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ROGUE NATIONAL WILD AND SCENIC RIVER TRAILS MAINTENANCE AND RECONSTRUCTION PROJECT NEPA # DOI-BLM-OR-M070-2010-0003-EA

FINDING OF NO SIGNIFICANT IMPACT

I. INTRODUCTION

The BLM's interdisciplinary planning team designed the Rogue National Wild and Scenic River Trails Maintenance and Reconstruction Project (Rogue River Trails Maintenance and Reconstruction Project) 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 Rogue River Revised Development and Management Plan (1972), and the Wild and Scenic Rivers Act (WSRA). This project is designed to comply with and implement the Wild and Scenic Rivers Act; and the Rogue River Comprehensive Management Plan (1972); and enforce the Prohibited Acts (Fed. Reg. Vol. 46, No. 107, 1981; Fed. Reg. Vol. 57, No. 110, Final Rule 1992).

The Rogue River Trails Maintenance and Reconstruction Project will conduct maintenance on the Rogue River National Recreation Trail (miles 0–23) and the Rainie Falls Trail to provide safe access, and enhance and maintain the recreational value of these highly used trails. An area of the trail opposite Dulog Creek becomes impassable each year and will be rerouted to a more stable location. To address future trail maintenance needs, a suite of actions necessary to maintain and improve the trail system are proposed. These tasks would include stabilizing trails, structural repair/replacement of bridges and stream crossings, slide debris removal, windfall removal, and vegetation treatment along the trail prism. Additional trail reroutes would be completed if necessary. The EA addresses the environmental effects of these proposed actions.

Management of this area gives primary emphasis to protecting the values that make it outstandingly remarkable, while providing a diversity of river-related recreational opportunities in a developed setting. The outstandingly remarkable values (ORVs) for the Rogue River, as identified by Congress are: natural scenic qualities, fisheries resources, and recreational opportunities. This project is intended to maintain the trail system for use and enjoyment, and to fulfill BLM's obligation to enhance and maintain recreation opportunities within the Wild and Scenic River Corridor.

As stated in the Environmental Assessment (EA pp. 8-9), the actions proposed and analyzed in the EA were developed to be consistent with, and/or tier to the following:

1. Final Environmental Impact Statement (FEIS) and Record Of Decision (ROD) for the 1995 Medford District Resource Management Plan (RMP) (1995)

2. Final Supplemental EIS (FSEIS 1994) and 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, 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).
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 (S & M), Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001)
 - Botanical surveys have been completed as per the 2001 ROD and no S & M species were found.
 - The new trail construction would not be a habitat disturbing activity for wildlife (i.e., no trees that serve as habitat for red tree voles in suitable habitat would be cut). See wildlife section of the EA for more details.

The proposed action is also in conformance with the following plans and decisions:

- 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)
- Decision Record and Environmental Assessment for the Medford District Integrated Weed Management Plan (April 1998)

The following documents, which this project are also in compliance with, are specific to management of the Rogue National Wild and Scenic River:

- Rogue National Wild and Scenic River Area Prohibited Acts (Fed. Reg. Vol. 46, No. 107, 1981; Fed. Reg. Vol. 57, No. 110, 1992)
- Rogue River Comprehensive River Management Plan (Fed. Reg. Vol. 37, No. 131, 1972)
- Wild and Scenic River Act (1968)

Federally assisted water resource projects in a Wild and Scenic River (WSR) are subject to the provisions of Section 7 of the Wild and Scenic Rivers Act. A consistency review was completed in June 2010 to evaluate the potential effects of this proposal on the Rogue WSR free-flow, water quality, and outstandingly remarkable values, as directed under Section 7(a) of the Wild and Scenic Rivers Act. Based on the analysis of biological and physical processes it was determined that the proposed activities would not change the free-flowing condition of the river, nor would they have any effect on the values for which the Rogue River was designated as a Wild and Scenic River.

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

The implementation of this project will not have significant environmental effects beyond those already identified in the 1994 Final EIS/Proposed RMP, or are otherwise not significant. 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.

II. BACKGROUND

The primary objective identified for this project includes maintaining the trail system for use and enjoyment, and to fulfill BLM's obligation to enhance and maintain recreation opportunities within the Wild and Scenic River Corridor. The project also seeks to provide protection and enhancement of the Outstandingly Remarkable Values (ORV) for which the river was designated under the Wild and Scenic Rivers Act. Further, this plan would improve BLM's maintenance response to trail needs resulting from erosion or other environmental factors that inhibit recreation use.

From the beginning of project development, the scope of the project was constrained by the WSRA, the 1972 Revised Development and Management Plan, and the Prohibited Acts (1992). It was beyond the scope of the EA to revisit congressional mandates or decisions made in these previous documents. In designing the project 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.

Planning and public involvement for the Rogue River Trails Maintenance and Reconstruction Project began in December of 2009 with a scoping letter being sent 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. All public input was considered by the interdisciplinary planning team in developing the proposals and in preparation of the EA.

The Rogue River Trails Maintenance and Reconstruction Project EA was available for public review from July 10 through July 27, 2010. The EA incorporated analysis of the proposed actions; addressed issues raised in public scoping comments, and referenced pertinent information. No comments were received during the comment period.

BLM is mandated by federal law to manage the lands it administers in accordance with its RMP (1995). Objectives and management directions for managing lands within the Rogue National Wild and Scenic River found on page 63 under the Medford District's RMP are to:

- 1) Manage scenic, natural, and cultural resources to enhance visitor recreation experience expectations and satisfy public land users.
- 2) Provide a wide range of developed and dispersed recreation opportunities that contribute to meeting projected recreation demand within the planning area. Provision of recreation opportunities in or adjacent to water will be emphasized.
- 3) Enhance recreation opportunities provided by existing and proposed watchable wildlife and wildflower areas and national backcountry byways.

The Wild and Scenic Rivers Act (WSRA) designated this section of the river as the Rogue National Wild and Scenic River for the outstandingly remarkable values of 1) natural scenic qualities; 2) fish; and 3) recreation. Both the RMP and WSRA direct the BLM to maintain and enhance the Outstandingly Remarkable Values identified for the Rogue River (EA p.6).

III. CONSULTATION AND COORDINATION

Due to implementation of PDCs, there will be "no effect" to listed T&E wildlife species. Projects with "no effect" determinations do not require consultation. The proposed action would not preclude owls from dispersing through the area or nesting in nearby suitable NRF stands on BLM

lands. Additionally, seasonal restrictions listed as Project Design Features would prevent disturbance to potential adjacent nesting spotted owls during trail construction. Therefore, this project as proposed under alternative 2 would have inconsequential impacts to Northern Spotted Owls and their habitat (EA p. 21).

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. 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.

In accordance with section 7 of the ESA, the 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).

Noncommercial activities were included under the consultation previously completed for programmatic activities (NMFS, Northwest Region, August 8, 2001, as amended October 18, 2002 and May 21, 2003). All actions in this decision are No Affect for SONC, or for Essential Fish Habitat in accordance with the MSA.

Based on surveys, 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, and the Cow Creek Band of Umpqua Tribe of Indians 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.

IV. FINDING OF NO SIGNIFICANT IMPACT (FONSI)

A. Plan Conformance

Based on the information in the Rogue River Trails Maintenance and Reconstruction Project EA, and in the project record, I conclude that this decision is consistent with the 1995 Medford District Resource Management Plan (RMP) the Wild and Scenic Rivers Act (WSRA) and other plans and 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)
3. Rogue National Wild and Scenic River, Oregon: Notice of Revised Development and Management Plan (1972) (Federal Register Vol. 37, No. 131, 13408-13416)

The decision is also consistent with the following:

- 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)
- 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)

The ACS Consistency Review (Appendix A) found that the project is in compliance with the Aquatic Conservation Strategy as 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 and disclosed in the EA from the Rogue River Trails Maintenance and Reconstruction Project 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 result from project implementation. The following is a synopsis of the effects expected from implementation of activities detailed in the Decision Record.

The assessment has considered both short term and long term, beneficial and adverse impacts. None of the individual or cumulative effects have been identified as being significant or outside of the scope of the management plans to which the project EA is tiered. The Proposed Action would provide a means by which maintenance activities could occur and provides the flexibility to respond to natural failures of the trail system and its associated infrastructure. A safe hiking trail would enhance the recreation experience for the vast majority of users, and an important recreational component of the local economy, history, and sense of place would be preserved (EA p.28). The proposed actions are not expected to have any effect on soils, hydrology, fish or aquatic resources because work would not take place within stream channels and no disturbance would cause sediment movement into the tributaries of the project area (EA p.16). There are no T&E or Bureau Sensitive species along the proposed trail realignment (EA p.23). For future maintenance implementation or realignments, if Special Status species are found in the project area during pre-implementation surveys, buffers would be implemented to protect the plant species (EA p.24). This project is not expected to adversely affect any Federally Listed, Federal Candidate, Survey and Manage or Bureau Sensitive wildlife species as no adverse impact to these species or their preferred habitats were identified and seasonal activity restrictions would protect these species during

sensitive breeding season (EA p.23).

2) *The degree of the impact on public health or safety.* No aspects of the project have been identified as having the potential to significantly and adversely impact public health and safety. The improvements, renovations, and reroutes on BLM lands along the Rogue River Trail mile 0-23) and the Rainie Falls Trail will improve public safety.

3) *Unique characteristics of the geographic area.* As noted above, the Rogue River Trails Maintenance and Reconstruction Project is within the congressionally designated boundary of the Rogue National Wild and Scenic River. It is clearly a unique and valued area with identified Outstandingly Remarkable Values. The project will result in actions that will affect positive change in existing conditions in the river corridor, and protect and enhance the values in both the short and the long term.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.* The analysis does not indicate that this action will involve highly controversial effects.

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. This decision implements existing management plans, in particular the Rogue River Comprehensive Management Plan (1972). Any future projects will be evaluated through the National Environmental Policy Act process and will stand on their own as to environmental effects.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant cumulative effects have been identified through the EA analysis. Analyses were performed for each relevant resource at multiple scales and included current conditions, proposed actions, and foreseeable actions. Any future projects in the area would be analyzed for cumulative effects in light of this project as appropriate for each resource.

8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* The project is situated in an area that has a rich cultural history and there is one cultural site that is potentially eligible for listing on the National Historic Register within the project area. The proposed action for the Dulog Slide realignment will not impact the characteristics which potentially make the Meadow Camp Trail eligible for listing on the National Register of Historic Places. By implementing the project design features (see 2.3 Cultural Resources) cultural sites will be protected from adverse impacts. No project or cumulative impacts on cultural resources are expected (EA p.31).

9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* No botanical T&E species were identified in the project area during surveys. Additional botanical surveys will be completed prior to ground disturbing activities and Project Design Features (see EA,

Section 2.3, Special Status Plants) will be implemented to protect sites. Northern Spotted Owl (NSO) NRF (Nesting, Roosting, and Foraging) habitat is within the project boundary, with a small portion located in dispersal quality habitat (EA p.17). The proposed action would not preclude owls from dispersing through the area or nesting in nearby suitable NRF stands on BLM lands. Additionally, seasonal restrictions listed as Project Design Features would prevent disturbance to potential adjacent nesting spotted owls during trail construction. Therefore, this project as proposed under alternative 2 would have inconsequential impacts to NSOs and their habitat (EA p.21).

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.

IV. CONCLUSION

Based on information in the EA and comments received from the public, it is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of effects addressed by the Environmental Impact Statements for the Medford District RMP (1995) and the Northwest Forest Plan or are otherwise not significant. Thus, the Rogue River Trails Maintenance and Reconstruction project 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. The analysis of effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts. As noted above, the analysis of effects has been completed within the context of the Medford District RMP, the Wild and Scenic Rivers Act (WSRA). The analysis concluded the actions are consistent with the plans and the scope of effects anticipated from those plans.



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