

# ENVIRONMENTAL ASSESSMENT, FINDING OF NO SIGNIFICANT IMPACT, and DECISION RECORD<sup>1</sup>

## ENVIRONMENTAL ASSESSMENT

**EA Number:** OR-086-05-01

**BLM Office:** Tillamook Resource Area, Salem District Office, 4610 Third Street, Tillamook, Oregon, 97141

**Proposed Action Title:** Longview Fibre Reciprocal Right of Way Agreement (S-623)  
Amendment and Road Use Permit

**Type of Project:** Right-of-Way Amendment and Road Construction and Use

**Location of Proposed Action:** Township 3 North, Range 3 West, Sections 3, 11 and 13, and Township 4 North, Range 3 West, Sections 13, 23 and 24, Willamette Meridian, Columbia County, located approximately 8 miles west of the City of Scappoose, Oregon.

**Conformance with Applicable Land Use Plan:** The proposed action is in conformance with the *Salem District Record of Decision and Resource & Management Plan (RMP)*, dated May 1995; *Scappoose Creek Watershed Analysis*, dated December, 1996; *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standard and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, dated April, 1994; *Record of Decision Amending Resource Management Plans for Seven Bureau of Land Management Districts and Land and Resource Management Plans for Nineteen National Forests Within the Range of the Northern Spotted Owl - Decision to Clarify Provisions Relating to the Aquatic Conservation Strategy*, dated March 2004; and *Record of Decision to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl*, dated March 2004; and other applicable guidance.

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<sup>1</sup> Pursuant to BLM Handbook 1790-1, Rel. 1-1547, 10/25/88, page IV-11, it is appropriate to use this format when all the following conditions are met: 1/ Only a few elements of the human environment are affected by the proposed action; 2/ Only a few simple and straightforward mitigation measures, if any, are needed to avoid or reduce impacts; 3/ There are no program-specific documentation requirements associated with the action under consideration; 4/ The proposed action does not involve unresolved conflicts concerning alternative uses of available resources and, therefore, alternatives do not need to be considered; 5/ The environmental assessment is not likely to generate wide public interest and is not being distributed for public review and comment; and 6/ The proposed action is located in an area covered by an existing land use plan and conforms with that plan.

## **Purpose of and Need for Action:**

Longview Fibre Company has requested a permit to construct a road across Bureau of Land Management (BLM) lands in T4N R3W section 23, W.M. in order to harvest timber on their lands. It would be advantageous to both parties to amend reciprocal right-of-way agreement S-623 to include Longview Fibre lands in T3N R3W section 11 and T4N R3W sections 13 and 24, and BLM lands in T3N R3W sections 3, 11, 13 and 23, and T4N R3W section 23, in order to provide future access to both BLM and Longview Fibre lands in this area.

## **Description of the Proposed Action:**

The proposed Federal action is to amend reciprocal right-of-way agreement S-623 between BLM and Longview Fibre Company and to issue an O&C road use permit to Longview Fibre Company to construct a new road across BLM lands in section 23 for timber harvest purposes. The road would be approximately 2,000 feet in length, average 14 feet in width, and would be surfaced with crushed rock. The clearing width would be approximately 30 feet, and the total area cleared of vegetation would be approximately 1.4 acres.

Agreement S-623 would be amended to include these additional lands: approximately 1,920 acres of BLM land in T4N R3W section 23 and T3N R3W sections 3, 11, 13 and 23, and approximately 280 acres of Longview Fibre Company land in T3N R3W section 11 and T4N R3W sections 13 and 24, W.M. (Figures 1, 2 and 3). Addition of these lands would provide Longview Fibre with legal access to their lands in this area, and BLM would gain access to BLM lands in T4N R3W section 24. Road construction across BLM lands in T4N R3W section 23 is expected to occur in 2006.

### *Design Features:*

All activities would comply with the Best Management Practices (RMP pp.C-1 - C-7).

A minimum 8" lift of crushed rock shall be placed on the entire segment of road.

Maintain adequate rock on road surface to prevent subsurface materials from working their way to the surface (pumping) during use.

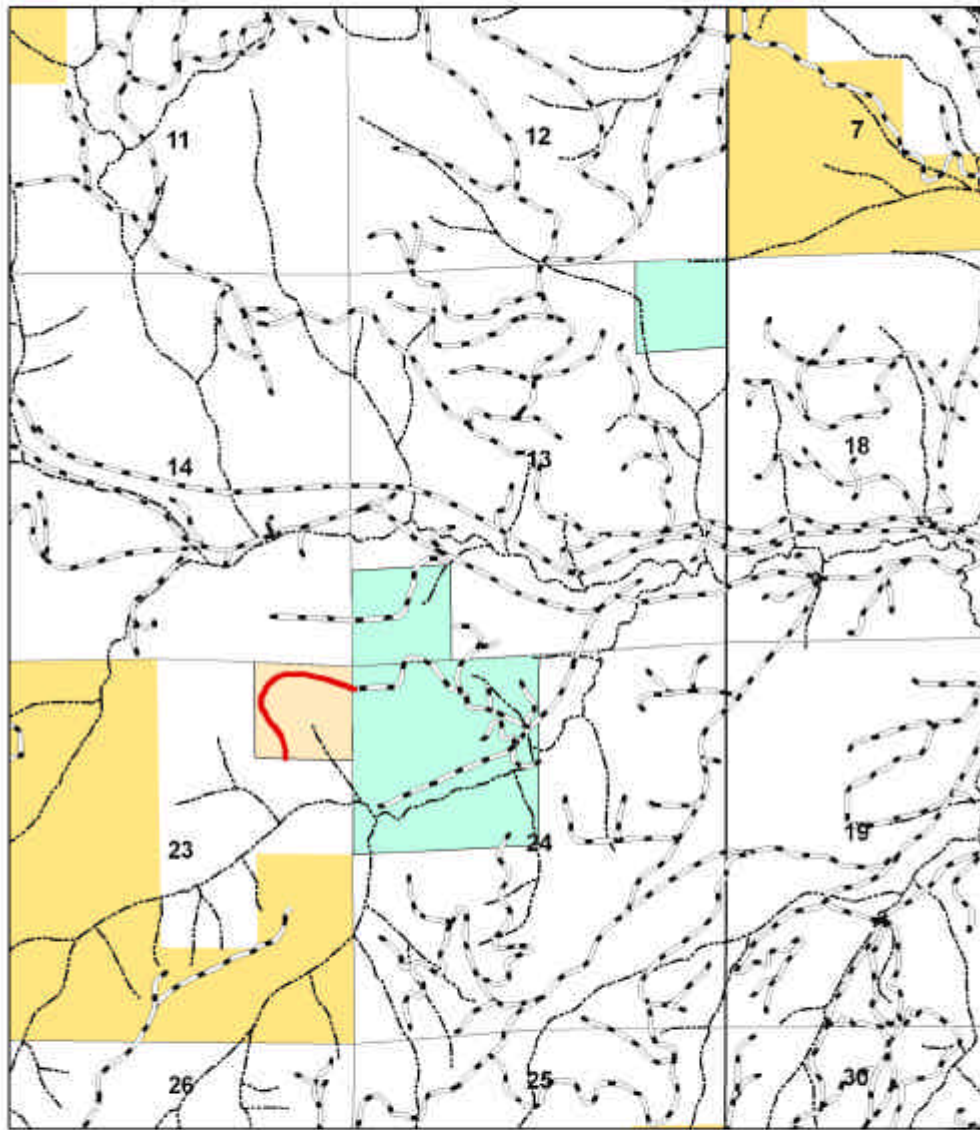
Grass seed all exposed soil due to construction or improvement by Sep. 15 the same year as constructed or improved. Native seed shall be used.

Clean all construction equipment prior to move-in on BLM lands.

Construct drivable water bars after completion of haul.

All snags needing to cut for the road construction would be retained on site to enhance coarse woody debris.

T4N R3W sections 13, 23, 24



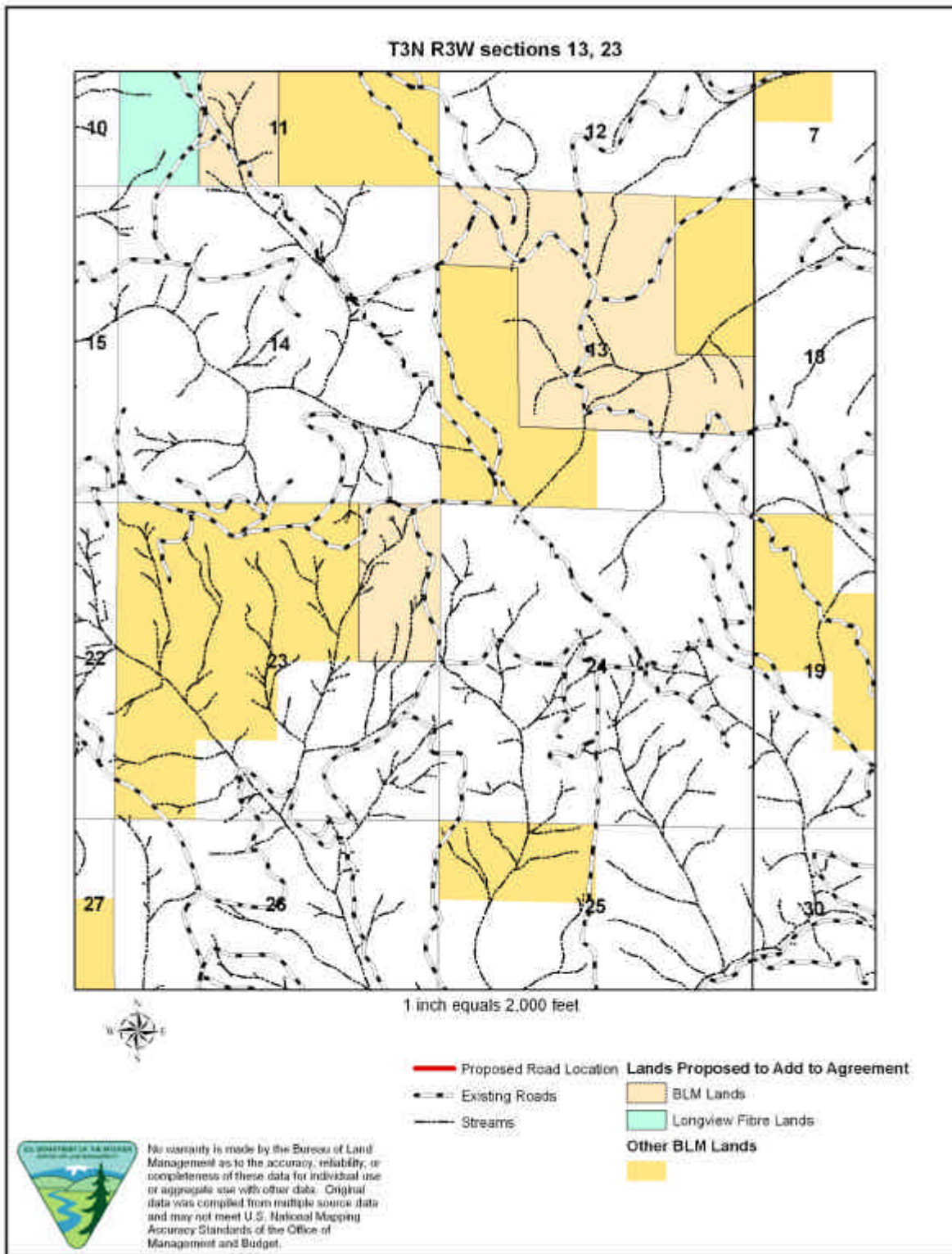
1 inch equals 2,000 feet



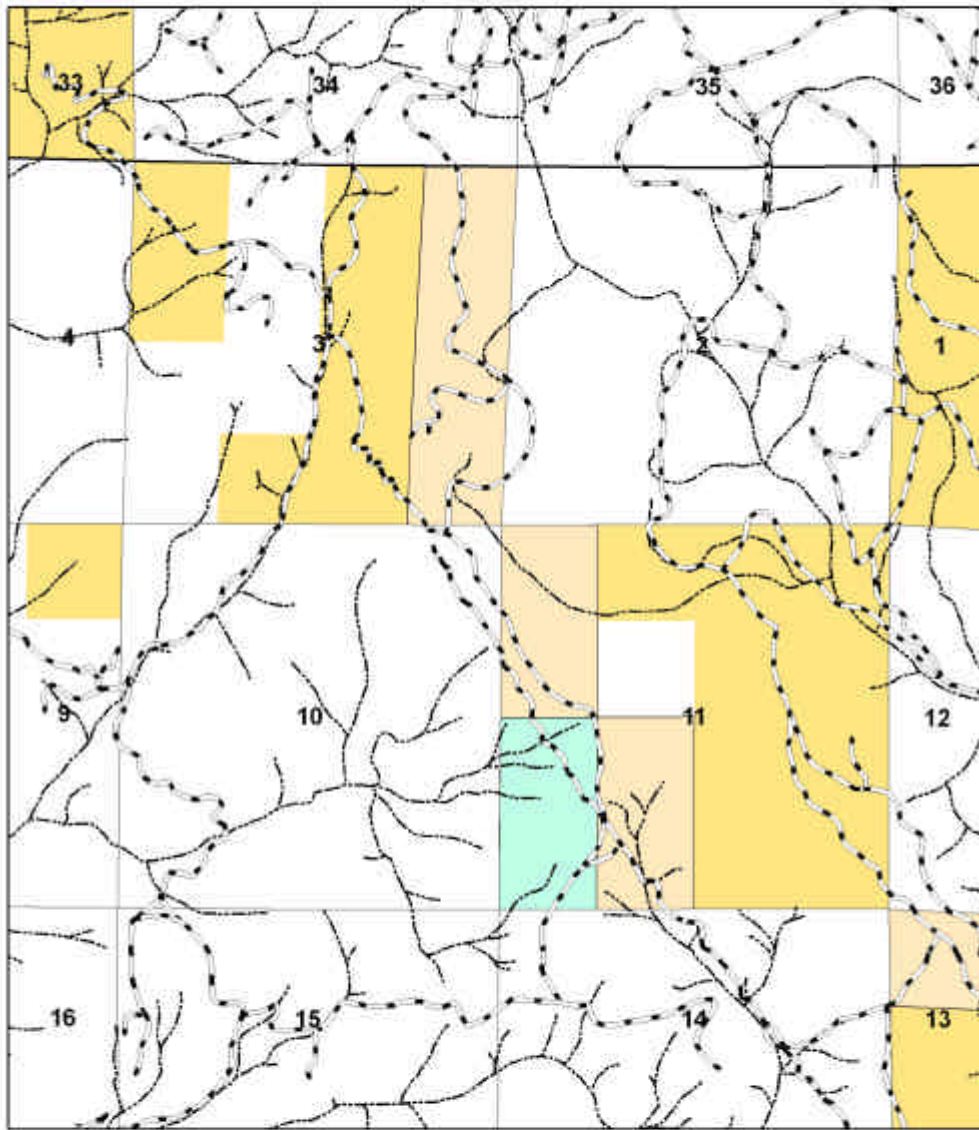
- |                        |   |
|------------------------|---|
| Proposed Road Location | <b>Lands Proposed to Add to Agreement</b> |
| Existing Roads         | Longview Fibre Lands                      |
| Streams                | Other BLM Lands                           |
|                        | BLM Lands                                 |



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data was compiled from multiple source data and may not meet U.S. National Mapping Accuracy Standards of the Office of Management and Budget.



T3N R3W sections 3, 11



1 inch equals 2,000 feet

- |                        |   |
|------------------------|---|
| Proposed Road Location | <b>Lands Proposed to Add to Agreement</b> |
| Existing Roads         | BLM Lands                                 |
| Streams                | Longview Fibre Lands                      |
|                        | <b>Other BLM Lands</b>                    |
|                        |   |



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## **Consultation and Public Involvement:**

### *ESA consultation:*

- **Wildlife:** Consultation upon the impacts to spotted owl dispersal habitat pursuant to section 7 of the Endangered Species Act would be accomplished programmatically under the consultation entitled *Formal and informal consultation of the FY 2004 – 2008 rights-of-way authorizations for Salem and Eugene Bureau of Land Management Districts* (USFWS Reference # 1-7-04-F-0253).
- **Fish:** Consultation is not required for species covered under section 7 of the Endangered Species Act or for coho and chinook salmon covered under the Magnuson-Stevens fisheries Conservation and Management Act as there were no effects identified that would affect these species or their habitat.

*Public Involvement:* In compliance with the National Environmental Policy Act, the proposed action was listed in the December 2004 edition of the quarterly *Salem District Project Update*, which was mailed to over 1,200 addresses. No public comments were received in response to this scoping.

## **Affected Environment:**

**General:** The project is within the Scappoose Creek Watershed. The land use allocation is General Forest Management Area (GFMA). The proposed road location is on a broad ridge top with gentle slopes and deep, well drained soils. Vegetation is composed of 50 to 70-year old Douglas Fir and red alder, with a groundcover of salal, vine maple and other brush species.

**Threatened/Endangered (T/E) Fish:** Habitat for Lower Columbia River chinook salmon (ESA threatened and MSA- EFH), Lower Columbia steelhead trout (ESA Threatened), Columbia River chum salmon (ESA threatened) and Lower Columbia River coho (ESA listing pending and MSA -EFH) is located downstream of this proposed activity. Steelhead presence is identified in the mouth of Lizzie Creek over a mile downstream of the proposed action. Chinook distribution is several miles downstream in the mainstem of North Scappoose Creek. No chum salmon are known to reside anywhere in the Scappoose Watershed and critical habitat is not proposed in this watershed for this species. There is critical habitat proposed for Fall chinook in the North Scappoose Watershed to Fall Creek approximately six miles below the proposed project area.

**Threatened/Endangered (T/E) Wildlife:** The project area is not located within spotted owl or marbled murrelet Designated Critical Habitat. There are no known bald eagle, spotted owl or marbled murrelet sites within the vicinity of the proposed action. There is no suitable habitat for these species within 0.25 miles; the affected stands, being 50 to 60 years of age, are considered to be dispersal habitat for the spotted owl.

**Soil Resources:** Project soils are Scaponia and Braun silt loams. They are deep and moderately deep, well drained soils which formed in colluvium from siltstone. The major concern for these soils is compaction and erosion.

**Water Resources:** The project area is drained by the North Scappoose Creek and Lizzie Creek. The nearest surface water, a 1<sup>st</sup> order tributary of Lizzie Creek, is at a minimum 200 feet away from the proposed road. The nearest municipal water watershed or intake is over 10 miles downstream from the project area. The primary beneficial uses are domestic and municipal water, irrigation, cold water fisheries including salmonids, recreation, and wildlife. There are no listed water quality 303(d) streams in the Scappoose Creek Watershed. Very little water quality monitoring has been done in the watershed. The small amount of data that has been collected, however, suggests that there are water quality problems, including for excessive summer temperatures in local streams (Scappoose Bay Watershed Assessment, 2003).

**Other Special Status Species:** Fish Special Status Species (SSS) within this watershed or potentially within this watershed include coastal cutthroat trout, Lower Columbia River / SW Washington (Bureau Sensitive), Pacific lamprey (Bureau Assessment) and river lamprey (Bureau Tracking).

**Invasive / Noxious Weeds:** All noxious weeds identified within the vicinity of the project area are designated Priority III (established infestations) on the Oregon Department of Agriculture (ODA) noxious weed list. These weed species are commonly found throughout Western Oregon tending to occupy areas that have soil disturbance and an increase of available light. Because there is an existing seed source, some degree of invasive / noxious weed / non-native species introduction or spread is expected within the project area. Project design features require re-seeding significantly disturbed areas with native grass species therefore mitigating the invasion of non-native species. In time, non-native species are expected to return to low levels as native vegetation becomes re-established and crown closure reduces available light to the under-story.

### **Environmental Effects:**

The interdisciplinary team reviewed the elements of the environment, required by law, regulation, Executive Order and policy, to determine if they would be affected by the proposed action. *Table 1* (Critical Elements of the Environment from BLM H-1790-1, Appendix 5) and *Table 2* (Other Elements of the Environment) and *Table 3* (Aquatic Conservation Strategy Summary) summarize the results of that review. Affected elements are **bold**. Unless otherwise noted, the effects apply to the proposed action; and the No Action Alternative is not expected to have adverse effects to these elements.

Table 1: Environmental Review for the Critical Elements of the Environment (BLM H-1790-1, Appendix 5)

Critical Elements Of The Environment	Status: (i.e., Not Present, Not Affected, or Affected)	Does this project contribute to cumulative effects? Yes/No	Remarks
<b>Air Quality (Clean Air Act)</b>	<b>Affected</b>	<b>No</b>	<p><b>The proposed road construction activities have the potential to create slash. This small increase in fuel load would not be expected to result in a large increase in fire hazard. In addition, the road is currently behind a locked gate and will remain so in the future. No burning is planned for this project.</b></p> <p><b>Dust created from hauling and road construction activities is predicted to be local and of short duration. As such, the proposed action would have no adverse impact on air quality and would comply with the provisions of the Clean Air Act.</b></p>
Areas of Critical Environmental Concern	Not Present		There are no ACECs in the project area.
Cultural, Historic, Paleontological	Not Present		There are no known cultural or historic sites within the project area.
Energy (Executive Order 13212)	Not Affected	No	There are no known energy resources located in the project area. The proposed action would have no effect on energy development, production, supply and/or distribution.
Environmental Justice (Executive Order 12898)	Not Affected	No	The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
Prime or Unique Farm Lands	Not Present		There are no prime or unique farm lands in the project area.
Flood Plains (Executive Order 11988)	Not Affected	No	The project is small in scale and would not change the character of the river floodplain, change floodplain elevations, or affect overbank flooding.
Hazardous or Solid Wastes	Not Affected	No	The proposed action would involve road construction behind a Longview Fibre gate that restricts public access, therefore there would be no effect on hazardous or solid wastes.
<b>Invasive, Nonnative Species (Executive Order 13112)</b>	<b>Affected</b>	<b>No</b>	<b>New road construction will provide suitable habitat for invasive non-native plant species introduction. Because of soil disturbance, increased light source, and available seed source, it can be expected that invasive species will increase within the project area. (refer to Affected Environment)</b>
Native American Religious Concerns	Not Affected		No new ground disturbance is anticipated. Past projects of this type within this area have not resulted in tribal identification of concerns.



Table 1: Environmental Review for the Critical Elements of the Environment (BLM H-1790-1, Appendix 5)

Critical Elements Of The Environment		Status: (i.e., Not Present, Not Affected, or Affected)	Does this project contribute to cumulative effects? Yes/No	Remarks
Threatened or Endangered (T/E) Species or Habitat	Fish	Not Affected	No	The construction of this road on BLM managed lands outside of riparian reserves on gentle slopes would not have any effects on fisheries resources in nearby Lizzie Creek or downstream. This road would be constructed during the dry season (June through September) then rocked to create an all-season road. With the incorporation of the identified design features the creation of this road on BLM managed lands would have no effect to T&E fish species.
	Plants	Not Present	No	No threatened or Endangered species are located within the project area. Alteration to this habitat will not contribute to the decline or imperilment of any T/E species.
	Wildlife (including Designated Critical Habitat)	Affected	No	No Threatened or Endangered species, suitable habitat or their Designated Critical Habitat are located within the project area. The project area is located within dispersal habitat for the spotted owl; alteration to this dispersal habitat <i>May Affect but is not likely to Adversely Affect</i> the spotted owl. The project would be of <i>No Effect</i> upon the murrelet and bald eagle.
Water Quality (Surface and Ground)		Not Affected	No	The proposed action is unlikely to alter the current condition of the aquatic system. Disturbance would occur upon or near a gently sloping broad ridgetop at least 200 feet away from a stream. The hillslope below the road is covered by thick vegetation cover and is expected to retain water and runoff before reaching the stream.  Since disturbance would occur on or near a ridgetop far away from the aquatic system, there is a low probability that the project would contribute to cumulative effects.
Wetlands (Executive Order 11990)		Not Affected	No	There are no wetlands within the project area.
Wild and Scenic Rivers		Not Present		There are no Wild or Scenic Rivers within the project area
Wilderness		Not Present		There are no wilderness areas within the project area.

*Table 2: Environmental Review for the Other Elements of the Environment (Required by law, regulation, policy or management direction)*

<i>Other Elements Of The Environment</i>	<i>Status: (i.e., Not Present, Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks</i>
Coastal Zone (Oregon Coastal Management Program)	Not Present		The project area is not within Oregon's Coastal Zone boundary.
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)	Not Affected	No	The construction of this road on BLM managed lands outside of riparian reserves on gentle slopes would not have any effects on fish habitat in nearby Lizzie Creek or downstream. This road would be constructed during the dry season (June through September) then rocked to create an all-season road. With the incorporation of the identified design features the creation of this road on BLM managed lands should have no effect on Essential Fish Habitat.
Fire Hazard/Risk	Not Affected	No	The fuel load as measured in tons per/acre would increase to a minor degree in the 1 hour, 10 hour, and 100 hour (fine) fuels classifications immediately following road construction but would quickly return to pre-treatment levels (in less than 5 years). This small increase in fuel load would not be expected to result in an increase in fire hazard on the project level scale and the change would not be measurable on the watershed scale.  In addition, the road to be constructed is currently behind a locked gate, inaccessible to the public, and will remain so in the future.
Forest Productivity	Not Affected	No	The project would not affect forest productivity.
Land Uses (right-of-ways, permits, etc)	Not Affected	No	The project involves construction of a new road, so there are no existing R/W, permits, etc. granted on this road. The road would not be open to the public.
Late successional / old growth	Not Present		The affected stands are 50 to 60 years of age. There are no late seral or old-growth stands or trees in the project area.
Mineral Resources	Not Present		There are no know mineral resources of commercial value in the project area.
Recreation	Not Affected	No	There is limited recreational opportunity within the project area, due to the restriction of public access across private roads.
Rural Interface Areas	Not Present		There are no rural interface areas within the project area.

*Table 2: Environmental Review for the Other Elements of the Environment (Required by law, regulation, policy or management direction)*

<i>Other Elements Of The Environment</i>	<i>Status: (i.e., Not Present, Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks</i>	
<b>Soils</b>	<b>Affected</b>	<b>No</b>	<b>Proposed action would compact and displace soil along a narrow strip of land approximately 2,000 feet long about 30 feet wide. Approximately 0.7 acres would be lost to forest productivity. Gentle slopes would minimize excavation and erosion. BMPs would minimize impacts. Because of the small scale of this project, it would not have a cumulative effect on soils.</b>	
Special Areas outside ACECs (Within or Adjacent) (RMP pp. 33-35)	Not Present		There are no Special Areas within the project area.	
Other Special Status Species/Habitat	Fish	Not Affected	No	Fish Special Status Species (SSS) within this watershed or potentially within this watershed include coastal cutthroat trout, Lower Columbia River / SW Washington (Bureau Sensitive), Pacific lamprey (Bureau Assessment) and river lamprey (Bureau Tracking). The proposed action would not affect these species or contribute to the need to list them under the Endangered Species Act.
	Plants	Not Present	No	A site visit was conducted and no Special Status Plant species were located at the proposed project location. Alteration to this habitat will not contribute to the decline or imperilment of any Special Status Species.
	Wildlife	Minimally Affected	No	The project would not be expected to result in the loss of population viability for any Special Status Species that may occur in the project area, or result in the need to elevate their status to any higher level of concern including the need to list under the ESA.
Survey and Manage Species / Habitat	Not Present		Surveys were conducted, and no Survey and Manage species were found.	
Visual Resources	Not Affected	No	The BLM lands are managed as VRM Class IV, which provides for management activities which require major modification of the existing landscape.	
Water Resources (except Water Quality)	Not Affected	No	With large vegetative buffer between expected disturbance and stream the proposed action is not expected to affect downstream beneficial uses. There are no listed water quality 303(d) streams in the Scappoose Creek Watershed. There are no known public or private domestic uses within 10 miles downstream from the project area.	

**Table 2: Environmental Review for the Other Elements of the Environment (Required by law, regulation, policy or management direction)**

Other Elements Of The Environment	Status: (i.e., Not Present, Not Affected, or Affected)	Does this project contribute to cumulative effects? Yes/No	Remarks
Other Wildlife Structural or Habitat Components (Snags /CWD / Special Habitats, road densities)	Minimally Affected	No	Minimal impacts to CWD would be expected. All snags needing to cut would be retained on site; currently existing logs may need to be moved. No special habitats have been identified within the project area. Total length of road in the watershed would increase by approximately .04 miles..

**Aquatic Conservation Strategy Review:** Table 3 shows the project's effect on the 4 components of the Aquatic Conservation Strategy (1/ Riparian Reserves, 2/ Key Watersheds, 3/ Watershed Analysis and 4/ Watershed Restoration).

**Table 3: Aquatic Conservation Strategy Review Summary (RMP pages 5-7)**

Components	Effect	Remarks /References
Riparian Reserves	None	The proposed action entails road construction outside of Riparian Reserves.
Key Watershed	None	Not in a key watershed
Watershed Analysis	None	Scappoose Creek Watershed Analysis, December, 1996
Watershed Restoration	None	Although the proposed action is not a component of the resource area's watershed restoration program, it would not have an adverse effect on restoration efforts. The amendment of reciprocal right-of-way agreement S-623 to include Longview Fibre lands in sections 13 and 14, and BLM lands in section 23, would provide future access to both BLM and Longview Fibre lands in this area – the acquisition of legal access could facilitate future BLM Watershed Restoration efforts.

**Interdisciplinary Team:**

**Table 4: Interdisciplinary Team Review**

Affected Resource	Specialist	Initial	Date
Botany/Vegetation	Kurt Heckerth	J.H.H.	5/16/06
Cultural Resources	Tom Vanderhoof		
Fire Hazard/Risk	Kent Mortensen	Kent M	5/16/06
Fisheries	Matt Walker	MW	5/16/06
Hydrology, Water Quality	Dennis Worrel	DW	5/16/06
Other Resources/ NEPA	Bob McDonald	Bob M	5/16/06
Recreation, Visual and Rural Interface Resources	Debra Drake	DD	5/16/06
Soils	Dennis Worrel	DW	5/16/06
Wildlife	Steve Bahe	SB	5/16/06

EA Prepared By: Bob McDonald

Date: 5/16/06

EA Reviewed By: Bob McDonald  
NEPA / Plans

Date: 5/16/06

## FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of this EA (Environmental Assessment Number OR-086-05-01), I have determined that the proposed action is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. I have also determined that the proposed action is in conformance with the approved land use plan. It is my decision to implement the proposed action, as described in the EA.

**Right to Appeal:** This decision may be appealed to the Interior Board of Land Appeals in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. Form 1842-1 can be obtained from the Salem District website at <http://www.or.blm.gov/salem/html/planning/index.htm>.

**If you appeal:** A public notice for this decision is scheduled to appear in the **South County Spotlight** newspaper on May 24, 2006. Within 15 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Field Manager, Bureau of Land Management, 4610 Third Street, Tillamook, OR, 97141. A copy of the *Notice of Appeal* must also be sent to the BLM Regional Solicitor (see Form 1842-1). The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 CFR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your *Notice of Appeal*. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Standards for Obtaining a Stay:** Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.


**Statement of Reasons:** Within 30 days of the filing of the *Notice of Appeal*, a complete statement of reasons why you are appealing must be filed with the Interior Board of Land Appeals (see Form 1842-1).



**Implementation Date:** If no appeals are filed, this decision will become effective and be implemented 15 days after the public notice of this Decision Record appears in the South County Spotlight newspaper.

**Contact Person:** For additional information concerning this decision or the appeal process, contact Bob McDonald at (503) 815-1110, Tillamook Resource Area, Salem District, 4610 Third Street, Tillamook, Oregon 97141.

**Authorized Official:**

  
Brad Keller, Field Manager  
Tillamook Resource Area

Date:

