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BUREAU OF LAND MANAGEMENT
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WEST WILLIAMS PRIVATE ROADS FUELS REDUCTION PROJECT FINDING OF NO SIGNIFICANT IMPACT NEPA# DOI-BLM-OR-M000-2009-0045-EA

I. INTRODUCTION

The West Williams Private Roads Fuels Reduction Project will be implemented under the Fuel Hazard Reduction Project (FHRP) on the Grants Pass Resource Area Environmental Assessment (EA) DOI-BLM-OR-M000-2009-0009-EA. The primary objective identified for lands in the project area is to reduce the intensity of future wildfires and to create strategic areas for fire suppression activities. Additionally, the Programmatic FHRP is intended to streamline the NEPA analysis to more efficiently address high fuel hazards, respond to public requests, and implement treatments on private lands under the Wyden Amendment authority (EA p.3). The Programmatic FHRP and this project meet the objectives and direction of the Medford District Resource Management Plan (RMP) and the Northwest Forest Plan (NFP).

As stated in the Environmental Assessment (EA p. 6), the actions proposed and analyzed in the EA were developed to be consistent with, and/or tier to the following:

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

- *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS 1994 and ROD 1994);
- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS 1994 and RMP/ROD 1995);
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS 2004 and ROD 2004);
- *Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2000), and the *Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001); and
- *Medford District Integrated Weed Management Plan Environmental Assessment (1998)* and tiered to the *Northwest Area Noxious Weed Control Program* (EIS 1985).

On July 25, 2007, the Under Secretary of the Department of Interior signed a new Survey and Manage Record of Decision that removed the survey and manage requirements from all of the BLM Resource Management Plans (RMPs) within the range of the Northern Spotted Owl. On December 17, 2009, partial summary judgment against this decision was granted. Nonetheless, for this project the District elected to complete pre-disturbance surveys for Survey and Manage species consistent with the 2001 Survey and Manage Record of Decision.

The ACS Consistency Review found that the project is in compliance with the Aquatic Conservation Strategy as originally developed under the Northwest Forest Plan. 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 National Historic Preservation Act of 1966.

In addition to the documents cited above, project planning drew from information and recommendations from the following:

1. Effects of Proposed FY 2009-2013 Forest Management Activities on Federally Listed Species and Designated Critical Habitat (TAILS: 13420-2008-I-0136)
2. Visual Resource Contrast Rating BLM Manual Handbook 8431-1
3. BLM Manual 6840 – Special Status Species Management (2001)
4. National Fire Plan (NFP) (2000)
5. National Fire Plan 10-year Comprehensive Strategy and Implementation Plan (2002)
6. Josephine County Integrated Fire Plan (2004)
7. Applegate Fire Plan 2002
8. U.S. Department of Interior, Bureau of Land Management, Western Oregon Districts, Transportation Management Plan (1996, updated 2002)
9. Southwest Oregon Interagency Biomass Utilization Strategy (, January 2008)
10. Applegate Adaptive Management Area (AMA) Guide (USDI/USDA 1998)
11. Illinois Valley Fire Plan 2005
12. Wyden Amendment (Public Law 109-54, Section 434)

II. BACKGROUND

Bureau of Land Management (BLM) initiated the Programmatic Fuel Hazard Reduction Project in the Grants Pass Resource Area (GPRA) in December 2008 under the 1995 Medford District Resource Management Plan (1995 RMP). A scoping letter was sent to approximately 90 landowners federal, state, and county agencies, and to tribal and private organizations, and individuals that requested information concerning projects of this type. Planning for the West Williams Private Road Fuels Reduction project began in October, 2009. See section IV. Public Involvement for further details. The purpose of the project is to reduce forest fuels to provide for protection of life and residential property from wildland fire and to reduce the potential risk to adjacent federal lands from fire originating on private lands. The goal of this project is to provide evacuation routes for residents; safe access for fire suppression apparatus along roads and driveways; and in areas strategic to the protection of rural residences. The project complements the Deer Willy Hazardous Fuels Project on to private property. Past fire exclusion on these lands has resulted in the increased fuel hazard (high hazard).

The proposed action is to manually (e.g., handtools, chainsaws) treat the forest fuels on approximately 100 acres of private land within the Williams Watershed. Work would be limited to 100 feet above and 100 feet below the road edge. Small trees and brush less than 12 inches DBH would be thinned, and trees would be limbed to reduce ladder fuels. Residual hardwood and conifer trees would be spaced approximately 14 feet to 30 feet apart. Slash would be hand piled, covered and burned, lopped and scattered, or removed from the sites as described in the EA p.10-11.

III. CONSULTATION AND COORDINATION

Pursuant to the Endangered Species Act, consultation was completed with the US Fish and Wildlife Service.

The West Williams Private Roads Fuels Reduction Project will result in no effect to Southern Oregon/Northern California (SO/NC) coho salmon (*Oncorhynchus kisutch*) and coho critical habitat (CCH) under the Endangered Species Act, and no adverse effect to Essential Fish Habitat (EFH) under the Magnuson-Stevens Act. A minimum 50 foot no-treatment buffer will maintain water temperatures and prevent sediment from reaching streams. Riparian treatments outside the no-treatment buffer will expedite development of large trees, increasing future LWD recruitment potential. With a no effect determination to coho, CCH, and EFH, informal or formal consultation with National Marine Fisheries Service is not necessary.

The project is outside of the range of *Lomatium cookii*. The project is in the range of *Fritillaria gentneri* and surveys have been completed.

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

The Confederated Tribes of the Siletz and the Grande Ronde were notified of this project during scoping and the EA's public comment period. Josephine County Commissioners and the Josephine County forestry department were also contacted. Three comments were received, generally in support of the project, but also asking for clarification on several issues. Comments and responses are summarized in the Decision Record (Appendix A).

IV. FINDING OF NO SIGNIFICANT IMPACT (FONSI)

A. Plan Conformance

Based on the information in the Fuel Hazard Reduction on the Grants Pass Resource Area EA, in the record, and from the letters and comments received from the public about the project, I conclude that this decision is in conformance with the 1995 Medford District Resource Management Plan (RMP) and subsequent plan amendments which include:

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)

The decision is also consistent with the following:

- *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS 1994 and ROD 1994);
- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS 1994 and RMP/ROD 1995);
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS 2004 and ROD 2004);

- *Final Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (FSEIS 2000 and ROD 2001)
- *Medford District Integrated Weed Management Plan Environmental Assessment (1998)* and tiered to the *Northwest Area Noxious Weed Control Program* (EIS 1985)

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure. Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation had entered into a stipulation, exempting certain categories of activities from the Survey and Manage standard (hereinafter "Pechman exemptions").

Following the Court's December 17, 2009 ruling, the Pechman exemptions are still in place.

Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects. I have reviewed the Programmatic Fuel Hazard Reduction Project on the Grants Pass Resource Area in consideration of both the December 17, 2009 and October 11, 2006 order. This decision entails thinning in stands that have been surveyed as per the 2001 Survey and Manage ROD; thinning in stands less than 80 years old; stream and riparian restoration projects; and hazardous fuel treatments. Therefore, this decision is consistent with the 2001 ROD without Annual Species Reviews, or meets the Pechman Exemptions, A-D (October 11, 2006 Order).

The ACS Consistency Review (EA pp. 42-45, ACS consistency review June 2010) found that the project is in compliance with the Aquatic Conservation Strategy as originally developed under the Northwest Forest Plan.

This decision is also consistent with the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

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

B. Finding of No Significant Impact

I have considered the intensity of the impacts anticipated from this West Williams Private Roads Fuels Reduction 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 stem from project implementation. There are no significant effects expected from project activities. The following is a synopsis of the effects expected from implementation of activities detailed in the Decision Record.

Riparian functions of streamshade and large wood recruitment will be maintained or improved. There will be no increase in peak flows, no increase in erosion due to compaction, and no alterations in channel form or processes. Therefore, there will be no measurable adverse changes to aquatic habitat or fish at the 6th or 5th field watershed scales (EA p. 42). There will be no treatment within 50 feet of streams for this project (DR p. 2)

It can be expected that extreme fire behaviour would be moderated in thinned only stands and overstory mortality can be reduced by as much as 60% as compared to untreated stands (EA p. 23).

No effects are expected to cultural resources (EA p. 65).

Cumulative effects on soil erosion at the sixth field watershed or larger scale would be undetectable (EA p. 38)

Activities under this project would not likely jeopardize the continued existence of the northern spotted owl, marbled murrelet, or fisher (EA pp. 49-53). Project activities are not expected to affect the long term population viability of any bird species known to be in the area or lead to the need to list these or other species as Threatened & Endangered. Treatments are limited, and separated spatially and temporally, precluding major effects to species habitats or disturbance during breeding seasons (EA pp. 54, 55).

Effects of treatments on special status wildlife species would generally be negligible due to the limited impact the proposed fuels treatments would have on bureau sensitive species habitat, and the large amounts of suitable habitat that would remain untreated across the project area (EA pp. 53-55).

The West Williams Private Roads Fuel Hazard Reduction Project was surveyed for federally endangered plant species and none were found.

Fuel reduction actions, in combination with forest thinning, will increase initial attack effectiveness, and public and firefighter safety. Fuel hazard reduction activities will occur in strategic locations, such as interface areas, along roads, and ridge tops. These areas offer opportunities to directly attack fires, reducing the size of fires and protecting communities (EA p.23).

Visual resource management objectives will be met, as proposed prescriptions will incorporate PDFs to minimize visual impacts (EA p. 69).

This decision proposes to thin 100 feet on either side of the road located on private land so it is unlikely that it would have any effect on recreation.

2) *The degree of the impact on public health or safety.* The project has not been identified as having the potential to significantly and adversely impact public health or safety. Fuel hazard reduction will benefit public health and safety, particularly in CARs and WUIs (EA p. 23) by reducing fire intensity and severity and creating defensible space for suppression crews; and by increasing initial attack effectiveness, and public and firefighter safety. Implementation of prescribed burning will produce smoke, but should result in reduced smoke emissions from wildfire. All burning activities will comply with the national ambient air quality standards for particulates EA p. 23).

3) *Unique characteristics of the geographic area.* The project area is not within an area of unique geographic characteristics.

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.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* The action and the decision will not set any precedents for future actions with significant effects. It is one of many similar projects designed to implement the RMP and NWFP.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant cumulative impacts have been identified. There are no cumulative effects on soils or hydrology (EA p. 38) within the watershed. As no cumulative effects were identified in the analysis of impacts to soil and water, there will be no cumulative effects to fish or aquatic habitats in the project area, 6th, or 5th field watershed scales (EA p. 42). Wildland firefighter and public safety will increase in treated areas and direct strategies and tactics could be used to control fire, resulting in fewer acres burned and less threat to private property within the watershed and the region. All prescribed fire smoke emissions will comply with state air quality standards (EA p. 23). There will be no project level or cumulative effects on botanical species (EA pp. 58-61).

Project activities will maintain spotted owl habitat; negative effects are not anticipated to any Bureau Sensitive or Survey and Manage wildlife species because of the small scope of the proposed action compared to the available habitat, riparian reserves, late successional reserves, untreated areas, and maintenance of suitable spotted owl habitat (EA pp. 49-53). There are no expected cumulative effects to cultural resources (EA p.65). The project design features ensures that the change in the vegetative character within the landscape area is consistent with VRM class objectives as identified in the RMP (USDI 1995) (EA p. 69).

8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* Project design features for cultural resource site protection consists of felling trees away from the site and placing a protection buffer around the site boundary within which no activities will be permitted (EA p. 15). Therefore, cultural resource sites will be protected and there are no anticipated effects (EA pp. 64-65).

9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* Project design features will reduce potential adverse impacts on ESA listed species. ESA consultation with USFWS has been completed with the determination that the actions proposed in this decision are Not Likely to Adversely Affect Northern Spotted Owls or any other T&E species because habitat would be maintained post-treatment (EA pp. 50-51).

There are no Critical Habitat Units for the Federally Endangered plant Cook's desert parsley (*Lomatium cookii*), and no sites of Federally Endangered plant Gentner's fritillary (*Fritillaria gentneri*) within the West Williams Private Roads Fuel Reduction Project Area.

10) *Whether the action threatens a violation of environmental protection law or requirements.* There is no indication that this decision will result in actions that will threaten a violation of any environmental laws.

V. CONCLUSION

Based on information in the EA, the project record and comments received from the public, it is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of effects addressed by the Environmental Impact Statements for the Medford District RMP (1995) and the Northwest Forest Plan or are otherwise not significant. Thus, the West Williams Private Roads Fuel Reduction 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. As noted above, the analysis of effects has been completed within the context of the Medford District RMP and it is consistent with that plan and the scope of effects anticipated from that plan. The analysis of effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts.


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9-23-10
Date