



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
3040 BIDDLE ROAD
MEDFORD, OREGON 97504

DECISION RECORD / FINDING OF NO SIGNIFICANT IMPACT Josephine County Road Use Permit for West Ash Gulch Timber Sale (EA # OR117-04-10)

I. DECISION

The decision is to implement the proposed action as described in the environmental assessment (EA). Josephine County will be issued a permit to use existing BLM roads for log haul and to construct an approximately half mile road segment across BLM lands (EA pp. 2-3). In addition, the new road segment will be gated to prevent OHV access. Furthermore, any noxious weed populations found along the road accessing the project area or within the project area itself will be treated in accordance with the Medford District Integrated Weed Management Plan and EA before project activities occur. Implementation of this decision will include all project design features (EA p. 3).

II. RATIONALE

This project will implement the Medford District Resource Management Plan (RMP) by providing for needed rights-of-way where consistent with exclusion and avoidance areas (RMP p. 82). The project area is partially within a known Northern Spotted Owl activity center (KSOAC) and the project has been designed to minimize impacts to owls or their habitat. In their biological opinion for the project, the US Fish and Wildlife Service determined that the project was not likely to adversely affect the Northern Spotted Owl (EA p. 12).

The No Action alternative is rejected because it will not meet the project's purpose and need of providing the county a right-of-way permit.

Broad public notification and involvement for this proposal began in spring 2004 with a notice of the project in the Medford Messenger, Medford BLM's quarterly publication of projects being analyzed under the National Environmental Policy Act. The West Ash Gulch right-of-way project was also listed in subsequent Medford Messengers. In March 2005 the EA was made available for a formal 21-day comment period. Following review of public comments, the EA was revised and made available for an additional 15-day formal comment period. For each of those comment periods, one comment letter was received (same commenter both times). None of the points made in the second comment letter identified any additional data or inaccuracies in the EA that would indicate a need for additional analysis or alternative findings. A detailed response to each of the points in the comment letter is included in the administrative record for this project.

This decision is consistent with the *Medford District Resource Management Plan; Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* and its Attachment A *Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl; Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (January 2001); *Record of Decision Amending Resource Management Plans for Seven Bureau of Land Management Districts and Land and Resource Management Plans for Nineteen National Forests Within the Range of the Northern Spotted Owl: Decision to Clarify Provisions Relating to the Aquatic Conservation Strategy; Record of Decision to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Document within the Range of the Northern Spotted Owl; Record of Decision and Resource Plan Amendment for Management of Port-Orford-Cedar in Southwest Oregon, Coos Bay, Medford, and Roseburg Districts* and the Biological Opinion for this project (BO # 1-15-04-F-0340). This decision is also consistent with the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

The project also advances the BLM's Strategic Plan for FY 2000-2005, specifically mission goal 1.2.4 (meet 80% of the demand for rights-of-way actions).

III. FINDING OF NO SIGNIFICANT IMPACT

Based on information contained in the EA, the project's record, and on comments received to date, it is my determination that the proposed action will not result in significant impacts to the quality of the human environment. During scoping and the public comment period, no new impacts were brought to light that would indicate a need for further analysis. This project does not constitute a major federal action having a significant effect on the human environment. An environmental impact statement (EIS) is not necessary and will not be prepared.

This conclusion is also based on a consideration of both the context and intensity of the impacts of the selected action(s) (40 CFR § 1508.27). **Context** refers to analysis of environmental consequences at various social or geographic scales. For this project, impacts were assessed at both the site-specific and 5th field watershed scales. **Intensity** refers to the severity of impacts. Conclusions regarding intensity are supported by the following findings:

1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects. Potential adverse impacts include sediment, ravel, overland flow, and compaction (EA p. 5). However, these impacts are expected to be minimal due to project design features that reduce or prevent sediment production and transport and minimize overland flow (EA p. 3). Sediment is not expected to reach the Rogue River. Effects, including cumulative, are not expected to be measurable at the 5th field watershed scale.

The risk of noxious weed spread may increase, but PDFs that require road construction equipment to be washed prior to entering the project area would eliminate or reduce that risk to unmeasurable levels compared to the existing risk of weed infestation (EA p. 7).

The project, part of which will occur in a KSOAC, has been determined to be not likely to adversely affect the Northern Spotted Owl (USFWS BO # 1-15-04-F-0340).

2) *The degree of the impact on public health or safety.* Public health and safety are not expected to be impacted.

3) *Unique characteristics of the geographic area.* None have been identified.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* There is no indication of any highly controversial effects on the quality of the human environment.

5) *The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* There is no indication that the effects on the human environment are highly uncertain and involve unique or unknown risks. The effects of road building in this type of area are well known and are document in the EA.

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.* This project is not precedent setting. The NFP and RMP anticipated that activities such as road building would occur in KSOACs on matrix land. Those documents provide standards and guidelines to minimize habitat loss which this EA follows (NFP pp. 16, C-19; RMP pp. 34, 83).

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* There is no indication that the actions will appreciably contribute to any cumulative impacts that would be judged significant at the site-specific or watershed scale. Cumulative impacts are discussed in the EA (pp. 5-6, 7-8, 13).

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.* None of these sites or resources were documented in the project area.

9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* The project area overlaps with a KSOAC and a Northern Spotted Owl Critical Habitat Unit. However, the USFWS determined that the project is not likely to adversely affect the spotted owl (EA p. 12).

10) *Whether the action threatens a violation of environmental protection law or requirements.* There are no indications of any such violations.

IV. ADMINISTRATIVE REMEDIES

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

In accordance with BLM Forest Management Regulations 43 CFR 5003.2 (a&c), the effective date of the decision will be the date of publication of the notice of decision and Finding of No Significant Impact (FONSI) in the Grants Pass Daily Courier. Publication of this notice will establish the date initiating the protest period provided for in accordance with 43 CFR 5003.3. Any contest of this decision should state specifically what portion or element of the decision is being protested and cite the applicable CFR regulations.



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

7-29-05

Date