



# United States Department of the Interior

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## ALTHOUSE SUCKER LANDSCAPE MANAGEMENT PROJECT FINDING OF NO SIGNIFICANT IMPACT #2 FONSI for the Althouse Sucker Timber Sale 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:

1. Final EIS and ROD for the 1995 Medford District Resource Management Plan (RMP) (1995)
2. Final Supplemental EIS on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (1994)
3. ROD for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and its attachment A entitled the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (NWFP) (1994)
4. 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)
5. Medford District Noxious Weed Environmental Assessment (1998)
6. ROD for Management of Port-Orford Cedar in Southwest Oregon (2004)

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").

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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 timber harvest in stands that have been surveyed as per the 2001 Survey and Manage ROD. Therefore, this decision is consistent with the 2001 ROD without Annual Species Reviews.

## **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 5<sup>th</sup> 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, healthy fisheries, and wildlife habitat, recreational opportunities, and both support and disapproval of commercial harvest and off-highway vehicles.

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 project was covered under the 2006 Biological Opinion (BiOp) and LOC (FWS Log #1-15-06-F-0162 and Log #1-15-06-I-0165) for actions that may affect Northern Spotted Owls. However, since then the BO and LOC were pulled by the USFWS due to pending litigation and the BLM has reinitiated consultation on the NLAA portions of the Althouse Sucker project.

In April 2010, the BLM prepared a Biological Assessment to evaluate impacts to Northern Spotted Owls and their critical habitat. In June 2010 the USFWS gave BLM a BiOp for treatments Likely to Adversely Affect (LAA) Spotted owls. This Decision is covered under a BiOp from the USFWS (Tails # 13420-2010-F-0082).

In accordance with section 7 of the ESA, the BLM analyzed project activities for their potential to affect to the following plant species; the endangered Gentner's fritillary (*Fritillaria gentneri*) endangered Cook's lomatium (*Lomatium cookii*), endangered large-flowered woolly meadowfoam (*Limnanthes floccosa ssp. grandiflora*), and McDonald's rockcress (*Arabis macdonaldiana*). In 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.

#### **Critical Habitat for Cook's Lomatium (*Lomatium cookii*)**

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

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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.

#### **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:

- 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.
- 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.

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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 would result in a low level of canopy openings and riparian buffers. Therefore, there would be no effects to peak flows (EA pp. 37-38).

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. Consequently, the current improving trend of stream channels will continue in both the short and long term (EA pp. 38-44).

The EA disclosed that approximately 110 acres of soil disturbance and compaction will result from stewardship and biomass activities. 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 expected to be minimal (EA p. 40-44).

The minimal riparian thinning in this decision (< 1 acre) 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 80 feet of the stream. The 80-foot no-treatment buffer in the one riparian treatment area 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 6<sup>th</sup> or 5<sup>th</sup> 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).

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).

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 are some actions in the decision that will downgrade suitable habitat by 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 pp. 70-74). Additionally, season restrictions listed as Project Design Features will prevent disturbance to

nesting spotted owls within the project area. Downgrading of suitable nesting, roosting and foraging (NRF) habitat are addressed and allowed due to appropriate consultation with the US Fish and Wildlife Service (USFWS) (See section III, Consultation and Coordination above). A total of 74 acres of NRF was authorized by the USFWS for downgrading in this project. No NRF removal will occur.

Under this decision, treatments will downgrade suitable fisher habitat as anticipated in the EA. 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 (EA pp. 70-74).

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. Changes in the landscape, consistent with the findings of alternative 4 (EA p. 102), will not occur.

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).

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 Tier 1 Key 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 (9<sup>th</sup> Cir. 1998) (quoting Sierra Club v. U.S. Forest Service, 843 F.2d 1190, 1193 (9<sup>th</sup> 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 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, or 6<sup>th</sup> or 5<sup>th</sup> 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. 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, cultural resource sites 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. Effects do not exceed those authorized under consultation with the regulatory agencies (see Consultation section). 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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B-11-2010  
Date