

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
BUTTE FALLS RESOURCE AREA

FINDING OF NO SIGNIFICANT IMPACT

Lost Creek Forest Management Project
(DOI-BLM-ORWA-M050-2016-0001-EA)

Introduction

The Medford District Bureau of Land Management, Butte Falls Resource Area (BLM) analyzed forest and transportation management actions, water source restoration, and meadow restoration on up to 1,315 acres of BLM-administered Matrix lands in the *Lost Creek Forest Management Project Environmental Assessment* (EA). Proposed projects are located in the Lost Creek-Rogue River and South Fork Rogue River 5th field watersheds.

The EA analyzed the potential effects of the following forest management activities: Density Management (353 acres), Selective Thinning (674 acres), Regeneration Harvest (30 acres), or Small Diameter Thinning (152 acres) and subsequent Understory Reduction treatments (up to 1,209 acres). Timber yarding systems included in the analysis were ground-based, skyline-cable, and helicopter. The activity slash resulting from the forest management activities would be lopped and scattered, piled and burned, underburned, or removed for biomass utilization.

Transportation management activities proposed include temporary route construction (0.83 miles), temporary route reconstruction (0.29 miles), timber haul (96.91 miles), road renovation and road reconstruction along haul routes (95.57 miles and 0.34 miles, respectively), roadside vegetation maintenance (16.75 miles), partial road decommissioning (3.15 miles), full road decommissioning (1.54 miles), and pre-designated skid trails (0.62 miles) and landing construction (21 sites).

The EA also analyzed the potential effects of restoring five water source sites located throughout the Project Area and 106 acres of meadow restoration.

Based on the context and intensity of the effects analyzed in the EA (Chapter 3), I have determined Alternative 2, the Selected Alternative, with the associated Project Design Features (PDFs), is not a major federal action that would significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area.

The Lost Creek Forest Management Project will not have significant effects beyond those described in the broader analyses conducted and disclosed in the environmental impact statements (EISs) for the 1995 Medford District Resource Management Plan (RMP) and the 1994 Northwest Forest Plan, or the effects have been determined to be insignificant. Environmental effects do not meet the definition of significance in context or intensity as defined in 40 CFR § 1508.27. Therefore, an environmental impact statement is not necessary and will not be prepared.

In making this finding, I considered the following criteria, as required in 40 CFR § 1508.27 by the Council on Environmental Quality (CEQ) for evaluating the significance of the effects of the activities proposed in the Lost Creek Forest Management Project.

Context

The BLM adopted its Medford District Resource Management Plan (RMP) in 1995, incorporating the 1994 Northwest Forest Plan and its EIS. Therefore, the BLM has prepared two EISs that consider the significant and potentially significant effects of conducting forest, transportation, and restoration activities on BLM-administered lands in the Medford District. In addition, the BLM has completed site-specific analysis of the effects of the proposed action (Alternative 2) and alternatives to determine if the Lost Creek Forest Management Project in and of itself is significant under NEPA.

This project is a site-specific action that by itself does not have international, national, region-wide, or statewide importance. The actions described in the EA would be limited in scope and geographic application (40 CFR 1508.27(a)). The location of the action is described below and in the EA (pp. 1-1 to 1-2) and displayed on Maps 1 to 12 attached to the EA. The physical and biological effects are limited. The affected environment sections of Chapter 3 in the EA describe the locations and current conditions of the various resources. The environmental consequences section in Chapter 3 reveals that most of the direct and indirect effects are confined to the Project Area with some effects extending slightly outside the Project Area (e.g. wildlife species and their habitat). The direct and indirect effects of the proposed action along with the cumulative effects (incremental effects of the proposed action in combination with past, present, and reasonably foreseeable future actions) for each resource with potential for effects are described in Chapter 3 of the Lost Creek Project EA. These analyses were reviewed in consideration of the Council for Environmental Quality (CEQ) guidance on cumulative effects analysis, and results were disclosed in the EA. Resources which were determined to have little to no potential for effects, direct or otherwise, were disclosed and supporting rationale was provided for why they were not analyzed in detail (EA, Appendix A).

The 41,880-acre Lost Creek Project Area is located in the 32,088-acre Lost Creek-Rogue River 5th field watershed and a small portion of the 160,773-acre South Fork Rogue River 5th field watershed. The BLM manages 14,368 acres (34%) of the Project Area, and treatments are proposed on about 9.2% of those lands. BLM-administered lands in the Project Area have the following land use allocations: Matrix, Riparian Reserve, and Late-Successional Reserve (known northern spotted owl activity centers). Activities analyzed in the EA are located on Matrix lands. No activities would occur in Riparian Reserves or Late-Successional Reserves.

The Medford District RMP anticipated that forest and transportation management and restoration activities would occur on Matrix lands (see EA, Chapter 1, Section 1.4.1).

The Selected Alternative would include implementation of the PDFs listed in the EA (Chapter 2, Section 2.5), applicable Best Management Practices in Appendix D of the 1995 Medford District ROD/RMP, and relevant Best Management Practices incorporated into the Medford District ROD/RMP in 2011. By implementing these protective measures, the BLM would avoid or reduce adverse effects from proposed management activities.

Intensity

I have considered the potential intensity of the effects anticipated that would result from the Lost Creek Forest Management Project relative to each of the ten considerations for evaluating intensity in the CEQ regulations at 40 CFR § 1508.27(b).

Chapter 3 (pp. 3-1 to 3-71) and Appendix A of the EA details the anticipated effects of the project. None of the effects identified, including direct, indirect, and cumulative effects, are considered to be

significant and all anticipated effects are of the type and within the magnitude of effects analyzed and described in the Medford District RMP/FEIS (USDI 1994).

The following discussion is based around the ten considerations for evaluating intensity.

1. Effects that may be both beneficial and adverse.

The EA documented the site-specific analysis of effects, both beneficial and adverse, to the environment for five issues presented in detail. The potential for adverse effects from the Selected Alternative are similar to other projects previous to this one and are not unique to this project. Required PDFs (EA, Chapter 2, Section 2.5), an integral part of the project, would ensure the potential for adverse effects on resources is avoided or minimized to the extent possible.

Based on the analysis documented in the EA, no significant adverse or beneficial effects would result from implementing the Selected Alternative in the Lost Creek Forest Management Project EA. All effects are of the type and within the magnitude of effects described in the EIS for the Medford District ROD/RMP (USDI 1994).

Forest Health

- Silvicultural treatments would improve and/or maintain vigorously growing conifer forests, reduce tree mortality, and encourage a mixture of tree species that are more fire resilient and have greater longevity than the current composition (EA, p. 3-18).
- The Selected Alternative combined with past and potential future density reduction treatments in the watershed, would improve stand and landscape resistance and resiliency to environmental disturbances. Commercial and non-commercial treatments would reduce stand densities on BLM-administered lands. Tree growth and vigor would improve through the reduction of competition for limited site resources. This would increase the resiliency of stands and individual larger, older trees to ensure their longevity (EA, p. 3-18).

Northern Spotted Owls

- Effects to Endangered Species Act (ESA) listed threatened and endangered (T&E) wildlife and plant species are discussed in CEQ consideration number 9.

Fisher

- As described more fully under the NSO analysis, the management activities proposed under Alternative 2 would remove or reduce the amount of suitable denning and resting (NRF) habitat in the Analysis Area by 119 acres, 1.0% of the total suitable habitat. No direct impacts to fishers are expected because no known denning sites would be impacted (EA, p. 3-55).
- The commercial treatments under Alternative 2 would have short-term negative effects to habitat for some fisher prey species due to the reduced vegetation. These effects are relatively short-term, as understory vegetation typically returns within five years and some of the fishers' prey species take advantage of early-seral stages. The immediate effects to fisher foraging opportunities would be minimal, because the large amount of untreated areas within the Analysis Area would continue to provide hunting habitat while canopy cover in the treated stands increases. Additionally, treatments would retain key habitat characteristics such as legacy trees, large snags and coarse woody debris to provide existing and future fisher habitat (EA, p. 3-56).

- Disturbance from treatment activities may affect fisher within the Analysis Area. However, fishers are highly mobile and with large home ranges, they would likely move to another part of their home range while the activity is ongoing. Ongoing radio telemetry work in the nearby Ashland watershed has shown that fishers are quick to respond to environmental changes (e.g. heavy snowfall) and move to other parts of their home ranges (Clayton 2012) (EA, p. 3-56).
- Under Alternative 2, PDFs would minimize impacts to fishers. These include the retention of key structural elements such as legacy trees, snags, down woody debris, and large hardwoods for denning. Also, the majority of treatments (Density Management and Selective Thinning) proposed under Alternative 2 are expected to increase areas of structural complexity within stands that have remained homogenous from previous treatments. While 6% of the Analysis Area (federal lands) is proposed for treatments, areas such as Riparian Reserves, NSO RA 32 habitat, 100-acre KSOAC owl cores, NSO Nest Patches, Administratively Withdrawn land, and other reserves will continue to provide undisturbed fisher habitat (EA, p. 3-56).

Aquatic Conservation Strategy

- Timber harvest, road work, and water source restoration would not affect the attainment of ACS objectives in the Lost Creek Forest Management Project.
- All ACS objectives would be maintained in the short-term and long-term at both the site and watershed scales because no permanent roads would be constructed; full Riparian Reserve buffers would be incorporated during timber harvest on all stream channels, lakes, ponds, springs, and wetlands; and other PDFs would limit effects to soil, water, and plants which would maintain aquatic ecological processes at the watershed and site scale. This project is not expected to affect the aquatic environment. The project would allow Riparian Reserves to continue to function, and protect streams within the Lost Creek Project Area (EA, pp. 3-60 to 3-66).
- Full Riparian Reserves would continue to provide shade to streams. Proposed actions would maintain an adequate distance from streams to avoid sediment deposition harmful to fish habitat. Any effects from all proposed actions are expected to be negligible and within the range of natural variability for maintenance of fish populations and habitat (EA, p. 3-66).

Economics

- Timber harvest from the Lost Creek Forest Management Project would provide economic benefits by supporting jobs and contributing to community stability. Timber harvest under the Selected Alternative would result in an estimated return to the Federal Treasury of about \$2.5 million under current market conditions and an estimated volume of 7.0 million board feet of timber (EA, p. 3-70).

2. The degree to which the Selected Alternative will affect public health or safety.

The Selected Alternative would not significantly or adversely affect public health or safety because:

- Treatment activities would meet Occupational Safety and Health Association regulations for worker and public safety;
- Fire hazard and risk would be reduced within the treated stands (EA, p. A-8);
- Road renovation and water source restoration would increase firefighting capability by enhancing firefighter ingress and egress and providing more available water during wildfire

suppression (EA, pp. 2-12 and 2-14);

- Prescribed burning operations would comply with the guidelines established by the Oregon Smoke Management Plan to protect air quality, especially in Smoke Sensitive Receptor Areas (EA, p. 2-27); and
- Standard safety precautions such as signing and closures would be used to avoid conflicts between the recreating public and timber sale operations (EA, p. 2-23).

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The Lost Creek Forest Management Project Area does not contain and would not affect wild and scenic rivers or park lands. Prime farmlands are found within the Project Area on private lands; however, no projects are located within or would affect prime farmland. Where required, the BLM completed surveys and inventories to identify areas with unique characteristics. This allowed the BLM to design the project in such a way to avoid effects to these features as follows:

- Cultural surveys for the Project Area were completed and the project archaeologist determined the project would have no adverse effect on historic properties (EA, pp. A-6 to A-7);
- No projects would occur within wetlands; therefore, wetlands will not be destroyed, lost, or degraded in accordance with Executive Order 11990, Protection of Wetlands; and
- The Analysis Area is outside of designated critical habitat (only federal land is designated as critical habitat) for the Northern Spotted Owl.(EA, p. 3-23).

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects of the actions proposed under the Selected Alternative are similar in nature to many other projects that have been implemented across the Medford District BLM. The anticipated effects of the actions, documented in the EA, are disclosed in Chapter 3 of the EA (pp. 3-1 to 3-71). There is a continuing full range of debate, findings, and opinions about the potential effects of land management activities as evidenced by public comments received regarding this project. Opposition to the project is not the same as controversy. The Ninth Circuit held that a project is highly controversial if there is a “substantial dispute [about] the size, nature, or effect of the major Federal action rather than the existence of opposition to a use.” *Blue Mountains Biodiversity Project v. Blackwood*. 161 F.3d 1208, 1212 (9th Cir. 1998) (quoting *Sierra Club v. U.S. Forest Service*, 843 F.2d 1190, 1193 [9th Cir. 1988]).

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The analysis did not indicate the effects of the Selected Alternative would involve any unique or unknown risks. The anticipated effects of implementing the Lost Creek Forest Management Project are similar in nature to the effects estimated and observed for other projects implemented on lands in the Medford District BLM and are well supported with referenced literature throughout 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 future considerations.

The decision to implement Alternative 2 of the Lost Creek Forest Management Project would not set any precedents for future actions with significant effects nor does it represent a decision in principle about future considerations. The project would implement actions that meet management direction in the Medford District RMP. Any future action would have its own set of conditions and would be evaluated through a future NEPA process.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant effects.

The analysis did not identify any significant cumulative effects outside of those addressed and anticipated in the EISs for the 1995 Medford District RMP and the 1994 Northwest Forest Plan. The project's interdisciplinary team performed analyses for various resources at multiple scales and included past, current, and foreseeable future actions on both private and federal lands. The effects of Alternative 2 for each resource issue analyzed are disclosed in the EA in Chapter 3 (EA, p. 3-1 to 3-71).

8. The degree to which the action may adversely affect districts, sites, highways, structures, or 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 historical resources.

The project archaeologist surveyed the Project Area for cultural and historic resources. Implementation of the Selected Alternative, including PDFs, would not adversely affect objects listed on the National Register of Historic Places, nor would it cause destruction of significant scientific, cultural, or historic resources. If cultural resources are located during project implementation, all operations would be suspended in the vicinity of the cultural value and the site would be evaluated by a BLM archaeologist (EA, p. 2-17).

9. The degree to which the action may adversely affect any threatened or endangered (T&E) species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973.

No significant adverse or beneficial effects would occur to any T&E species or its habitat that has been determined to be critical under the ESA.

T&E Plant Species

The Lost Creek Forest Management Project is outside the range of T&E plants, except for one section containing two timber harvest units totaling 25 acres which falls within the range of the federally endangered Gentner's fritillary (*Fritillaria gentneri*). The BLM completed surveys to protocol in the Project Area and no Gentner's fritillary sites were detected (EA, p. 4-2).

T&E Fish Species

The Lost Creek Forest Management Project Area contains no federally-listed fish species or habitat within the Lost Creek Project Area. The resource area fisheries biologist determined there would be no-effect to federally-listed Southern Oregon Northern California Coast Coho (SONCC) Salmon or Coho Critical Habitat (CCH) and Essential Fish Habitat (EFH) (EA, p. 4-2).

T&E Wildlife Species

The federally threatened northern spotted owl and the endangered gray wolf are the only threatened and endangered wildlife species within or near the Lost Creek Project Area. The BLM has

determined that the Lost Creek Forest Management Project is likely to adversely affect the northern spotted owl. Formal consultation with the U.S. Fish and Wildlife Service (USFWS) for federally-listed wildlife species (northern spotted owl and gray wolf) began when the Biological Assessment (BA) was submitted to the USFWS in June 2016 by the Medford District BLM. The biological assessment requested concurrence for the actions that may affect, are not likely to adversely affect the northern spotted owl. The BLM also requested formal consultation on the actions that may affect, are likely to adversely affect the northern spotted owl. The remainder of the actions would have no effect on northern spotted owls (EA, p. 4-1).

There would be no effects to the endangered gray wolf because the proposed activities would not disturb key wolf areas such as den sites and rendezvous sites, would not change prey availability, and would not increase public access in the area known to be used for denning and rendezvous sites (EA, p. A-33).

The BLM received a Biological Opinion from the Fish and Wildlife Service on August 15, 2016 (FWS Reference Number 01EOW00-2016-F-0366). Their Opinion concluded that implementation of the proposed action would not jeopardize the continued existence of the spotted owl (BO, pp. 98, 100).

10. Whether the action threatens a violation of Federal, State, or Local law or requirements imposed for the protection of the environment.

The Selected Alternative will not violate Federal, state, or local environmental protection laws. PDFs, an integral part of this project, ensure project activities are consistent with the 1995 Medford District ROD/RMP, as well as comply with legal requirements applicable to this project (EA, pp. 1-6 to 1-7).

Finding

I have determined that Alternative 2, the Selected Alternative, does not constitute a major federal action having a significant effect on the human environment; therefore, an environmental impact statement 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) with regard to the context and intensity of the effects 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 RMP 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 effects and the effects were determined to be insignificant.



Teresa J. Trulock
Field Manager
Butte Falls Resource Area

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Date