

**Integrated Pest Management EIS  
Record of Decision Clarification  
Walter Horning Tree Seed Orchard  
(Horning IPM ROD Clarification EA)**

**Environmental Assessment,  
Finding of No Significant Impact, and  
Decision Record**

Environmental Assessment Number OR080-08-07

January 14, 2008

United States Department of the Interior  
Bureau of Land Management  
Oregon State Office  
Salem District

Township 4 South, Range 3 East, Sections 13 & 23, Willamette Meridian  
Clear Creek and Milk Creek Watersheds  
Clackamas County, Oregon

Responsible Agency:                      USDI - Bureau of Land Management

Responsible Official:                    Aaron Horton District Manager  
1717 Fabry Road SE  
Salem, OR 97306  
(503) 375-5646

For further information, contact:    Randy Gould, Project Lead  
1717 Fabry Road SE  
Salem, OR 97306  
(503) 375-5682



As the Nation's principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

# Environmental Assessment, Finding Of No Significant Impact, And Decision Record<sup>1</sup>

## ENVIRONMENTAL ASSESSMENT

**EA Number:** OR-080-08-07

**BLM Office:** Salem District Office, 1717 Fabry Road SE, Salem, Oregon, 97306

**Proposed Action Title:** Horning IPM ROD Clarification EA

**Type of Project:** Clarification of language in the Record of Decision to allow for a new use of a product (Permethrin) in the seed orchard.

**Location of Proposed Action:** Township 4 South, Range 4 East, Section's 13 & 23, Willamette Meridian located approximately 23 miles southeast of the City of Portland, Oregon near the community of Colton, Oregon.

**Conformance with Applicable Land Use Plan:** The proposed action is in conformance with the *Record of Decision, Integrated Pest Management Program, BLM Walter Horning Tree Seed Orchard (IPMROD)*, dated December 2005.

The analysis in this EA is site-specific and supplements analyses found in the:

*Final Environmental Impact Statement: Integrated Pest Management Program, BLM Horning Seed Orchard (IMPFEIS)*, dated June 2005.

---

<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:**

The purpose of this EA is as follows:

1. To clarify language on page 25 of the *Record of Decision, Integrated Pest Management Program, BLM Walter Horning Tree Seed Orchard (IPMROD)*, dated December 2005 where it states that “Permethrin and Esfenvalerate will not be used in the same year.”
2. Implement the NEPA review process for the use of new products or technologies as described on page 3 and Appendix D of the IPMROD to allow for the use of permethrin in orchards at Horning for the control of western red cedar cone gall midge (*Mayetiola thujae*).

## **Background**

At the time of preparation of the IPMFEIS (2005), managers decided that permethrin would be used as a backup chemical for control of orchard pests, only to be used if esfenvalerate was unavailable for use. Esfenvalerate was the chemical of choice for the treatment of various insect pests. At that time permethrin was not listed as approved for the control of western red cedar cone gall midge. As well, the presence of a pest for which permethrin would be the control chemical of choice was not anticipated in the IPMFEIS.

During the consultation process with the National Marine Fisheries Service (NMFS), they analyzed the potential for additive effects of having more than one pyrethroid (a family of chemicals) insecticide present in the runoff. When they asked if esfenvalerate and permethrin would be used in the same year we responded that the chemicals would not be used in the same year because permethrin would only be used if esfenvalerate was unavailable. The National Marine Fisheries Service added the statement “Permethrin and Esfenvalerate will not be used in the same year” into their biological opinion and it was carried forward in the ROD.

The language inserted in the IPMROD, “Permethrin and Esfenvalerate will not be used in the same year” (IPMROD p.25) is unnecessarily prohibitive given the true rationale for its insertion into the ROD. The statement needs to be changed to reflect the intent of the interdisciplinary team, the district manager, and National Marine Fisheries Service.

Permethrin, under the labels of *Masterline Plus-C* and *Times Up Termiticide* has recently been approved in Oregon for the control of western red cedar cone gall midge in western red cedar and Douglas-fir seed orchards (reference supplemental labeling (EPA SLN No. OR-060004) in the EA file

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

The proposed action is as follows:

1. Remove the statement “Permethrin and esfenvalerate will not be used in the same year” on page 25 of the ROD and insert “Permethrin and esfenvalerate would not be applied concurrently in the same orchard unit where there would be a possibility of both chemicals being present at the same time in runoff.”
2. Permethrin, under the labels of *Masterline Plus-C* and *Times Up Termiticide* will be available for use to control the insect western red cedar cone gall midge in orchards Z-01 and Z-03 in

accordance with labeling instructions (Reference Maps in the following pages). The following would be inserted into Table 2.21 on page 34 of the ROD and p. 41 of the FEIS:

<i><sup>2</sup>Permethrin: Masterline Plus-C or Times Up TC Termicide® 3.2 EC (38.0% a.i. as an emulsifiable concentrate)</i>					
<i>Target pests: Western cedar gall midge</i>					
Airblast sprayer	Western red cedar orchards	1.05 lb a.i./acre, in water at 100 gal/acre  1 application to 4 acres	1.05 lb a.i./acre, in water at 100 gal/acre  2 applications to 4 acres	February - March	Annually, rotating between orchard units
High-pressure hydraulic sprayer	Individual trees in western red cedar orchards	0.01 lb a.i./tree, in water at 5 gal/tree  1 application to 400 trees	0.02 lb a.i./tree, in water at 10 gal/tree  2 applications to 400 trees	February - March	

*Project Design Features, Mitigation Measures:*

The project design features and mitigation measures are the same as those described on page 12 of the IPM ROD and any supplemental measures listed on the labels of the products applied (reference EA file).

**Consultation and Public Involvement:**

*ESA consultation:*

- **Wildlife:** Consultation for ESA listed wildlife species was not necessary during the IPMFEIS preparation process nor is it now as the project would have “no effect” to any listed wildlife species.
- **Fish:** As stated on page 10 of the IPMROD, consultation was completed with the National Marine Fisheries Service on December 21, 2004 and concluded that the selected alternative was not likely to jeopardize the continued existence of ESA-listed Chinook salmon and steelhead but could adversely affect essential fish habitat. The opinion then went on to specify reasonable and prudent measures with associated terms and conditions to further protect the species and essential fish habitat for salmon. Those measures will continue to be incorporated into the selected alternative.
- The National Marine Fisheries Service issued a new biological opinion on October 30, 2006 to address newly listed Lower Columbia River coho salmon and designated critical habitat for ESA-listed Chinook salmon and steelhead. The new opinion concluded that the selected alternative was not likely to jeopardize the continued existence of ESA-listed Chinook salmon, coho salmon or steelhead, or result in the destruction or adverse modification of designated critical habitat.

The effects of permethrin on ESA-listed salmonids were analyzed in the 2004 and 2006 biological opinions. The use of permethrin is not expected to result in any additional take, as defined in the biological opinions, and therefore no re-initiation of the consultation is necessary (Rick Golden,

---

<sup>2</sup> "The formulations listed are those currently expected to be used. If other formulations of the same active ingredient are used, the application methods, locations, area, date range, frequency, and active ingredient application rates listed in this table would still apply."

National Marine Fisheries Service, personal communication, March 30, 2007).

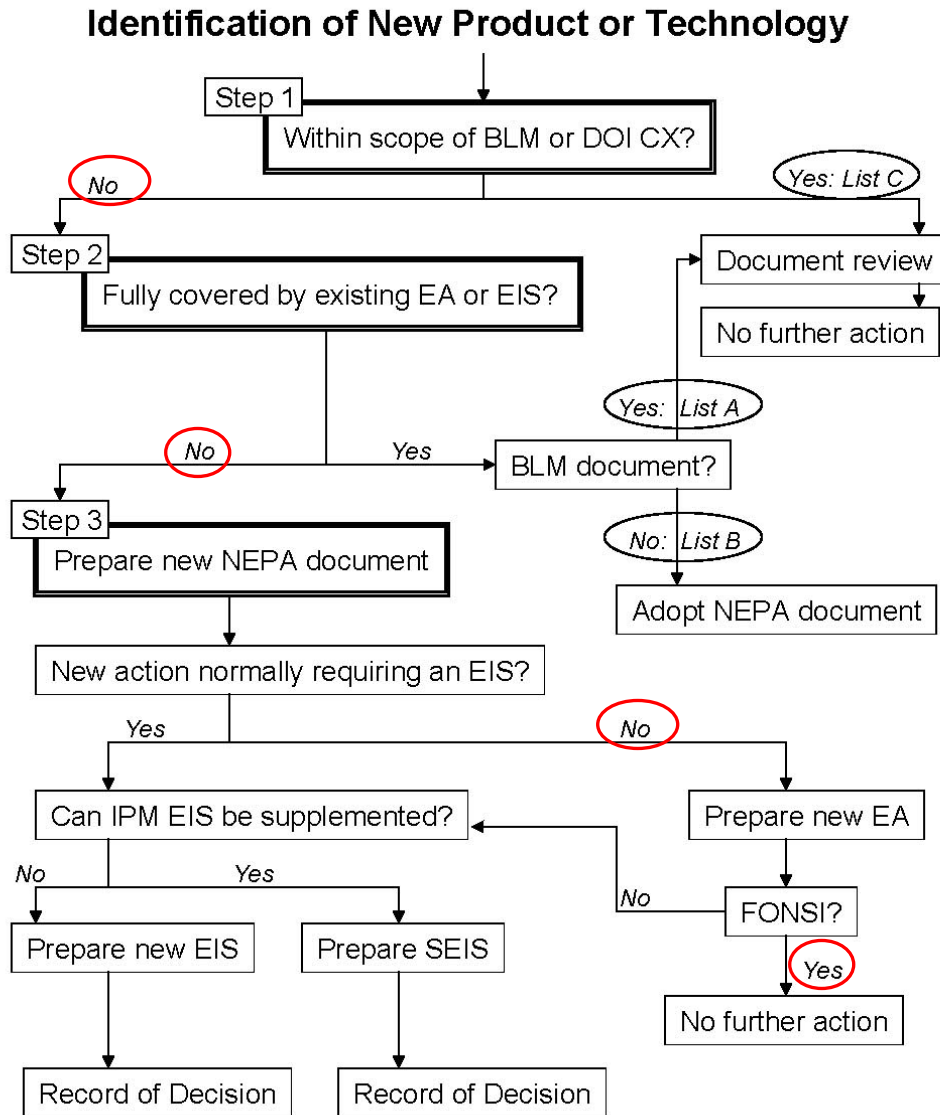
*Public Involvement:* In compliance with the National Environmental Policy Act, the proposed action was listed in the September and December , 2007 editions of the *Salem District Project Update*. The *Salem District Project Update* is prepared quarterly and mailed to over 1,200 addresses on the *Project Update* mailing list. A scoping letter was sent to 23 adjacent landowners and interested citizens regarding the preparation of this EA (reference EA file). No comments were received as a result of the scoping letter or the project update.

### **NEPA Review Process**

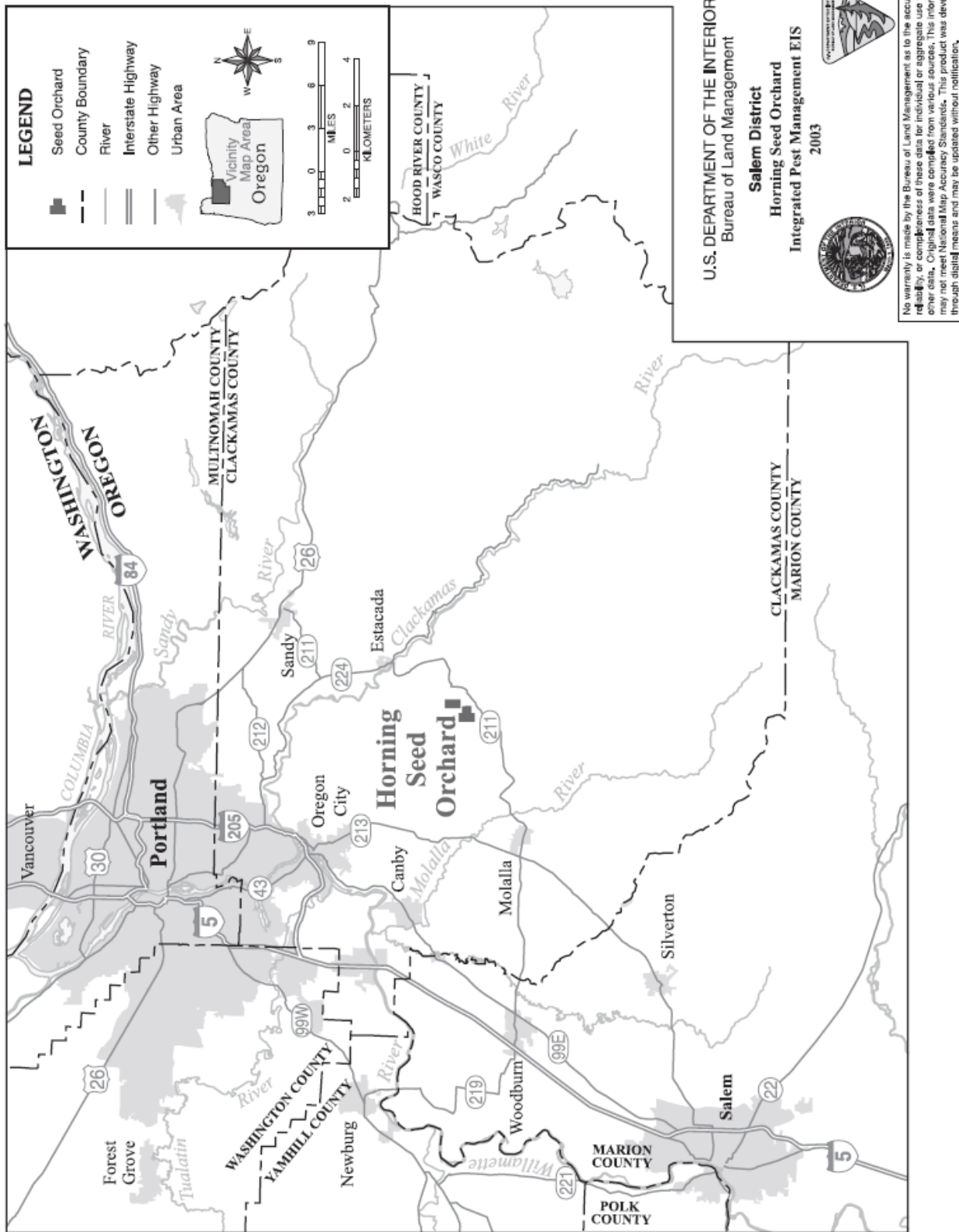
The following chart is copied from Appendix D of the IPMFEIS and on the next page. As we go down the chart, the following determinations were made:

Is this action already covered by a Categorical Exclusion?	No
Is the action fully covered by an existing EA or EIS Prepare NEPA document	Yes and No (unclear language)
Does this type of action normally require an EIS	No
Can the IPM EIS be supplemented <b>Prepare a new EA</b>	No (minor change so supplement not needed)
FONSI?	Yes
No further action (needed)	Sign DR/Implement

# APPENDIX D: NEPA Review of New Products and Technologies



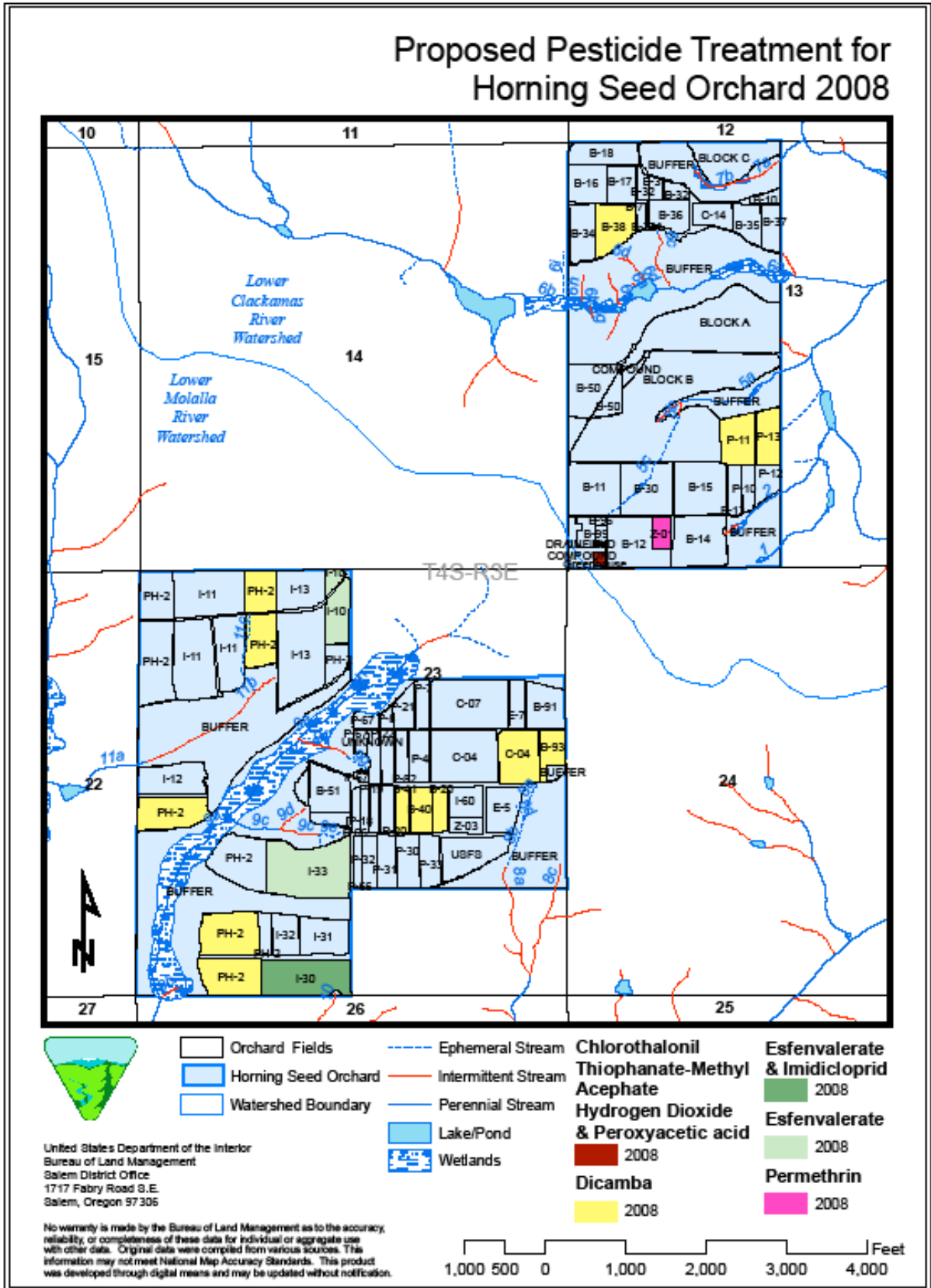
**Figure 1.2-1:** Location of Horning Seed Orchard





# Project Map


## Proposed Pesticide Treatment for Horning Seed Orchard 2008



## Project Map



### Legend

 = western red cedar orchards

## **Affected Environment and 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**. The following elements of the environment are affected by this project:

### **Affected Environment:**

Overall, the affected environment is adequately addressed in the IPMFEIS in Chapter 3, pages 1 through 28. Below is how the affected environment is different or has changed since the preparation of the IPMROD.

#### **Geological Resources:**

The affected environment is the same as described on pages 3-4 to 3-6 of the IPMFEIS.

#### **Water Resources:**

Application of permethrin in orchard unit Z-01 will occur in the Clear Creek sub-watershed of the Lower Clackamas River Watershed. The unit is located above a headwater tributary to Swagger Creek, with no stream channels, wetlands or surface water occurring in the unit. The application area is over 600 feet from stream 2 and over 1000 feet from Stream 5, which have surface water year-round. Application in area Z – 03 will occur in the Milk Creek sub-watershed of the Lower Molalla River watershed. The unit is located above a headwater tributary to Milk Creek with no stream channels wetlands or surface water occurring in the unit. The application area is over 700 ft from the intermittent channel at the headwater of stream 8a, and over 1500 feet from the stream 8 perennial channel. The drainage areas for all these streams will not receive an esfenvalerate application in 2008. The closest and most probable means of permethrin transport would be through the tile drain located in unit B-12 next to application area Z-01. In 2005, this tile was modified to force flow into the surrounding soils through the use of two head gates, thus disconnecting direct tile flow to stream 2. Based on topographic relief, direct sub-surface flow from the application area to the stream channel is not expected.

#### **Land Use:**

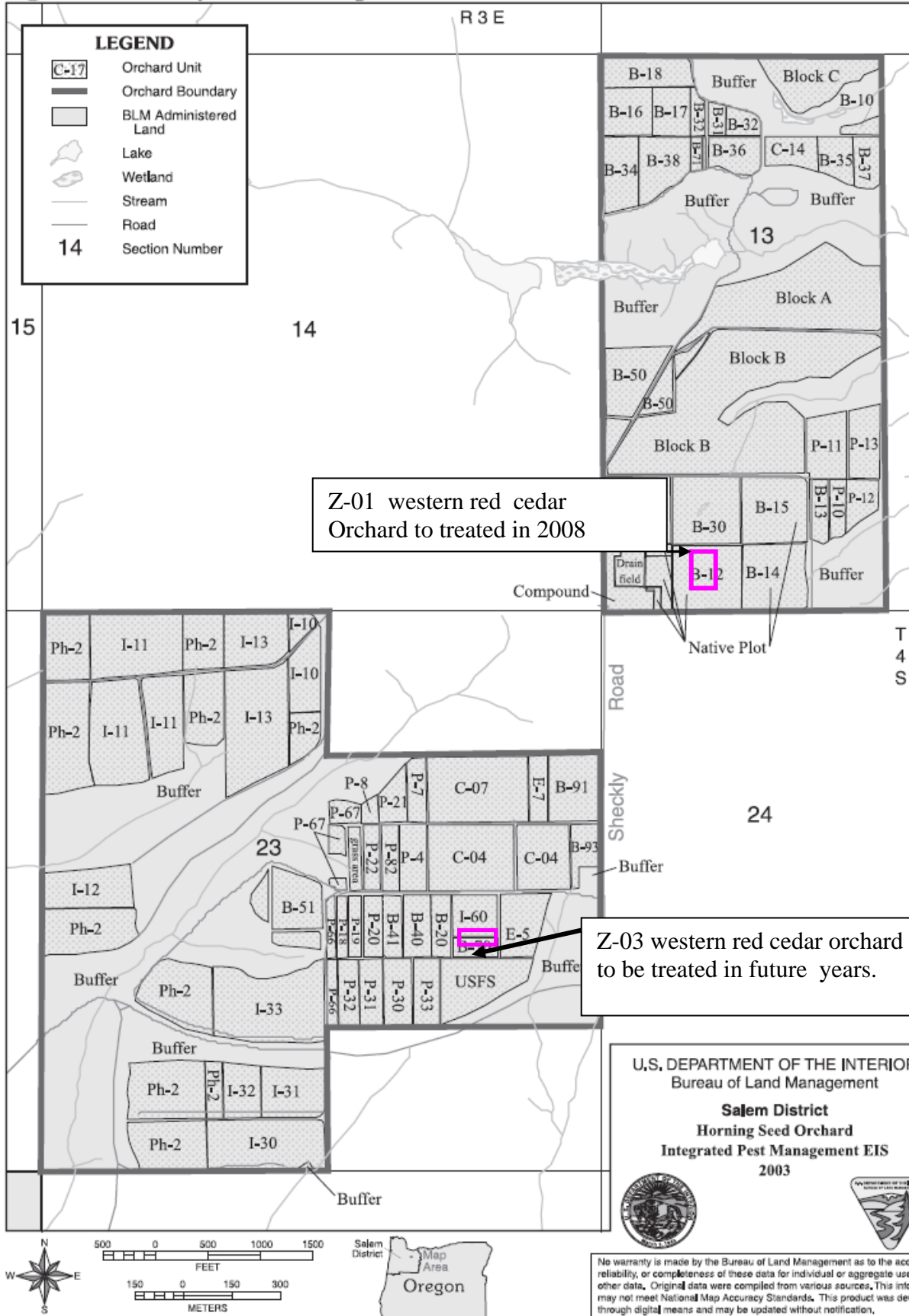
The affected environment is the same as described on pages 3-13 to 3-14 of the IPMFEIS except for the following:

See project map above and FEIS Figure 2.1-1: Layout of Horning Seed Orchard. The revision adds western red cedar orchard Z-01 to the northeast portion of B-12 in section 13 and changes the identity of orchard B-70 to Z-03 in section 23.

**Human Health and Safety:** The affected environment is the same as described on pages 3-15 to 3-17 of the IPMFEIS.



**Figure 2.1-1: Layout of Horning Seed Orchard**



S.

## **Biological Resources**

### **Vegetation:**

The affected environment is the same as described on page 3-19 of the IPMFEIS.

### **Terrestrial Species**

The affected environment is the same as described on page 3-20 of the IPMFEIS.

### **Aquatic Species**

The affected environment is the same as described on page 3-22 of the IPMFEIS except for the following:

Lower Columbia River (LCR) coho salmon were listed as threatened on June 28, 2005. The distribution of LCR coho salmon is discussed in the IPMFEIS. Critical habitat was designated for LCR Chinook salmon, LCR steelhead, Upper Willamette River (UWR) Chinook salmon and UWR steelhead on June 2, 2006. The extent of designated critical habitat for these species is the same as their distribution, as discussed in the IPMFEIS. There is no designated critical habitat within the orchard and the closest designated reach is approximately 1 mile downstream in Clear Creek. The National Marine Fisheries Service issued a new biological opinion on October 30, 2006 to address newly listed Lower Columbia River coho salmon and designated critical habitat for ESA-listed Chinook salmon and steelhead. The new opinion concluded that the selected alternative was not likely to jeopardize the continued existence of ESA-listed Chinook salmon, coho salmon or steelhead, or result in the destruction or adverse modification of designated critical habitat.

## **Environmental Consequences:**

Overall, the environmental consequences of the proposed action were adequately addressed in the IPM FEIS in Chapter 4, pages 1 through 45. However, there is a description below of any differences in effects that can be expected as a result of the proposed action.

### **Geological Resources:**

The environmental impacts would be the same as described on pages 4-3 to 4-6 of the IPMFEIS.

### **Soils:**

The environmental impacts would be the same as described on pages 4-3 to 4-6 of the IPMFEIS.

### **Water Resources:**

The environmental impacts are expected to be less probable than those described on pages 4-6 to 4-11 of the IPMFEIS for the following reasons:

- The location of application is farther away from streams than in the IPMFEIS Impact Analysis. Application distance varies from 600 to over 1000ft from streams. Impact analysis assumed 50 to 100 feet.

- The applications occur in drainages to orchard streams where no esfenvalerate application is scheduled for fiscal year 2008.
- Application of esfenvalerate and permethrin occur at different time periods such that concentrations from drift or runoff from either application is not likely to occur simultaneously.
- The tile system has been modified to disconnect flows directly to stream 2.

### **Land Use:**

The environmental impacts would be the same as described on pages 4-11 to 4-12.

### **Human Health and Safety:**

The environmental impacts would be the same as described on pages 4-13 to 4-22 of the IPMFEIS.

### **Biological Resources**

#### **Vegetation:**

The environmental impacts would be the same as described on 4-23 to 4-36 of the IPMFEIS.

#### **Terrestrial Species**

The environmental impacts would be the same as described on 4-23 to 4-36 of the IPMFEIS.

#### **Aquatic Species**

The environmental impacts of using permethrin in the western red cedar orchards (Z-01, Z-03) would likely be less than those described on 4-23 to 4-36 of the IPMFEIS for the following reasons:

The location of application is farther away from streams than in the IPMEIS Impact Analysis. Application distances in Z-01 and Z-03 varies from 600 feet to intermittent streams to over 1000 feet from perennial streams, while the impact analysis assumed distances of 50 to 100 feet to surface water (Horning Risk Assessment page 3-22). The longer distances to streams makes it less probable that the impacts to aquatic species or special status fish of permethrin use identified in the IPMEIS will occur. Even with narrower buffers, the IPMEIS analysis determined that the modeled concentrations of permethrin in surface waters were extremely low and several orders of magnitude below levels of concern.

The small amount of treatment in 2008 (2 acres), combined with the longer distance to streams, would likely have lower risks to fish in Sec. 13 than those identified in Sec. 23 in the IPMEIS where 9 acres of treatment was modeled.

### **Environmental Effects**

Tables 1 and 2 describe the effects of the proposed action on the elements of the environment. Unless otherwise noted, 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)**

<b>Critical Elements Of The Environment</b>		<b>Status: (i.e., Not Present, Not Affected, or Affected)</b>	<b>Does this project contribute to cumulative effects? Yes/No</b>	<b>Remarks / Environmental Effects</b>
Air Quality (Clean Air Act)		<b>Affected</b>		Impacts were adequately addressed on pages 4-1 to 4-3 of the IPMFEIS.
Areas of Critical Environmental Concern		Not Present		
Cultural, Historic, Paleontological		Not Present		
Energy (Executive Order 13212)		Not Affected		There are no known energy resources located in the project area. The proposed action will have no effect on energy development, production, supply and/or distribution.
Environmental Justice (Executive Order 12898)		Not Affected		The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. Adequately addressed on page 4-39 of the IPMFEIS.
Prime or Unique Farm Lands		Not Present		
Flood Plains (Executive Order 11988)		Not Affected		The project is small in scale and will not change the character of the river floodplain, change floodplain elevations, or affect over bank flooding.
Hazardous or Solid Wastes		<b>Affected</b>		The proposed action is not anticipated to pose risks outside those identified in the IPMFEIS. Small amounts of product will be transported to the site using BMP's to reduce the exposure and environmental loss. Product will be handled and stored according to BLM hazardous materials policy. Accidental spills will be contained and cleaned up in accordance with the National Contingency Plan, and the Salem District Contingency Plan.
Invasive, Nonnative Species (Executive Order 13112)		Not Affected		The project is not anticipated to affect invasive plant infestations in the project area.
Native American Religious Concerns		Not Affected		No new ground disturbance is anticipated. Past treatments of a similar nature within this area have not resulted in tribal identification of concerns.
Threatened or Endangered (T/E) Species or Habitat	Fish (including designated Critical Habitat)	<b>Affected</b>		There are no listed species or designated critical habitat at the orchard. The proposed action is not anticipated to pose risks outside those identified in the IPMFEIS.
	Plants	Not present		
	Wildlife (including designated Critical Habitat)	Not present		There are no listed species or designated critical habitat at the orchard. The proposed action is not anticipated to pose risks outside those identified in the IPMFEIS.

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

<b>Critical Elements Of The Environment</b>	<b>Status: (i.e., Not Present, Not Affected, or Affected)</b>	<b>Does this project contribute to cumulative effects? Yes/No</b>	<b>Remarks / Environmental Effects</b>
Water Quality (Surface and Ground)	<b>Affected</b>		The proposed action is not anticipated to pose risks outside those identified in the IPMFEIS.
Wetlands (Executive Order 11990)	<b>Affected</b>		There are no wetlands in the proposed application areas
Wild and Scenic Rivers	Not Present		
Wilderness	Not Present		

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

<b>Other Elements Of The Environment</b>	<b>Status: (i.e., Not Present, Not Affected, or Affected)</b>	<b>Does this project contribute to cumulative effects? Yes/No</b>	<b>Remarks / Environmental Effects</b>
Coastal Zone (Oregon Coastal Management Program)	Not Present		
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)	<b>Affected</b>		There are no designated Essential Fish Habitat at the orchard. The proposed action is not anticipated to pose risks outside those identified in the IPMFEIS.
Fire Hazard/Risk	Not Affected		
Forest Productivity	Not Affected		Orchard acres are not considered available for timber production. The pest management program is designed to protect and enhance the long-term productivity of the orchard.
Land Uses (right-of-ways, permits, etc)	Not Affected		
Late successional / old growth	Not Present		
Mineral Resources	Not Present		
Recreation	Not Affected		
Rural Interface Areas	<b>Affected</b>		Adequately described in IPMFEIS.
Soils	<b>Affected</b>		The proposed action is not anticipated to pose risks outside those identified in the IPMFEIS.
Special Areas outside ACECs (Within or Adjacent) (RMP pp. 33-35)	Not Present		
other Special Status Species/Habitat	Fish	<b>Affected</b>	The proposed action is not anticipated to pose risks outside those identified in the IPMFEIS.
	Plants	Not Present	
	Wildlife	<b>Affected</b>	The proposed action is not anticipated to pose risks outside those identified in the IPMFEIS.
Visual Resources	Not Affected		
Water Resources (except Water Quality)	<b>Affected</b>		The proposed action is not anticipated to pose risks to downstream beneficial uses outside those identified in the IPMFEIS.



**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 / Environmental Effects</i>
other Wildlife Structural or Habitat Components (Snags /CWD / Special Habitats, road densities)	Not Affected		There are none of these structural components affected.

**Aquatic Conservation Strategy Review:**

The Salem District Resources Staff have determined that the project complies with the ACS on the project (site) scale. Table 3 describes how the project complies with the four 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)**

<i>Components</i>	<i>Effect</i>	<i>Remarks /References</i>
Riparian Reserves	Neutral	The proposed action will not take place within a riparian reserve. The proposed action in Orchard Unit Z-01 is over 600 ft from a stream channel. The proposed action in Orchard Unit Z- 03_is over 700 ft from a stream channel. The estimated riparian reserve width in this area would be approximately 220ft from the edge of the channel..
Key Watershed	N/A	Not in a key watershed
Watershed Analysis	None	Clear Creek Watershed Analysis, Milk Creek Watershed Analysis
Watershed Restoration	Positive	This is project will help promote western red cedar a primary species used in restoration of riparian areas.

The Salem District Resources Staff have reviewed this project against the ACS objectives at the project or site scale with the following results (see Table 4).

**Table 4: Compliance with the Nine Aquatic Conservation Strategy Objectives**

<i>ACS Objectives</i>	<i>Effects</i>
<p><b>1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations and communities are uniquely adapted.</b></p>	<p><b>No Action Alternative:</b> <i>The No Action Alternatives may retard or prevent the attainment of ACS objective 1.Loss of western red cedar seed crop could reduce the amount of this native specie available for restoration activities To ensure the protection of the aquatic system..</i></p> <p><b>Proposed Action:</b> <i>The Proposed Action does not retard or prevent the attainment of ACS objective 1. The project will promote the availability of a riparian restoration species.</i></p>

**Table 4: Compliance with the Nine Aquatic Conservation Strategy Objectives**

<b>ACS Objectives</b>	<b>Effects</b>
<p><b>2. Maintain and restore spatial and temporal connectivity within and between watersheds.</b></p>	<p><b>No Action Alternative:</b> <i>The No Action Alternatives may retard or prevent the attainment of ACS objective 2. Loss of western red cedar seed crop could reduce the amount of this native specie available for restoration activities which can improve headwater connectivity.</i></p> <p><b>Proposed Action:</b> <i>The Proposed Action does not retard or prevent the attainment of ACS objective 2. The project will provide increased availability of a restoration specie that represents a system potential condition in many headwater areas, promoting connectivity between watersheds..</i></p>
<p><b>3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.</b></p>	<p><b>No Action Alternative:</b> <i>The No Action Alternatives may retard or prevent the attainment of ACS objective 3. Loss of western red cedar seed crop could reduce the amount of this native specie available for bank restoration activities</i></p> <p><b>Proposed Action:</b> <i>The Proposed Action does not retard or prevent the attainment of ACS objective 3. The project will promote the availability of a restoration species that is a system potential species adapted to stream bank environment.</i></p>
<p><b>4. Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems.</b></p>	<p><b>No Action Alternative:</b> <i>The No Action Alternatives may retard or prevent the attainment of ACS objective 4. Loss of western red cedar seed crop could reduce the amount of this native specie available for water quality restoration activities.</i></p> <p><b>Proposed Action:</b> <i>The Proposed Action does not retard or prevent the attainment of ACS objective 4. The project will promote the availability of a restoration species that is a system potential specie and the source of long term persistent shade.</i></p>
<p><b>5. Maintain and restore the sediment regime under which aquatic ecosystems evolved.</b></p>	<p><b>No Action Alternative:</b> <i>The No Action Alternatives may retard or prevent the attainment of ACS objective 5. Loss of western red cedar seed crop could reduce the amount of this native species available for bank stabilization, channel and floodplain restoration activities which help to promote a system potential sediment regime..</i></p> <p><b>Proposed Action:</b> <i>The Proposed Action does not retard or prevent the attainment of ACS objective 5. The project will promote the availability of a restoration specie that is a primary species in large wood recruitment and sediment routing..</i></p>

**Table 4: Compliance with the Nine Aquatic Conservation Strategy Objectives**

ACS Objectives	Effects
<p><b>6. Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing.</b></p>	<p><b>No Action Alternative:</b> <i>The No Action Alternatives may retard or prevent the attainment of ACS objective 6. Loss of western red cedar seed crop could reduce the amount of this native specie available for riparian, channel and wetland restoration activities</i></p> <p><b>Proposed Action:</b> <i>The Proposed Action does not retard or prevent the attainment of ACS objective 6.. The project will promote the availability of a restoration species that is a primary source of persistent large wood which help channels to route sediment and flows. .</i></p>
<p><b>7. Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.</b></p>	<p><b>No Action Alternative:</b> <i>The No Action Alternatives may retard or prevent the attainment of ACS objective 7. Loss of western red cedar seed crop could reduce the amount of this native specie available for floodplain restoration activities .</i></p> <p><b>Proposed Action:</b> <i>The Proposed Action does not retard or prevent the attainment of ACS objective 7 . The project will promote the availability of restoration species that is a primary source of persistent large wood in floodplains, meadows and wetlands. .</i></p>
<p><b>8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands. This is to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration; and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.</b></p>	<p><b>No Action Alternative:</b> <i>The No Action Alternatives may retard or prevent the attainment of ACS objective 8. Loss of western red cedar seed crop could reduce the amount of this native species available for promoting system potential and structural diversity. .</i></p> <p><b>Proposed Action:</b> <i>The Proposed Action does not retard or prevent the attainment of ACS objective 8. The project will promote the availability of a restoration specie that is desirable for diversity, thermal regulation bank stability, and a large woody debris supply. .</i></p>
<p><b>9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.</b></p>	<p><b>No Action Alternative:</b> <i>The No Action Alternatives may retard or prevent the attainment of ACS objective 9. Loss of western red cedar seed crop could reduce the amount of this native specie available to support a distribution of other riparian dependant species</i></p> <p><b>Proposed Action:</b> <i>The Proposed Action does not retard or prevent the attainment of ACS objective 9. The project will promote the availability of a riparian restoration specise that helps to support other riparian dependant species.</i></p>

**List of Preparers/Interdisciplinary Team:**

<b>Affected Resource</b>	<b>Specialist</b>	<b>Title</b>
Team Lead, NEPA Compliance, VRM, Rural Interface Areas	Randy Gould	Sup. Nat. Res. Specialist
tany/Vegetation	Claire Hibler	District Botanist
Cultural Resources	Fran Philipek	Archeologist
Fisheries	Bob Ruediger	District Fisheries Biologist
Hydrology, Water Quality, Hazardous Mat., Soils	Chester Novak	District Hydrologist
Silviculture	Bob Ohrn	District Silviculturist
Wildlife	Roy Price	District Wildlife Biologist

## FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of this EA (Environmental Assessment Number OR-080-08-07), I have determined that the proposed action is not a major federal action and would 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.

There are no significant impacts not already adequately analyzed, or no significant impacts beyond those already analyzed, in the *Final Environmental Impact Statement: Integrated Pest Management Program, BLM Horning Seed Orchard (IMPFEIS)* to which this environmental assessment is tiered. Therefore, supplemental or additional information to the analysis in the IPMFEIS in the form of a new environmental impact statement is not needed.

**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 the attached Form 1842-1.

**If you appeal:** A public notice for this decision is scheduled to appear in the Molalla Pioneer newspaper on **January 19, 2008**. Within 30 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Aaron Horton, Salem District Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, OR, 97306 (43 CFR 4.411 and 4.413). A copy of the *Notice of Appeal* must also be sent to the BLM Regional Solicitor, Pacific Northwest Region, 500 NE Multnomah St. Suite 607, Portland, OR 97232.

The decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice Of Appeal* (43 CFR 4.21 or 43 CFR 2804.1). 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 Interior Board of Land Appeals and to the appropriate Office of the Solicitor (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.

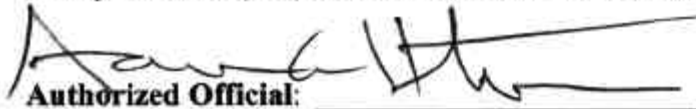
**Standards for Obtaining a Stay:** Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (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 after filing the *Notice of Appeal*, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

**Implementation Date:** If no appeals are filed, this decision will become effective and be implemented 30 days after the public notice of this Decision Record appears in the Molalla Pioneer newspaper.

**Contact Person:** For additional information concerning this decision or the appeal process, contact Randy Gould at (503) 375-5682, Salem District, 1717 Fabry Road, Salem, Oregon 97306.

**Authorized Official:** 

Date: 1/14/08

**Aaron Horton, Salem District Manager**