United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Grants Pass Resource Area
2164 N.E. Spalding
Grants Pass, Oregon 97526

IN REPLY REFER TO:
1792 (ORM070)
DOI-BLM-OR-M070-2012-009-EA

JAN 28 2013

Dear Interested Party:

The Environmental Assessment (EA) (#DOI-BLM-OR-M070-2012-009-EA) for the Shorthorn Gulch Land Parcel Sale is available for comment and review starting January 31, 2013. This EA discloses the predicted environmental effects of the No Action Alternative (Alternative 1) and the Proposed Action (Alternative 2).

The Shorthorn Gulch Land Parcel Sale Project is designed to meet BLM's obligation to resolve inadvertent trespass and occupancy on Federal Lands. The projects primary objective is to implement the Medford Resource Plan Amendment for Land Tenure Adjustment (2002). The Medford District Resource Management Plan Amendment requires that lands identified as survey hiatuses and unintentional encroachments on public land be placed into Land Tenure Zone 3. Land Tenure Zone 3 allows for sale of lands, "subject to appropriate additional analysis under NEPA, with applicable cultural, botanical, or special status species clearances, as well as required mineral reports." (Amendment p. 6).

The goal of the Shorthorn Gulch Land Parcel Sale Project is to reach a mutually agreeable resolution and permanently resolve the unintentional trespass on public land. The Proposed Action is for BLM to sell 0.66 acres of BLM managed land to Ms. Conklin. A Memorandum of Agreement (MOA) was signed by both parties and states that Ms. Conklin will reimburse the BLM for the cost incurred to settle the trespass and pay BLM fair market value for the land.

The Shorthorn Gulch Land Parcel Sale is located east of Hugo, Oregon (see attached map on page 11 of the EA). The legal description of the sale area is T34S-R5W-Section 30 in Josephine County, Oregon, Willamette Meridian.

The Shorthorn Gulch Land Parcel Sale Environmental Assessment may be accessed from (1) the Medford District's internet site at http://www.blm.gov/or/districts/medford/plans/index.php; (2) if you do not have internet access, or would prefer a paper copy of this document, please contact Ferris Fisher, Planning and Environmental Coordinator, at (541) 471-6639 and she will mail the Environmental Assessment to you; or (3) paper copies are available at the Grants Pass Interagency Office, 2164 NE Spalding Avenue, 97526. Office hours are Monday through Friday, 7:45 A.M. to 4:30 P.M., closed on holidays.

Written comments concerning the significance, as defined in 40 CFR 1508.27, of the environmental effects predicted for this action are requested to be submitted in writing to the Grants Pass Field Manager, and received on or before February 15, 2013 at the address previously stated. Comments received will be considered in making the final decision.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment -- including your personal identifying information -- may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. *We will make all submissions from organizations or businesses, available for public disclosure in their entirety.*

Thank you for your interest in public land management in the Grants Pass Resource Area.

Sincerely,

Allen Bollschweiler
Field Manager
Grants Pass Resource Area

Shorthorn Gulch Land Parcel Sale Environmental Assessment

NEPA #DOI-BLM-OR-M070-2013-024-EA
January 2013

United States Department of the Interior
Bureau of Land Management
Medford District
Grants Pass Resource Area

Responsible Official: Allen Bollschweiler
Grants Pass Field Manager
2164 NE Spalding Avenue
Grants Pass, OR 97526

Abstract: A private survey completed for Joan Conklin revealed that a portion of her residence was inadvertently built on BLM managed land. Improvements to the property were constructed in 1999. The BLM is proposing the sale of 0.66 acres of public land to Ms. Conklin. The Shorthorn Gulch Land Parcel Sale Environmental Assessment analyzes the effects of the proposal. If approved, Ms. Conklin has agreed to reimburse the BLM for actual cost incurred under a Memorandum of Agreement between herself and the BLM.

TABLE OF CONTENTS

CHAPTER 1.0 INTRODUCTION 1

1.1 PURPOSE AND NEED FOR THE PROPOSAL 1
1.2 PROJECT LOCATION 1
1.3 CONFORMANCE WITH LAND USE PLANS AND OTHER DOCUMENTS: 1
1.4 DECISIONS TO BE MADE 2

CHAPTER 2.0 PROPOSED ACTION AND ALTERNATIVES 3

2.1 ALTERNATIVE 1: NO ACTION 3
2.2 ALTERNATIVE 2: PROPOSED ACTION 3
2.3 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS 3

CHAPTER 3.0 ENVIRONMENTAL CONSEQUENCES 3

CUMULATIVE EFFECTS 4
3.1 SOILS AND HYDROLOGY 4
3.2 FISHERIES 6
3.3 NORTHERN SPOTTED OWL (THREATENED) AND NORTHERN SPOTTED OWL CRITICAL HABITAT 6
3.4 BOTANICAL SPECIES/NOXIOUS WEEDS 7
3.5 CULTURAL RESOURCES 8

CHAPTER 4.0 LIST OF PREPARERS 9

CHAPTER 5.0 15-DAY PUBLIC COMMENT PERIOD 9

CHAPTER 6.0 CONSULTATION 9

APPENDIX 1- LOCATION MAP 10

APPENDIX 2 - ENVIRONMENTAL ELEMENTS 11

APPENDIX 3 - SURVEY & MANAGE TRACKING FORM 19

REFERENCES 21

Chapter 1.0 Introduction

The Proposed Action is for the Bureau of Land Management (BLM) to sell 0.66 acres of BLM managed lands to Joan Conklin. In July, 2011 Ms. Conklin informed the BLM that a private survey completed for her property revealed that a corner of her house, part of the paved driveway and a well house appeared to have been inadvertently built by the previous owner on BLM land. Before the BLM agreed to consider her proposal, Ms. Conklin agreed to reimburse the BLM for actual costs for the analysis. A Memorandum of Agreement (MOA) between her and the BLM was signed by both parties. The MOA states that Ms. Conklin will reimburse the BLM for the cost incurred to settle the trespass and pay BLM fair market value for the land.

1.1 Purpose and Need for the Proposal

The purpose of the action is to permanently resolve an unintentional trespass on public land administered by BLM while reducing any unnecessary degradation to the environment.

1.2 Project Location

The 0.66 acres of BLM land occupied by Ms. Conklin's residence is within Josephine County located in T. 34 S., R. 5W., Sec. 30. See Project Area location in Appendix 1.

1.3 Conformance with Land Use Plans and Other Documents:

The actions proposed and analyzed in this EA were developed to conform to the following documents:

- *Final Medford District Proposed Resource Management Plan/EIS(1994)*
- *Medford District Record of Decision and Resource Management Plan* (RMP 1995)
- *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 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)
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS 2004 and ROD 2004)
- *Medford District Integrated Weed Management Plan Environmental Assessment (1998*).
- *Medford Resource Management Plan Amendment for Land Tenure Adjustment (2002).*

Project Consistency

In 2002, the Medford District RMP was amended to place lands identified as survey hiatuses and unintentional encroachments on public land, which are discovered in the future, into Land Tenure Zone 3. Land Tenure Zone 3 allows for sale of lands, "subject to appropriate additional analysis under NEPA, with applicable cultural, botanical, or special status species clearances, as well as required mineral reports." (Amendment p. 6).

The Shorthorn Gulch Land Parcel Sale is consistent with the Medford Resources Management Plan Amendment for Land Tenure Adjustment. Management direction for all land use allocations states that where survey hiatuses and unintentional encroachment on public lands are discovered that meet disposal criteria (Land Tenure Zone 3), the lands may be automatically assigned for disposal (Amendment p. 2). The proposed disposal action meets the requirement of the Resource Management Plan criteria for disposal and is adequately analyzed in this Environmental Assessment.

The Shorthorn Gulch Land Parcel Sale applies the Survey and Manage species list in the 2001 ROD (Table 1-1, Standards and Guidelines, pages 41-51) and thus meets the provisions of 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 modified by the 2011 Settlement Agreement (Survey and Manage Species Tracking Forms, Appendix 3)

1.4 Decisions to be Made

The Grants Pass Field Manager is the official responsible for deciding whether a supplemental Environmental Impact Statement (EIS) should be prepared based on whether the Proposed Action would result in significant impacts to the human environment not already analyzed in the Environmental Impact Statements prepared for the Medford District Resource Management Plan and its amendments. If there are any such additional impacts that are significant, project proposals could be modified to mitigate the impacts so a SEIS would not be necessary. If it is determined that there is no need to prepare a SEIS, a Finding of No Significant Impact (FONSI) would be prepared.

Chapter 2.0 Proposed Action and Alternatives

This chapter compares the No Action Alternative (Alternative 1) with the Proposed Action (Alternative 2) as specified in 40 CFR (Code of Federal Regulations) § 1502.14. Descriptions summarize potential actions and outputs.

2.1 Alternative 1: No Action

The No Action alternative is defined as not implementing the proposed action. The No Action alternative also serves as a baseline for evaluating the environmental effects of the action alternative. Under the No Action Alternative, the BLM would continue current management direction under the Medford District Resource Management Plan. The BLM would need to consider other options to resolve the inadvertent trespass.

2.2 Alternative 2: Proposed Action

The Grants Pass Resource Area Field Manager of the Medford District of the Bureau of Land Management proposes to sell, at fair market value, a parcel of BLM administered land to Joan Conklin to resolve an inadvertent unauthorized use and occupancy of Federal Lands. The BLM land is described in general as follows:

T. 34 S., R. 5 W., Section 30, E1/2SW1/4,
Willamette Meridian, Josephine County, Oregon

2.3 Alternatives Considered but Eliminated From Detailed Analysis

Two other options were considered but eliminated from analysis because they do not meet the Purpose and Need of the project. A lease option under Section 302(b) of the Federal Land Policy and Management Act (FLPMA) was considered but eliminated because a lease would not permanently resolve the unintentional trespass of Ms. Conklin's residence on BLM administered land. Her intent is to sell the property and a lease, which may expire, would not facilitate a permanent resolution. Another option considered but eliminated was the removal of the improvements. This option was eliminated because it would render the property unmarketable. The environmental impacts of removing the improvements would cause unnecessary and undue degradation to the land and be more environmentally detrimental than selling the 0.66 acres of land. These options were considered but eliminated because they do not meet the Purpose and Need of the project.

Chapter 3.0 Environmental Consequences

This section provides the basis for the comparisons of the alternatives and the reasonably foreseeable environmental consequences to the human environment of the proposed action. These consequences can be beneficial, neutral, or detrimental. This analysis considers both the direct effects that are caused by the action and would occur at the same place and time, and the indirect effects that are caused by the action, but would occur later in time or offsite (40 CFR 1508.8).

Cumulative Effects

As the Council on Environmental Quality (CEQ), in guidance issued on June 24, 2005, points out, the "environmental analysis required under NEPA is forward-looking," and review of past actions is required only "to the extent that this review informs agency decision-making regarding the Proposed Action." A description of current conditions inherently includes the effects of past actions and serves as a more accurate and useful starting point for a cumulative effects analysis than by "adding up" the effects of individual past actions. "Generally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions." (CEQ Memorandum 'Guidance on the Consideration of Past Actions in Cumulative Effects Analysis' June 24, 2005.)

When encountering a gap in information, the question implicit in the Council on Environmental Quality regulations on incomplete and unavailable information was posed: is this information "essential to a reasoned choice among the alternatives?" (40 CFR §1502.22[a]). While additional information would often add precision to estimates or better specify a relationship, the basic data and central relationships are sufficiently well established that any new information would not likely change relationships or conclusions. Although new information would be welcome, the team did not identify any missing information as essential for the Decision Maker to make a reasoned choice among the alternatives.

The Inter Disciplinary Team (IDT) weighed the scientific evidence offered through public comments, as well as that gathered by each resource specialist. Scoping for this project did not identify any need to exhaustively list individual past actions or analyze, compare, or describe the environmental effects of individual past actions in order to complete an analysis which would be useful for illuminating or predicting the effects of the Proposed Action.

The BLM acknowledges that the Shorthorn Gulch Project Area is within the Planning Area for the foreseeable Jumping Bean Ecological Forestry Project. The Jumping Bean Ecological Forestry Project Proposed Action has not been finalized and the EA is not complete. One harvest unit is being proposed adjacent to the Shorthorn Gulch Project. However, there are no additional cumulative effects anticipated for soils and hydrology, fisheries, wildlife, botany and cultural resources to the Shorthorn Gulch Project. The Jumping Bean Ecological Forestry Project EA will analyze any potential cumulative effects from the Shorthorn Gulch Project.

3.1 Soils and Hydrology

3.1.1 Affected Environment Soils and hydrology

The Project Area is 0.66 acres and is in the Jumpoff Joe HUC 5 watershed which is approximately 69,733 acres in size. It is a tributary to the Rogue River. The watershed is located within the Klamath Mountain Geomorphic Province of southwest Oregon. The proposed 0.66 acre property transfer is located on non-commercial forest, low site woodland with no critical slope, no severe surface erosion or mass movement fragile classified soils. The proposed project area is located adjacent to an unnamed intermittent tributary approximately one mile upstream from its confluence with Jumpoff Joe Creek.

Sediment
The proposed 0.66 acre property transfer is located on very gently sloped alluvial outwash terrace approximately 50 feet from the intermittent stream. Vegetation consists of meadow grass-forb, with a small component of brush, Ponderosa Pine, hardwoods and Douglas-Fir. The main mechanism for erosion and sediment delivery is disturbed, bare soil, steepness of slope and water routing the sediment to the stream.

The trespass includes approximately 140 feet of paved driveway, 240 feet of gravel surface driveway and a small portion of the well house totaling 0.66 acres. The home site foot print, the driveway and area around the well house has had many years of vegetative recovery on the disturbed soil surface. Both driveways are either paved or surfaced with gravel. Just upslope of the paved driveway, at the toe of the cutslope there is a drainage ditch that transmits a small amount of surface flow coming off the bedrock portion of the cutslope and a very small amount from a portion of the paved driveway. The ditch is well vegetated with no signs of sediment or erosion. Where the ditch leaves the property, it flows into a small ephemeral channel coming off the meadow before draining into the unnamed intermittent channel. There was no evidence of any sediment eroding from the 0.66 acres or being delivered to the unnamed tributary.

Peak Flows
The primary mechanisms affecting peak flows are evapotranspiration, interception, cloud water interception, snow accumulation, melt rates and soil compaction.

The inadvertent trespass occurred in a natural meadow area, so change in evapotranspiration, interception, cloud water interception, snow accumulation and melt rates were not affected from this activity. The only potential impact from the trespass to changes in peak flow magnitude and timing is the impervious surface of the portion of paved driveway, intercepted subsurface flow from the driveways cutbanks and the graveled surface driveway. The gravel drive way and cutbank are completely disconnected from the unnamed intermittent channel. The total impervious area of the paved driveway and bedrock cutslope is less than 300 square feet in a watershed that is 69,733 acres in size so the effects of the 300 square feet of impervious surface will have no measurable effect on the magnitude, timing or frequency of peak flows in the unnamed tributary or Jumpoff Joe Creek.

3.1.2 Environmental Consequences Soils and Hydrology

Alternative 1: No Action Effects to Soils and Hydrology
Under the no action alternative, the condition of the 0.66 acres of trespass land will remain the same and will have no effect to peak flows or water quality in the project area.

Alternative 2: Proposed Action Effects to Soils and Hydrology
The proposed action of transferring ownership of the 0.66 acres of land to the private landowner will have no effect to peak flows or water quality in the project area.

Summary and Conclusions for Soils and Hydrology

For either alternative selected the 0.66 acres of land would remain in its existing condition, and would not have any detectable effects to water quality and peak flows in the unnamed tributary to Jumpoff Joe Creek.

3.2 Fisheries

3.2.1 Affected Environment to Fisheries

The proposed project is within the Jumpoff Joe watershed which is approximately 69,733 acres in size and is a tributary to the Rogue River. Jumpoff Joe HUC 5 watershed supports both resident trout and anadromous fish. The proposed project area is in the range of the federally threatened Southern Oregon/Northern California Coasts (SONCC) coho salmon yet would have no effect on coho or critical habitat because there is no coho or critical habitat located within the proposed project area.

3.2.2 Environmental Consequences to Fisheries

Alternative 1: No Action Effects to Fisheries

Under the no action alternative the condition of the 0.66 acres of inadvertently trespassed land would remain the same and would have no effect to coho or critical habitat.

Alternative 2: Proposed Action Effects to Fisheries

The proposed action of transferring ownership of the 0.66 acres of BLM land into private ownership would have no effect to coho or critical habitat.

Summary and Conclusions for Fisheries

For either alternative selected the 0.66 acres of land will remain in its existing condition and would have no detectable effects to the federally threatened Southern Oregon/Northern California Coasts (SONCC) coho salmon or critical habitat.

Aquatic Conservation Strategy (ACS)

Based on this analysis at both the site and landscape scale of the proposed activity of the Shorthorn Gulch Project, it was determined that the action would not prevent attainment of the nine ACS objectives. This determination was based on the small scale associated with the proposed activity; the project is outside of the Riparian Reserve, not within a Key Watershed, and not a watershed restoration activity. The Grants Pass Resource Area completed the Jumpoff Joe Creek Watershed Analysis in 1998. The proposed activity is consistent with the watershed analysis.

3.3 Northern Spotted Owl (Threatened) and Northern Spotted Owl Critical Habitat

3.3.1 Affected Environment to Northern Spotted Owl and Northern Spotted Owl Critical Habitat

The proposed action occurs in a natural grass/shrub non-forested area, and on the periphery of

hardwood/fir encroachment of the unforested area. There are no known spotted owls in the vicinity. The Proposed Action does not occur in Revised Critical Habitat (USDI 2008; Federal Register (73): 47325-47374), as designated by the U.S. Fish and Wildlife Service (USFWS). A final revision to Critical Habitat was published in the Federal Register in December 4, 2012 (USDI 2012). The project occurs within the Klamath East Unit (KLE-2) of the published 2012 Critical Habitat.

3.3.2 Environmental Consequences to Northern Spotted Owl and Northern Spotted Owl Critical Habitat

There is no effect to dispersal, foraging, or nesting spotted owl habitat. There would be no effect to the primary constituent elements or the physical and biological features of Klamath East Unit (KLE-2) critical habitat.

Alternative 1: No Action Effects to Wildlife

Under the no action alternative the condition of the 0.66 acres of inadvertently trespassed land would remain the same and would have no effect to Northern Spotted Owls or Northern Spotted Owl Critical Habitat.

Alternative 2: Proposed Action Effects to Wildlife

The proposed action of transferring ownership of the 0.66 acres of BLM land into private ownership would have no effect to Northern Spotted Owls or Northern Spotted Owl Critical Habitat.

Summary and Conclusions for Wildlife

For either alternative selected the 0.66 acres of land will remain in its existing condition and would have no detectable effects to the federally threatened Northern Spotted Owl or Northern Spotted Owl Critical Habitat.

Survey and Manage Species

No habitat disturbing action is proposed that would require pre-disturbance clearance surveys. The proposed action is already on disturbed ground, and is not suitable for Survey and Manage species.

3.4 Botanical Species/Noxious Weeds

3.4.1 Affected Environment Botanical Species/Noxious Weeds

There is no affected environment for botanical or noxious weeds because there are no federally listed plants, bureau special status plants, survey and manage plants or noxious weeds within the proposed project area.

3.4.2 Environmental Consequences Botanical Species/Noxious Weeds

Alternative 1: No Action Effects to Botanical Species/Noxious Weeds

Under the no action alternative the condition of the 0.66 acres of inadvertently trespassed land would remain the same and would have no effect to botanical plant species or noxious weeds.

Alternative 2: Proposed Action Effects to Botanical Species/Noxious Weeds
The proposed action of transferring ownership of the 0.66 acres of BLM land into private ownership would have no effect to botanical plant species or noxious weeds.

Summary and Conclusion for Botanical Species/Noxious Weeds
For either alternative selected the 0.66 acres of land will remain in its existing condition and would have no detectable effects to botanical plant species or noxious weeds. See Appendix 3 for more information.

Survey and Manage Species
The Shorthorn Gulch project involves selling 0.66 acres of public land in 34, S. 5, W. Sec. 30. This project is in the range of one T/E species, *Fritillaria gentneri*, but this 0.66 acre parcel does not contain suitable habitat for the species. No habitat-disturbing action is proposed that would require pre-disturbance clearance surveys for Interagency Special Status Sensitive Species Program (ISSSSP) species. The proposed action involves land that has already been disturbed, and is not suitable for Survey and Manage Species.

3.5 Cultural Resources

3.5.1 Affected Environment Cultural Resources

A cultural resource survey of the planning area was conducted on November 19, 2012. Survey guidelines followed compliance procedures set forth in Section 106 of the National Historic Preservation Act and in accordance with the National Cultural Programmatic Agreement and the Protocol for Managing Cultural Resources on Lands Administered by the BLM in Oregon. No cultural resource sites were identified during the survey.

3.5.2 Environmental Consequences Cultural Resources

Alternative 1: No Action Effects to Cultural Resources
No known cultural resource sites occur in the land sale area. Under the no action alternative, the conditions of the 0.66 acres of trespass land will remain the same.

Alternative 2: Proposed Action Effects to Cultural Resources
The proposed action will have no effect to cultural resources. No known cultural resource sites occur in the land sale area.

Summary and Conclusions for Cultural Resources
The required cultural resource inventory has been completed and no cultural resource sites were identified. For either alternative, the proposed Shorthorn Gulch Land Parcel Sale will have no effect to cultural resources. The landowner is responsible for following federal and state laws for protecting cultural resources.

Chapter 4.0 List of Preparers

The following individuals were consulted in the preparation of this EA:

Name	Title	Primary Responsibility
Mike Crawford	Fish Biologist	Fisheries
Merry Haydon	Archaeologist	Cultural Resources
Douglas Fitting	Hydrologist	Soils and Water
Marlin Pose	Wildlife Biologist	Wildlife, T/E Animals
Rachael Showalter	Botanist	Botany, Noxious Weeds, T/E Plants
Ferris Fisher	Ecosystem Planner	Environmental Compliance, NEPA

Chapter 5.0 15-Day Public Comment Period

The Shorthorn Gulch Land Parcel Sale Environmental Assessment (DOI-BLM-OR-M070-2013-024) will be made available for a 15-day public review period. Notification of the comment period will include: the publication of a legal notice in the Daily Courier, newspaper of Grants Pass, Oregon; and a letter will be mailed to those individuals, organizations, and agencies that have requested to be involved in the environmental planning and decision making processes for activities addressed in this EA.

Chapter 6.0 Consultation

5.1 United States Fish and Wildlife Service (USFWS)

No disturbance to nesting spotted owls or removal of spotted owl habitat would occur from the proposed federal action and therefore no consultation is needed.

Since the Project Area is outside the natural range of the marbled murrelet and there are no known bald eagles on BLM land within the Project Area, no consultation is needed for these species.

Since no threatened or endangered plant species were found within the Project Area, no consultation is needed.

5.2 National Marine Fisheries Service (NMFS)

Consultation with National Marine Fisheries Service is not required for the Proposed Action because there are no Endangered Species Act listed fish within the proposed project Southern Oregon-Northern California Coasts (SONCC) coho salmon or coho critical habitat is not present within this Project Area. Consultation with National Marine Fisheries Service for species listed under the Magnuson Stevens Act is not required as there would be no adverse affects to essential fish habitat.

T. 34 S., R. 5 W., Section 30, E1/2SW1/4
Willamette Meridian, Josephine County, Oregon

Legend

Conklin_1 — **Land Use Allocation**

OwnerDesg — **Allocation**

Private Road — Private

Stream — South GFMA

Stream Type

Perennial

Intermittent

Contour 40'

Index

Intermediate

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

Author: Ferris Fisher
Date: 11/20/2012

Appendix 2 - Environmental Elements

Shorthorn Gulch Land Parcel Sale Environmental Assessment
(DOI-BLM-OR-M070-2012-024-EA)

In accordance with law, regulation, executive order and policy, the interdisciplinary team reviewed the elements of the human environment to determine if they would be affected by the Proposed Action described in Chapter 2 of the EA (environmental assessment). The following three tables summarize the results of that review. Those elements that are determined to be "affected" will define the scope of environmental concern, Chapter 3 of the EA.

Table 1. Supplemental Authorities to be Considered (BLM Handbook 1790-1 Appendix 1). This table lists some of the other authorities that may apply if the Proposed Action (Alternative 2) described in the Environmental Assessment was implemented.

Critical Element of the Human Environment	**Status** **1/ Not Present** **2/ Not Affected** **3/ Affected**	**Interdisciplinary Team Remarks** **1/ If not affected, why?** **2/ If affected, develop cause/effect statement, unit of measure to describe environmental impacts, and if applicable, design features not already identified in Appendix D of the 1995 RMP to reduce or avoid environmental harm**
Air Quality (Clean Air Act)	Not Affected	The Proposed Action is consistent with the provisions of the Federal Clean Air Act.
Areas of Critical Environmental Concern	Not Present	There are no Areas of Critical Environmental Concern located within the Planning Area.
Cultural, Historic, Paleontological	Not Present	A cultural resource survey of the Planning Area was conducted on 11/19/2012. Survey guidelines followed compliance procedures set forth in Section 106 of the National Historic Preservation Act and in accordance with the National Cultural Programmatic Agreement and the Protocol for Managing Cultural Resources on Lands Administered by the BLM in Oregon. No cultural resource sites were identified during survey. The proposed Shorthorn Gulch Land Parcel Sale will have No Effect to cultural resources. The landowner is responsible for following federal and state laws for protecting cultural resources. No paleontological resources are known to exist in the project planning area.
Energy (Executive Order 13212)	Not Affected	The Proposed Action would have no effect on energy development, production, supply and/or distribution.
Environmental Justice (Executive Order 12898)	Not Affected	The Proposed Action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
Prime or Unique Farm Lands	Not Present	There are no prime or unique farmlands within the Planning Area.
Flood Plains (Executive Order 11988)	Not Affected	The Proposed Action does not involve occupancy and modification of floodplains, and would not increase the risk of flood loss. As such, the Proposed Action is consistent with Executive Order 11988.
Hazardous or Solid Wastes	Not Affected	There would be no environmental effects associated with this element.

Table 1. Supplemental Authorities to be Considered (BLM Handbook 1790-1 Appendix 1). This table lists some of the other authorities that may apply if the Proposed Action (Alternative 2) described in the Environmental Assessment was implemented.		
Critical Element of the Human Environment	**Status** **1/ Not Present** **2/ Not Affected** **3/ Affected**	**Interdisciplinary Team Remarks** **1/ If not affected, why?** **2/ If affected, develop cause/effect statement, unit of measure to describe environmental impacts, and if applicable, design features not already identified in Appendix D of the 1995 RMP to reduce or avoid environmental harm**
Native American Religious Concerns	Not Affected	The Tribes take an active role in the management of their native lands and the BLM works with relevant federally recognized Tribes to further identify and address Native American concerns and traditional uses of lands administered by the BLM. Consultation with Tribes has not identified cultural resource concerns for the proposed land sale area.
Wetlands (Executive Order 11990)	Not Present	
Wild and Scenic Rivers	Not Present	
Wilderness	Not Present	
Invasive, Nonnative Species (Executive Order 13112)	Not Present	The 0.66 acre Shorthorn Gulch Trespass unit was surveyed for noxious weeds in the spring of 2012. No sites were found. The Medford District RMP states that the objectives for noxious weeds are to "contain and/or reduce noxious weed infestations on BLM-administered lands (p. 92)," and "survey BLM-administered land for noxious weed infestations (p. 93)." These RMP directions for weed management are intended to be met at a landscape level. In an effort to continue to contain and/or reduce noxious weeds on federal land, the BLM has treated many of these known weed populations within Grants Pass Resource Area. Noxious weed establishment resulting in a detectable effect to overall ecosystem health is not expected to occur at this location. The survey completed in 2012 did not result in any new noxious weed sites. Seeds are spread by the wind, by animal/avian vectors, natural events, and by human activities - in particular through soil attachment to vehicles. BLM's influence over these causes of the spread of noxious weeds is limited to those caused by human activities. Additional human disturbance and traffic would increase the potential for spreading noxious weed establishment, but regardless of human activity, spread of these weeds would continue through natural forces. Thus, the BLM cannot stop the spread of noxious weeds; it may only reduce the risk or rate of spread.
T/E (Threatened or Endangered) Fish Species or Habitat	Not Present (Southern Oregon/Northern California Coasts coho salmon Evolutionarily Significant Unit (ESU))	**SONCC coho salmon** and coho critical habitat are found within the Jumpoff Joe Watershed but not present within the proposed Project Area.

Table 1. Supplemental Authorities to be Considered (BLM Handbook 1790-1 Appendix 1). This table lists some of the other authorities that may apply if the Proposed Action (Alternative 2) described in the Environmental Assessment was implemented.		
Critical Element of the Human Environment	**Status** **1/ Not Present** **2/ Not Affected** **3/ Affected**	**Interdisciplinary Team Remarks** **1/ If not affected, why?** **2/ If affected, develop cause/effect statement, unit of measure to describe environmental impacts, and if applicable, design features not already identified in Appendix D of the 1995 RMP to reduce or avoid environmental harm**
T/E (Threatened or Endangered) Plant Species or Habitat	Not Present	Of the four federally listed plants on the Medford District (*Fritillaria gentneri*, *Limnanthes flocossa* ssp. *grandiflora*, *Arabis macdonaldiana*, and *Lomatium cookii)*, only *Fritillaria gentneri* has a range which extends into the northern portion of Grants Pass Resource Area. The Shorthorn Gulch parcel is within the range of *F. gentneri*, as determined by the 2004 US Fish and Wildlife Service Biological Opinion. Vascular plant surveys were conducted in the spring of 2012, and no *Fritillaria gentneri* populations were found. There would be no anticipated effect from the Proposed Action on any federally listed plant.
T/E (Threatened or Endangered) Wildlife Species, Habitat and/or Designated Critical Habitat	Not Affected -Spotted Owl Habitat or Critical Habitat Not Affected -Marbled murrelet	Does not affect spotted owl dispersal, foraging or nesting habitat. Occurs in 2012 Critical Habitat, but does not affect dispersal, foraging, or nesting habitat. Occurs in natural unforested and sparse hardwood area that is not potential to grow forested spotted owl nesting habitat. No change to habitat use would occur. Does not occur within the known range of the marbled murrelet.
Water Quality (Surface and Ground)	Not Affected Temperature Not Affected Chemical/Nutrient Contamination Not Affected Sediment	Temperature: The stream is seasonally intermittent and the condition of the property associated with the inadvertent trespass will not change if the property is not transferred. There will be no affect to stream temperature. Chemical/Nutrient Contamination: The condition of the property associated with the inadvertent trespass will not change if the property is not transferred. There will be no affect to chemical/nutrient contamination. Sediment/Turbidity: The condition of the property associated with the inadvertent trespass will not change if the property is not transferred. There was no evidence of erosion or sediment delivery to the intermittent stream. There will be no affect to sediment delivery.

Table 1. Supplemental Authorities to be Considered (BLM Handbook 1790-1 Appendix 1). This table lists some of the other authorities that may apply if the Proposed Action (Alternative 2) described in the Environmental Assessment was implemented.		
Critical Element of the Human Environment	**Status** **1/ Not Present** **2/ Not Affected** **3/ Affected**	**Interdisciplinary Team Remarks** **1/ If not affected, why?** **2/ If affected, develop cause/effect statement, unit of measure to describe environmental impacts, and if applicable, design features not already identified in Appendix D of the 1995 RMP to reduce or avoid environmental harm**
(Klamath Mountains Province steelhead and Southern Oregon Coast/Northern California Coast Chinook within the Jumpoff Joe Creek HUC 5 Watershed.)	Not Present	On July 26, 2007 a new Special Status Species (SSS) list went into effect (BLM 2007). This new list has two categories, Sensitive and Strategic. The former categories of Bureau Assessment and Bureau Tracking no longer exist. Both of the listed species within the project area are classified as Oregon Strategic. BLM does not manage special status species but must plan actions so that they do not contribute to the need to list them as federally threatened or endangered. Klamath Mountains Province steelhead and Southern Oregon Coast/Northern California Coast Chinook are within Jumpoff Joe HUC 5 Watershed but not present within the proposed project area. Fish species are listed as special status species by ESUs. See the "T/E (Threatened or Endangered) Fish Species or Habitat" section for the definition of ESUs.

Table 2. Other Elements of the Environment. This table lists other elements of the environment which are subject to requirements specified in law, regulation, policy, or management direction and the interdisciplinary team's predicted environmental impact per element if the Proposed Action (Alternative 2) described in the Environmental Assessment was implemented.		
Other Elements of the Environment	**Status** **1/ Not Present** **2/ Not Affected** **3/ Affected**	**Interdisciplinary Team Remarks** **1/ If not affected, why?** **2/ If affected, develop cause/effect statement, unit of measure, and if applicable, design features not already identified in Appendix D of the RMP to reduce or avoid environmental harm**
Special Status Species (not including T/E): Plant Species/Habitat	Not Present	**Bureau Special Status and S&M Fungi – NOT PRESENT, NOT AFFECTED** <u>Special Status</u> The 0.66 ac Shorthorn Gulch parcel was not surveyed for ISSSP Sensitive fungi, as pre-disturbance surveys for Special Status fungi are not practical, nor required per BLM – Information Bulletin No. OR 2004-121, which states "If project surveys for a species were not practical under the Survey and Manage standards and guidelines (most Category B and D species), or a species' status is undetermined (Category E and F species), then surveys will not be practical or expected to occur under the Special Status/Sensitive Species policies either (USDA/USDI 2004a, p.3)." Current special status fungi were previously in the aforementioned S&M categories which did not consider surveys practical, and are therefore exempt from survey requirements. With the recent instatement the new Interagency Special Status Sensitive Species Program (ISSSSP), 14 species of fungi were designated as Sensitive; 10 are suspected to occur on Medford District, while the remaining 4 have been documented (Table 1-1). As mentioned above, none of these species require surveys. Of the 4 documented species, two (per the Oregon/Washington Geographic Biotic Observation (GeoBOB) database), *Phaeocollybia californica* (PHCA40) and *Rhizopogon ellipsosporus* (RHEL3), have been found in the Grants Pass Resource Area. There was no suitable habitat for either species at the 0.66 ac Shorthorn Gulch parcel. The likelihood of a Sensitive fungi species in the Shorthorn Gulch Project Area is very low. The likelihood of contributing toward the need to list is not probable. <u>Survey and Manage</u> The Project Area was not surveyed for fungi to Survey and Manage protocol standards, as no suitable habitat existed at the site. For NEPA decisions signed in fiscal year 2011 and beyond for habitat-disturbing activities in old-growth forest, the 2001 S&M ROD (Forest Service and Bureau of Land Management 2001, S&G-9) gives direction to conduct equivalent effort surveys for category B fungi species if strategic surveys have not been completed for the province encompassing the project. The Survey and Manage Standards and Guides defines old growth forest as an ecosystem distinguished by old trees and related structural attributes that are usually at least 180 to 220 years old (Forest Service and Bureau of Land Management 2001, S&G-79). Strategic surveys have not been completed for category B fungi for the province containing the Shorthorn Gulch Project Area, and equivalent effort surveys have not been completed as units do not exceed 180 years of age.

Table 2. Other Elements of the Environment. This table lists other elements of the environment which are subject to requirements specified in law, regulation, policy, or management direction and the interdisciplinary team's predicted environmental impact per element if the Proposed Action (Alternative 2) described in the Environmental Assessment was implemented.		
Other Elements of the Environment	**Status** **1/ Not Present** **2/ Not Affected** **3/ Affected**	**Interdisciplinary Team Remarks** **1/ If not affected, why?** **2/ If affected, develop cause/effect statement, unit of measure, and if applicable, design features not already identified in Appendix D of the RMP to reduce or avoid environmental harm**
Special Status Species (not including T/E): Plant Species/Habitat (continued)	Not Affected	Based on the above information, the likelihood of a Sensitive fungi species in this Planning Area is very low; the likelihood of a sensitive fungi occurring within a single unit(s) encompassed in the Planning Area is even lower. The likelihood of contributing toward the need to list is not probable. <u>Survey and Manage</u> Aside from incidental Survey and Manage fungi sightings, the Planning Area was not surveyed for fungi to Survey and Manage protocol standards. For NEPA decisions signed in fiscal year 2011 and beyond for habitat-disturbing activities in old-growth forest, the 2001 S&M ROD (Forest Service and Bureau of Land Management 2001, S&G-9) gives direction to conduct equivalent effort surveys for category B fungi species if strategic surveys have not been completed for the province encompassing the project. The Survey and Manage Standards and Guides defines old growth forest as an ecosystem distinguished by old trees and related structural attributes that are usually at least 180 to 220 years old (Forest Service and Bureau of Land Management 2001, S&G-79). Strategic surveys have not been completed for category B fungi for the province containing the Shorthorn Gulch Project Area, and equivalent effort surveys have not been completed as units do not exceed 180 years of age.
Soil Erodibility	Not Affected	The condition of the property associated with the inadvertent trespass will not change if the property is not transferred. There are noTPCC critical slope, severe surface erosion or mass movement fragile classified soils in the project area. There was no evidence of erosion or sediment delivery to the intermittent stream. There will be no affect to soil erodibility.
Soil - mass wasting	Not Affected	The condition of the property associated with the inadvertent trespass will not change if the property is not transferred. There are no TPCC critical slope, severe surface erosion or mass movement fragile classified soils in the project area. There was no evidence of erosion or sediment delivery to the intermittent stream. There will be no affect to soil mass wasting.
Visual Resources	Not Affected	The Project Area is located in the VRM (Visual Resource Management) Class IV lands. This VRM category allows for moderate levels of change to the characteristic landscape. Alternative 2 would not change/alter existing conditions thus is consistent with the visual resource management objectives as stated in the Medford District Resource Management Plan (p.70).
Late-Successional Forest	Proposed Action is in compliance with the 15% Standard and Guideline	The Northwest Forest Plan standards and guidelines state that at least 15% of each fifth field watershed should be managed to retain late-successional patches (ROD, C-44). The Proposed Action would have no effect to late-successional forest and is in compliance with the 15% Standard and Guideline.

Table 2. Other Elements of the Environment. This table lists other elements of the environment which are subject to requirements specified in law, regulation, policy, or management direction and the interdisciplinary team's predicted environmental impact per element if the Proposed Action (Alternative 2) described in the Environmental Assessment was implemented.

Other Elements of the Environment	Status 1/ Not Present 2/ Not Affected 3/ Affected	Interdisciplinary Team Remarks 1/ If not affected, why? 2/ If affected, develop cause/effect statement, unit of measure, and if applicable, design features not already identified in Appendix D of the RMP to reduce or avoid environmental harm
Birds Species of Conservation Concern (BCC) 2008-Bird Conservation Region 5	Not Affected, at a state or regional scale, or at the Project Level	Both the U.S. Fish and Wildlife Service (2002) and Partners in Flight (Altman 1999) consider the state and regional approach a key to the conservation of migratory songbirds. The Birds of Conservation Concern (USFWS 2008a) identifies species, subspecies, and populations of migratory and non-migratory birds in need of additional conservation actions that are deemed to be the highest priority for conservation actions. The BCC 2008 encompasses three distinct geographic scales—North American Bird Conservation Initiative (NABCI) Bird Conservation Regions (BCRs), USFWS Regions, and National—and is primarily derived from assessment scores from three major bird conservation plans: the Partners in Flight North American Landbird Conservation Plan, the United States Shorebird Conservation Plan, and the North American Waterbird Conservation Plan. The Northwest Forest Plan as an effort in the same type of conservation planning process, which approaches management at a regional level. The proposed actions are consistent with the Northwest Forest Plan, which is also designed to provide for the conservation of other forest-related species in the range of the Northern Spotted Owl, such as these birds that may occur. Species that are known or may occur in or near the Grants Pass Resource Area: Bald Eagle (b*), Peregrine Falcon (b*), Rufous Hummingbird, Allen's Hummingbird, Olive-sided Flycatcher, Willow Flycatcher (c*), Horned Lark (*strigata* ssp.) (a*), Oregon Vesper Sparrow (*affinis* ssp.), Purple Finch. * (a=ESA candidate, b= ESA delisted, c= non-listed subspecies or population of T&E species) Within the Northwest Forest Plan (24,455,300 federal acres), reserved/ withdrawn lands total approximately 78% of the federal land base (USDA/USDI 1994, p. 2-62:65). Not all of the reserves are in or will obtain late-successional forest conditions, but the majority is expected to contribute as suitable habitat towards migratory birds utilizing late successional habitat. In addition, Matrix lands (3,975,300 acres) representing about 16% of the federal land base, contain selected portions of the land managed to retain 15-30% in late-successional forest, which provides additional suitable habitat.
Essential Fish Habitat (Magnuson-Stevens Fisheries Conservation and Management Act)	Not Present- EFH for coho and Chinook salmon (EFH within the Jumpoff Joe Creek HUC 5 watershed)	EFH for coho and Chinook salmon are found within the Jumpoff Joe Creek Watershed but not present within the proposed project area. Consultation for the Endangered Species Act with NMFS is not needed as the Proposed Action would not affect listed species or their habitat. No consultation is needed under the Magnuson-Stevens Fishery Conservation and Management Act as there is no adverse effect to Essential Fish Habitat for coho and Chinook within the Rogue Basin.

Table 2. Other Elements of the Environment. This table lists other elements of the environment which are subject to requirements specified in law, regulation, policy, or management direction and the interdisciplinary team's predicted environmental impact per element if the Proposed Action (Alternative 2) described in the Environmental Assessment was implemented.		
Other Elements of the Environment	**Status** **1/ Not Present** **2/ Not Affected** **3/ Affected**	**Interdisciplinary Team Remarks** **1/ If not affected, why?** **2/ If affected, develop cause/effect statement, unit of measure, and if applicable, design features not already identified in Appendix D of the RMP to reduce or avoid environmental harm**
Survey and Manage and Special Status Species (not including T/E): Wildlife Species/Habitat	Not Present: Canada lynx	**Threatened species - Lynx**: Medford BLM was excluded from the lynx known range due to the absence of lynx habitat and lack of historic sightings.
	Not Present: Pacific fisher	**Candidate species- Fisher**: Fishers have not been found near the Project Area, or within the Jumpoff Joe Creek 5th field watershed. No change to forested habitat or key habitat features including large standing or down trees that would provide denning or resting structure would occur.
	Not Affected: Pond turtle, foothill-yellow legged frog, fringed myotis	**Bureau Sensitive**: No change to aquatic or riparian habitat for Pond turtles, and foothill yellow-legged frogs , or forest habitat for the fringed myotis bat
	Not Affected: goshawk, great gray owl, Del Norte salamander	**Bureau Sensitive not expected to be present**: Tricolored blackbird, white-tailed kite, streaked horned lark, American peregrine falcon, bald eagle, Lewis' woodpecker, white-headed woodpecker, purple martin, black salamander, Siskiyou Mountains salamander , Oregon spotted frog, pallid bat, Townsend's big-eared bat, Oregon shoulderband snail, Chase sideband snail, travelling sideband snail, Siskiyou hesperian snail, Evening fieldslug, Franklin's bumblebee, Johnson's hairstreak, mardon skipper, coronis fritillary, Siskiyou short-horned grasshopper.
	Not Affected: Red tree vole	Red Tree Vole (RTV) The Proposed Action occurs in an unforested and hardwood area, therefore no effect to nesting habitat to red tree voles, or raptors including goshawk or great gray owls; no forested talus areas for Del Norte Salamanders.
	Not Affected: Migratory Birds	Proposed Action does not change habitat characteristics for migratory birds, and would have no change to populations at the Regional, Local, or watershed Level.

Appendix 3 - Survey & Manage Tracking Form

Wildlife Species Survey and Site Management Summary
Medford District BLM - Grants Pass Resource Area

Project Name: Shorthorn Gulch
Prepared By: Marlin Pose, Wildlife Biologist
Project Type: Shorthorn Gulch Land Sale **Date:** December 4, 2012

Location: T34S-R5W-Sections 30 E1/2 SW1/4; in Josephine County, Willamette Meridian.

S&M List Date: 2001 S&G's; 2011 Settlement Agreement

Table A. Survey & Manage Wildlife Species
The Medford District BLM compiled the species listed below from the 2011 Settlement Agreement Attachment 1. This includes those ***vertebrate species with pre-disturbance survey requirements (Category A, B or C species)***, whose known or suspected range includes the Grants Pass Resource Area of the Medford District BLM according to:

- Survey protocol for the Great Gray Owl within the Range of the Northwest Forest Plan v3.0 (Jan. 2004)
- Survey Protocol for the Red Tree Vole v3.0 (Nov. 2012)
- *Survey Protocols for Amphibians under the Survey & Manage Provision of the Northwest Forest Plan v3.0* (Oct. 1999),
- *Survey Protocol for Survey and Manage Terrestrial Mollusk Species from the Northwest Forest Plan, Version 3.0 (2003).*
- There are no known Survey and Manage known sites located within the Proposed Action Project Area.

The Shorthorn Gulch project involves selling 0.66 acres of public land in 34S 5W Sec30. This project is in the range of the red tree vole, great gray owl, and Oregon shoulderband snail. No habitat-disturbing action is proposed that would require pre-disturbance clearance surveys. The proposed action involves land that has already been disturbed, and is not suitable for Survey and Manage Species. No habitat disturbing action is proposed that would require pre habitat-disturbance clearance surveys.

Marlin Pose, Grants Pass RA Wildlife Biologist December 4, 2012
Grants Pass Interagency Field Office, Medford District BLM

Survey & Manage Tracking Form:

Botany Species Survey and Site Management Summary
Grants Pass Resource Area – Medford District

Project Name: Shorthorn Gulch
Prepared By: Rachel Showalter, Botanist
Project Type: Land Sale **Date:** Nov 20, 2012

Location: T34S R5W Sec 30, Josephine County, Willamette Meridian.

S&M List Date: 2001 S&G's ; 2011 Settlement Agreement

Table A. Survey & Manage Botany Species
The Medford District BLM compiled the species listed below from the 2011 Settlement Agreement Attachment 1. This includes those ***vascular and non-vascular plant species with pre-disturbance survey requirements (Category A or C species)***, whose known or suspected range includes the Medford District BLM according to:

- Species distribution maps located at: http://www.fs.fed.us/r6/sfpnw/issssp/planning-tools/species-distribution-maps.shtml
- Management Recommendations for Vascular Plants, USFS and BLM, 1999
- Survey Protocols for Survey & Manage Category A & C Lichens in the Northwest Forest Plan Area, Version 2.1 (2003), BLM, USFS, and USFWS

The Shorthorn Gulch project involves selling 0.66 ac of public land in 34S 5W Sec30. This project is in range of one T/E species, *Fritillaria gentneri*, but this 0.66 ac parcel does not contain suitable habitat for the species. No habitat-disturbing action is proposed that would require pre-disturbance clearance surveys for ISSSP species. The proposed action involves land that has already been disturbed, and is not suitable for Survey and Manage Species.

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USFWS 2002. U.S. Fish and Wildlife Service. Birds of conservation concern. Division of Migratory Bird Management. Arlington, Virginia. 99 pp. Online at: http://www.fws.gov/migratorybirds/reports/BCC2008/BCC2008.pdfAppendix 1