment will be maintained and/or improved. There will be no increase in peak flows, no increase in erosion due to compaction, and no alterations in channel form or processes. Therefore, there will be no measurable adverse changes to aquatic habitat or fish at the 6th or 5th field watershed scales (EA p. 99).

The proposed placement of instream large wood debris will improve spawning and rearing habitat because pools will be scoured and gravel captured. Increased channel complexity will decrease winter scour and help retain nutrients, increasing populations of macroinvertebrates (EA p. 97).

Proposed thinning and group selection / modified group selection will reduce stocking levels, allowing for more growing space and resources for residual trees (EA pp. 47-48); regeneration harvest would change stand seral stage from mature to early seral stage classification (EA p. 50); and variable canopy thinning would promote the development of structurally diverse stands (EA p. 51). Note that there is no regeneration harvest in this decision.

Because of application of project design features (PDFs), the risk of Port-Orford cedar root disease spreading from project activities is negligible (EA p. 52).

Proposed fuel hazard reduction treatment will reduce the risk of crown fire, and treatment of activity fuels would mitigate the potential effects compared to untreated activity fuels (EA pp. 56-57).

No effects are expected to cultural resources (EA p. 60).

While the EA disclosed that proposed actions will result in downgrading and removal of suitable spotted owl habitat, and associated effects on late-successional associated species and connectivity, (EA pp. 71-72, 79), there will be no downgrading or removal of suitable spotted owl habitat from the actions in this decision. There are some actions in the decision that will treat and maintain suitable habitat, potentially reducing the canopy cover within the stand, but stands will continue to function as spotted owl habitat post treatment, because canopy cover and key habitat features will be retained (EA p.71). Treat and maintain activities are addressed 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.

Under this decision, treatments will not remove suitable fisher habitat as anticipated in the EA since those units are deferred in this DR. 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.

Potential effects to botanical species and habitat may include temporary drying of moist microsites, and potential for spread of noxious weeds from vehicles, road maintenance and temporary construction, tractor harvest, trails and landing construction. However, PDFs should reduce the risk of this occurring and known noxious weed sites will be treated under the Medford District's Noxious Weed EA (EA pp.11, 88). Other PDFs integral to all actions include:

- Haul truck turn-arounds will not be constructed in known noxious weed populations
- Equipment and material will not be stored in known weed populations.
- Temporary roads will not be constructed through known weed sites unless the area is treated for noxious weeds prior to road construction.
- Roadsides disturbed by project implementation will be re-vegetated after implementation.
- Roads to be decommissioned will be treated for noxious weeds prior to decommissioning and re-vegetated as necessary after decommissioning.
- Seed and straw used for restoration, replanting of bare soil, and post treatment throughout the project area will be native species and weed free to prevent the further spread of noxious weeds.

Due to protection buffers and seasonal restrictions, project activities will not directly or indirectly affect Bureau Sensitive, State Threatened, or S&M botanical species, with the exception of the Bureau Sensitive plant, *Erythronium howellii* (EA p. 83). The species *Erythronium howellii* has many sites in the project area. As this species prefers open, wooded habitats, some treatments will occur within these large sites where habitat improvement is needed. In the short term, some individuals may be lost, but it is expected that the majority of the individuals will survive and the resulting habitat will be more suitable for the species (EA p. 83).

Fuel reduction actions, in combination with forest thinning, will increase initial attack effectiveness, and public and firefighter safety. Fuel hazard reduction activities will occur in strategic locations, such as interface areas, along roads, and ridge tops. These areas offer opportunities to directly attack fires, reducing the size of fires and protecting communities (EA p.58).

Visual resource management objectives will be met, as proposed prescriptions will incorporate PDFs (EA p. 102). The EA acknowledged that structural retention harvest activities will create a change to the landscape character; however, the level of change will match the existing openings found in the surrounding landscape. This decision does not include harvest prescriptions that will create openings; therefore; changes in the landscape, consistent with the findings of alternative 3 (EA p. 102), will not occur.

While there is not road building authorized in this DR, the EA p. 105 acknowledged public concerns regarding OHV use and identified PDFs to minimize use such as closing new and temporary roads. New roads will be closed and temporary roads will be obliterated and barricaded, which will help reduce the potential future disturbance from OHV (EA p.78). This decision does

not include road building and, therefore, increased use from road creation will not occur.

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 (EA pp. 56-58) by reducing fire intensity and severity and creating defensible space for suppression crews; and by increasing initial attack effectiveness, and public and firefighter safety. Implementation of prescribed burning will produce smoke, but should result in reduced smoke emissions from wildfire. All burning activities will comply with the national ambient air quality standards for particulates (EA p. 24).

3) *Unique characteristics of the geographic area.* The project area includes approximately 320 acres in the Brewers Spruce Area of Critical Environmental Concern/Research Natural Area (ACEC/RNA). However, no treatments are proposed in the ACEC/RNA. The project area also includes the Upper Sucker Key 1 watershed. Consistent with management direction requiring no increase in road density, the project proposes road decommissioning in the key watershed. There are a variety of meadow habitats, Jeffrey pine savannahs, oak woodlands and shrublands that are in decline because of encroachment and lack of disturbance in the project area. The project proposes to improve these habitats through thinning of encroaching vegetation and reintroduction of fire. Spotted owl habitat and overlapping Late-Successional Reserve would receive fuel-hazard reduction treatment, providing a long-term benefit of reduction of severity and spread of large, stand-replacing fires (EA p. 69).

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 Althouse Sucker LMP is tiered, and in the EA (p. 81) regarding fungi species. 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; therefore, there are no cumulative effects within either the Althouse, Sucker or East Fork Illinois River (EA p. 43) watersheds. As no cumulative effects were identified in the analysis of impacts to soil and water, there will be no cumulative effects to fish or aquatic habitats in the project area, 6th, or 5th field watershed scales (EA p. 98). Reductions in natural fuels in combination with forest thinning will increase initial attack effectiveness, and public and firefighter safety (EA p. 58). Wildland firefighter and public safety will 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. All prescribed fire smoke emissions will comply with state air quality standards (EA p. 24). 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 on botanical resources.

Project activities will maintain spotted owl habitat consistent with consultation. Under this decision, there will be no downgrading or removal of suitable habitat. Similarly, negative effects are not 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, riparian reserves, late successional reserves, untreated areas, and maintenance of suitable spotted owl habitat (EA p. 74-75). There are no expected cumulative effects to cultural resources or economics (EA pp. 60, 104). The project design features ensures that the change in the vegetative character within the landscape area is consistent with VRM class objectives as identified in the RMP (USDI 1995) (EA p. 102).

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.* Project design features for cultural resource site protection consists of felling trees away from the site and placing a protection buffer around the site boundary within which no activities will be permitted. Therefore, the cultural resource site will be protected and there are no anticipated effects.

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 USFWS has been completed with the determination that the actions proposed in this decision are Not Likely to Adversely Affect Northern Spotted Owls or any other T&E species because habitat would be maintained post-treatment. Effects do not exceed those authorized under consultation with the regulatory agencies (see Consultation section). There will be no downgrading or removal of suitable spotted owl habitat from the actions in this decision. There are some actions in the decision that will treat and maintain suitable habitat, potentially reducing the canopy cover within the stand, but stands will continue to function as spotted owl habitat post treatment, because adequate canopy cover and key habitat features will be retained (EA p.71).

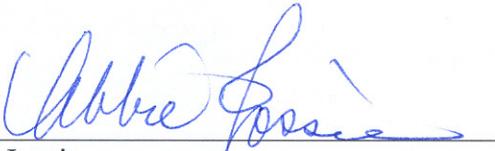
After the EA was released the U.S. Fish and Wildlife Service proposed Critical Habitat for the Federally Endangered plant Cook's desert parsley (*Lomatium cookii*) (Federal register, Vol 74, No. 143, Tuesday July 28, 2009, pages 37314-37392). There are no Critical Habitat Units within the Althouse Sucker Project Area.

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, the project record 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 Environmental Impact Statements for the Medford District RMP (1995) and the Northwest Forest Plan or are otherwise not significant. Thus, the Althouse Sucker 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.



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Date