

Baurer Rd/Unger Road Intersection Vegetation Management

**Environmental Assessment,
Finding of No Significant Impact, and
Decision Record**

Environmental Assessment Number OR-080-06-04
January 2006

United States Department of the Interior
Bureau of Land Management
Oregon State Office
Salem District
Cascades Resource Area

Township 4 South, Range 3 East, Section 23, Willamette Meridian
Lower Molalla River Watershed
Clackamas County, Oregon

Responsible Agency: USDI - Bureau of Land Management

Responsible Official: Cindy Enstrom, Field Manager
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Salem, OR 97306
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As the Nation's principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

Environmental Assessment, Finding Of No Significant Impact, And Decision Record¹

ENVIRONMENTAL ASSESSMENT

EA Number: OR-080-06-04

BLM Office: Cascades Resource Area, Salem District Office, 1717 Fabry Road SE, Salem, Oregon, 97306

Proposed Action Title: Baurer Rd/Unger Road Intersection Vegetation Management

Type of Project: Public Safety

Location of Proposed Action: Township 4 South, Range 3 East, Section 23, Willamette Meridian located approximately three miles northeast of the City of Colton, Oregon.

Conformance with Applicable Land Use Plan: The proposed action is in conformance with the *Salem District Record of Decision and Resource & Management Plan (RMP)*, (p. 27) dated May 1995; *Lower Molalla/Milk Creek Watershed Analysis*, dated October 2004; *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standard and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, dated April, 1994; *Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and Other Mitigation Measures Standards and Guidelines* January, 2001; *Implementation of 2003 Survey and Manage Annual Species Review*, December 2003; and the *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*, dated March 2004; and other applicable guidance.

The analysis in this EA is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). The RMP/FEIS includes the analysis from the *Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl*, February 1994 (NWFP/FSEIS).

¹ Pursuant to BLM Handbook 1790-1, Rel. 1-1547, 10/25/88, page IV-11, it is appropriate to use this format when all the following conditions are met: 1/ Only a few elements of the human environment are affected by the proposed action; 2/ Only a few simple and straightforward mitigation measures, if any, are needed to avoid or reduce impacts; 3/ There are no program-specific documentation requirements associated with the action under consideration; 4/ The proposed action does not involve unresolved conflicts concerning alternative uses of available resources and, therefore, alternatives do not need to be considered; 5/ The environmental assessment is not likely to generate wide public interest and is not being distributed for public review and comment; and 6/ The proposed action is located in an area covered by an existing land use plan and conforms with that plan.

The RMP/FEIS is amended by the *Final Supplemental Environmental Impact Statement for Survey and Manage, Protection Buffers, and Other Mitigation Measures in the Northwest Forest Plan (SM/FSEIS, November 2000)*; and the *Final Supplemental Environmental Impact Statement, Clarification of Language in the 1994 Record of Decision for the Northwest Forest Plan National Forests and Bureau of Land Management Districts Within the Range of the Northern Spotted Owl*, October 2003 (ACS/FSEIS). The above documents are incorporated by reference and are available at the Salem District Office.

Purpose of and Need for Action: Clackamas County has requested permission to remove trees and vegetation on BLM managed lands adjacent to the intersection of the County’s Unger and Baurer roads and to modify the geometry of the existing intersection. The request is the result of the County’s analysis of sight distances (safety concern) at the intersection in comparison to established standards. Clackamas County originally had proposed to remove all trees and vegetation within the limited sight area. As a result of a field visit by Resource Area specialists along with Clackamas County engineers, BLM proposes to allow the County to remove some of the trees and most of the brush and to limb trees not removed. The approaches to the road junction are posted with 30 mph caution signs, and Baurer Road has a stop sign.

**Unger Road at Intersection with Baurer Road
Looking West through Project Area**



Description of the Proposed Action: The proposed action permits Clackamas County to improve the sight distance at the approaches to the intersection of Unger and Baurer roads by cutting brush to a height of three feet, cutting deciduous trees that are six inches or less in diameter, and to cut conifer trees and stumps, identified, marked, and approved by the BLM. Trees that are over six inches in diameter that have not been identified and marked by the BLM for cutting may be limbed to a maximum height of twenty feet. All future sight distance maintenance shall be in accordance with the approved design features described below.

In addition to brushing and tree removal, the County will realign the intersection to improve safety and interchange flow. The overall height of the intersection will not be changed from the current elevations, and will be constructed to all applicable standards. No changes will be made to the existing culvert depth, length or location. All intersection modification will occur within the existing road prism and no new ground disturbance will occur as a result of the proposed action.

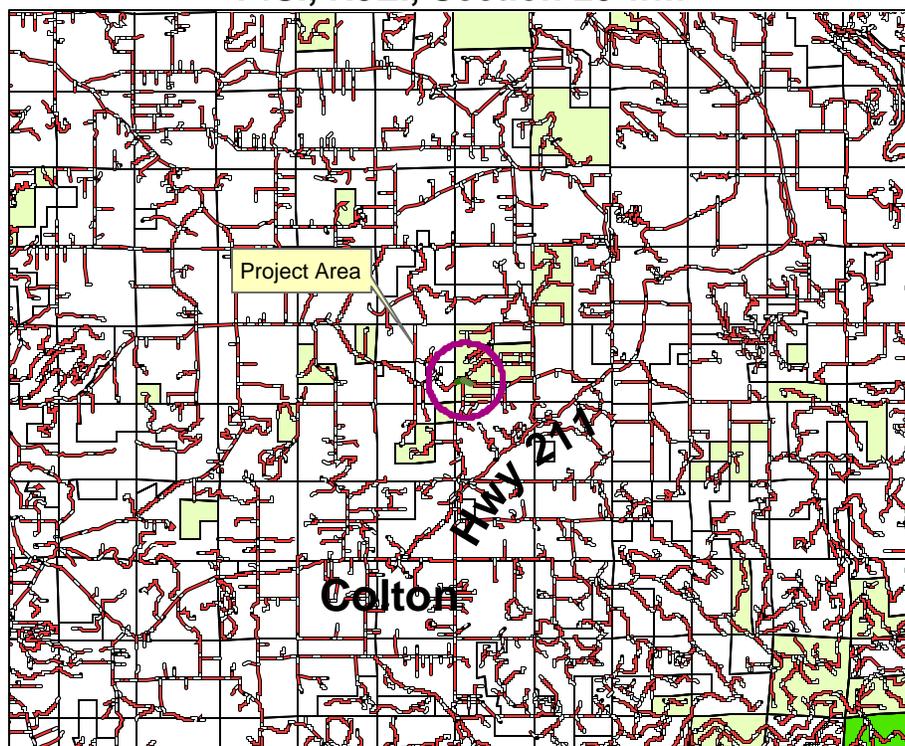
Design Features: With the exception of chain saws, all mechanized equipment will be required to operate only on existing paved or graveled surfaces. Cut material removed from the project area will be manually removed and placed on the road shoulder for collection.

Within the marked project boundary (see project map below) the County will abide by the following:

- Cut material less than three inches in diameter will be removed (hailed away).
- Work will be conducted during dry periods.
- No work will be permitted in Nate Creek.
- No tree greater than six inches in diameter will be cut without prior BLM approval.
- Cut material greater than three inches in diameter will be left on site as coarse woody debris.
- Two large stumps adjacent to Unger Road will be cut and removed (hailed away).
- No motorized vehicles will be permitted off the paved roads and adjacent gravel edges.
- Work will not be started until the County obtains the necessary permits from the BLM and State of Oregon.

Vicinity Map

Unger/Baurer Road Intersection Clackamas County brushing project T4S., R3E., Section 23 wm

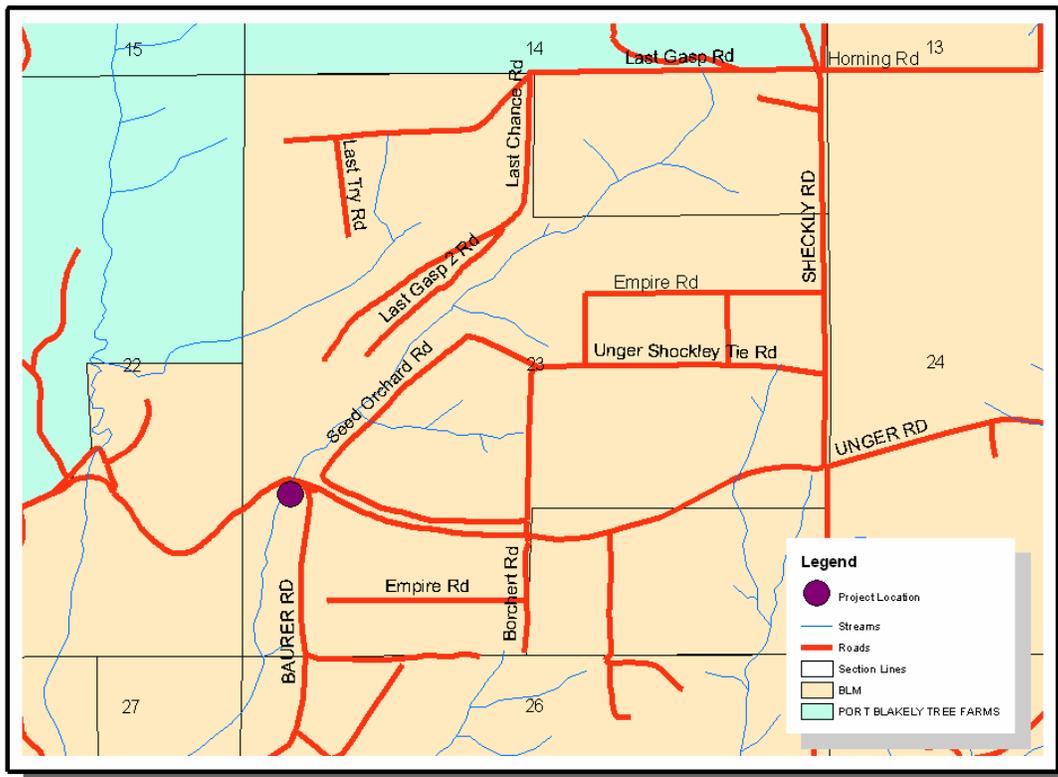


No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.



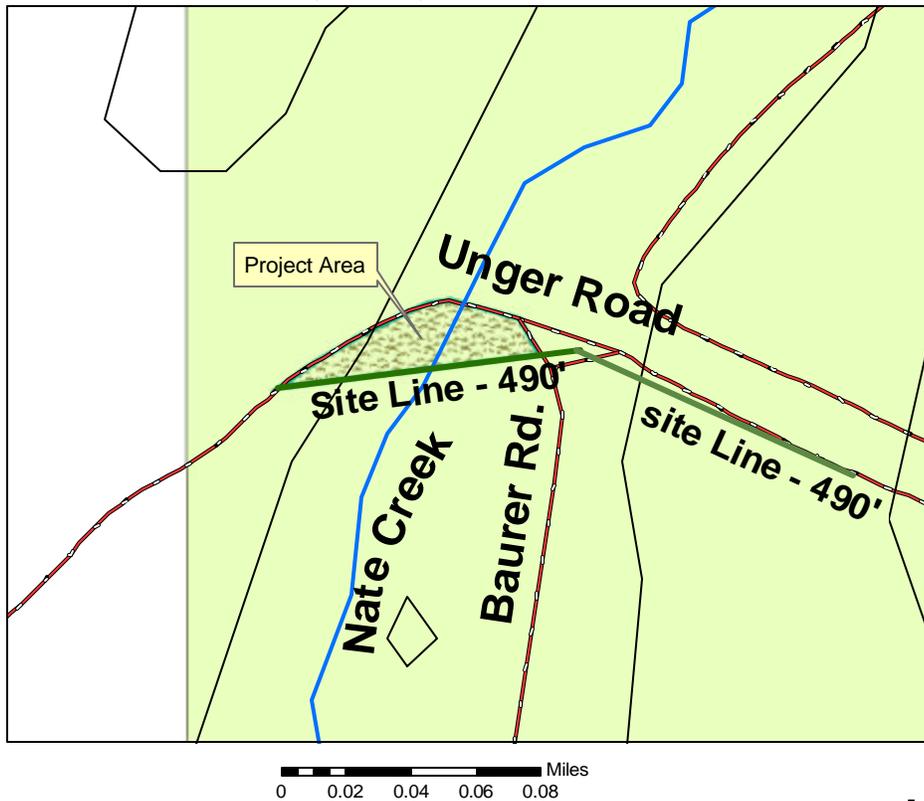
Location Map

Unger Road Project Location Map T4S,R3E,Sec.23 W.M.



Project Map

Unger/Baurer Road Intersection Clackamas County brushing project T4S., R3E., Section 23 wm



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Consultation

ESA consultation:

- Spotted Owls and bald eagles: No effect – Effect determination attached.
- Fish: The project will have no effect on Upper Willamette River steelhead trout that may be present in Milk Creek approximately six miles downstream from the project area. The project will also have no effect on Upper Willamette River chinook salmon found in the Molalla River approximately 25 miles downstream from the project area.

Affected Environment and Environmental Effects

The interdisciplinary team reviewed the elements of the environment, required by law, regulation, Executive Order and policy, to determine if they would be affected by the proposed action. *Table 1* (Critical Elements of the Environment from BLM H-1790-1, Appendix 5) and *Table 2* (Other Elements of the Environment) and *Table 3* (Aquatic Conservation Strategy Summary) summarize the results of that review. Affected elements are **bold**. The following elements of the environment are affected by this project:

Affected Environment:

Water Quality

At the project location, Nate Creek flows almost directly south after passing through a culvert beneath Unger road. Nate Creek is a headwater tributary to Milk Creek which flows into the Molalla River. Neither Nate Creek nor Milk Creek are on the DEQ's 303(d) list. However, the Molalla is listed for summer stream temperatures and a TMDL is under development.

At the culvert outlet, gradient is less than 1% and the channel flows through wetland vegetation for approximately fifty feet before entering a well drained coniferous forest. Shade producing tree cover just below the culvert is limited to a few scattered red alders on the east bank of the stream (see photo below). Effective shade (ES) was measured with a solar pathfinder at the culvert (30%), 15 feet downstream under the red alder (80%) and 50 feet downstream as the channel enters conifer cover (95%).



Nate Creek / South Side of Unger Road
Project Area

Environmental Effects:

Tables 1 and 2 describe the effects of the proposed action on the elements of the environment. Unless otherwise noted, the No Action Alternative is not expected to have adverse effects to these elements.

<i>Table 1: Environmental Review for the Critical Elements of the Environment (BLM H-1790-1, Appendix 5)</i>			
<i>Critical Elements Of The Environment</i>	<i>Status: (i.e., Not Present, Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks</i>
Air Quality (Clean Air Act)	Not Affected	No	No components of this project will affect air quality.
Areas of Critical Environmental Concern	Not Present	No	
Cultural, Historic, Paleontological	Not Present	No	No new ground disturbance is anticipated. There are no known cultural resource sites located within the project area. If cultural resources are found during the implementation of the proposed action, the project may be redesigned to protect the cultural resource values present, or evaluation and mitigation procedures would be implemented based on recommendations from the District Archaeologist.
Energy (Executive Order 13212)	Not Affected	No	There are no known energy resources located in the project area. The proposed action will have no effect on energy development, production, supply and/or distribution.
Environmental Justice (Executive Order 12898)	Not Affected	No	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	No	
Flood Plains (Executive Order 11988)	Not Affected	No	The project is small in scale and will not change the character of the river floodplain, change floodplain elevations, or affect over-bank flooding.
Hazardous or Solid Wastes	Not Present	No	
Invasive, Nonnative Species (Executive Order 13112)	Present	No	Due to the nature of the planned activity and the habitat at the site, an increase in the current level and variety of roadside invasive/nonnative species is not anticipated.
Native American Religious Concerns	Not Affected	No	No new ground disturbance is anticipated. Past excavation and road building within this area have not resulted in tribal identification of concerns.
Threatened or Endangered (T/E) Species or Habitat	Fish	Not Present/Not Affected	Upper Willamette River steelhead trout may be present in Milk Creek, approximately six miles downstream of the project area; Upper Willamette River chinook salmon are found in the Molalla River approximately 25 miles downstream of the project area.
	Plants	Not Present	No T&E species or habitat was observed at the proposed project site.

Table 1: Environmental Review for the Critical Elements of the Environment (BLM H-1790-1, Appendix 5)

<i>Critical Elements Of The Environment</i>		<i>Status: (i.e., Not Present , Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks</i>
	Wildlife (including designated Critical Habitat)	Not Affected	No	No T&E species are known or are likely to be present in the project area.
Water Quality (Surface and Ground)		Affected	No	Reduction in effective shade may contribute to a small, local increase in stream temperature at mid-day in summer. Too small an increase to affect stream temperature downstream.
Wetlands (Executive Order 11990)		Affected	No	Slight alteration in species mix and shade. No physical or chemical alteration of wetlands function is expected.
Wild and Scenic Rivers		Not present	No	
Wilderness		Not Present	No	

Table 2: Environmental Review for the Other Elements of the Environment (Required by law, regulation, policy or management direction)

<i>Other Elements Of The Environment</i>		<i>Status: (i.e., Not Present , Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks</i>
Coastal Zone (Oregon Coastal Management Program)		Not Present	No	
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)		Not Present/Not Affected	No	The project would have no effect on EFH approximately 25 miles downstream in the Molalla River.
Fire Hazard/Risk		Not Present	No	
Forest Productivity		Not Affected	No	No components of this project will affect forest productivity.
Land Uses (right-of-ways, permits, etc)		Affected	No	Clackamas County is working with the BLM to improve public safety at the Baurer/Unger intersection. The area of improved sight distance will remain a forested woodland.
Late successional / old growth		Not Present	No	
Mineral Resources		Not Present	No	
Recreation		Not Present	No	
Rural Interface Areas		Not Present	No	
Soils		Not Affected	No	Proposed smaller road foot print will be over previously developed ground; therefore road modification will not affect current soil stability. The limited vegetation cutting would not affect the existing soil properties or processes.
Special Areas outside ACECs (Within or Adjacent) (RMP pp. 33-35)		Not Present	No	

Table 2: Environmental Review for the Other Elements of the Environment (Required by law, regulation, policy or management direction)

Other Elements Of The Environment		Status: (i.e., Not Present, Not Affected, or Affected)	Does this project contribute to cumulative effects? Yes/No	Remarks
other Special Status Species/Habitat	Fish	Not Present	No	No Special Status fish species are present in or near the project area.
	Plants	Not Present	No	No Special Status Species or habitats were observed at the proposed project site.
	Wildlife	Not Present	No	
Visual Resources		Affected	No	Would comply with Visual Resource Management Class IV guidelines given that minimal removal of vegetation would occur and very little change is expected to the visual character of the BLM lands in the project area. Improve sight visibility for vehicle traffic.
Water Resources (except Water Quality)		Not Affected	No	No measurable effects to downstream uses are expected.
Other Wildlife Structural or Habitat Components (Snags /CWD / Special Habitats, road densities)		Not Present	No	

Aquatic Conservation Strategy Review: Table 3 shows the project's effect on the 4 components of the Aquatic Conservation Strategy (1/ Riparian Reserves, 2/ Key Watersheds, 3/ Watershed Analysis and 4/ Watershed Restoration).

Table 3: Aquatic Conservation Strategy Review Summary (RMP pages 5-7)

Components	Effect	Remarks /References
Riparian Reserves	None	The proposed action entails the cutting of brush to a height of three feet, the limbing of trees and the removal of selected trees and stumps. Although the proposed action takes place within the Riparian Reserve land use allocation, the proposed activities are predicted to maintain riparian resources due to design features such as dry weather operation, the retention of brush and larger trees, and no operations within Nate Creek.
Key Watershed	None	Not in a key watershed
Watershed Analysis	None	Lower Molalla River and Milk Creek Watershed Assessment, October 2004.
Watershed Restoration	None	Although the proposed action is not a component of the resource area's watershed restoration program, it will not have an adverse effect on restoration efforts.

Interdisciplinary Team:

Table 4: Interdisciplinary Team Review

Affected Resource	Specialist	Initial	Date
Botany/Vegetation	Terry Fennell	TGF	5/12/05
Cultural Resources	Frances Philipek	FMP	1/11/06
Fire Hazard/Risk	Barb Raible	BHR	1/11/06
Fisheries	Dave Roberts	DAR	1/10/06
Hydrology, Water Quality	Patrick Hawe	WPH	5/4/05
Natural Resources Supervisor	Belle Smith	BAS	01/12/06
Other Resources/ NEPA	Carolyn Sands	CDS	01/11/06
Recreation, Visual and Rural Interface Resources	Laura Dowlan	LAD	1/11/06
Soils	Wesley Wong	WRW	1/11/06
Wildlife	Jim Irving/Jim England	JSE	1/04/06

EA Prepared By: Terry Fennell

Date: 1/12/06

EA Reviewed By: Carolyn Sands
NEPA / Plans

Date: 1/12/06

FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of this EA (Environmental Assessment Number OR-080-06-04), I have determined that the proposed action is not a major federal action and would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27.

There are no significant impacts not already adequately analyzed, or no significant impacts beyond those already analyzed, in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS) to which this environmental assessment is tiered. Therefore, supplemental or additional information to the analysis in the RMP/FEIS in the form of a new environmental impact statement is not needed.

Right to Appeal: This decision may be appealed to the Interior Board of Land Appeals in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. Form 1842-1 can be obtained from the Salem District Office.

If you appeal: A public notice for this decision is scheduled to appear in the *Molalla Pioneer* newspaper on January 18, 2006. Within 30 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Cascades Field Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, OR, 97306. A copy of the *Notice of Appeal* must also be sent to the BLM Regional Solicitor (see Form 1842-1). The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your *Notice of Appeal*. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay: Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Statement of Reasons: Within 30 days of the filing of the *Notice of Appeal*, a complete statement of reasons why you are appealing must be filed with the Interior Board of Land Appeals (see Form 1842-1).

Implementation Date: If no appeals are filed, this decision will become effective and be implemented 30 days after the public notice of this Decision Record appears in the *Molalla Pioneer* newspaper.

Contact Person: For additional information concerning this decision or the appeal process, contact Terry Fennell at (503) 375-5678 or Belle Smith at (503) 315-5984, Cascades Resource Area, Salem District, 1717 Fabry Road, Salem, Oregon 97306.

Authorized Official: Cindy Enstrom
Cindy Enstrom, Field Manager
Cascades Resource Area

Date: 1/13/2006