



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

**Brass Joe and Waterbrook Road Construction and Right-of-Way  
(EA # OR117-08-05)  
Finding of No Significant Impact**

**I. Introduction**

Josephine County requested an amendment to their right-of-way to construct two road segments, totaling approximately 330 feet, across BLM lands to access County Forest Lands for planned timber sales, fuel hazard reduction, brush field conversion and pre-commercial thinning. Due to a lack of reasonable access across private property, Josephine County's application also included a request to haul approximately 1,150 thousand board feet (mbf) across the newly constructed roads and other BLM roads that access these lands. The two road segments would provide access to two future Josephine County timber sales, the Brass Joe and Waterbrook timber sales.

The BLM's interdisciplinary planning team analyzed the right-of-way (ROW) request based on current resource conditions in the project area, and objectives and direction of the 1995 Record of Decision and Resource Management Plan (1995 ROD/RMP). The Environmental Assessment analyzed the ROW and road construction to determine the effects on the human environment resulting from implementing the proposed action.

The BLM initiated public notification and involvement for this proposal in December 2007 with letters delivered to 45 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 received one comment. In December 2010, BLM released the EA for a 30-day comment period, sending notification letters to 45 individuals and groups. During the public comment period one letter was received. All public input was considered by the planning and interdisciplinary teams in developing the proposals and in preparation of the EA.

**II. Consultation and Coordination**

Pursuant to the Endangered Species Act (ESA), BLM completed consultation with the USFWS. On May 14, 2009 BLM received A Letter of Concurrence for actions affecting the Northern Spotted Owl (Tails #: 13420-2009-I-0093) from the USFWS.

There are no sensitive botanical species present, habitat for sensitive plants, or critical habitat designations within the project area. Therefore, consultation for botanical species is not necessary.

In accordance with the ESA and the Magnuson-Stevens Fishery Conservation and Management Act (MSA), BLM evaluated the effects of the proposed federal actions on coho salmon and critical habitat. The assessment found that the project would not affect the species or habitat.

The project will not adversely impact any sites of cultural or historical significance (EA pp. 2-3). The State Historic Preservation Office (SHPO) was informed of the BLM's finding in accordance with 36 CFR 800.5(b).

### **III. FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

#### **A. Plan Conformance**

Based on the information in the Brass Joe and Waterbrook project 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 following decisions and plans:

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 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) including any amendments or modifications in effect as of March 21, 2004;*
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).*

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 EA analysis (pp. 16-17) determined there were no effects to aquatic habitat. Similarly the ACS Consistency Review (EA pp. 17-18) found that the project is in compliance with the Aquatic Conservation Strategy as originally developed under the Northwest Forest Plan.

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

The Brass Joe and Waterbrook Project is consistent with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, as incorporated into the Medford District Resource Management Plan.

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.

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.

The project may proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. This is because the Brass Joe and Waterbrook Project meets the provisions of the last valid Record of Decision, specifically the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (not including subsequent Annual Species Reviews). Details of the project surveys are described below:

Botany surveys were completed consistent with the 2001 Record of Decision. With the exception of the mollusk species, *Monadenia chaceana*, habitat for wildlife Survey and Manage species (red tree vole, great gray owl) does not occur within the project area. Potential habitat exists for the Survey and Manage mollusk, *Monadenia chaceana*. However, the pre-disturbance survey requirement for the Grants Pass Resource Area was removed in The Survey Protocol for the Survey and Manage Terrestrial Mollusk Species from the Northwest Forest Plan, Version 3.0, due to a range change for *Monadenia chaceana* (USDA and USDI 2003). Additionally, since the late 1990s, more than 17 landscape management project areas throughout the Grants Pass Resource Area have been surveyed for mollusks using the terrestrial mollusk survey protocol (USDA and USDI 1997 and USDA and USDI 2003). Surveys have revealed no detections of *Monadenia chaceana*. Surveys have also been completed for *Helminthoglypta hertleini* across the resource area; however, all detections were found in rocky areas associated with damp grassy areas, oak woodlands, and shrub lands, or in conifer forests closely associated with these habitat types. This habitat type does not occur in the project area; therefore, surveys are not required.

## **B. Finding of no Significant Effect**

Based upon review of the EA (#OR-117-08-05), and the supporting project record, I have determined that granting Josephine County's request is not a major federal action that would significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. Therefore, an environmental impact statement is not needed and will not be prepared.

Chapter 3 of the EA details the effects of the Alternative. None of the effects identified, including direct, indirect and cumulative are considered to be significant and do not exceed those effects described in the *Medford District Resource Management Plan/Final Environmental Impact Statement* (June 1995), or are otherwise not significant.

This conclusion is also based on my consideration of the Council of Environmental Quality's criteria for significance (40 CFR §1508.27), regarding context and intensity of the impacts described in the EA. 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.*

The project will add 330 feet (0.06 miles) of road or approximately 0.15 acres of road surface to two 7<sup>th</sup> field watersheds. Soil disturbance will occur during construction but there will be no off-site effects due to the project design features (dry season use, placement of rock, windrowed slash below the road, and energy dissipaters at culvert outlets will limit road related overland water flow and capture any routed sediment) (EA pp. 9-11). Further, Jumpoff Joe Creek is over 0.42 miles (Waterbrook) and 0.91 miles (Brass Joe) from the proposed road segments. There is a natural barrier approximately 5 miles downstream of the Waterbrook segment which blocks upstream passage of anadromous salmonid species (EA p. 16). Therefore, the potential for sediment reaching Jumpoff Joe Creek is very low; there will be no change to Jumpoff Joe Creek's water quality or

sediment regime. A small reduction in soil productivity is expected from the addition of 0.15 acres of roaded area ; however, the Joe Louse Sediment Reduction project proposed up to 20 miles of road for decompaction and closure of 2 miles of OHV trails/roads (EA p. 15). The project is consistent with the Northwest Forest Plan and the Medford District RMP due to recent and planned road decommissioning, resulting in a net reduction of road miles in the Jumpoff Joe watershed.

The proposed road is outside of riparian reserves; therefore, there are no effects to stream shade and large wood recruitment will continue to occur. Additionally, there are no causal mechanisms present to transport sediment to fish and aquatic habitat; therefore, there will be no effects to fisheries or aquatic habitat.

The proposed road construction would remove <0.5 acres of spotted owl dispersal only habitat. However, this impact will be negligible because the surrounding BLM lands adjacent to the proposed construction would continue to function as dispersal habitat (EA p. 19). The proposed action will not preclude owls from nesting in nearby suitable NRF stands on BLM land and dispersing within the watershed. Similarly for Neotropical birds and other wildlife species, this loss of habitat will be negligible due to the small scope of the project, and large amounts of suitable habitat retained on adjacent BLM land.

Fisher denning and resting habitat will not be removed; no fishers have been detected in the Jumpoff Joe watershed. The proposed action will not contribute to the need to federally list the fisher as threatened or endangered. Because this project is located in an area that receives minimal off-highway vehicle (OHV) use, there is no expected increase in OHV use in the area.

There are no effects from road construction to special status botanical species because none are present (EA p. 23). Consistent with the RMP EIS (p. 4-42), there is a potential for weed spread due to vehicle access. However, PDF's will reduce the risk of weed spread to an inconsequential level that is indistinguishable from existing levels of spread such as wind, animals, vehicles and development not associated with this project (EA p. 23).

There are no effects expected to cultural resources as there are none located in the project area (EA p. 25). There are also no expected increased in fuel hazard from the road construction (EA p. 26).

*2) The degree of the impact on public health or safety.*

There will be no impact to public health or safety.

*3) Unique characteristics of the geographic area.*

No unique characteristics were identified.

*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.

*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 as the activities planned are similar to those of many projects implemented.

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. It is one of many similar projects designed to implement the RMP.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The EA analyses found that given the very small scope of the project, project designs, location away from stream and sensitive wildlife habitat, there are no additive or cumulative effects to past or future projects

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.*

BLM conducted cultural resource surveys and found no sites.

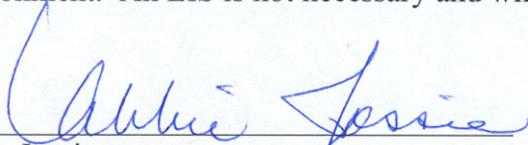
9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* The road would remove dispersal only habitat; no suitable nesting, roosting, or foraging habitat would be removed. BLM completed consultation with United States Fish and Wildlife Service who determined that the project is not likely to adversely affect T&E species. There are no identified effects to coho or coho critical habitat, or botanical species; therefore, consultation for these species is not required.

10) *Whether the action threatens a violation of environmental protection law or requirements.*

There is no indication that this will violate any law or requirement.

#### IV. CONCLUSION

Based on information in the EA, consideration of the CEQ's criteria for significance (40 CFR §1508.27) regarding context and intensity of the impacts, 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 Brass Joe and Waterbrook Road Construction and ROW project does not constitute a major federal action having a significant effect on the human environment. An EIS is not necessary and will not be prepared.



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2-25-2010  
Date