

**“DRAFT”**

**Fruit Growers Supply Company Reciprocal Right-of-Way Agreement  
ENVIRONMENTAL ASSESSMENT**

South River Field Office

EA# OR-105-07-02

Date Prepared: June 12, 2007

**Finding of No Significant Impact**

The South River Field Office, Roseburg District, Bureau of Land Management (BLM), has completed the Environmental Assessment (EA) for the proposed Fruit Growers Supply Company Reciprocal Right-of-Way Agreement. Two alternatives are analyzed in detail, consisting of Alternative One, No Action, and Alternative Two, the Proposed Action. The alternatives are described in Chapter Two of the EA (EA, pp. 4-7).

The proposed new reciprocal right-of-way agreement would permit Fruit Growers Supply Company (Fruit Growers) to use the 29-4-31.0, 30-5-31.0, 29-6-21.0, and 29-6-22.0 roads controlled by the United States and to extend the 29-4-31.2 road over public land administered by the BLM in Section 31, T. 29 S., R. 4 W., Willamette Meridian (W.M.) for the purpose of accessing their land. The agreement would also grant rights to the United States to use roads controlled by Fruit Growers and to construct new roads over land owned by Fruit Growers in Section 36, T. 29 S., R. 5 W., W.M. Section 5, T. 31 S., R. 5 W., W.M. and Section 22, T. 29 S., R. 6 W., W.M. for the purpose of accessing public (BLM-administered) land.

*Unaffected Resources*

As addressed in the EA (pp. 7-8), the following Critical Elements of the Human Environment would not be affected because they are absent from the lands proposed for inclusion in the reciprocal agreement: Areas of Critical Environmental Concern (ACEC); prime or unique farmlands; floodplains; wilderness; waste, solid or hazardous; and Wild and Scenic Rivers. No unique characteristics would be impacted (Council on Environmental Quality (CEQ) Regulations - 40 CFR § 508.27(b) (3)).

*Environmental Justice*

The Fruit Growers Supply Company Reciprocal Right-of-Way Agreement proposal is consistent with Executive Order 12898 which addresses Environmental Justice in minority and low-income populations. As discussed in the EA (p. 8), no potential impacts to low-income or minority populations have been identified by the BLM internally or through the public involvement process. Correspondence with local tribal governments did not identify any unique or special resources in the project area which provide religious, employment, subsistence, or recreation opportunities.

### *Cultural and Historical Resources*

As described in the EA (p. 18), resources thought to exist on the lands to be included in the proposed reciprocal right-of-way agreement are segments of historic-era trails and wagon roads.

Most of these resources have been incorporated into the modern road system and, therefore, lack integrity. In addition, inventories did not discover evidence of prehistoric use in the vicinity of the proposed road renovation and new road construction in Section 31, T. 29 S., R. 4 W., W.M. Consequently, there would be no adverse impacts to scientific, cultural, or historical resources (40 CFR § 1508.27(b) (8)).

### *Wildlife*

The use of existing roads would not remove or modify the present condition of wildlife habitat.

As stated in the EA (p. 13), the Fruit Growers parcel and BLM- managed land in Section 5, T. 31 S., R. 5 W., W.M., to be included in the proposed reciprocal right-of-way agreement, are in Critical Habitat Unit OR-63, designated for the survival and recovery of the **northern spotted owl** (*Strix occidentalis caurina*). The other areas to be included in the proposed reciprocal right-of-way agreement are not within any critical habitat units. Effects to Critical Habitat Unit OR-63 are not expected because there would be no removal of suitable spotted owl habitat on BLM-managed land.

No effect to spotted owls from noise disruption would be expected because potential disturbance activities would not occur within prescribed distances of any known spotted owl nest site during the critical breeding season from March 1 to June 30. Seasonal restrictions could be waived if surveys indicate that spotted owls are not present, not nesting, or failed in nesting. These factors would ensure that noise disruption would not cause spotted owls to abandon nests or fledge prematurely.

As stated in the EA (p. 24), the proposed new road construction in Section 31, T. 29 S., R. 4 W., W.M. would remove about 0.2 acres of nesting, roosting, and foraging (NRF) habitat on BLM-managed land. The removal of suitable habitat or disturbance from noise during road construction would have a negligible effect on spotted owls because the new road construction is located outside of known northern spotted owl activity centers or home ranges, the stand is expected to continue to function as NRF and dispersal habitat, and road construction would not occur between March 1 and September 30 unless surveys indicate spotted owls are not present, not nesting, or nesting attempts failed.

As stated in the EA (p. 14), the proposed new road construction in Section 31, T. 29 S., R. 4 W., W.M. would remove about 0.2 acres of suitable **northern goshawk** (*Accipiter gentilis*) habitat but would not change the function of the forest stand or alter the nature of the suitable goshawk habitat. Suitable goshawk habitat within one-quarter mile of the proposed new road construction in Section 31, T. 29 S., R. 4 W., W.M. would be surveyed in 2007. If nesting goshawks are located during surveys, seasonal restrictions would be applied to prevent disturbance within one-quarter mile of nest sites between March 1 and July 30, or until it is determined that the young have dispersed. Consequently, the proposed action would not be expected to contribute to the need to list the goshawk as a threatened or endangered species.

Surveys were conducted along the proposed new road construction route in Section 31, T. 29 S., R. 4 W., W.M., for the **Chace Sideband** (*Monadenia chaceana*) and **Oregon Shoulderband** (*Helminthoglypta hertleini*) snails. The surveys determined that habitat for these snail species was not present. Consequently, no effects to these snail species would be anticipated and the proposed action would not be expected to contribute to the need to list these species as a threatened or endangered species.

As discussed in the EA (p.15), habitat for the **Oregon red tree vole** (*Arborimus longicaudus*) is present in the vicinity of the proposed new road construction in Section 31, T. 29 S., R. 4 W., W.M. Surveys did not locate any red tree vole nests in trees identified for removal by the proposed road renovation and construction. Consequently, no effects to red tree voles would be anticipated and the proposed action would not be expected to contribute to the need to list the red tree vole as a threatened or endangered species.

#### *Fisheries*

There are no listed fish species in the project area or on the entire Roseburg District. As described in the EA (p. 12), streams designated as Essential Fish Habitat and near roads to be included in the reciprocal right-of-way agreement include West Willis Creek and Mitchell Creek. The only potential effect identified is with respect to sediment, but with implementation of the project design features and best management practices described in the EA (pp. 5-7) the risk for sediment would be localized and the risk of adverse effects to Essential Fish Habitat downstream of these two areas would be negligible.

#### *Water Quality*

The sole water quality parameter with the potential for being affected by the proposed action is sediment. The existing roads Fruit Growers would be authorized to use are primarily gravel roads with adequate drainage. Use of these roads by Fruit Growers would not increase sedimentation to stream channels.

Road construction would be situated on stable slopes and would not cross any streams. As a consequence, drainage from the road construction would not be connected to the stream network and would not have the potential to increase the amount of sediment reaching stream channels.

### *Consistency of the Proposed Action with the Aquatic Conservation Strategy*

The Aquatic Conservation Strategy was developed to restore and maintain the ecological health of watershed and aquatic ecosystems contained within them on public lands. The components of the Aquatic Conservation Strategy are Riparian Reserves, Key Watersheds, Watershed Analysis, and Watershed Restoration.

Use of existing roads is not expected to have any effect on the existing condition of the watersheds in which the lands covered by the proposed reciprocal right-of-way agreement are located. The sole action considered to have potential effects would be approval of the request to construct a 300-foot extension of Road No. 29-4-31.2.

As discussed in Appendix D of the EA, the effects of the proposed action are not judged to be inconsistent with the objectives of the Aquatic Conservation Strategy.

### *Botany*

As described in the EA (p. 16), surveys for vascular plant Special Status Species conducted in Section 31, T. 29 S., R. 4 W., W.M. in June 2005 located one Bureau Sensitive Species, **wayside aster** (*Eucephalis vialis*). The location of the proposed new construction to extend Road No. 29-4-31.2 would avoid the site. No direct effects to Special Status plant species would be anticipated as a result of the proposed action.

In the case of fungi, known sites of Bureau Sensitive species would not be affected by the proposed Reciprocal Right-of-Way Agreement because of the spatial distances documented in the EA (p. 16). While it is acknowledged that proposed new road construction to extend Road No. 29-4-31.2 could result in the loss of unknown sites, it would not be expected that this would lead to a need to list any of these under the Endangered Species Act because, as discussed in the EA (p. 28), suitable fungi habitat is expected to remain abundant and well-distributed on BLM-managed lands in the Myrtle Creek fifth-field watershed.

For the reasons described above, there would be no significant adverse impacts to any special status species (40 CFR § 1508.27 (b) (9)). The anticipated impacts would be within the range and scope of those analyzed in the *Roseburg District Proposed Resource Management Plan/Environmental Impact Statement* (PRMP/EIS).

The project is consistent with all applicable Federal, State, and local laws (40 CFR § 1508.27(b) (10)).

Implementation of the District *Integrated Weed Management Program*, in association with project design and contract provisions would minimize risk of introduction or spread of noxious weeds in association with road construction. Measures would be implemented to eradicate existing weed infestations. Weed establishment would be discouraged by mulching disturbed areas, seeding with native grasses, or revegetating with indigenous plants. Pressure washing or steam cleaning road construction equipment prior to move-in would remove soil and other substances that could be contaminated with weed seed or other propagative materials to reduce the risk of introducing weeds from outside the project area (EA, p. 32). These actions are consistent with the requirements of the Lacey Act; the Federal Noxious Weed Act of 1974, as amended; and Executive Order 13112, Invasive Species.

Of the ten points listed under 40 CFR § 1508.27(b), the following were considered and were found not to apply to the proposed action: significant beneficial or adverse effects; significant effects on public health or safety; effects on the quality of the human environment that are likely to be highly controversial; anticipated cumulatively significant impacts; highly uncertain or unknown risks; and no precedents for future actions with significant effects.

Based on the analysis of potential impacts contained in the environmental assessment, I have determined that the proposed action will not have 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 proposed action is within the scope of impacts anticipated in the PRMP/EIS, and is in conformance with the *Record of Decision and Resource Management Plan (ROD/RMP)* for the Roseburg District, approved by the Oregon/Washington State Director on June 2, 1995.

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Ralph L. Thomas  
Field Manager  
South River Field Office

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Date