

**DRAFT FINDING OF NO SIGNIFICANT IMPACT
FOR THE
COLD ELK FOREST MANAGEMENT PROJECT
DOI-BLM-ORWA-M070-2016-0001-EA**

I. INTRODUCTION

The Grants Pass Resource Area, Medford District Bureau of Land Management (BLM), Cold Elk Forest Management Environmental Assessment (EA) was made available for public comment from July 5, 2016 to August 4, 2016. The BLM has a statutory obligation under the Federal Land Policy Management Act which directs that “The Secretary shall manage the public lands . . . in accordance with the land use plans developed by him under section 202 of this Act when they are available . . .” The Medford District’s Record of Decision and Resource Management Plan (1995 ROD/RMP) guides and directs management of BLM lands.

One of the primary objectives identified in the RMP is implementing the O&C Lands Act which requires the Secretary of the Interior to manage O&C lands for permanent forest production in accordance with sustained yield principles.

The purpose and need for proposed treatments in the Cold Elk Project is to produce wood volume at the present time, increase conifer growth rates for wood volume production in the future, and maintain/improve tree vigor of retained conifers and other vegetation while managing northern spotted owl habitat.

The EA analyzes the effects of the Proposed Action to treat approximately 3,702 acres in the Matrix and Riparian Land Use Allocations. Treatments include variable density thinning, understory reduction, disease management, and roadside management prescriptions.

II. DETERMINATION OF SIGNIFICANCE

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

Context. The Cold Elk Forest Management Project Action analyzes treatment of approximately 3,702 acres in the Matrix and Riparian Land Use Allocations. Treatments include variable density thinning, understory reduction, disease management, and roadside management

prescriptions. The planning area is located within the West Fork Cow Creek Watershed, in Coos and Douglas Counties and a small portion of Curry County of Oregon. The Proposed Action by itself does not have international, national, region-wide, or state-wide importance.

Intensity. The following discussion is organized around the Ten Significance Criteria described in 40 CFR § 1508.27(b) as they pertain to the context of the Cold Elk Forest Management Project Alternative.

1. Impacts that may be both beneficial and adverse. The most noteworthy predicted environmental effects of the Selected Alternative include:

- a) **Vegetation.** Silvicultural treatments proposed in Alternative 2 would increase species diversity, develop habitat conditions, and reduce stand densities. Increased growing space following management intervention would contribute to larger scale benefits to the watershed where the aggregate effect results in improved conifer growth, habitat conditions, and persistence of diverse species composition. (EA, page 63). With silvicultural manipulation, active creation of structural complexity can be achieved where the resulting lowered densities would reallocate growing space to more desirable diverse tree species and larger tree structure desirable by wildlife, and improve stand resiliency and tree vigor. (EA, page 63) Decreased stand densities would improve short term (0-20 years) and long term (> 21 years) forest health and resiliency (EA page 64).
- b) **Fire and Fuels.** The Cold Elk Project would implement forest management activities to move toward meeting fuels reduction objectives for these areas and enhancing fire-adapted ecosystems by reducing fire hazard. Treatments could create defensible areas within the PA and move those treated areas to near historical ranges. Alternative 2 would have a short term increase of fine fuels deposited on the forest floor resulting in an immediate increase in fire hazard until activity fuels are treated. Activity fuels treatments are proposed that would reduce this immediate deposition of fuels as described in Chapter 2.4, PDFs and BMPs and the Fire and Fuels write-up, Chapter 3.2 (EA, page 62). Long-term beneficial effects are anticipated in terms of decreased fire hazard on approximately 3702 acres which could be utilized as strategic holding points for fire suppression personnel for the next 10 to 20 years (EA, page 73).

Alternative 2 would help restore, maintain, and enhance fire-adapted ecosystems by reducing fire hazard within the PA. In the event of a wildfire, strategic locations may be utilized for fire suppression activities to contain a fire within the PA, or conversely, to prevent a fire from entering it. Alternative 2 reduces fuels to decrease the intensity and severity of future fires at the stand level within the PA (EA page 63).

- c) **Soil Compaction and Productivity.** Direct effects to soils from timber thinning include soil displacement and compaction from forest management activities (EA, p. 130). In

density reduction projects on BLM administered lands, a reduction in either overstory and/or understory stand density would improve conifer growth and contribute to developing habitat conditions. Long term soil productivity benefits where site conditions for residual conifer growth improve (EA, p. 124). The proposed silvicultural treatments would increase the long-term (after 3-5 years) productivity of residual trees by effectively increasing their access to additional light, water, and nutrients. Thinning would improve or maintain stand vigor and growth rates. Many of these stands are currently showing reduced growth rates as a result of overstocked conditions for light, soil nutrients, and water (EA, p. 124).

Each proposed Cold Elk Project harvest unit would be below 12% compaction and 5% productivity loss as analyzed in the 1994 Medford District FEIS RMP. Units proposed for Understory Reduction would not contribute to soil compaction or productivity loss, since no extraction is proposed for these units (EA, p. 121). Residual vegetation is expected to respond to the stimulus of increased growing space and to the newly available growth factors necessary for survival (increased availability of water, nutrients, and sunlight) which would help improve site productivity.

- d) Soils Sedimentation and Erosion.** It was determined that little to no sedimentation would occur from individual units, landings, and crossings along haul routes. In other words, no measureable sedimentation would occur above natural background levels described for the no-action alternative. No-treatment buffers (EPZs), Best Management Practices (BMPs), and specific associated project design features (PDFs) identified in section (2.3), would result in no direct or long term erosion (EA, p. 136). There would be no long-term increase in road density under this alternative, but a slight increase in roaded area during harvest (about 0.5% in the West Fork of Cow Creek). With this slight increase in roaded area, the total roaded area for the project area would still be below 4%, and therefore not expected to result in any measureable change in effects beyond baseline conditions (EA, p. 132). Harvest activities would add an estimated maximum of 148 acres to the ECA area during the short-term (1-2) years, but with successful reclamation no long-term increase in the ECA area would occur (EA, p. 153). No new permanent roads would be built and all temporary routes would be fully-decommissioned, therefore there would be no long-term increase in road density under this alternative (EA, p. 153).

Because of the type of actions proposed and the PDFs, BMPs and seasonal restrictions that would be implemented, there would be no instances of chronic erosion or excessive soil displacement that will occur as a result of actions associated with the Selected Alternative. The magnitude and extent of soil erosion from all activities associated with the Selected Alternative will be consistent with the impact analysis and conclusions provided in the 1994 Medford RMP/EIS.

- e) **Hydrology.** It was determined that little to no sedimentation would occur from individual units, landings, and crossings along haul routes. In other words, no measureable sedimentation would occur above natural background levels described for the no-action alternative. Therefore, water quality measures would not be negatively affected. Some short-term direct and indirect effects to water quality were identified due to pulse increases in sediment and turbidity from road work, generally during the first significant storm event of the wet season. While these effects from sediment could potentially occur, it would still remain within acceptable water quality limits for turbidity, and sediment loads would be difficult to distinguish from background levels.

EPZs, BMPs, and specific associated PDFs identified in section (2.3), would result in no direct or long-term sediment input to streams and thus no cumulative effects to water quality. In addition to sediment filtering, the EPZs would also retain trees that contribute to the primary shade zone for streams, and thus would maintain stream temperatures.

The risk of negative effects to water quality from the proposed actions is low. There would be no changes to current slope stability or risk of slope failure. The potential for periodic slope failures within the range of natural variability would still remain in association with areas exhibiting an historic disposition to soil movement, particularly in the event of a major storm.

Based on the data analyzed, the risk of peak flow enhancement from roads alone would be low. All roads in the PA currently occupy less than 5% of the land base. Statistically significant increases in peak flows have been shown to occur only when roads occupy at least 12% of the watershed, based on an extensive review of the literature of peak flows in western Oregon (Harr, 1976). The proposed action would not increase road densities since all temporary roads would be fully decommissioned after use. Landings constructed in new disturbance would be rehabilitated, therefore no increase in ECA or road densities, and no perceptible increase in peak flows would be expected. (EA, P. 164).

The proposed action and the implementation of PDFs, BMPs and seasonal restrictions that will be implemented, there would be no enhancement to peak flows, low flows, water yield, or temperature. No actions would occur within Riparian Reserves or within the primary shade zone of any streams or perennial waterbodies. The effects to water resources from all activities associated with the Selected Alternative would be consistent with the impact analysis and conclusions provided in the 1994 Medford RMP/EIS.

- f) **Northern Spotted Owl.** See 9 below.

g) **Botany.** See T&E plants in 9 below.

In the short term (0-3 years), proposed management actions would result in soil displacement and erosion, potentially affecting fungi species recolonization efforts within treatment units and along roads. (EA, p. 190)

2. The degree to which the selected alternative will affect public health or safety. The roadside management proposal would improve motorists safety (EA, p. 26) and would improve motorist safety by increasing sight distance around corners (EA, page 61). The treatment would reduce future road maintenance costs and improve wildfire defensibility (EA, p.26).

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas. There are no park lands, prime farm lands, wetlands, or ecologically critical areas in the Planning Area. The proposed action alternative would not have any direct or indirect effects on cultural resources. There are no eligible properties located within the APE as defined by Section 106 of the NHPA (EA, p. 178) To ensure protection of possibly undetected sites during project implementation the IDT designed PDFs that direct operators to cease all operations immediately and contact the project archaeologist if unidentified cultural or paleontological resources are encountered. If cultural resources are discovered during project implementation, the project would be redesigned to protect the cultural resource values present, or evaluation or mitigation procedures would be implemented based on recommendations from the Resource Area Archaeologist with input from federally recognized Tribes, approval from the Field Manager, and concurrence from the State Historic Preservation Office, (EA, p. 177).

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

Public comments and input have been considered throughout the analysis for this project and the interdisciplinary team responded to those comments in Appendix E of the EA. The Proposed Action analyzed in the Cold Elk Forest Management Project are within the scope of effects identified in the 1995 Medford District RMP. The predicted effects of the Action Alternatives are disclosed in Chapter 3 of the EA. The interdisciplinary team utilized the best available science to determine the effects of the activities analyzed in the Proposed Action Alternative as disclosed in Chapter 5, References. None of the comments were considered controversial in respect to their context and intensity in determining significance.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The effects of the Proposed Action are not unique or unusual. The BLM has experience with similar forest management projects and have found the

effects to be reasonably predictable. The environmental effects to the human environment are fully analyzed in Chapter 3 of the EA. Public concerns and input have been considered throughout the analysis; see Chapter 1.7 and Appendix E of the EA. The activities analyzed in the Action Alternatives are routine in nature, which includes standard PDFs, BMPs, and seasonal restrictions. These effects are well known and do not involve unique or unknown risk to the human environment.

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

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

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

There are no eligible properties located within the APE as defined by Section 106 of the NHPA (EA, p. 178) To ensure protection of possibly undetected sites during project implementation the IDT designed PDFs that direct operators to cease all operations immediately and contact the project archaeologist if unidentified cultural or paleontological resources are encountered. If cultural resources are discovered during project implementation, the project would be redesigned to protect the cultural resource values present, or evaluation or mitigation procedures would be implemented based on recommendations from the Resource Area Archaeologist with input from federally recognized Tribes, approval from the Field Manager, and concurrence from the State Historic Preservation Office, (EA, p. 177).

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

- a) **Fish.** Stand treatments, yarding, landing construction and rehabilitation, temporary route construction and reconstruction (including route decommissioning), road maintenance, hauling, and activity fuels treatments would have no effect on OC Coho Salmon (ESA-Threatened) and designated Coho Critical Habitat (CCH). For the PA, the closest CCH to any proposed treatment units is on Elk Valley Creek, East Fork Elk Valley Creek, Panther Creek, Walker Creek, and adjacent to the West Fork Cow Creek mainstem.

Treatments in these units would be 120 feet from the watercourses, consistent with the EPZ established for treatments on any fish-bearing stream (EA, p. 170).

Sediment would likely not enter CCH from hauling or maintaining haul roads because implementation of PDFs such as dry condition haul, properly functioning cross drains, and installation of sediment barriers would help to prevent sediment delivery into CCH. Project activities would follow all provisions of the CWA (40 CFR Subchapter D) and Oregon DEQ's provisions for maintenance of water quality standards. Table 32 Haul Route Crossings at Fish Bearing Streams (EA, p. 171).

The direct and indirect effects to fish and aquatic resources anticipated as a result of implementing the actions proposed in Alternative 2 are expected to be negligible due to the implementation of BMPs and PDFs. Some examples include: the use of variable sized EPZs, directional felling away from aquatic features, installing and/or using water bars, berms, sediment basins, gravel pads, straw bales, straw waddles, small dense woody debris, seeding and/or mulching, to reduce sediment runoff and divert runoff water away from aquatic features (EA, p. 173).

b) Plants. Of the three federally listed plants on the Medford District (*Fritillaria gentneri*, *Limnanthes flocossa* ssp. *grandiflora*, and *Lomatium cookii*), only *Limnanthes flocossa* ssp. *grandiflora* does not have a range that extends into the Grants Pass Resource Area. Final units within the Cold Elk Project Area do not fall within the range of any of Medford District's listed T&E plants as determined by the 2004 US Fish and Wildlife Service (USFWS) Biological Opinion. Final units were surveyed according to the USFWS's protocol; vascular plant surveys were conducted in the springs of 2015 and 2016, and no new T&E plant sites were found. There would be no anticipated effect from the Proposed Action on any federally listed plants, EA p. 183.

c) Northern Spotted Owl.

Northern Spotted Owls (NSO)

Thirteen owl sites would be affected by proposed treatments of NRF and dispersal habitat in the core area, with the majority of treatments as NRF Treat and Maintain and Dispersal Treat and Maintain habitat, and minimal (0.3 acres or less) NRF removed for landings or temporary road construction (EA, p. 104).

Effects to Spotted Owl Prey - Treatments associated with Alternative 2 that would remove or maintain NSO habitat may impact foraging by changing habitat structure for NSO prey species, with Treat and Maintain prescriptions having less impacts due to less tree removal, less ground disturbance, and higher canopy retention. Retained trees, snags

and down wood (if present) retained in the thinned stands would provide some cover for prey species over time, and would help minimize harvest impacts to some prey species.

Treatment implementation would be spread out temporally and spatially within the PA, which would provide areas for NSO foraging during project implementation and reduce the impact of these short-term effects at the project level (EA, p. 108).

Northern Spotted Owl Critical Habitat (CHU)

Habitat Effects to NSO Critical Habitat - The proposed action would negligibly affect the intended conservation function of CHU subunit KLW-1. This subunit is expected to function for demographic support to the overall population and for north-south and east-west connectivity between subunits and critical habitat units. This subunit sits at the western edge of an important connectivity corridor between coastal Oregon and the western Cascades. KLW-1 would still maintain the intended function of providing demographic support for NSOs because only 0.39% of CHU would be negatively impacted, and key habitat features of coarse wood, legacy/remnant trees, hardwoods, healthy pines and cedars, and moderate canopy cover would be retained, providing structural elements that support prey and foraging opportunities with the edges of treatment areas. NSO sites that are likely to be occupied would not have substantial removal within the core or home range, and treatment areas occur on the landscape near ridgetops and upper slopes where foraging use is less than lower and midslope areas. (EA, p. 110).

Compliance with NSO Recovery Plan

The effects of the Proposed Action are anticipated to increase the health and vigor of the residual stands post-treatment within 30 years recommended in the NSO recovery plan. It is likely that the treated stands will develop into more complex, structurally diverse forests in the long-term in comparison to the No-Action Alternative. In fact, thinning dense stands may be necessary in order to achieve old-growth forest characteristics in the absence of natural disturbance events (Tappeiner et al. 1997). Thinning younger forest stands may provide growing conditions that more closely approximate those historically found in developing old growth stands (Hayes 1997). Many of the treatments proposed, especially those that would occur in dispersal quality habitat, would have long-term beneficial effects to NSOs by increasing growth rates of the residual stand and accelerating the development of late-successional structural complexity within the treated areas than would occur if left untreated (EA, p. 112).

Maintaining NRF habitat or improving dispersal or capable habitat conditions within Alternative 2 meets the intent of Recovery Action #10 (RA 10) of the 2011 Recovery Plan, by NSO home ranges and core-use areas, and deferring treatment within high

quality and nesting habitat within high suitable habitat on lower slopes within drainages (USFWS 2011) (EA, p. 112).

- d) **Marbled Murrelet.** The proposed action would not remove or downgrade suitable murrelet habitat, does not occur within designated marbled murrelet critical habitat, would avoid potential disturbance, and occurs in a zone where no nesting murrelets have been detected in southwest Oregon, therefore no substantial negative impacts to murrelets are expected (p. 114).

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

III. FINDING

I have determined that the Proposed Alternative does not constitute a major federal action having a significant effect on the human environment; an environmental impact statement is not necessary and will not be prepared. This conclusion is based on my consideration of the Council on Environmental Quality's criteria for significance (40 CFR §1508.27), with regard to the context and the intensity of the impacts described in the EA, and on my understanding of the project, review of the project analysis, and review of public comments. As previously noted, the analysis of effects has been completed within the context of the Medford District's Resource Management Plan and the Northwest Forest Plan. This conclusion is consistent with those plans and the anticipated effects are within the scope, type, and magnitude of effects anticipated and analyzed in those plans. The analysis of project effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts and the effects were determined to be insignificant.