

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

PRELIMINARY FINDING OF NO SIGNIFICANT IMPACT

DOI-BLM-OR-E060-2015-0002-EA
Lost Creek Environmental Assessment

The Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA), (DOI-BLM-OR-E060-2015-0002-EA), for the Lost Creek project, which analyzed the effects of the proposed action and alternatives. On the basis of the information contained in the EA, and all other information available to me, it is my determination that the implementation of any of the action alternatives would not have a significant effect on the quality of the human environment, considering the context and intensity of impacts (40 CFR 1508.27). Therefore, an environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of the impacts as described in the EA.

CONTEXT

BLM adopted its Eugene District Resource Management Plan in 1995, incorporating the 1994 Northwest Forest Plan (NWFP) and its EIS. BLM has thus prepared two EISs that consider the significant and potentially significant effects of conducting timber harvest in the Eugene District within stands of the age classes found in this project. The EISs for the NWFP and 1995 Eugene RMP projected effects over the lifetime of that plan to date for 10,260 acres of regeneration harvest. In actuality, the Eugene District offered 3,167 acres of regeneration harvest, only 31% of the projected amount of regeneration harvest. The up to 141 acres proposed for regeneration harvest under the Lost Creek EA would equate to an additional 1.4% of this projection. Given the very large discrepancy between the acreage of regeneration harvest assumed within the effects analysis of the NWFP and RMP EISs and what the Eugene District has actually offered for sale, it is clear that the incremental effect of the harvest proposed in the Lost Creek EA is well within the effects of the total regeneration harvest projected within the Eugene District's RMP EIS. Even though the incremental harvest within the Lost Creek EA falls within the RMP EIS's effects analysis, the BLM analyzed the specific effects of the proposed action to determine if the Lost Creek EA timber sales are in and of themselves significant under NEPA. The BLM has determined the effects are not significant, for the reasons detailed below in the evaluation of the NEPA intensity factors.

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 action alternatives would be limited in scope and geographic application (40 CFR 1508.27(a)). The location of the action is described in the EA (p. 1) and displayed on maps (EA, Appendix F). 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 resource effects sections in Chapter 3 reveal that most of the direct and indirect environmental effects are confined to the project area with some effects extending slightly outside the project area. The direct and indirect effects of the action alternatives along with cumulative effects (incremental effects of the proposed action in light of past, present, and reasonably foreseeable future actions) for each resource are described in Chapter 3 of the Lost Creek EA (p. 21-90). These analyses were reviewed in consideration of the Council on Environmental Quality (CEQ) guidance on cumulative effects analysis, and results were disclosed in the EA.

The actions would occur in the Matrix (General Forest Management Area (GFMA) and Connectivity) and Riparian Reserve Land Use Allocations (LUA) as designated by the 1995 Eugene District Resource Management Plan (RMP). The RMP anticipated that forest management activities would occur in these LUAs as follows:

Matrix:

- produce a sustainable supply of timber (RMP, p. 34, 84)
- provide early-successional habitat (RMP, p. 85)
- maintenance of valuable structural components, such as down logs and snags (pp. 34)
- produce, over time, forests that have desired species composition, structural characteristics, and distribution of seral or age classes. (RMP, p. 85)
- schedule regeneration harvests to assure that, over time, harvest will occur in stands at or above the age of volume growth culmination (i.e., Culmination of Mean Annual Increment) (RMP, p. 85)

Specifically, for thinning in GFMA:

- increase the proportion of merchantable volume (RMP, p. 200)
- promote development of desired understory vegetation (RMP, p. 200)
- maintain good diameter growth rates (RMP, p. 201)

Specifically, for density management in Diversity/Connectivity Blocks:

- accelerate growth of trees to provide large-diameter snags and down logs (RMP, p. 203)
- promote development of understory vegetation and multiple canopy layers (RMP, p. 203)
- produce larger, more valuable logs (RMP, p. 203)
- harvest mortality of small trees as the stand develops (RMP, p. 203)
- maintain good crown ratios and stable, windfirm trees (RMP, p. 203)
- manage species composition (RMP, p. 203)

Specifically, for regeneration harvests in GFMA:

- Provide for maintenance of long-term site productivity and forest health (RMP, p. 201)

Specifically, for regeneration harvests in Connectivity:

- Approximately 1/15 of the available acres will receive regeneration harvest in any decade (RMP, p. 203)

Riparian Reserve:

- to meet the objectives of the Aquatic Conservation Strategy (RMP, p. 18)
- Apply silvicultural practices for Riparian Reserves to control stocking, reestablish and manage stands, and acquire desired vegetation characteristics needed to attain Aquatic Conservation Strategy objectives. (RMP, p. 24)

The action alternatives are in compliance with the RMP, as amended.

INTENSITY

I have considered the potential intensity of the impacts that would result from the action alternatives relative to each of the ten areas suggested for consideration by the CEQ, as detailed below (40 C.F.R. § 1508.27(b)):

1. Impacts that may be both beneficial and adverse.

I considered both beneficial and adverse impacts associated with the action alternatives as presented in the Lost Creek EA. These impacts are within a range of effects identified in the Eugene District Final Proposed Resource Management Plan/Final Environmental Impact Statement (FEIS; 1994) for timber resources (Chapter IV, p. 4-106 to 4-119) and other resources as they relate to timber management (Soils, p. 4-15 to 4-20; Water, p. 4-21 to 4-25; Fish, p. 4-66 to 4-67; Wildlife, p. 4-51 to 4-65; Recreation, p. 4-103 to 4-105; Cultural Resources, p. 4-97; and Climate Change, p. 4-9) and the NWFP EIS to which this EA is tiered.

The EA for the Lost Creek project identified impacts, both beneficial and adverse, for six issues presented in detail. The potential for adverse impacts from the action alternatives are similar to other projects previous to this one and are not unique to this project. These impacts are minimized

and/or avoided using the Project Design Features (PDFs) found in the EA (Appendix A). In BLM'S experience implementing previous projects, we have found similar activities using these or similar design criteria to be effective in avoiding or minimizing adverse effects. The analysis indicates that the disclosed adverse impacts are within the range of effects analyzed in the Eugene District RMP/FEIS.

Northern Spotted Owls (EA, p. 24 – 49)

Both suitable and dispersal habitat would be affected through regeneration harvest or thinning. Regeneration harvest would cause adverse effects through habitat removal, while thinning would maintain habitat function while causing indirect beneficial effects through long-term habitat improvement. Although portions of the Lost Creek project would be "likely to adversely affect" northern spotted owl habitat or sites, there would be no "take" of the species nor would it jeopardize the continued persistence of the species.

No northern spotted owl critical habitat would be affected by any alternative.

Northern spotted owl dispersal through the South Willamette-North Umpqua Area of Concern would not be affected.

Red Tree Voles (EA, p. 49 – 53)

There would be no significant effects on red tree voles, the persistence of red tree voles in the analysis area, or contribution towards a need to list the species under the Endangered Species Act from the project. Surveys were conducted in accordance with protocol (Version 3.0, Huff et al 2012) and Habitat Areas (where no harvest would occur under any alternative) were established according to Management Recommendations for the Red Tree Vole, v2.0 (USDA/USDI 2000) in areas where active nests were discovered. The Habitat Areas would protect known active red tree vole nests and allow for an increase in the number of active nests. The Habitat Areas would provide connectivity to the Riparian Reserve network and/or larger blocks of older unmanaged stands.

In accordance with the Pechman Exemptions, Exemption A, no surveys were conducted in stands proposed for thinning under 80 years of age. If red tree voles are present in these areas, there would be a short term (up to 15 year) reduction in habitat quality due to overstory tree removal. However, there would be a long-term (beginning in approximately 20 years) improvement in habitat quality due to accelerated growth of features such as large crowns, nesting structure, large branches, and multiple canopy levels.

Riparian Reserves (EA, p. 53 – 73)

There would be no significant effect on attainment of Aquatic Conservation Strategy Objectives under the Action Alternatives. Mid- to long-term beneficial impacts would include acceleration of development of late-successional characteristics including deep crowns, large branches, multiple canopy layers, and cavities. Short-term adverse impacts would include reduction in canopy cover as well as in shrub and herbaceous plants from harvest activities.

Sustained Yield Management (EA, p. 73 – 76)

All of the action alternatives would contribute to sustained yield management and meeting the Allowable Sale Quantity (ASQ) through commercial thinnings on dense, overstocked stands. Alternatives 2 and 3 would also contribute to long-term sustained yield management as regeneration harvests proposed under those alternatives would help re-establish a younger age class in Lost Creek sub-watershed which would, in turn, be available for future commercial thinning and regeneration harvests.

Recreation Opportunities (EA, p. 76 – 86)

There are no developed recreation sites or facilities within the project area. Legal public access exists only to the John's Last Stand and Missing Links sale areas. Dispersed recreation activities would be displaced during active harvest operations but access roads would be improved as part of the project. Access to nearby hiking trails would be maintained during and after the project.

Carbon Storage (EA, p. 86 – 91)

Carbon stored and harvested on BLM-Administered lands in western Oregon represents 1% of the total carbon stored in forests and harvested wood in the United States, and 0.02% of the global carbon storage in vegetation, soil, and detritus (USDI & Management, 2008, pp. Vol.1, Ch. 3, p. 220). The differences in carbon storage and sequestration among the alternatives over time are too small to reveal differences when placed in the context of regional, national, or global carbon storage.

2. The degree to which the proposed action affects public health and safety.

No aspect of the action alternatives would have an effect on public health and safety.

Smoke management from prescribed burning and pile burning would adhere to the Oregon Smoke Management Plan. Adherence to the Oregon Smoke Management Plan would greatly limit smoke dispersal. Due to the combination of burning only on days with stable atmospheric conditions and limited smoke dispersal, there would be no significant impacts on air quality associated with burning, and hence no significant impacts on public health or safety from burning.

The proposed action would have no impact on geologic conditions or increase risk of catastrophic landslides (EA, p. 23). No drinking water sources are present in the project area and, therefore, would not be affected by the proposed action.

No herbicides would be used in conjunction with this project. Thus there would be no public health or safety issue presented by the use of herbicides associated with this project.

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

There would be no significant effects on unique characteristics of the area such as parklands, prime farmlands, wild and scenic rivers, or ecologically critical areas (including areas of Critical Environmental Concern) as there are no such areas in the project vicinity.

Cultural surveys completed for the project identified historic railroad trestles and grades in the initial project area. As a result of these findings, some project boundaries, roads, and logging systems were modified to exclude historic and cultural resources identified during surveys. As these features would be protected from project activities, there would be no effect to historic or cultural resources.

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

The effects on the quality of the human environment are not likely to be highly controversial (40 CFR 1508.27(b)(4)). CEQ guidelines relating to controversy refer not to the amount of public opposition or support for a project, but to a substantial dispute as to the size, nature, or effect of the action. The effects of actions planned under the action alternatives (EA, p. 7-20 and Appendix F) are similar to many other forest management projects implemented within the scope of the 1995 Eugene RMP (FEIS, p. 4-106 to 4-119). Controversy over regeneration harvest on matrix lands was resolved with the NWFP and signing of the Record of Decision for the Eugene District RMP; the implementation of those decisions through project-specific regeneration harvest does not

require the BLM to revisit the question of significance associated with any remnants of that controversy every time the agency proposes a timber sale. The EISs for the NWFP and 1995 Eugene RMP projected effects over the lifetime of that plan to date for 10,260 acres of regeneration harvest. In actuality, the Eugene District offered only approximately one-third of the projected regeneration harvest. The up to 141 acres in the Lost Creek project would equate to an additional 1.4% of this projections. Given the very large discrepancy between the acreage of regeneration harvest assumed within the effects analysis of the NWFP and RMP EISs and what the Eugene District has actually offered for sale, it is clear that the incremental effect of the harvest proposed in the Lost Creek EA is well within the effects of the total regeneration harvest projected within the Eugene District by the NWFP and RMP EISs. The Eugene District BLM acknowledges that there is social controversy or differences of opinion regarding the proposed action, however, no unique or appreciable scientific controversy has been identified regarding the effects of the proposed action, and, therefore, no known scientific controversy exists over the impacts of the project.

Environmental effects of the project are within the scope of those considered in the 1994 FEIS. The NWFP EIS and RMP EIS addressed the social and scientific controversy over matrix harvest, including regeneration harvest. The 1994 FEIS projected that the Eugene District would harvest 570 acres (p. xix) annually through regeneration harvest methods. As of August 2015, the District has harvested approximately one-third of this projection under the 1995 RMP. Harvesting 141 acres would constitute another 1.4% of this projection. To the extent there is any remnant of that controversy, these figures show that Eugene's performance is far, far below the expected level of harvest, and therefore does not present any social or scientific controversy that those EISs did not already address.

Effects are expected to be consistent with those of the published literature cited in the EA, and are not controversial in a scientific sense. The public has had the opportunity to comment on this project through formal scoping and during a formal 30-day public comment period on the EA. While comments were received expressing disagreement with the BLM timber management program, none established a scientific dispute of the size, nature, or effects of the action alternatives.

The BLM is aware that the Revised Recovery Plan for the Northern Spotted Owl (USFWS 2011) uses the word 'controversy' in its discussion of spotted owls and ecological forestry (Revised Recovery Plan, p. III-11). Ecological forestry projects as implemented by the BLM in the moist forest type have typically been variable retention harvest, one type of regeneration harvest. Any form of regeneration harvest on public lands within the Pacific Northwest (such as the regeneration harvest included in the Lost Creek EA), continues to be opposed by certain groups.

A thorough reading of the full discussion in the Revised Recovery Plan, however, reveals that the controversy in question is largely the social controversy over implementing active forest restoration activities where the spotted owl and its habitat would benefit over the long term. The Revised Recovery Plan does not assert that the effects of ecological forestry themselves are controversial in any kind of meaningful scientific or biological sense, but rather that ecological forestry, as one part of "active forest management," will help address the uncertainty of the extent to which land managers can influence the changes occurring on forests across the Pacific Northwest. The controversy, thus, is not evidence of a substantial dispute over the size, nature, or effect of ecological forestry, but instead to the ongoing societal controversy over management of the Pacific Northwest forests.

The BLM is aware that the Revised Recovery Plan identified that [t]he majority of published studies support this general approach for Pacific Northwest forests, although there is some disagreement regarding how best to achieve it. We received widely varying recommendations for meeting this goal from knowledgeable scientists. Most of this variance in opinion is due to the scientific uncertainty in: (1) accurately describing the ecological "reference condition" or the "natural range of variability" in historical ecological processes, such as fire and insect outbreaks across the varied forest landscape within the range of the spotted owl (e.g., see Hessburg et al. 2005, and Keane et

al. 2002, 2009); and (2) confidently predicting future ecological outcomes on this landscape due to rapid, climate-driven changes in these natural processes, with little precedent in the historical (or prehistoric) record (Drever et al. 2006, Millar et al. 2007, Long 2009, Littell et al. 2010). These are very real problems that should be addressed with more research (Strittholt et al. 2006, Kennedy and Wimberly 2009).

In the meantime, addressing this uncertainty in a careful but active manner is the challenge of this Revised Recovery Plan and of forest management in general.

Therefore, while the FWS in the Revised Recovery Plan identified differences of scientific opinion regarding the informational needs for active forest management to achieve the goals of forest restoration, including owl recovery, this difference in scientific opinion does not rise to the level of a highly controversial scientific debate that requires an EIS for this single site-specific project. Nor does the scientific difference of opinion on informational needs at the broader scale of owl recovery demonstrate a scientific controversy over using active forest management to restore ecological processes. As the Revised Recovery Plan stated: "There is a scientific and social consensus emerging that land managers must restore more sustainable (resistant and resilient) ecological processes to forests at various landscape scales (Hessburg et al. 2004, Millar et al. 2007, Long 2009, Moritz et al. 2011) (See Revised Recovery Plan at III-12)." The FWS Revised Recovery Plan identification of the emerging "consensus" on this issue demonstrates that any scientific controversy that may have existed over the use of active forest management through projects like the proposed action to achieve long-term spotted owl recovery is largely being laid to rest. Indeed, the Revised Recovery Plan goes on to state that:

Federal land managers should apply ecological forestry principles where long-term spotted owl recovery will benefit, even if short-term impacts to spotted owls may occur (Franklin et al. 2006) to improve the resiliency of the landscape in light of threats to spotted owl habitat from climate change and other disturbances...This includes early-successional ecosystems on some forest sites (Swanson et al. 2010, Perry et al. 2011).

and

...management designed under an ecological forestry framework should avoid existing high value habitat, if possible, while meeting long-term restoration goals. Within provincial home ranges but outside core-use areas, opportunities exist to conduct vegetation management to enhance development of late-successional characteristics or meet other restoration goals in a manner compatible with retaining resident spotted owls. Restoration activities conducted near spotted owl sites should first focus on areas of younger forest less likely to be used by spotted owls and less likely to develop late-successional forest characteristics without vegetation management. Vegetation management should be designed to include a mix of disturbed and undisturbed areas, retention of woody debris and development of understory structural diversity to maintain small mammal populations across the landscape. (See Revised Recovery Plan at III-17)

Again, the controversy referenced in the Revised Recovery Plan reveals references to "controversy" are principally referring to the social controversy of implementing active forest management to achieve restoration goals. The Revised Recovery Plan also identifies differences in scientific opinion over the information needs that exist in regard to implementing such actions, but not over whether such actions should be undertaken.

The BLM is also aware that the fundamental nature of science requires disagreement and vigorous debate, and that as a result some disagreement will always be present in any scientific discussion. The topic of regeneration harvest is no exception. The BLM is aware of articles in peer-reviewed scientific literature, such as DellaSalla, et al (2013), which express some reservations and disagreements with ecological forestry applications. The BLM also notes that much of DellaSalla (2013) relates to the ongoing social controversy over management practices and refinement of land

management goals and practices. Where the article discusses the size, nature, and effects of ecological forestry, and discusses perceived shortcomings in the framework principles, it also acknowledges the positive aspects of the framework, and notes that the details of its management are “yet to be described.” (DellaSalla et al (2013), pp. 420-421). As noted previously, unanimity in science is rarely, if ever, present. That some discussion and debate in peer-reviewed scientific forums continues to occur is a sign not of controversy as NEPA uses the term, but of a healthy discussion and questioning of hypotheses and projections that are essential to the scientific process. In the end, however, while the BLM acknowledges this debate, NEPA and the principles which underlie it do not require unanimity, nor that an EIS be prepared for every project for which it does not exist. Articles such as DellaSalla (2013) are limited in direct application, and are more focused on advocacy and social policy. Rather than present scientific debate on the effects of implementing ecological forestry on matrix lands available for regeneration harvest, the articles question or propose a different tack on whether ecological forestry is the appropriate tool to address the current and changing conditions of forests in the Pacific Northwest. These broadly stated positions do not generate and are not evidence of a substantial dispute over the size, nature, and effects of the proposed action at issue here, however, and thus do not give rise to a “controversy” under NEPA that necessitates preparation of an EIS.

The BLM is, as noted, aware that social controversy is ongoing over the existence and practices of the BLM’s timber harvest program across western Oregon. This societal debate, reflected in the comments received by the BLM and addressed as applicable in the EA (p. 5-7), is precisely the public opposition or support that the CEQ guidelines have identified as not relevant to the term ‘controversy’ as applied to NEPA. The BLM has considered and responded to the comments received, and found none of them to constitute a true dispute over the size, nature, or effects of the action. Because the comments received from the public do not establish such a dispute, the proposed action is not controversial under NEPA.

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

The action alternatives would not impose highly uncertain or involve unique or unknown risks. The analysis has not shown that there would be any unique or unknown risks to the human environment not previously considered and analyzed in 1994 FEIS, to which this decision is tiered. Timber harvest is a common practice on lands managed by the BLM in western Oregon, and the activities and associated design criteria incorporated with this decision are well-established land management practices. The risks are well known and understood. None of the public comments received indicated unique or unknown risks to the human environment. Based on this, and previous similar actions, the probable effects of this decision on the human environment, as described in the EA, do not involve effects that are highly uncertain or involve unique or unknown risks.

As discussed above, the Revised Recovery Plan discusses the informational needs for active forest management to achieve the goals of forest restoration for achieving owl recovery, specifically (1) accurate ecological baseline information, and (2) confident predictions of outcomes of actions to restore conditions, given uncertainty in climate conditions. As discussed in more detail below, this project presents no serious question as to uncertain effects regarding harvest within the stands included within the action alternatives.

Within the Lost Creek watershed there are approximately 13,436 acres in BLM management, of which 5,920 acres are in the BLM harvest land base under the RMP. Less than 20 acres are under 15 years old. The maximum proposed for regeneration harvest under any action alternative would be 2.4% of the harvest land base acres in the watershed and is in context with historically plausible patterns and occurrences of early seral forest in this area. (EA p. 73-75) There is no highly uncertain information about baseline conditions in the action area.

Climate change and greenhouse gas emissions have been identified as an emerging resource concern by the Secretary of the Interior (Secretarial Order No. 3226; January 16, 2009), the OR/WA BLM State Director (IM-OR-2010-012, January 13, 2010), and by the general public through comments on recent project analyses. It is currently beyond the scope of existing science to identify a specific source of carbon emissions and designate it as the cause of specific climate impacts at an exact location. As an aid to decision-making, the EA analysis estimates carbon flux to the analysis area associated with the proposed action.

Carbon stored and harvested on BLM-Administered lands in western Oregon represents 1% of the total carbon stored in forests and harvested wood in the United States, and 0.02% of the global carbon storage in vegetation, soil, and detritus (USDI, 2008, pp. Vol.1, Ch. 3, p. 220). The differences in carbon storage and sequestration among the alternatives over time are too small to reveal differences when placed in the context of regional, national, or global carbon storage. (EA p. 87-91)

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

This project neither establishes a precedent nor represents a decision in principle about future actions. The timber management program on BLM managed lands in western Oregon is well established and this project would not establish a new precedent of management for this program. The action alternatives are consistent with actions appropriate for the Matrix and Riparian Reserve land use allocations as designated by the RMP.

This project will not bind any future BLM actions and will not shape or determine BLM forestry methods or strategies beyond this project. As with any project, BLM will use information learned from implementing the project; this does not mean those learnings commit BLM to any course of action with any future project or overall forest management strategy beyond this individual project, and as such this factor does not weigh in favor of an EIS or raise a serious question on this issue.

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

The Interdisciplinary Team evaluated the project in context of past, present, and reasonably foreseeable actions and determined that there is not a potential for significant cumulative effects beyond those analyzed in the Eugene District RMP / FEIS and the NWFP FEIS. There are no individual or cumulatively significant impacts identified by the analysis conducted for the Lost Creek EA. Cumulative effects analysis for the project area, by Issue, were presented in Chapter 3 of the EA. Effects from the action alternatives were largely localized with minimal impacts outside the project area.

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 historic resources.

Cultural surveys completed for the project identified historic railroad trestles and grades in the initial project area. As a result of these findings, some project boundaries, roads, and logging systems were modified to exclude historic and cultural resources identified during surveys. As these features would be protected and remain intact and undamaged by project activities, there would be no effect to historic or cultural resources. No other significant scientific, cultural, or historic resources are within the project area.

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.**

Terrestrial Species

The Upper Willamette Resource Area initiated Section 7 consultation with the U.S. Fish and Wildlife Service (FWS) for evaluation of effects of the Lost Creek Project to the northern spotted owl. The project was submitted as part of a batched consultation document "Willamette Planning Province FY2016/17 Biological Assessment of LAA Projects with the Potential to Modify the Habitat and/or Disrupt Northern Spotted Owls" (USDA/USDI 2015). This Biological Assessment (BA) considered effects to overall habitat availability due to habitat modification, effects to site occupation and reproduction due to habitat modification, and effects to nesting behavior due to noise disruption. The BLM determined in this BA that the Lost Creek Project would be "likely to adversely affect" northern spotted owl habitat and four northern spotted owl sites through habitat modification. No adverse effects from noise disruption would occur. These effects determinations are described in Issue 1 (EA, p. 24-49). The Biological Opinion from the FWS (FWS reference: 01EOFW00-2015-F-0319) confirms these effects determinations.

"Likely to adversely affect" effects determinations at spotted owl sites are due to existing low levels of available spotted owl habitat, combined with the Lost Creek project effects. However, these effects are not significant because:

- No "take" would occur. Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. In the context of forest management activities, take can occur incidentally as harm to spotted owls. No harm to spotted owls would occur in the Lost Creek project because either the affected habitat is low-quality, the affected habitat is of low value due to its location at the periphery of a site, or because the spatial distribution of the potential harvest units would not preclude spotted owl use of affected sites.
- East-west dispersal through the South Willamette - North Umpqua Area of Concern would not be affected and spotted owls would still be able use the project area and vicinity to disperse between the Coast Range and Western Oregon Cascades provinces. This would allow for continued genetic exchange and demographic support between these provinces.
- No spotted owl critical habitat would be affected and it would continue to provide for the recovery and conservation of the species as described in the 2012 Critical Habitat Rule.
- The Lost Creek project is consistent with the Northern Spotted Owl Recovery Plan (2011), which is the most up-to-date guidance from the FWS. The project is consistent with Recovery Actions 10 and 32. Recovery Action 10 calls for avoiding adverse effects at high-priority spotted owl sites, while Recovery Action 32 calls for the protection of high-value spotted owl habitat wherever it occurs. The project combined with other reasonably foreseeable future actions would remove a maximum of 1.7% of the existing habitat in the Lost Creek sub-watershed. (EA, p. 40)
- The amount of spotted owl habitat and the number of spotted owl sites affected would produce undetectable effects when considered at the 7.2 million acre Willamette Planning Province scale, which the FWS has determined is appropriate for batched consultation of federal actions. Therefore the conservation needs of the spotted owl would continue to be met and the Lost Creek Project would not affect spotted owl recovery or conservation.

For these reasons, the Lost Creek project would not appreciably diminish the effectiveness of the conservation efforts established under the Revised Recovery Plan for the Spotted Owl, the Northwest Forest Plan, or the Critical Habitat Rule. Reasonably foreseeable future actions on adjacent private lands in the project area, Lost Creek watershed, and Willamette Planning province would not result in cumulative effects that would change these effects determinations.

There are no other Threatened or Endangered wildlife or botany species within the project area, and there is no causal mechanism for the project to affect any Threatened or Endangered terrestrial species outside of the project area.

Aquatic Species

There are no Threatened or Endangered fish species or their critical habitat within the project area and no causal mechanism for the project to affect any Threatened or Endangered fish species outside of the project area.

The only federally listed fish species near the project area is the federally threatened Upper Willamette River Chinook. Critical Habitat for this species is located approximately ½ mile downstream from the nearest timber sale unit. Most timber sale units are much further upstream (1-3 miles). Only imperceptible effects at the site scale are predicted to occur from any action alternative; therefore, these effects at the site scale would have no effect further downstream on Chinook salmon or their critical habitat. Given the lack of a perceptible site-specific impact, the project does not contribute any incremental effect that would possibly have a synergistic effect with the effects of any other past, present, or reasonably foreseeable future action, and therefore has no cumulative effect with any such action. Due to lack of proximity of proposed harvest areas and haul routes being disconnected from Critical Habitat, this project would have *No Effect* on Upper Willamette River Spring Chinook salmon or their Critical Habitat. (EA, p. 91)

Implementation of the proposed actions would not change the likelihood of and need for listing of any Special Status Species under the ESA as identified in BLM Manual 6840 and BLM OR/WA 6840 policy.

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

The action alternatives do not threaten to violate any Federal, State, or local laws imposed for the protection of the environment including, but not limited to, the Clean Water Act, Clean Air Act, and Endangered Species Act. The action alternatives comply with the 1995 Eugene RMP, which provides direction for the protection of the environment on public lands. Project design criteria listed in the EA would assure compliance with these laws. The EA also meets National Environmental Policy Act disclosure requirements.

Pursuant to Executive Order 13212, the BLM must consider the effects of this decision on the President's National Energy Policy. As there would be no impact to the exploration, development, or transportation of undeveloped energy sources from the proposed action, a Statement of Adverse Energy Impacts is not required.

CONCLUSION

Based on the information contained in the EA (DOI-BLM-OR-E060-2015-0002-EA), and all other information available to me, I have determined that the action alternatives would not have a significant impact on the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969, and that an Environmental Impact Statement is not required. I have determined that the effects of the proposed activities would be in conformance with the 1995 Record of Decision/Resource Management Plan for the Eugene District.

Signature of the Responsible Official:

/s/ William O'Sullivan
William O'Sullivan
Upper Willamette Field Manager
Eugene District Office

November 17, 2015
Date: