

ENVIRONMENTAL ASSESSMENT, FINDING OF NO SIGNIFICANT IMPACT, and DECISION RECORD¹

ENVIRONMENTAL ASSESSMENT

EA Number: OR-080-05-09

BLM Office: Marys Peak Resource Area, Salem District Office
1717 Fabry Road SE
Salem, Oregon 97306

Proposed Action Title: Hendrix/Olson O&C Road Permit

Type of Project: Use of 0.47 mile of BLM road #15-8-7 and construction of approximately 544 feet of new road across BLM land.

Location of Proposed Action: Township 15 South, Range 8 West, Section 7, W $\frac{1}{2}$ SW $\frac{1}{4}$, Willamette Meridian located approximately 9 miles southwest of Alsea, Oregon. Land Use Allocation for the BLM lands involved and in the vicinity of the proposed action are Late-Successional Reserve (LSR) and Riparian Reserve (RR).

Conformance with Land Use Plans, Policies, and Programs: The Hendrix/Olson O&C Road Permit Project has been designed to conform to the following documents, which direct and provide the legal framework for management of BLM lands within the Salem District: **1/** *Salem District Record of Decision and Resource Management Plan*, May 1995 (RMP): The RMP has been reviewed and it has been determined that the Plum Creek, Devils Well Road Project conforms to the land use plan terms and conditions (e.g. complies with management goals, objectives, direction, standards and guidelines) as required by 43 CFR 1610.5 (BLM Handbook H1790-1), **2/** *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl*, April 1994 (the Northwest Forest Plan, or NWFP); **3/** *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*, March 2004 (SSSP); **4/** *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*, March 2004 (ACSROD).

¹ 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.

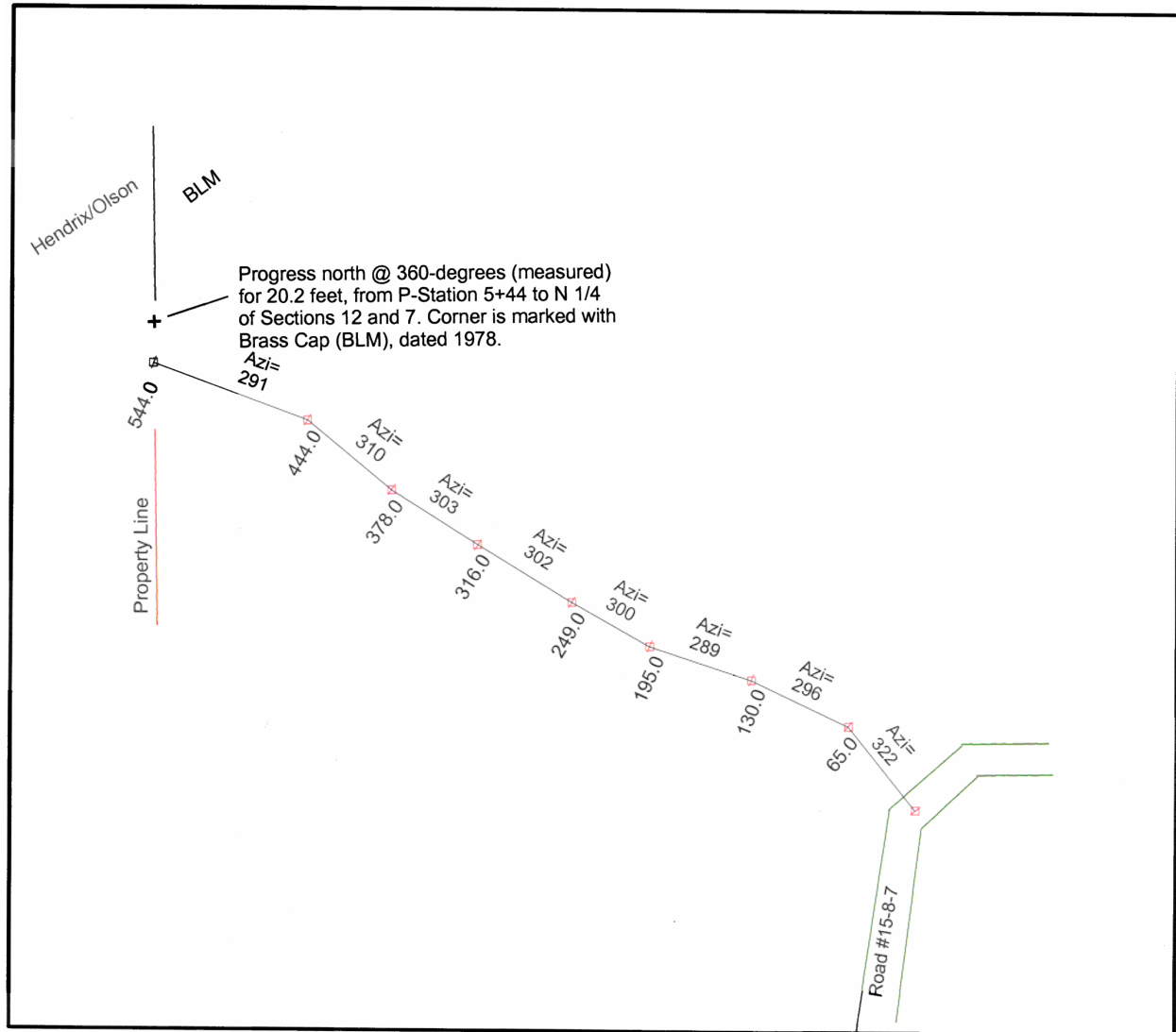
Purpose of and Need for Action: The applicants, Julie Hendrix and Jan Olson, have requested access to their lands under a Short Term O&C Road Permit. Use of 0.47 miles of the existing BLM road #15-8-7 and construction of a 544-foot temporary spur would provide an opportunity to manage approximately 15 acres of the applicant's forest land. In the proposed action, BLM would allow construction of the temporary ridge top spur to avoid the detrimental impacts of the applicant's alternative route, which would require switchbacks on steep terrain.

Description of the Proposed Action: The proposed action would allow the applicants temporary use of 0.47 mile of existing BLM road #15-8-7 and the approval to construct a 544 foot temporary spur. The temporary spur would be constructed on a gentle sloped ridge top for 378-feet, within a young 17-year old conifer stand. The remaining 166 feet would be located within a stand of approximately 30-year old conifer trees also on gentle slopes. All timber and forest material would remain on site outside the clearing limits. Because of the gentle terrain, the clearing width would average less than 20 feet, amounting to approximately 0.25 acre over all. The accumulated slash would be scattered in existing clearings.

The newly constructed road would not be rocked, therefore construction and timber haul would occur during the dryer months, typically June through October. Following completion of log haul, the applicant would be required to rip the roadbed, grass seed all disturbed areas, and plant conifer in conjunction with the reforestation effort on Hendrix/Olson land.

Hendrix/Olson O&C R.W.P. #OR60601

Marys Peak Resource Area
Section 7, T. 15 S., R. 8 W., W.M.
Benton County, Oregon
Scale: 1" = 100'
June 2005



Legend:

1. R-O-W clearing shall be limited to no more than 20' width.
2. Scatter clearing debris in openings away from conifer trees.
3. Construction and hauling activities will occur only during periods of low soil moisture.
4. Construction and hauling activities are restricted to between 2-hours after sunrise and 2-hours after sunset from April 1 to September 15.
5. Decommission the temporary roadbed following hauling activities. Block the road approach with large debris.
6. Seed the disturbed areas with certified, blue tag red fescue (*Festuca rubra*), and plant conifer seedlings in conjunction with Hendrix/Olson reforestation.

APPROVED

By: _____

Date: _____

Consultation and Public Involvement:

ESA consultation:

- **Wildlife:** The proposed road construction and haul over BLM lands would occur adjacent to un-surveyed suitable habitat. This action was determined to be a “may affect, but not likely adverse affect” to listed wildlife species, since the road location exists within a high ambient noise corridor with rural residences and a paved road within 0.25 miles. This action is covered by a programmatic Biological Opinion that addresses discretionary Right-of-Way actions (BO# 1-7-2004-F-253). Temporary road construction and decommissioning would be restricted to the time between 2 hours after sunrise and 2 hours before sunset between April 1 and September 15. All applicable Terms and Conditions from this BO would be incorporated into the design features of this proposed action.
- **Fish:** A determination has been made that this proposed project would have a ‘may affect, not likely to adversely affect’ (NLAA) on the ESA Proposed Coastal Coho Salmon. The ‘may affect’ determination is based on hauling over the BLM administered Rd. #15-8-7 and the connectivity of intermittent streams crossing the haul route to the tributary of Preacher Creek. The upstream limit of Coastal Coho Salmon distribution is approximately 100 to 500 feet below the haul road in the tributary of Preacher Creek. Haul limited to dry season, the roads associated with haul over stream crossings are graveled, and the small number of log trucks expected from the 15 acre timber sale unit indicates that the potential for sediment delivery to vicinity streams would be low and would not likely affect downstream aquatic habitat. The proposed road construction would have no affect to listed fish due to it's location atop the ridge, well above stream initiation points, and located outside of the riparian area. Oregon Coastal coho salmon is proposed for listing at this time, consultation with NOAA Fisheries is not required for an NLAA determination. However, if the species is listed as threatened or endangered then informal consultation would be necessary and hauling operations would need to desist until consultation was complete.

Public Involvement: In compliance with the National Environmental Policy Act, the EA, FONSI and Decision Record will be made available for public review June 16, 2005 to June 30, 2005. The notice for public comment will be published in the *Gazette Times* newspaper beginning on June 16, 2005 and the EA, FONSI and Decision Record will be posted on the Internet under Environmental Assessments at <http://www.or.blm.gov/salem/html/planning/index.htm>.

Affected Environment:

The proposed project would occur within the Five Rivers/Lobster Creek 5th field watershed. Approximately 70% of the proposed action would occur within a 17 year old conifer stand with the remainder occurring within approximately a 30-40 year old mixed conifer/hardwood stand, located on BLM land. The road construction would be located on a gentle sloped ridge top, well above any stream initiation points.

BLM lands in the proximity of the proposed action are designated as LSR and RR Land Use Allocation. There is un-surveyed suitable habitat for bald eagles, spotted owls, and marbled murrelets on BLM lands adjacent to the proposed action. Most of this un-surveyed habitat falls within a high ambient noise corridor created by rural residences and paved roads that lie within 0.25 miles. The Hendrix/Olson land scheduled for harvest is a 30-40 year old stand of conifer species, alder, and maple, which is considered non-habitat for listed wildlife species.

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.

<i>Table 1: Environmental Review for the Critical Elements of the Environment (BLM H-1790-1, Appendix 5)</i>			
<i>Critical 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>
Air Quality (Clean Air Act)	Not Affected	No	The proposal would not involve actions which would affect air quality. Because the generated slash would consist predominantly of salmonberry and huckleberry which would rapidly decay, burning would not be feasible. Slash would be scattered in openings where trees are not present.
Areas of Critical Environmental Concern	Not Present	No	
Cultural, Historic, Palentological	Not Affected	No	No pre-project survey is required as outlined in the <i>Protocol for Managing Cultural Resources on Land Administered by the Bureau of Land Management in Oregon; Appendix D - "Coast Range Inventory Plan (August 1998)</i>
Energy (Executive Order 13212)	Not Affected	No	There is 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	No	
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.

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
Hazardous or Solid Wastes		Not Present	No	
Invasive, Nonnative Species (Executive Order 13112)		Affected	No	Any exposed mineral soil would create habitat for non-native species. Sowing the exposed mineral soil with grass seed would reduce the likelihood of any infestation(s) of Oregon listed noxious weeds.
Native American Religious Concerns		Not Affected	No	None known.
Threatened or Endangered (T/E) Species or Habitat	Fish	Affected	No	Limiting haul to the dry season, the roads associated with haul over stream crossings are graveled, and the small scale of the timber project indicates that the proposed haul route would not likely affect downstream aquatic habitat. Road construction would have no affect to listed fish due to proposed road location atop the ridge, well above stream initiation points, and located outside of the riparian area.
	Plants	Not Affected	No	There are no known sites of any T&E plant species within the project area. Nor is the project area within any likely habitat for these species.
	Wildlife (including designated Critical Habitat)	Affected	No	Suitable nesting habitat for T&E species currently exists on BLM land adjacent to the proposed action. A daily timing restriction would be imposed on road construction and log haul, in compliance with the Programmatic Biological Opinion.
Water Quality (Surface and Ground)		Not Affected	No	The project area is in the vicinity of Preacher Creek, which flows approximately 1/2-mile to it's confluence with Lobster Creek. Lobster Creek is ODEQ 303d listed for exceeding state water temperature and sediment standards and is identified in the 319 Report for moderate water quality conditions affecting fish and aquatic habitat. However, the proposed action would occur near the ridgetop, away from surface water, lakes, or streams. Therefore, streamside shading or water temperatures would not be affected. The potential for sediment delivery to vicinity streams would be low, due to the small area of disturbance and the ability of existing vegetation and duff to filter sediment before it can reach streams. Other water quality parameters are also unlikely to be affected by the proposed action.

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

<i>Critical 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>
Wetlands (Executive Order 11990)	Not Affected	No	The Proposed Action would not impact wetlands or riparian zones located on BLM lands.
Wild and Scenic Rivers	Not Present	No	
Wilderness	Not Present	No	

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 Affected	No	The proposed action is located within the coastal zone as defined by the Oregon Coastal Management Program. This proposal is consistent with the objectives of the program, and the State planning goals which form the foundation for compliance with the requirements of the Coastal Zone Act. Management actions/directions found in the RMP were determined to be consistent with the Oregon Coastal Management Program.
Fire Hazard/Risk	Affected	No	Clearing of the Right-of-way would create slash that would create a short term increase in the risk of a fire. Because the slash would consist predominantly of rapidly decomposing salmonberry, huckleberry, and other smaller stemmed plants, the increased risk would subside after the initial season. The fuels should be spread, avoiding concentration, to lower the intensity of flame were a fire to occur.
Land Uses (right-of-ways, permits, etc)	Not Present	No	
Late successional/old growth habitat	Not Affected	No	No mature timber would be affected by this action.
Mineral Resources	Not Present	No	
Recreation	Not Affected	No	There are no established recreational sites or uses that would be impacted as a result of the proposed action.
Rural Interface Areas	Not Present	No	

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>
Soils		Affected	No	Under the Proposed Action, construction of the approximate 544-foot road would occur along, or near, the ridge top. Construction would include the removal of top soil and compaction of the running surface. Road construction would be restricted to periods of dry weather, primarily between June 1 and October 31 of a given year in order to limit surface runoff and associated erosion. The road surface width would be limited to no more than 12-feet and would be outslopped, with no ditch. Vegetative clearing would average approximately 20-feet where the temporary road would be constructed. The road surface would not be rocked and log haul would be allowed only during dry weather conditions. If heavy rain develops during hauling periods, road use would be postponed until conditions improve. Following use, the roadbed would be decommissioned, grass seeded, planted with conifer trees, and blocked at it's intersection with Road #15-8-7.
Special Areas outside ACECs (Within or Adjacent) (RMP pp. 33-35)		Not Present	No	
Other Special Status Species/Habitat	Fish	Affected	No	The proposed action would not be expected to adversely affect Essential Fish Habitat, consistent with the ESA affects analysis presented under Consultation and Public Involvement (Pg 2) of this EA.
	Plants	Not Affected	No	There are no known sites of any bureau special status species nor is there any likely habitat within the proposed project area.
	Wildlife	Not Affected	No	There are no known sites of any bureau special status species nor is there any likely habitat for such species within the proposed project area.
Visual Resources		Not Affected	No	The project area is located in VRM IV class which allows major modifications of the character of landscapes.

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>
Water Resources (except Water Quality)	Not Affected	No	The proposed action would not affect basin hydrology including stream flow or channel function because it would occur away from surface water, be small in area, and would be unlikely to intercept near-surface or groundwater flow. Beneficial uses of project area streams include: anadromous fish, resident fish, recreation, and aesthetic value. There are water rights for irrigation approximately 1.5 miles downstream on Lobster Creek. The project would not be located in a municipal watershed. Project design features would be implemented to protect the beneficial uses of project area streamflow.
Wildlife Structural or Habitat Components – Other (Snags /CWD/Special Habitats, road densities)	Not Affected	No	The proposed action would not affect the structural or habitat components of the area because the proposed road route remains within young forest stands. The road density would be increased for one year, then the route would be decommissioned and replanted into conifer.

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)

<i>Components</i>	<i>Effect</i>	<i>Remarks /References</i>
Riparian Reserves	None	New construction would occur outside of Riparian Reserves. Portions of the existing haul route are within Riparian Reserve LUA. Project design features would be implemented to minimize impacts to Riparian resources
Key Watershed	None	The proposed action would occur within the Upper Lobster Creek Key Watershed. A short-term net increase in road mileage would occur during the summer of 2005, and then the road would be decommissioned. The alternative route would require a much longer midsloped road on Hendrix/Olson property. The proposed route is located upon a broad ridgetop where road related runoff and sediment production would be lowest.
Watershed Analysis	None	<i>Lobster/Five Rives Watershed Analysis, 1997.</i>
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.

Interdisciplinary Team:

Table 4: Interdisciplinary Team Review

Affected Resource	Specialist	Initial	Date
Botany/Vegetation	Ron Exeter	RE	June 15, 2005
Cultural Resources	Tom Vanderhoof	TMO	6-9-05
Fire Hazard/Risk	Tom Tomczyk	TT	6-13-05
Fisheries	Scott Snedaker	SS	6/10/05
Hydrology/Water Quality/Soils	Ashley La Forge Snedaker Acty	SS	6/10/05
NEPA	Gary Humbard	GLH	6-9-05
Recreation, Visual and Rural Interface Resources	Traci Meredith	TMM	6-10-05
Wildlife	Scott Hopkins	SH	6-13-05

EA Prepared By:

At B. Lynn

Date:

6/10/05

EA Reviewed By:

Gary L. Humbard
NEPA

Date:

6/13/05

FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

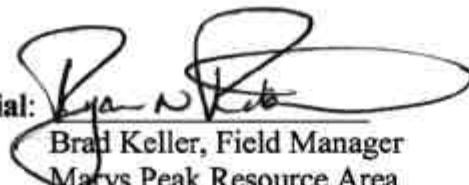
Based upon review of the Hendrix/Olson O&C Road Permit EA and supporting documents, I have determined that the proposed action is not a major federal action and would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No site specific environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, supplemental or additional information to the analysis done in the RMP/FEIS through a new environmental impact statement is not needed. It is my decision to implement the proposed action, as described in the EA.

Protests: In accordance with Forest Management Regulations at 43 CFR 5003.2, the decision for this road permit will not become effective or be open to formal protest until the Notice of Road Permit is published "in a newspaper of general circulation in the area where the lands affected by the decision are located". For this project, the Notice of Road Permit will be published in the *Gazette Times* newspaper. Protests of this road permit must be filed within 15 days of the first publication of the notice. This is planned for June 16, 2005.

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

Contact Person: For additional information concerning this decision or the protest process, contact Steve Cyrus at (503) 315-5988, Marys Peak Resource Area, Salem District, 1717 Fabry Road, Salem, Oregon 97306.

Authorized Official:


Brad Keller, Field Manager
Marys Peak Resource Area
Acting Field Manager

Date:

6/15/05