



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
ASHLAND RESOURCE AREA
3040 Biddle Road
Medford, Oregon 97504



FINDING OF NO SIGNIFICANT IMPACT

for the

NEDSBAR

FOREST MANAGEMENT PROJECT

(DOI-BLM-ORWA-M060-2016-0004-EA)

INTRODUCTION

The Medford District Bureau of Land Management (BLM), Ashland Resource Area analyzed for forest management activities, including commercial timber harvest and associated activity fuels treatments (1,112 acres) and non-commercial thinning treatments for thinning understories and/or fuels reduction (1,027 acres), on BLM-administered Adaptive Management Area lands in the *Nedsbar Forest Management Project Final Environmental Assessment* (DOI-BLM-OR-M060-2016-0004-EA) (EA). Timber yarding systems included in the analysis were ground-based, skyline-cable and helicopter.

Transportation management activities, including temporary road construction (1.33 miles), permanent road construction (0.42 miles), full road decommissioning (9.63 miles), long-term road closure (7.34 miles) will be implemented. Proposed activities are located in southwest Oregon, northwest of Medford near Ruch in the Upper Applegate and Little Applegate 5th field watersheds.

Based on the context and intensity of the effects analyzed in the Nedsbar Final EA, (Chapter 3, pp. 3-1 through 3-146), I have determined the Selected Alternative as described in the Decision Record, with the incorporated 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 within the analysis area.

The Nedsbar 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 Nedsbar 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 project to determine if the Nedsbar 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 Final 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 Final EA (pp. 1-1 to 1-2) and displayed on Maps 2-1 to 2-9 in the Final EA and Maps 1 to 3 in the Decision Record. The physical and biological effects are limited. The affected environment sections of Chapter 3 in the Final 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 Nedsbar Project Final 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 Final 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 (Final EA, Appendix B).

The 18,958-acre Nedsbar Planning Area is located within the 52,255-acre Upper Applegate and 72,245-acre Little Applegate Watersheds. The Little Applegate and Upper Applegate Watersheds are two of the seven 5th field watersheds within the Applegate Subbasin. One proposed helicopter landing and a short segment of an associated potential haul route is located within the Bear Creek Watershed (T. 39 S., R. 1 W., Sections 21-22). The Nedsbar Forest Management Project Final EA analyzed site-specific actions on 2,378 acres, or about 12.5% of the Planning Area. The BLM manages 15,924 acres (84%) within the Planning Area and management activities would occur on 13.4% of those lands. BLM-administered lands in the Planning Area have the following land use allocations under the 1995 RMP: Adaptive Management Area (AMA), Riparian Reserve, and Late-Successional Reserve (known northern spotted owl activity centers). Activities analyzed in the EA are located on lands allocated to AMA lands and Riparian Reserves. No activities would occur in known northern spotted owl activity centers.

The Medford District RMP anticipated that forest and transportation management and restoration activities would occur on AMA lands (Final EA, pp. 1-2 and 2-1).

The Selected Alternative would include implementation of the PDFs listed in the Final EA (Chapter 2, Section 2.C.4), 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 Nedsbar 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. 3-3 to 3-146) and Appendix B of the Final EA details the 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 or adverse effects.

The Final EA documented the site-specific analysis of effects, both beneficial and adverse, to the environment. 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. The required application of the PDFs (Final EA, pp. 2-29 to 204), an integral part of the Nedsbar Project, will ensure the potential for adverse effects on resources is avoided or minimized to the extent possible.

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

Vegetative Resources

Actions under the Selected Alternative are expected to have measurable, although insignificant, beneficial effects on vegetation conditions in the analysis area by reducing stand densities and increasing tree growth and vigor; increasing forest stand resilience to wildfire, drought, and insects and disease (Final EA, p. 3-13, 3-14, 3-15, 3-32); creating diversified stand structure (height, age, and size) and spatial heterogeneity; and promoting diversity of fire resilient species including pines, oaks, and cedar (Final EA p. 2-13 to 2-17). The area to be treated under the Selected Alternative represents about 13.4 percent of the analysis area (BLM lands within the Upper Applegate and Little Applegate sub-watersheds) and about 20 percent of forested lands within the analysis area.

Permanent road construction would remove an estimated 1.68 acres of land from vegetative production over the long-term (Final EA p. 3-44 and 3-48); however, about 8 acres of lands would be restored to vegetative production over time as a result of passive decommissioning of 1.88 miles of road and as funding becomes available, an additional 31 acres would be restored with the decommissioning of 7.75 miles of existing roads (Final EA, p. 3-44 and 3-48). Overall, there will be a beneficial but insignificant effect from restoring about 39 acres (0.37 percent of forest lands within the analysis area) to vegetation production.

Fire and Fuels

There is no potential for significant adverse or beneficial effects to fire hazard and risk from the proposed Nedsbar Project. While fuel levels would increase immediately following forest management activities, this increase in fuel loading would not create a significant increase in the risk of large-scale wildfires for the short-term, this is because:

- Flame lengths in a slash model would be about 4 feet, which would still allow for direct attack (Final EA, p. 3-27).
- Piles would be burned in the fall, winter, or spring, and would occur within one year or less of being piled (Final EA, p. 2-18);
- Following treatment of activity fuels, fire hazard would be lower than pre-harvest conditions due to the reduction in ladder and canopy fuels (Final EA p. 3-25 and 3-28) for acreage treated.
- There would be no increase in open road density over the long-term (which can be a source of human caused ignitions), and roads proposed for decommissioning and long-term closure were reviewed first by BLM fire/fuels specialists to ensure they did not provide critical access for fire management.

Soil Resources

No significant impacts to soil resources have been identified. No effects to fragile soils would occur from new roads (temporary or permanent). With implementation of required project design features including dry weather construction and use, waterbarring, seeding and mulching, closing new permanent roads, and decommissioning/decompacting all temporary roads following completion of operation, the long-term effects to soils from road construction would not be significant.

Lands in Timber Productivity Capability Classification (TPCC) withdrawn areas for soil reasons were not included in the proposed project. Proposed project units were reviewed to determine stability, especially in soils classified as fragile (Final EA, p. 3-39). PDFs requiring ground-based equipment to operate from designated skid trails, using existing skid trails when possible, and not operating mechanized harvesters off of designated skid trails unless soils are dry (15 percent soil moistures or less) would result in compaction within project harvest units below 12 percent and 5 percent productivity loss as analyzed in the 1994 Medford District FEIS RMP (Final EA, p. 2-30). Soil disturbance from all harvest activities would not result in a significant amount of soil leaving the site, and erosion rates would return to near-normal within approximately five years (Final EA, p. 3-59).

Road decommissioning would have beneficial but insignificant effects on soil resources by placing about 38.52 acres (9.63 miles at approximately 4 acres per mile) back into vegetative production (Final EA, p. 3-54); this would be reduced by about 1.68 acres where permanent road construction would remove slightly over 1.68 acres from vegetative production (EA, p. 3-44). The net increase of acres in vegetation production (about 37 acres) represents less than 0.23 percent of the soil productivity analysis area. Soil productivity would recover in 10 or more years as disturbed sites become re-vegetated (Final EA, p. 3-53).

Approximately 11.2 acres of the proposed ground-based treatment units are in fragile soils (Final EA, 3-57). The areas that are fragile soils have been field reviewed. The portions in the ground based units in fragile soils have a gentle slope. Surface erosion is very unlikely in areas of gentle slope.

No designated skids or tractor swing trails are located in fragile soils (Final EA, p. 3-53).

Water Resources

The implementation of the Selected Alternative would not have significant adverse or beneficial impacts to stream water quality or hydrologic flow.

There would be no effect to stream temperatures as a result of the Nedsbar Forest Management Project because the project is designed to avoid the removal of shade producing vegetation along perennial stream Riparian Reserves and the minor amount of canopy removal in the Riparian Reserves of intermittent streams would not affect stream temperatures because these streams only run water in response to winter and spring storms and are dry during the warmest summer months (Final EA, p. 3-73).

There is potential for new road construction to increase short-term sediment delivery and turbidity. The Selected Alternative constructs 0.42 miles of new permanent road, which is located along ridge and upper slopes and not hydrologically connected to aquatic habitat (Final EA, p. 3-91). The remainder of road construction (1.33 miles) will be temporary. While there is potential for sediment delivery for the short-term, decommissioning following completion of operations will eliminate the potential for these roads to be long-term sources of sediment to streams. Additionally, the required project design features (Final EA, p. 2-32 to 2-33) to limit construction of new roads and landings and the maintenance of existing roads to the dry season will greatly reduce the potential for short-term sediment delivery to streams. This project also includes required project design features for haul including no use of natural surfaced roads during wet weather conditions that could lead to road damage or sediment delivery and requirement to ensure roads used during the shoulder and winter seasons are adequately surfaced, and no hauling during heavy rain events (Final EA, p. 2-34).

Actions included in the Selected Alternative would not result appreciable increase in areas with less than 30 percent canopy cover. Therefore, there is no increased risk for enhanced peak flow as a result of the Nedsbar Forest Management Project (Final EA, p. 3-76).

BLM is recognized by Oregon Department of Environmental Quality as the Designated Management Agency for implementing the Clean Water Act on BLM lands (Final EA, p. 1-10 and 3-70) and the Applegate Subbasin Total Maximum Daily Load (TMDL) approved by U.S. Environmental Protection Agency approved BLM actions compliant with the 1995 Medford District Resource Management Plan provided Best Management Practices and Project Design Features are followed to avoid exceedance of TMDLs. Best Management Practices and Project Design Features are required as part of implementation of the Selected Alternative (Final EA, pp. 2-29 to 2-40 and as described throughout the EA).

Based on analysis documented in the EA, the Nedsbar Forest Management Project is compliant with the Applegate Subbasin Total Maximum Daily Load (TMDL) and Applegate Subbasin Water Quality Restoration Plan (Final EA, p. 3-70). The Nedsbar Forest Management Project would have no significant adverse impacts on water quality, and is compliant with the Clean Water Act, and the 1995 Medford District RMP.

Aquatic Habitat and Fish

No significant impacts to aquatic habitat or fish would occur with the implementation of the Selected Alternative. Project Design Features are incorporated into this project, which provide protection to aquatic resources. As described for Water Resources above, the Nedsbar Project is designed to minimize the potential for sediment to streams and includes required Project Design Features (Best Management Practices), to ensure no adverse effects to water quality would occur.

Implementation of the Nedsbar Forest Management Project was determined to have “no effect” to Coho Critical Habitat or Essential Fish Habitat in the Analysis Area (Final EA p. 3-83).

The Final EA reported a potential for Alternative 4 to add up to 4.11 cubic yards of sediment to streams from road construction and haul in the short-term, and slight risk for long-term sediment inputs from new permanent road construction (Final EA, p. 3-98 to 3-99). The potential sediment (about 2.1 cubic yards) from haul is not anticipated to be detectable beyond sediment from other sources given the small magnitude of sediment anticipated and the large spatial and temporal scale of the contribution (Final EA, p. 3-93). The Final EA reports “[t]he magnitude of any inputs resulting from any of the action alternatives would still be minor relative to the existing sediment levels.” (Final EA, p. 3-98). Since the Selected Alternative eliminates about 1.08 mile of new permanent road construction and changes 0.58 miles of permanent road to temporary road construction in the Lick Gulch drainage, the effects to sedimentation of implementing the Selected Alternative are reduced from those effects reported in the Final EA. Decommissioning temporary roads following completion of operations will eliminate the potential for these roads to contribute to long-term sources of sediment to streams.

Fisher

The USFWS issued a proposal to list the West Coast Distinct Population Segment (DPS) of fisher (*Pekania pennanti*) as a Threatened species under the Endangered Species Act in the Federal Register on October 7, 2014 (Federal Register, Vol 79, no. 194, 10/7/14 pgs. 604190-60443). The Nedsbar Forest Management Project falls within the range of the West Coast DPS of fisher. On April 14, 2016, the USFWS announced the West Coast DPS of fisher would not be listed under the Endangered Species Act, and was later published in the Federal Register on April 18, 2016 (81 FR 74:22710-22808). Fisher remains a BLM Bureau Sensitive Species (Final EA, p. 3-111). The Selected Alternative would not incrementally reduce the amount of fisher denning and resting habitat in the wildlife Analysis Area (Final EA, p. 3-133).

Selective thinning and structural retention treatments that would reduce the canopy cover below 40 percent would remove 197 acres of denning and resting habitat. Nedsbar thinning treatments in the Selected Alternative would reduce the quality of 239 acres of suitable denning and resting habitat due to the reduced canopy cover of 40 percent (NRF downgrade). Proposed treatments maintaining habitat and retaining 40 and 60 percent canopy cover (972 acres) would continue to provide cover and key habitat features (i.e., large overstory trees, snags, hardwoods, and CWD) essential for the life cycle of the fishers (NRF and dispersal treat and maintain).

The Selected Alternative would not affect the persistence of fisher within the wildlife Analysis Area nor would it contribute to the need to federally list the fisher as threatened or endangered because no known denning sites would be lost and suitable denning and resting habitat within the Analysis Area would be retained in untreated units. Habitat features, such as large snags and coarse woody material, would be retained throughout the Analysis Area, which would provide future habitat for denning and resting, and further reduce potential impacts. Fishers are highly mobile and have large home ranges, and travel over large areas (Final EA, p. 3-113) and therefore, would not be precluded from dispersing or foraging in the Analysis Area because suitable habitat would still be retained, units with higher canopy retention would aid in dispersal, and key habitat features would be retained throughout the Analysis Area (Final EA, pp. 3-128, 3-134 to 3-135). Additionally, Riparian Reserves, NSO Recovery Action 32 habitat, and 100-acre Known Spotted Owl Activity Center owl core(s) would not be treated by the Nedsbar Project and would continue to provide undisturbed habitat for fishers throughout the 51,440-acre Wildlife Analysis Area (Final EA, p. 133). Approximately 91 percent of the fisher denning and resting habitat within the Analysis area would remain untreated in the Selected Alternative.

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 (OSHA) regulations for worker and public safety;
- Fire hazard and risk would be reduced within the treated stands (Final EA, pp. 3-26 to 3-37);
- 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 (Final EA Appendix B, pp. B-8 and B-9);

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.

No wilderness areas, wilderness study areas, prime farm lands, Wild and Scenic Rivers (or rivers suitable for Wild and Scenic designation), Lands with Wilderness Characteristics, caves, parks, or refuge lands exist in the Nedsbar Project Area.

Area of Critical Environmental Concern (ACEC) and Research Natural Area (RNA)

There are three areas located within the Little Applegate and Bear Creek 5th field watersheds but outside of the Nedsbar Planning Area that are designated under the Southwest Oregon ROD/RMP (USDI BLM 2016) to be managed as Special Areas to protect the primary values for which they are recognized. The two areas are: 1) Sterling Mine Ditch Area of Critical Environmental Concern, 2) Dakubetede Area of Critical Environmental Concern, and 3) Holton Creek Research Natural Area (Final EA, p. 3-136). There are no activities proposed within the ACEC or RNA boundaries.

Wilderness

Prescribed burning is not expected to affect visibility within the Crater Lake National Park and neighboring wilderness smoke sensitive Class I areas (Kalmiopsis and Rogue Wilderness Areas) due to the distance from the Project Area and implementation of smoke management guidelines (Final EA, Appendix B, p. B-9).

Cultural Resources

Cultural surveys for the Project Area were completed. Sites identified within the Nedsbar Project Areas of Potential Effect (APE) have been flagged for avoidance (Final EA, p. B-6).

Wetlands

No project activities would occur within wetlands; therefore, wetlands will not be destroyed, lost, or degraded in accordance with Executive Order 11990, Protection of Wetlands.

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

“Highly controversial”, in the context of 40 CFR 1508.27(b) (4), refers to substantial disagreement within the scientific community about the environmental effects of a proposed action. It does not refer to expressions of opposition or expressions of preference among alternatives or differences of opinion concerning how public lands should be managed.

The Selected Alternative is similar in nature to many other forest management projects that have been implemented across the Medford District BLM. The anticipated effects of harvesting timber, post-harvest

fuels reduction, and new road construction, documented in the Final EA, are well known and no highly controversial effects have been identified.

A complete disclosure of the predicted effects is contained in Chapter 3 of the EA. The effects of this project are similar to those of other forest management projects implemented within the scope of the 1995 Medford District RMP and Northwest Forest Plan. There is a continuing full range of debate 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 Nedsbar 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 Final EA. The environmental effects to the human environment are fully analyzed in Chapter 3 of the Final EA. Public concerns and input have been considered throughout the analysis (see Public Involvement section of the Final EA and Response to Comments in the Decision Record). The actions analyzed in the Selected Alternative are routine in nature, which includes standard PDFs, BMPs and seasonal restrictions. These effects are well known and do not involve unique or unknown risks to the human environment.

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 the Selected Alternative will 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 1995 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.

Cumulative environmental effects are “the impact on the environment which results from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions” (See definition of “cumulative impact” in 40 CFR § 1508.7).

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 the Selected Alternative for each resource issue analyzed are disclosed in the Final EA in Chapter 3 (EA, p. 3-1 to 3-147).

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 Selected Alternative would not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor would the project cause loss or destruction of significant scientific, cultural, or historical resources.

In accordance with the Protocol for Managing Cultural Resources on Lands Administered by the BLM and the National Historic Preservation Act of 1966 (specifically, section 106), as amended, a literature review and archaeological reconnaissance was conducted for the Nedsbar Project Area. The Nedsbar Project was reviewed for the potential for adverse impacts to cultural resources.

Any known significant cultural sites within the Area of Potential Effect (APE) will be flagged for avoidance and unit boundaries adjusted for protection of the resource. When coupled with the Project Design Features listed in Chapter 2, no direct, indirect, or cumulative impacts are expected for cultural resources within the Nedsbar Project.

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 significant effects would occur to species listed or proposed to be listed as federally Threatened or Endangered (T&E) species or their critical habitats that have been determined to be critical under ESA.

Northern Spotted Owl (NSO)

Units proposed for treatment within the Nedsbar Project would be within the Provincial Home Range of 13 historic northern spotted owl sites (Final EA p. 3-109), and within 2012 designated critical habitat (Final EA, p. 3-109). No known nests are located within the proposed units (Final EA, p. 3-109). The 2011 U.S. Fish and Wildlife's Revised Recovery Plan for the Northern Spotted Owl includes recovery actions to guide activities that would help to further the recovery of the northern spotted owl. BLM worked with the US Fish and Wildlife Service to incorporate Recovery Actions consistent with BLM laws, policies, and regulations. The ID Team applied concepts of RA 10 strategy and the northern spotted owl Relative Habitat Suitability Model to refine the project from its original configuration (Final EA, p. 2-4). The intent at high priority sites was to reduce the potential for effects to spotted owls by avoiding the downgrading or removal of habitat within high priority home ranges (Final EA, p. 3-108).

Consultation with the USFWS has been completed for this project in the BLM's *Biological Assessment for the Nedsbar Forest Management Project* and Jack-Ash Trail Construction (Nedsbar BA 2016) on April 21, 2016. The Biological Opinion (FWS Reference Number 01EOFW00-2016-F-0283) from the U.S. Fish and Wildlife Service (USFWS) transmitted on July 29, 2016 determined that the proposed activities "are not likely to jeopardize the spotted owl" and they "not likely to adversely modify critical habitat [at the subunit]" (USDI FWS 2016, p. 63).

- Units proposed for treatment within the Nedsbar Project would be within the Provincial Home Range of 13 historic northern spotted owl sites (Final EA, p. 109).
- The Selected Alternative is consistent with Recovery Actions (RA) 10 and 32 of the revised NSO recovery plan (2011).
- Approximately 11,535 acres of NRF will remain untreated in the planning or project area. Approximately 422 acres (3.5 percent) of NRF within the Analysis Area are proposed for treatment.

- The ID Team applied concepts of RA-10 strategy and the northern spotted owl Relative Habitat Suitability Model to refine the project from its original configuration (Final EA, pp. 2-4). Implementation of the Selected Alternative is consistent with the intent of RA 10 in that high priority NSO sites would be conserved (i.e., not adversely impacted). The Biological Opinion determined the Nedsbar project would not result in incidental take of northern spotted owls (BO, p. 63).

Northern Spotted Owl Critical Habitat

- Approximately 18,934 acres of the Nedsbar proposed action are within the 2012 designated critical habitat for the northern spotted owl.
- Taking into account the current status of spotted owl habitat in subunit KLE 6, the adverse effects of the Nedsbar project are not likely to appreciably diminish the conservation support function of this CHU or critical habitat at the Provincial and range-wide scales. Primarily, the project impacts are relatively very small in relation to the total amount of existing NSO habitat in CHU sub unit KLE 6. Twenty-two percent of the critical habitat subunit would be affected.
- The Biological Opinion determined that the removal of up to 7 acres (BO, p. 59) of NRF and 20 acres of dispersal habitat is not anticipated to appreciably reduce the CHU's function because it represents only a very minor fraction (approximately .08%) of the 10,464 acres of NRF habitat in the 18,934 acre CHU KLE 6 subunit. The Selected Alternative will harvest fewer acres within the CHU and therefore, anticipated effects would be reduced to what was considered in the BO. The connectivity and demographic objectives are anticipated to remain functional post implementation.

Fish and Designated Habitat

The Selected Alternative will have no effect on SONCC Coho salmon, CCH, and EFH in the Nedsbar Analysis Area catchments. This determination was made upon anticipated affects to aquatic habitat that can indirectly affect fish, and are described in the Final EA. Effects to aquatic habitat were determined to be of insufficient magnitude and of a nature to not meaningfully impact aquatic habitats in fish bearing channels (Final EA, pp. 4-2 and 3-84).

Botanical Species and Habitat

The Project Area is within the range of one federally-listed T&E plant, Gentner's fritillary (*Fritillaria gentneri* (FRGE)). The BLM completed surveys for this T&E plant species.

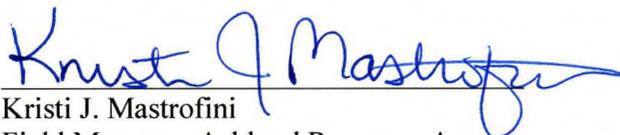
The BLM would protect all known sites of Gentner's fritillary by one or more of the following methods: a) distance from project units and associated activities, b) seasonal restrictions, or c) a no-treatment buffer. Project associated activities such as thinning, fuels treatments and burn piles, tail hold trees, skidding or other activities that may cause disturbance, soil compaction or alteration of canopy will not occur in no-treatment buffers. Therefore, there would be no effect to this T&E species as a result of implementing the Selected Alternative for the Nedsbar Project (Final EA Appendix B, p. B-2 and B-3).

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. Project Design Features, an integral part of this project, ensure project activities are consistent with the 1995 ROD/RMP, as well as comply with legal requirements applicable to this project (Final EA, pp. 1-8 and 1-9).

Finding

I have determined that the Selected Alternative for the Nedsbar Forest Management Project does not constitute a major federal action having 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 Final 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.



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Medford District, Bureau of Land Management

8/30/16

Date