DRAFT FINDING OF NO SIGNIFICANT IMPACT
FOR THE
UPPER COW LATE SUCCESSIONAL RESERVE PROJECT
DOI-BLM-ORWA-M070-2015-0009-EA

I. INTRODUCTION

The Grants Pass Field Office, Medford District Bureau of Land Management (BLM), Upper Cow Late Successional Reserve Project Environmental Assessment (EA) is available for public comment from February 9, 2016 to March 10, 2016. The purpose and need of the project is to maintain and enhance late successional characteristics within the South Umpqua River/Galesville Late-Successional Reserve through the implementation of forest management activities which include thinning and prescribed fire. The Decision Record for the project will be published at a later date and may include a decision to implement the No Action Alternative, Action Alternative 2, or Action Alternative 3. The decision may also authorize a blend of actions analyzed in any Alternative. A decision authorizing any of the activities analyzed under the two Action Alternatives will include associated Project Design Features (PDFs), Best Management Practices (BMPs), and seasonal restrictions. No permanent roads will be constructed as part of this project.

Alternative 2 analyzes 1,373 acres of forest management activities, 0.60 miles of new temporary route construction, 1.60 miles of existing road renovation/reconstruction, and 63.4 miles of road maintenance.

Alternative 3 analyzes 1,191 acres of forest management activities, 0.29 miles of new temporary route construction, 1.42 miles of existing road renovation/reconstruction, and 57.11 miles of road maintenance.

All proposed forest management activities were analyzed under the Upper Cow Late Successional Reserve Project EA (DOI-BLM-ORWA-M070-2015-0009-EA).

II. DETERMINATION OF SIGNIFICANCE

The discussion of the following significance criteria applies to the intended actions and is within the context of local importance. Chapter 3 of the EA discloses the effects of Action Alternatives 2 and 3. None of the effects identified, including direct, indirect, and cumulative effects, are considered to be significant and do not exceed those effects described in the 1995 Medford District Resource Management Plan/Final Environmental Impact Statement (1994 RMP/EIS).

Context. The Upper Cow Late Successional Reserve Project proposes to treat approximately 1,373 acres of forests under Alternative 2 and 1,191 acres of forest under Alternative 3. The Planning Area contains a portion of the Upper Cow, Middle Cow, and Days Creek-South Umpqua Watersheds. The Planning Area for the Upper Cow Project is approximately 26,470 acres. The Upper Cow Project proposes to treat approximately 5% of the Planning Area under Alternative 2 and 4.5% of the Planning Area under Alternative 3. Local interests reside within Douglas and Josephine Counties. Action Alternatives 2 and 3 do not have international, national, region-wide, or state-wide importance.

Intensity. The following discussion is organized around the Ten Significance Criteria described in 40 CFR § 1508.27(b) as they pertain to the context of the Upper Cow Late Successional Reserve Project under Action Alternatives 2 and 3.

1. **Impacts that may be both beneficial and adverse.** The most noteworthy predicted environmental effects of Action Alternatives 2 and 3 include:

   a) **Soil Erosion and Sensitive Soils.** For this project, it was determined that little to no erosion would occur from individual units, landings, and crossings along haul routes in the direct/indirect effect analysis and no long-term or indirect effects were identified. In other words, no measureable sedimentation would occur above natural background levels described for the No Action Alternative for soils (EA, p. 107).

      BMPs, and specific associated PDFs identified in Chapter 2.4, would result in no direct or long term input of sediment to streams and thus no Cumulative Effects to sensitive soils (EA, p. 107).

   b) **Fuel Loading and Fire Hazard.** Wildfire presents the greatest risk of late-successional habitat loss in this Late Successional Reserve (BLM 1999b; LSRA p.65) (EA, p. 18). The treatments analyzed under the Upper Cow project are designed to reduce risk from large scale wildfires through the reduction of crown bulk density and the treatment of project created activity slash. The proposed treatments intend to create fire resilient stands by reducing surface fuels, ladder fuels, and crown density. Thinning, followed by sufficient treatment of surface fuels can reduce potential crown fire activity and increase stand resiliency to unplanned events (EA, p. 10). Understory Reduction silvicultural treatments are designed to move these dry forest stands along a path to develop and retain the resiliency in the ecosystem to adequately respond to whatever changes may occur (EA, p. 19). Trees to be removed for commercial harvest would be whole-tree yarded or yarded with tops attached to minimize activity slash remaining within the harvest units (EA, p. 20). Activity fuels would be assessed following treatment (EA, p. 16). Slash may be treated using one or more of the following actions: lop & scatter, hand pile & burn, chipping, and/or biomass utilization and maintenance underburning (EA, p. 16). Additionally, the project will apply prescribed fire in a manner that retains the amount of coarse woody debris determined to be appropriate for the site based on watershed analysis (RMP, p. 63) (EA, p. 5). The implementation of Project Design Features listed in the EA on pages 33-40 would reduce fire hazard within treatment units. Any initial, short-term increase in fire hazard would not cause significant effects that require an EIS because these activities would be mitigated soon after project activities through slashing, hand piling, pile burning, chipping, lop and scatter treatments and broadcast burning. The analysis is consistent with the conclusions provided in the 1994 Medford RMP/EIS (EA, 61).

   c) **Water Quality.** For this project, it was determined that little to no sedimentation would occur from individual units, landings, and crossings along haul routes. In other words, no measureable sedimentation would occur above natural background levels described for the No Action Alternative. Therefore, no water quality measures would be negatively affected. Some short-term direct and indirect effects to water quality were identified due

to pulse increases in sediment and turbidity from road work, generally during the first significant storm event of the wet season. While these effects from sediment could potentially occur, it would still remain within acceptable water quality limits for turbidity, and sediment loads would be difficult to distinguish from background levels (EA, p. 121).

No-treatment buffers (EPZs), Best Management Practices (BMPs), and specific associated project design features (PDFs) identified in Chapter 2.4, would result in no direct or long term input of sediment to streams and thus no Cumulative Effects to water quality. In addition to sediment filtering, the EPZs would also retain trees that contribute to the primary shade zone for streams, and thus would maintain stream temperatures (EA, p. 121).

d) Soil Compaction and Productivity. Best Management Practices (BMPs) in the Medford District Resource Management Plan (BLM 1995, p.166) describe the use of designated skid roads within stands to limit horizontal soil compaction to less than 12% of the harvest area. These activities would result in an estimated 153.98 [Alternative 2] acres of soil compaction and displacement over new and existing footprints and would reduce soil productivity by an estimated 1.49% in the PA. Total compaction/ displacement associated with temporary routes, tractor skid trails, landings and cable yarding corridors would account for approximately 9.2% of the project Activity Area. Each proposed Upper Cow Project harvest unit would be below 12% compaction and 5% productivity loss as analyzed in the 1994 Medford District FEIS RMP (EA, p. 96).

e) Botany. See 9 below.

f) Northern Spotted Owl. See 9 below.

g) Red Tree Vole. Oregon red tree vole (RTV) (*Arborimus longiccaudus*) is a 2001 ROD Survey and Manage species (Category C, survey and manage known sites). RTV surveys were completed to protocol. All known active and associated inactive RTV nests located from protocol survey efforts have been buffered according to the RTV management recommendations (USDA USDI 2000). These buffers (Habitat Areas) removed approximately 191 acres from potential commercial harvest treatments (EA, p. 87). Therefore, no direct impacts to RTVs are anticipated as a result of implementing the actions included under Alternative 2 (EA, pp. 11, 88).

For Alternative 3, all known active and associated inactive RTV nests located from protocol survey efforts have been buffered according to the RTV management recommendations (USDA USDI 2000). These buffers (Habitat Areas) removed approximately 120 acres from potential commercial harvest treatments. Therefore, no direct impacts to RTVs are anticipated as a result of implementing the actions included under Alternative 3 (EA, p. 88).

2. The degree to which the selected alternative will affect public health or safety. Public health and safety would not be affected. The Proposed Action Alternatives are comparable to other projects which have occurred within the Grants Pass Field Office with no unusual

health or safety concerns. The Planning Area is not located within a Class 1 designated airshed or non-containment area (EA, p. 191). Activity fuel burning operations would follow all requirements of the Oregon Smoke Management Plan and the Department of Environmental Quality Air Quality and Visibility Protection Program, ensuring that smoke related impacts to public health and safety are mitigated (EA, p. 40). The impact of smoke on air quality is expected to be localized and of short duration. Particulate matter would not be of a magnitude to harm health, affect the environment or result in property damage (EA, p. 191). The implementation of Project Design Features listed in the EA on page 40 would ensure protection of air quality within the PA.

Water or approved road surface stabilizers/dust control additives would be applied to road surfaces during timber hauling when there is visible dust trail behind vehicles. Any dust created would be localized and of short duration. As such, the Action Alternatives are consistent with the provisions of the Federal Clean Air Act (EA, p. 29, 191).

To caution forest road users of potential hauling and operational activities, warning signs will be placed where appropriate to satisfy Oregon Safety and Health Administration (OSHA) standards. The proper use and maintenance of the signs will be monitored using Oregon OSHA regulations (EA, p. 36).

Public health and safety would not be effected thus the impacts from implementing either Action Alternative would be insignificant.

3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.** There are no eligible rivers under the Wild and Scenic Rivers Act of 1968, as amended, in the Upper Cow Project Planning Area. There are no Research Natural Areas (RNAs) or Areas of Critical Environmental Concern (ACEC) as designated by the Medford District RMP in the Planning Area. There are no park lands, prime farm lands, wetlands, or ecologically critical areas in the Planning Area (EA, pp. 191-192).

   Recreational opportunities on BLM administered land within the Upper Cow Late Successional Reserve PA consists of dispersed camping and general forest recreation (EA, p. 193). With the implementation of PDFs listed on page 33 and 40-41 of this EA, there are no anticipated effects from the Proposed Action (EA, p. 193).

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects of Action Alternatives 2 and 3 on the quality of the human environment were adequately understood by the interdisciplinary team to provide analysis in the EA.

   Public comments and input have been considered throughout the analysis for this project and the interdisciplinary team responded to those comments in Appendix B of the EA. The Action Alternatives analyzed in the Upper Cow Project are within the scope of effects identified in the 1995 Medford District RMP. The predicted effects of the Action Alternatives are disclosed in Chapter 3 of the EA. The interdisciplinary team utilized a variety of applicable science to determine the effects of the activities analyzed in Action

Alternatives 2 & 3, as disclosed in Chapter 5, References. None of the comments were considered controversial in respect to their context and intensity in determining significance.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The effects of the Action Alternatives are not unique or unusual. The BLM has experience with similar forest management projects and have found the effects to be reasonably predictable. The environmental effects to the human environment are fully analyzed in Chapter 3 of the EA. Public concerns and input have been considered throughout the analysis; see Chapter 1.6 and Appendix B of the EA. The activities analyzed in the Action Alternatives are routine in nature, which includes standard PDFs, BMPs and seasonal restrictions. These effects are well known and do not involve unique or unknown risk to the human environment.

6. **The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The Action Alternatives do not set precedent for future actions that might have significant effects nor do they represent a decision in principle about future considerations. The Action Alternatives adhere to the direction provided in the 1995 Medford District Resource Management Plan.

   Chapter 1 of the Upper Cow Project EA identifies how Alternative 2 and to lesser degree Alternative 3 would be consistent with the Purpose and Need for the project and also describes how this project is in compliance with higher level EIS documents. Chapter 3 evaluates the effects of the No Action Alternative and Action Alternatives 2 and 3. The analysis contained within Chapter 3 discloses that all proposed activities would be compliant with the effects anticipated under the 1995 Medford RMP. Any future projects would be evaluated through the National Environmental Policy Act (NEPA) process and would stand on their own as to the environmental effects.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The interdisciplinary team evaluated the Action Alternatives in the context of past, present, and reasonably foreseeable actions. Significant cumulative effects outside those already disclosed in the 1995 RMP/EIS are not predicted. Complete disclosures of the effects of the Action Alternatives are disclosed in Chapter 3 of the EA.

   The BLM anticipated that most project impacts on greenhouse gas levels and carbon storage would be negligible when placed in the context for analysis of global, regional, and continental scale (EA, p. 194). Therefore the Action Alternatives would not contribute to cumulatively significant impacts.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.** Cultural resource surveys were conducted within project units and no new sites were discovered that warrant protection. A total of 11 previously recorded cultural sites are located within the PA but none of these sites are near any project units, helicopter

landing sites, or prosed temporary routes. Any known sites were excluded or avoided during the design of the project. To ensure protection of possibly undetected sites during project implementation the IDT designed PDFs, which direct operators to cease all operations immediately and contact the project archaeologist if unidentified cultural or paleontological resources are encountered. If cultural resources are discovered during project implementation, the project would be redesigned to protect the cultural resource values present, or evaluation or mitigation procedures would be implemented based on recommendations from the Resource Area Archaeologist with input from federally recognized Tribes, approval from the Field Manager, and concurrence from the State Historic Preservation Office. Because of cultural resource surveys and PDFs the treatments proposed under the Action Alternatives would have no direct or indirect effects on heritage resources (EA, p. 129).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

a) Fish: There is one federally threatened fish species that occurs within the PA, the Oregon Coast Coho Salmon. Stand treatments, yarding, landing construction and rehabilitation, temporary route construction and reconstruction (including route decommissioning), road maintenance, hauling, and activity fuel treatments would have no effect on OC Coho Salmon (ESA-Threatened) and designated Coho Critical Habitat (CCH). The closest CCH to any proposed treatment units is in Whitehorse Creek. Treatments in units 9-1 and 9-26 will be 120 feet from Whitehorse Creek, consistent with the EPZ established for treatments on any fish bearing stream. The PA haul routes cross fish bearing streams at several locations (Table 3.7-3). At the bridge crossing Cow Creek upstream of Galesville Dam (Road 32-4-1.0), OC Coho are present but CCH is not designated. At the culvert crossing on Blackhorse Creek (Road 32-4-15.0), OC Coho and CCH are present. Sediment would not be expected to enter CCH as a result of haul or maintenance of haul roads, with dry condition haul, properly functioning cross drains, and sediment barriers installed, where needed, to prevent sediment delivery into CCH. Project activities would follow all provisions of the Clean Water Act (40 CFR Subchapter D) and Department of Environmental Quality's (DEQ) provisions for maintenance of water quality standards (EA, pp. 126-127). No direct or indirect effects to fish and aquatic resources are anticipated as a result of implementing the actions proposed in Alternative 2 due to the implementation of BMPs and PDFs (EA, p. 129). No direct or indirect effects to fish and aquatic resources are anticipated as a result of implementing the actions proposed in Alternative 3. Because Alternative 3 does not allow for dry condition haul and harvest in certain areas the effects of Alternative 3 are anticipated to be less than those described in Alternative 2 (EA, p. 129).

b) Plants: Final units within the Upper Cow Project do not fall within the range of the four federally listed plants found within the Medford District (*Arabis macdonaldiana, Fritillaria gentneri, Limnanthes flocossa* ssp. *grandiflora*, and *Lomatium cookii*) , as determined by the 2004 U.S. Fish and Wildlife Service Biological Opinion. However, final units were surveyed to the Service's protocol in the course of conducting surveys for Bureau Special Status species and various vascular plant surveys have occurred under the

pretenses of other land management projects within the Upper Cow project perimeter have occurred since 1979, and no new threatened and endangered plant sites were found. There would be no anticipated effect from the Proposed Action on any federally listed plant (EA, p. 131).

c) Northern Spotted Owl (NSO): The Upper Cow Planning Area contains one Threatened and Endangered wildlife species, the federally threatened NSO. The Medford District has prepared a Biological Assessment for the Upper Cow project which will be submitted to the U.S. Fish and Wildlife Service in February. The Fish and Wildlife Service will review the Biological Assessment and may issue the BLM a Biological Opinion. Final consultation determinations will be disclosed in the final Finding of No Significant Impact which will be issued with the Decision Record for this project.

Spotted Owl Critical Habitat (CHU)

The Upper Cow PA overlaps a portion of the Revised 2012 Critical Habitat for the NSO, specifically a portion of the KLE 2 Subunit of the Klamath East Habitat Unit (EA, p. 70).

Under the Action Alternatives, a mixture of activities are proposed to occur within the Revised 2012 Critical Habitat for the NSO. All of these activities would occur within the KLE 2 Subunit of the Klamath East Habitat Unit. Table 3.3-7 describes the sub-set of the proposed treatments that would occur within the Revised 2012 Critical Habitat and what NSO habitat type they would occur in. As approximately 88% of the federal lands in the PA are designated NSO CH, the majority, but not all of the proposed treatments would occur within NSO CH (EA, p. 81).

Under Alternative 2, a total of 1,233 acres of various treatment types would occur within designated NSO CH (Table 3.3-7). Approximately 622 acres of various treatment types are proposed to occur within NRF habitat type located within CH, of which 78 acres are anticipated to result in a NRF downgrade. Approximately 611 acres of various treatment types are proposed to occur within dispersal-only habitat type located within CH, of which 78 acres are anticipated to result in the removal of dispersal-only habitat. All other treatments proposed to occur under Alternative 2 within NSO CH are specifically designed to treat and maintain the existing habitat condition where the treatments occur, and would not alter the amount of habitat available within the CH Unit, nor adversely modify any of the Primary Constituent Elements within these treated areas (EA, p. 82).

The activities proposed in NSO CH under Alternative 3 are similar to those proposed under Alternative 2, but there would less DM (decrease of 139 acres), slightly less RT (3 acres) and an increased amount of UR (70 acres). As the treatments are so similar, the effects discussed here are specific to Alternative 2, but similar effects are anticipated for Alternative 3, only at a slightly reduced level (EA, p. 82).

The 78 acres of NRF downgrade are spread among four treatment units: 1-1, 26-1B, 35-2 and 35-15. The downgrading of 78 acres of NRF habitat within NSO CH would likely result in some short-term adverse impacts to this NRF habitat by decreasing flying squirrel abundance by removing mid-story and overstory structure from those acres

(Wilson 2010, Manning et al. 2011), which could reduce NSO foraging opportunities. Also, reducing canopy over below 60% would likely introduce ecological edge effects to the affected stands as well as to adjacent stands of NRF habitat, extending the area of impact beyond the treated areas. However, even with the downgrade of 78 acres of NRF habitat and removal of 78 acres of dispersal-only habitat within the NSO CH, the Action Alternatives would negligibly affect the intended conservation function of the KLE 2 Subunit of the Klamath East Habitat Unit because at the most (under Alternative 2), the proposed treatments would only result in a reduction of 0.14% and 0.09% of the available NRF and dispersal habitat respectively within the CH sub-unit KLE 2. In total, the maximum impact of all treatments proposed under any Action Alternative would impact 1.2% of the KLE 2 Subunit (EA, pp. 83-84).

Even though some adverse impacts are anticipated where NRF habitat is downgraded, the Proposed Action Alternatives are expected to result in long term beneficial effects to NSOs and the Revised 2012 CHU because the thinning treatments (VDT, DM and RT) would accelerate the development of the relatively homogeneous stands toward late-successional habitat faster than if the stands were left untreated (Hayes et al. 1997). The proposed treatments would also increase survivability and vigor of more drought- or fire-tolerant species (pines, cedars, hardwoods) on ridge tops and in areas where site conditions do not favor Douglas-fir, or Douglas-fir is suppressing the occurrence of pines. The activities proposed under the Action Alternatives, especially the Understory Reduction treatments, would help reduce the likelihood of high severity fire occurring within the CH. The Fire Hazard Chapter (3.2) provides a detailed explanation and analysis on this topic. Specific to NSOs, this approach is supported by complex modeling procedures that indicate that active management of sites with high fire hazard was more favorable to NSO conservation over the long term (75 years) compared to no management (Roloff et al. 2012) (EA, p. 84).

Spotted Owls

Northern spotted owls (NSO) are a federally listed threatened species and are closely associated with old forests for nesting, foraging, and roosting throughout most of their range (Forsman et al. 1984; Carey et al. 1990; and Solis and Gutierrez 1990). The ideal NSO habitat consists of large trees in the overstory, smaller trees of varying sizes and species in the lower and middle story, large standing and fallen dead trees, and patchy shrub and herb communities (Spies and Franklin, 1991) (EA, p. 62).

During the development of the Action Alternatives, the IDT followed principles in the Recovery Plan Implementation Guidance: Interim Recovery Action 10 Medford Bureau of Land Management/Rogue River-Siskiyou National Forest/U.S. FWS Roseburg Field Office (U.S. FWS, May 2015) while designing the proposed treatments. The occupational and reproductive histories of all the NSO sites within the PA were assessed based on the results of protocol surveys (EA, p. 68).

Based on survey results, all the NSO sites within the PA which exhibited a high rate of occupancy and reproductive success within the last five years were categorized as high value sites. NSO sites that did not have any pairs detected within the past 5 years were

categorized as low value sites (EA, p. 12). The ranking of these NSO sites were then used during alternative development to inform treatment locations and intensity consistent with recommendations included in the "Restoring Dry Forest Ecosystems" section of the Revised Recovery Plan for the Northern Spotted Owl (USDI 2011, pp. III-32-38) (EA, pp. 68-69).

As page 81 of the EA discloses, Alternatives 2 and 3 would have minimal negative impacts to the NSOs found within the PA given that:

- No treatments would occur within the nest patch area of any known NSO site;
- A maximum of 106 acres of NRF habitat would be downgraded within two "low value" NSO sites at the home range scale;
- A very small amount (0.8%) of the total NRF habitat located within the PA would be negatively affected (downgrade or removal);
- The majority (89.8%) of existing NRF habitat within the PA would not receive any treatments; and
- The majority of the proposed treatments (84%) are designed to treat and maintain the functionality of the habitat where the treatment occurs and would not reduce the overall amount of NRF or dispersal-only habitat found within the PA.

Additionally, page 81 of the EA states, the Action Alternatives are expected to result in long-term beneficial effects to the NSOs found within the PA by:

- Reducing the risk of high-severity fire occurring within the treated areas and/or reducing the risk of high-severity fire occurring in high value habitat areas;
- Increasing growth and vigor of the trees and vegetation remaining within the treated areas; and
- Ultimately accelerating the development of the treated stands into more complex, structurally diverse forests in comparison to the No Action Alternative.

Effects of Barred Owl Competition with Northern Spotted Owls (Alternatives 2 and 3)

Available evidence suggests that the presence and distribution of barred owls may affect habitat quality for NSOs (Wiens 2012 and Yackulic et al. 2012). Additionally, many studies suggest that the two species compete for resources and maintaining older, high quality forest habitat may help spotted owls persist, at least in the short-term. There are no known forest conditions that give spotted owls a competitive advantage over barred owls. While not common, Wiens (2012) did find NSOs and barred owls occupying the

same territories concurrently. It is also not known if forest habitat removal directly results in a range expansion of barred owls (USDI FWS 2013) (EA, p. 77).

Removal or downgrade of habitat reduces the overall amount of available habitat and can therefore increase competition between these two species as habitat becomes increasingly limited. The effect of the vegetative treatments included under Alternate 2 is expected to have an extremely limited effect on competitive interactions between these two species because at most a very small amount (106 acres, or 0.8%) of the overall available NRF habitat would be lost (removed or downgraded) as a result of project implementation. The effect would be further reduced because the habitat loss is spread throughout the PA in many small non-contiguous locations (EA, p. 77).

Pacific Fisher

The Pacific fisher (*Pekania pennanti*) was petitioned for listing as endangered or threatened under the Endangered Species Act on December 12, 2000. In 2003 the USFWS released their notice of 90-day petition finding and initiation of status review (USFWS 2003) and in 2004 published their Notice of 12-month petition finding, concluding that listing fishers as threatened was warranted, but was precluded by higher priority listing actions (USFWS 2004). Most recently, The U.S. Fish and Wildlife Service issued a proposal to list the West Coast Distinct Population Segment (DPS) of fisher as a threatened species under the Endangered Species Act (USFWS 2014). Until the final listing is issued by the USFWS in 2016, fishers remain a Candidate Species and a BLM Bureau Sensitive Species (EA, pp. 85-86).

The Medford BLM has conducted fisher surveys using baited camera stations over multiple survey seasons and has placed a total of nine camera stations (survey stations) within the immediate Upper Cow PA, and a total of 69 cameras stations within a 10 mile radius of the Upper Cow PA. None of these surveys have yielded positive detections of fisher within the PA. The closest photo documented fisher detection is over 30 miles to the southwest of the PA. The absence of detections from camera surveys, hair tubes, and reported potential sightings from BLM field personnel, indicates it is highly unlikely that a resident population occurs in the PA (EA, p. 86).

10. **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.** The Proposed Action does not violate any known federal, state, or local law or requirement imposed for the protection of the environment. Furthermore, the Proposed Action is consistent with applicable land management plans, policies, and programs (EA, Chapter 1.5).

III. FINDING

I have determined that the Proposed Action does not constitute a major federal action having a significant effect on the human environment; an environmental impact statement is not necessary and will not be prepared. This conclusion is based on my consideration of the Council on Environmental Quality's criteria for significance (40 CFR §1508.27), with regard to the context and the intensity of the impacts described in the EA, and on my understanding of the project,

review of the project analysis, and review of public comments. As previously noted, the analysis of effects has been completed within the context of the Medford District's Resource Management Plan and the Northwest Forest Plan. This conclusion is consistent with those plans and the anticipated effects are within the scope, type, and magnitude of effects anticipated and analyzed in those plans. The analysis of project effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts and the effects were determined to be insignificant.