

**Hull Oakes Lumber Co. Amendment
To Right-of-Way Agreement S-601**

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

Environmental Assessment Number OR080-08-03

December 10, 2007

United States Department of the Interior
Bureau of Land Management
Oregon State Office
Salem District
Marys Peak Resource Area

Township 14 South, Range 8 West, Sections 11 and 14, Willamette Meridian
Upper Alsea River Watershed
Lower Alsea River Watershed
Benton County, Oregon

Responsible Agency: USDI - Bureau of Land Management

Responsible Official: Trish Wilson, Field Manager
Marys Peak Resource Area
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(503) 315-5969

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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

Type of Project: Right of Way (ROW) Amendment of existing Reciprocal ROW Agreement S-601

Location of Proposed Action: Township 14 South, Range 8 West, Sections 11 and 14, Willamette Meridian located approximately 1½ miles southwest of Alsea, 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 (pp.57: topic: amending existing reciprocal right-of-way agreements;
- *Lower Alsea River Watershed Analysis*, dated December, 1999;
- *South Fork Alsea River Watershed Analysis*, dated October, 1995
- *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 and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (January, 2001).

The analysis in this Environmental Assessment (EA) is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). The RMP/FEIS includes the analysis from the *Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl*, February 1994 (NWFP/FSEIS).

The RMP/FEIS is amended by the *Final Supplemental Environmental Impact Statement For Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (S&M FSEIS, November 2000).

The above documents are incorporated by reference and are available at the Salem District Office.

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.

Survey and Manage Review

The Bureau of Land Management (BLM) is aware of the August 1, 2005, U.S. District Court order in Northwest Ecosystem Alliance et al. v. Rey et al. which found portions of the *Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (January, 2004) (EIS) inadequate. Subsequently in that case, on January 9, 2006, the court ordered:

- set aside the 2004 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) (2004 ROD) and

- reinstate the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (January, 2001) (2001 ROD), including any amendments or modifications in effect as of March 21, 2004.

The BLM is also aware of the November 6, 2006, Ninth Circuit Court opinion in Klamath-Siskiyou Wildlands Center et al. v. Boody et al., No. 06-35214 (CV 03-3124, District of Oregon). The court held that the 2001 and 2003 Annual Species Reviews (ASRs) regarding the red tree vole are invalid under the Federal Land Policy and Management Act (FLPMA) and National Environmental Policy Act (NEPA) and concluded that the BLM's Cow Catcher and Cotton Snake timber sales violate federal law.

This court opinion is specifically directed toward the two sales challenged in this lawsuit. The BLM anticipates the case to be remanded to the District Court for an order granting relief in regard to those two sales. At this time, the ASR process itself has not been invalidated, nor have all the changes made by the 2001-2003 ASR processes been vacated or withdrawn, nor have species been reinstated to the Survey and Manage program, except for the red tree vole. The court has not yet specified what relief, such as an injunction, will be ordered in regard to the Ninth Circuit Court opinion. Injunctions for NEPA violations are common but not automatic.

We do not expect that the litigation over the Annual Species Review process in Klamath-Siskiyou Wildlands Center et al. v. Boody et al will affect the Hull Oaks ROW Amendment because this project is not a timber sale nor is it a ground disturbing activity. Routine maintenance of improvements and existing structures is not considered a habitat disturbing activity (S&M ROD, January 2001, S&G p. 22).

Compliance with the Aquatic Conservation Strategy

On March 30, 2007, the District Court, Western District of Washington, ruled adverse to the U. S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA-Fisheries) and USFS and BLM (Agencies) in *Pacific Coast Fed. of Fishermen's Assn. et al v. Natl. Marine Fisheries Service, et al and American Forest Resource Council*, Civ. No. 04-1299RSM (W.D. Wash)(PCFFA IV). Based on violations of the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA), the Court set aside:

The USFWS Biological Opinion (March 18, 2004),

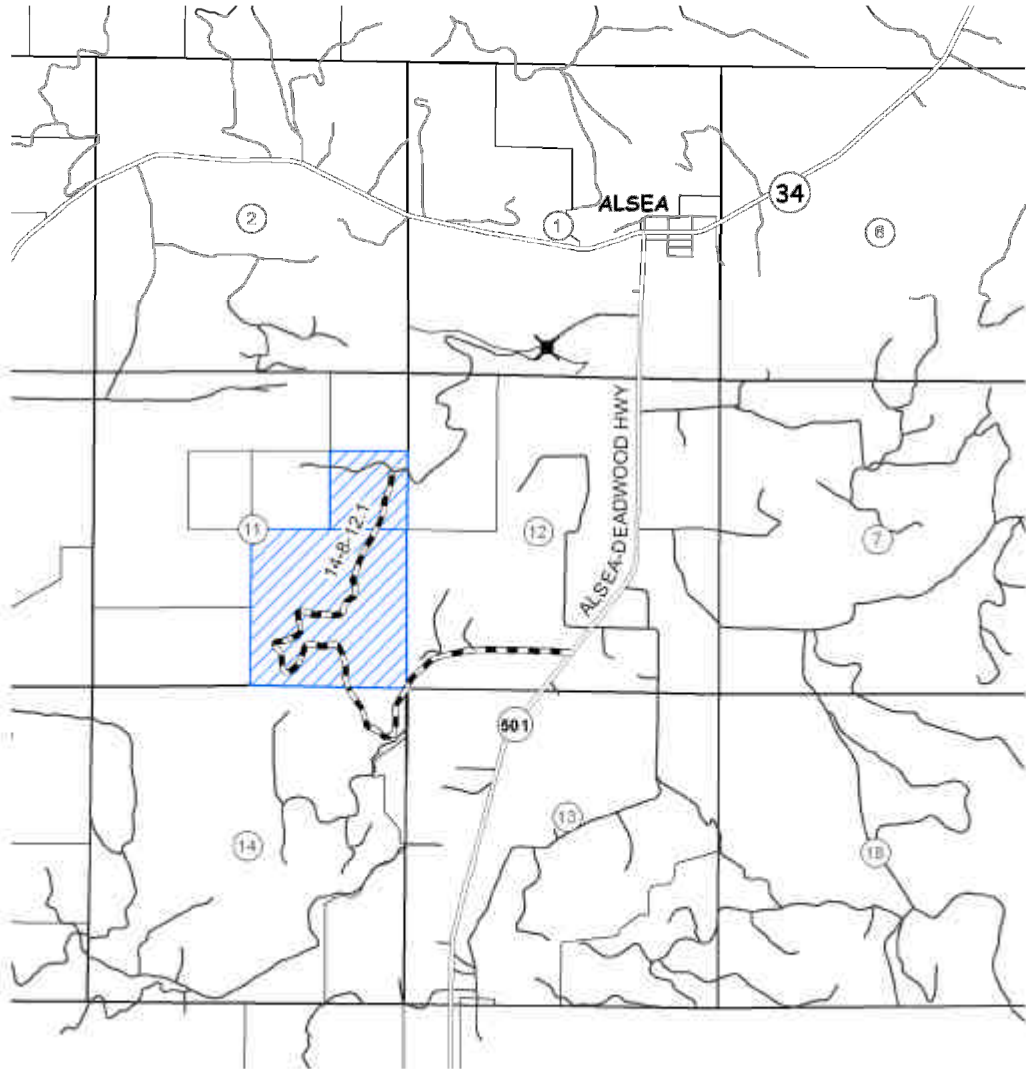
The NOAA-Fisheries Biological Opinion for the ACS Amendment (March 19, 2004),






The ACS Amendment Final Supplemental Environmental Impact Statement (FSEIS) (October 2003), and

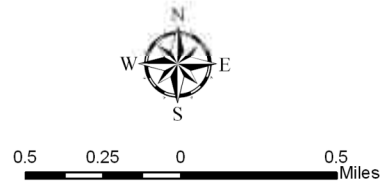
The ACS Amendment adopted by the Record of Decision dated March 22, 2004.

Previously, in *Pacific Coast Fed. Of Fishermen's Assn. v. Natl. Marine Fisheries Service*, 265 F.3d 1028 (9th Cir. 2001)(*PCFFA II*), the United States Court of Appeals for the Ninth Circuit ruled that because the evaluation of a project's consistency with the long-term, watershed level ACS objectives could overlook short-term, site-scale effects that could have serious consequences to a listed species, these short-term, site-scale effects must be considered. The EA (pg. 12) shows how the Hull Oakes Lumber Company ROW Amendment meets the Aquatic Conservation Strategy in the context of PCFFA IV and PCFFA II.

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
HULL-OAKES AMENDMENT LOCATION MAP
T. 14 S., R. 8 W. - SALEM DISTRICT - OREGON



-  Project location
-  Access route
-  Major roads
-  Other existing roads
-  Washed out bridge



Purpose of and Need for Action:

The purpose for the proposed action is to provide access for Hull-Oakes Lumber Company for their management purposes. There is a need to authorize use of a BLM administered road, even though no new road construction will be required.

Previously, Hull-Oakes Lumber Company accessed their lands via a bridge across the South Fork Alsea River. The bridge has since been removed and rather than construct a new bridge for such limited use, Hull-Oakes Lumber Company is requesting permanent access on approximately 1.6 miles of the existing BLM controlled Road #14-8-12.1 (see EA Map).

Description of the Proposed Action:

The SE¹/₄NE¹/₄ of Section 11, Township 14 South, Range 8 West., was added to R.W.A. S-601 by Amendment #6. Additional segments of Road #14-8-12.1 which do not lie within those lands will need to be added by subsequent amendment to complete the access needs. This amendment will include only the lands lying within the road prism, so that no additional road related rights or privileges will be granted by this action and will remain discretionary. The addition of these segments of road will allow Hull-Oakes Lumber Company access between the Deadwood Highway and their lands in the adjacent Section 12 (see EA Map).

Design Feature

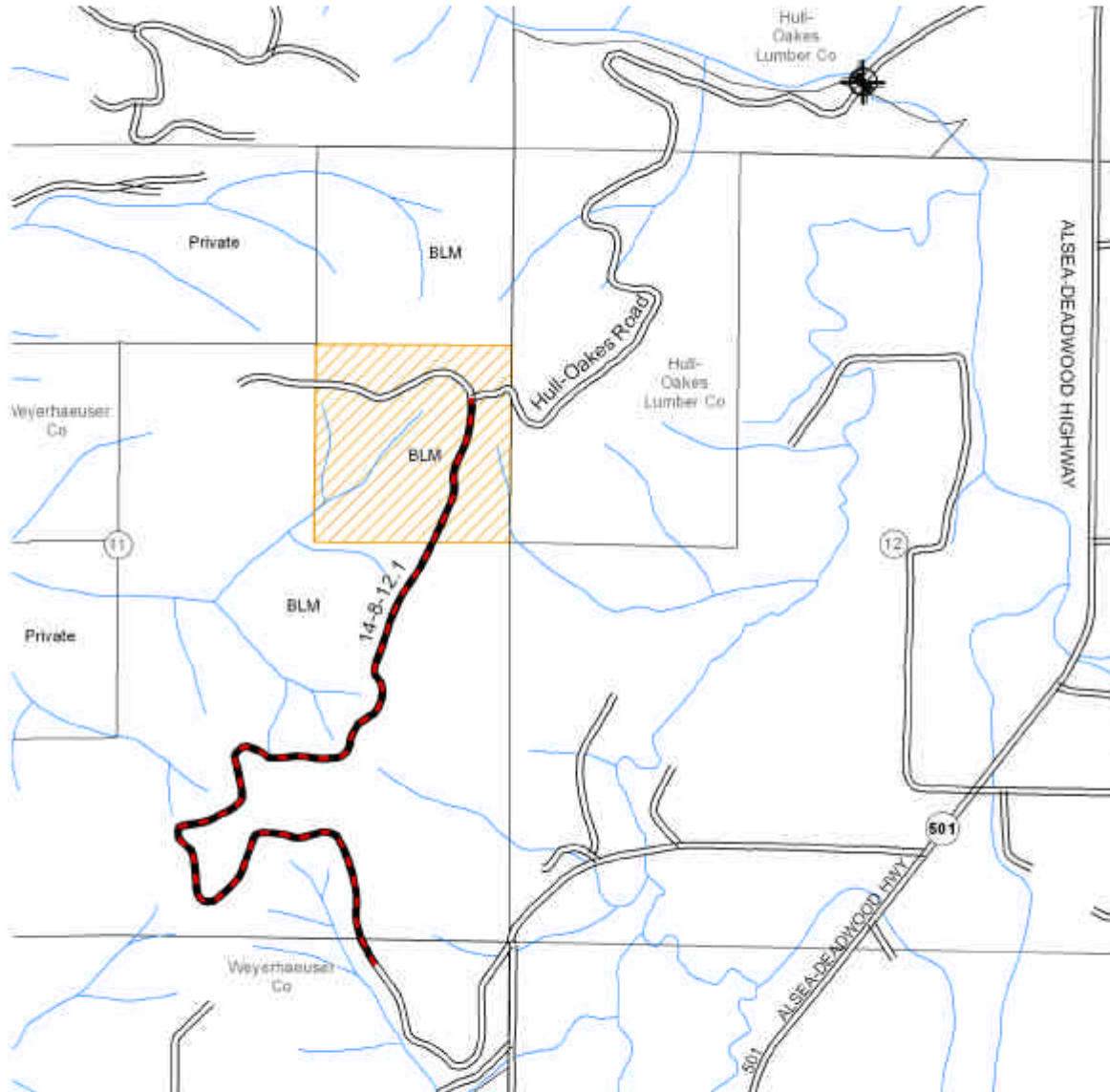
During periods of use, Hull-Oakes Lumber Company will be required to maintain the existing road surface, ditches, and drainage structures. Any rutting or soft spots will require additional aggregate placement to stabilize the facility in compliance with the Best Management Practices (RMP pp. C-6, Section G).



Alternatives Considered but not Analyzed:




The impacts associated with construction of a new bridge across the South Fork Alsea River, (anadromous fisheries) would be considerable. Placing headwalls on both riverbanks to protect the bridge abutments, plus the tracked sediment which would be deposited directly into the river from the bridge, are both reasons to disregard this alternative. Also, the cost of constructing and placing a bridge with the necessary span would be higher than Hull-Oakes Lumber Company could justify considering the volume of logs they propose to haul.

EA Map

United States Department of the Interior - BUREAU OF LAND MANAGEMENT
HULL-OAKES LUMBER COMPANY AMENDMENT EA MAP
 T. 14 S., R. 8 W., Section 11, W. M. - SALEM DISTRICT - OREGON



-  BLM controlled road of which Hull-Oakes requests perpetual use
-  Lands previously added to R.W.A. S-601

-  Washed out bridge
-  Existing Road
-  Stream



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. Data was compiled from multiple sources and may not meet U.S. National Mapping Accuracy Standard of the Office of Management and Budget.

November 27, 2007

Consultation and Public Involvement:

ESA consultation:

- **Wildlife:** The proposed action on BLM managed lands results in a no effect to the northern spotted owl and marbled murrelet. Associated timber harvesting activities on Hull-Oakes Lumber Company lands, though not suitable habitat themselves, will likely occur within ¼ mile of suitable habitat on BLM managed lands. If the decision is made to approve the proposed action, the BLM will inform Hull-Oakes Lumber Company that they may want to discuss potential impacts to listed species with the U.S. Fish and Wildlife Service.
- **Fish:** Recently, the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) determined that the Oregon Coast coho salmon Evolutionarily Significant Unit (*Oncorhynchus kisutch*) did not warrant listing as threatened or endangered under the Endangered Species Act (ESA), as amended. No consultation is required under Section 7 of the ESA at this time, as no listed fish species are known to occur in the action area associated with this proposed project. Should any listing of fish species occur prior to implementation of any actions associated with this EA, then further review will be necessary consistent with Section 7.

The Salem District is aware of ongoing litigation filed by Trout Unlimited et al. v. Lohn on June 27, 2006 related to the decision by the NMFS not to list Oregon Coast coho salmon under the ESA. The BLM is aware of the recent findings of the District Court remanding the delisting and directing NMFS to review OC coho status. No other information or direction regarding this lawsuit is available at this time.

- **Protection of Essential Fish Habitat (EFH),** as described by the Magnuson/Stevens Fisheries Conservation and Management Act, and consultation with NOAA NMFS is required for all projects which may adversely affect EFH of Chinook or coho salmon in the action area. The proposed action, with the incorporation of project design features, is not expected to adversely affect EFH. Thus, no consultation with NOAA NMFS on EFH is required for this project. Actions and effects beyond the scope of the analysis provided will require additional review and potentially result in the need to consult with NOAA NMFS

Public Involvement: In compliance with the National Environmental Policy Act, a scoping letter dated October 17, 2007, was sent to 12 potentially affected and/or interested individuals, groups, and agencies. No comment letter(s) were received in response to this scoping.

Review of the Elements of the Environment:

The interdisciplinary team reviewed the elements of the environment, required by law, regulation, Executive Order and policy, to determine if they will 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.

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)

<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 / Environmental Effects</i>
Air Quality (Clean Air Act)	Not Affected	No	No burning will occur.
Areas of Critical Environmental Concern	Not Present	No	
Cultural, Historic, Paleontological	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 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	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 will not change the character of the river floodplain, change floodplain elevations, or affect overbank flooding. In contrast, if Hull-Oakes Lumber Company were to construct a bridge to access their lands, the impacts to the river floodplain could be significant.
Hazardous or Solid Wastes	Not Present	No	
Invasive, Nonnative Species (Executive Order 13112)	Not Affected	No	The proposed action will allow access to existing roadways that are currently maintained as right-of-ways. We do not anticipate any movement of soil above and beyond normal road maintenance activities. This action will not lead to an increase in noxious weeds within the project area.
Native American Religious Concerns	Not Affected	No	Past projects of this type within this area have not resulted in tribal identification of concerns.

Threatened or Endangered (T/E) Species or Habitat	Fish	Not Present	No	
	Plants	Not Present		
	Wildlife (including designated Critical Habitat)	Not Affected	No	The use of this 50 year old BLM road will permit Hull-Oakes Lumber Company to haul aggregate into and logs out of their lands over BLM managed lands. No new construction will occur on BLM managed land, therefore no habitat loss will occur as a result of this action.
Water Quality (Surface and Ground)		Affected	No	No new construction will occur as a result of this action. The existing BLM road crosses no active streams. Any impacts will occur as a result of surface and ditch flow during mineral or log haul.
Wetlands (Executive Order 11990)		Not Affected	No	No measurable effects to wetlands are expected because all proposed activities will occur outside of known wetlands. If the alternative route, which includes the construction of a bridge across the South Fork Alsea River were necessary, the effects could be significant.
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 / Environmental Effects</i>
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)	Affected	No	The proposed use of existing road will not result in any measurable effect upon fish habitat in the South Fork Alsea River. There are no tributary stream crossings on the BLM controlled road, therefore, increased turbidity from log or rock haul will be minimal or non-existent as sediment from the road and ditch relief pipes will likely be bound up in vegetation.
Fire Hazard/Risk	Not Affected	No	No cutting of BLM trees is necessary.
Forest Productivity	Not Affected	No	No land will be lost to forest production as a result of the proposed action.
Land Uses (right-of-ways, permits, etc)	Not Present	No	
Late successional / old growth	Not Affected	No	The activities associated with the proposed action will not result in the cutting of any BLM timber.
Mineral Resources	Not Present	No	
Recreation	Not Affected	No	There are no established recreational sites or uses that will be impacted as a result of the proposed action. Dispersed recreational area.
Rural Interface Areas	Not Present	No	
Soils	Affected	No	There is no new construction associated with this action. The only disturbance which will occur will be located within the existing road prism, and will include routine brushing, grading, ditch and culvert maintenance.

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 / Environmental Effects
Special Areas outside ACECs (Within or Adjacent) (RMP pp. 33-35)		Not Present	No	
Other Special Status Species/Habitat	Fish	Affected	Yes	Oregon Coastal coho salmon and OC steelhead are considered Bureau Sensitive species per Oregon Natural Heritage Program status and BLM Manual 6840 guidance. Pacific lamprey and Coastal cutthroat trout are Bureau Tracking species. With no new construction and no intermittent or perennial stream crossings, the proposed action will not result in any measurable effects upon fish habitat in the South Fork Alsea River.
	Plants	Not Present	No	
	Wildlife	Not Affected	No	No special status wildlife will be affected.
Visual Resources		Not Affected	No	Project is located in VRM II and IV class and use of existing road complies with management objectives.
Water Resources (except Water Quality)		Not Affected	No	The proposed action will not affect basin hydrology including stream flow or channel function because no construction will occur. No surface or ground water sources will be intercepted as a result of this action. There are no domestic or commercial water rights which will be impacted by this action.
Other Wildlife Structural or Habitat Components (Snags /CWD / Special Habitats, road densities)		Not Affected	No	The proposed action will not affect the structural or habitat components of the area. The road density will not be increased, and Hull-Oakes Lumber Company use will be limited to infrequent, short-term periods.

Affected Environment and Environmental Effects

General: The proposed project will occur within Upper Alsea River and Lower Alsea River 5th field watersheds. Land Use Allocation for the BLM managed land involved within the proposed action is Late-Successional Reserve (LSR). The project area is shown on the EA map and includes the following BLM controlled road: #14-8-12.1 in Township 14 South, Range 8 West, Sections 11 and 14.

Threatened/Endangered (T/E) Wildlife:

Affected Environment

All the BLM managed land in the project area has been designated as Critical Habitat for northern spotted owls (CHU OR-47) and marbled murrelets (CHU OR-4-k). The affected BLM managed lands do contain scattered stands of late-seral habitat (up to 200 years old) that may provide suitable habitat for spotted owls and marbled murrelets. There is no known bald eagle, marbled murrelet, or northern spotted owl sites adjacent to the BLM road segment.

Environmental Effects

The hauling of timber on BLM controlled road in the agreement area will have no effect on listed wildlife species. Potential noise disturbance effects to listed species have been addressed in a programmatic Biological Assessment (BA) covering FY2004-2008 Road Right-of-Way Authorizations, and this action has been designed to comply with the design standards set forth in that BA and endorsed by the Biological Opinion (# 1-7-2004-F-253).

The cumulative impact to listed species of this action within the watersheds will not be affected since only an existing road segment will be added to the agreement.

Soil Resources:

Affected Environment

The project area is primarily underlain by Preacher Bohannon- Slick Rock soil type that consists of deep well drained loam soils that were formed from sedimentary rock.

Environmental Effects

There will be minimal impact to soil resources as no new road construction will be occurring.

Water Resources:

Affected Environment

The project area is drained by the South Fork Alsea River and Bummer Creek. The existing road segments addressed in this proposal do not lie within a municipal watershed. The road does not lie in close proximity to streams or include live stream crossings.

Environmental Effects

With no new construction allowed, there will be no additional measurable impacts to hydrologic resources. Road traffic levels are not anticipated to increase substantially and road maintenance is expected to continue along these routes.

Vegetation:

Affected Environment

The following noxious weeds are known from within or adjacent to the project area, Tansy ragwort (*Senecio jacobaea*), bull and Canadian thistles (*Cirsium vulgare* and *C. arvense*), St. John's wort (*Hypericum perforatum*) and Scot's broom (*Cytisus scoparius*).

All of the noxious weeds species that are known to occur near the project area are common, regionally abundant and are widespread throughout all of western Washington and Oregon and a fully integrated Oregon statewide management plan has not been implemented. The Marys Peak Resource Area has an integrated non-native plant management plan in place for the control of non-native plant species.

Environmental Effects

Any adverse effects from non-native plant infestations within or near the project area are not anticipated and the risk rating for the long-term establishment of noxious weed species and consequences of adverse effects on this project area is low because; 1) the implementation of the Marys Peak integrated non-native plant management plan allows for early detection and rapid response of invasive non-native plant species, 2) the known noxious weeds in the project area are regionally abundant and control methods are generally limited to bio-control, and 3) this project allows for the use of an existing roadway and is not expected to increase any exposed mineral soil above the current level of maintaining the roadway for vehicular traffic.

Fisheries:

Affected Environment

Essential Fish Habitat (EFH) occupied by Chinook and coho salmon is located over a half mile distance from the existing road. No intermittent or perennial streams are present, therefore, impacts to EFH as a result of the proposed action are not anticipated. Special Status Species (SSS) within these watersheds or potentially within these watersheds include Oregon Coast coho salmon (Bureau Sensitive), Oregon Coast winter steelhead (Bureau Sensitive), Coastal cutthroat trout (Bureau Tracking), and Pacific lamprey (Bureau Tracking).

Environmental Effects

Proposed actions analyzed as part of this ROW agreement include the use of existing BLM controlled Road #14-8-12.1. Commercial timber hauling on this road was also analyzed for effects to fishery resources. Actions occurring on private property, not associated with federal actions or occurring on federal lands, were not analyzed consistent with BLM Instruction Memorandum (IM-2003-142).

Commercial rock and timber hauling on Road 14-8-12.1 will occur as a result of additional access to timber stands on private lands associated with the addition of road into R.W.A. S-601. The entire haul route is located on well maintained roads. No hydrologic impacts were anticipated from the general use and maintenance of the road segments associated with this ROW. As no hydrologic impacts were anticipated, no effects to fisheries resources will be anticipated from the general use and maintenance of the road associated with the ROW.

The entire haul route is above anadromy and is highly unlikely to affect EFH. Once departing from the

BLM controlled road, log haul will progress approximately ½ mile over gravel and paved Benton County road to the paved State of Oregon Deadwood Highway.

Upper limits of resident fish use will be unaffected by the proposed action. Minimal short-term site level impacts to aquatic habitat may occur. Some individual fish may move away from elevated turbidity; however, considering the resilience of cutthroat trout they will be expected to quickly re-colonize accessible habitat following cessation of disturbance.

Fuels:

Affected Environment

The proposed use of existing roads will occur within a mix of 25 year old reproduction to alder/maple stands, and remnant stands of old growth timber. Undergrowth in the project area is a light to moderate growth of: salal, vine maple, and sword fern.

Environmental Effects

No slash will be generated as a result of this action. The existing fuel load, risk of a fire start and resistance to control will not be altered by the proposed road use.

Compliance with the Aquatic Conservation Strategy

Review of Aquatic Conservation Strategy Compliance:

The project meets the Aquatic Conservation Strategy in the context of PCFFA IV and PCFFA II [complies with the ACS on the project (site) scale]. The following is an update of how this project complies with the four components of the Aquatic Conservation Strategy. The project will comply with:

Component 1 – Riparian Reserves: The proposed action will not affect existing Riparian Reserves.

Component 2 – Key Watershed: The Upper Alsea River and Lower Alsea River are not key watersheds.

Component 3 – Watershed Analysis: Lower Alsea Watershed Analysis (1999), and South Fork Alsea River Watershed Analysis (1995).

Component 4– Watershed Restoration: Although the proposed action is not a component of the resource area’s watershed restoration program, it will not have an adverse effect on restoration efforts.

Documentation of the Projects' Consistency with the Nine Aquatic Conservation Strategy Objectives

Table 3 describes the project's consistency with the Aquatic Conservation Strategy Objectives.

Table 3: Projects' Consistency with the Nine Aquatic Conservation Strategy Objectives

Aquatic Conservation Strategy Objectives (ACSOs)	Hull Oakes Lumber Company ROW Amendment Project
1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features.	Meets the attainment of ACSO 1.
2. Maintain and restore spatial and temporal connectivity within and between watersheds.	Meets the attainment of ACSO 2.
3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.	Meets the attainment of ACSO 3. Use of the existing road will not adversely affect the physical integrity of the aquatic system.
4. Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems.	Meets the attainment of ACSO 4. No measurable effects to water quality will be anticipated from the proposed action. Use of existing road with the implementation of Best Management Practices will minimize adverse effects to water quality. No activities on BLM managed land will take place directly in or adjacent to stream channels.
5. Maintain and restore the sediment regime under which aquatic ecosystems evolved.	Meets the attainment of ACSO 5.
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.	Meets the attainment of ACSO 6. The proposed action will not alter instream flows.
7. Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.	Meets the attainment of ACSO 7. Use of existing road will not affect groundwater levels and floodplain inundation rates.
8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands.	Meets the attainment of ACSO 8.
9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.	Meets the attainment of ACSO 9. Riparian dependent species will not be affected.

Interdisciplinary Team:

Table 4: Interdisciplinary Team Review

Affected Resource	Specialist	Initial	Date
Botany/Vegetation	Ron Exeter	RE	Dec 5, 2007
Cultural Resources	Dave Calver		
Fire Hazard/Risk	Tom Tomeczyk	TST	12/6/07
Fisheries	Scott Snedaker	SUS	12/5/07
Hydrology/Water Quality/Soils	Steve Wegner	SW	12/5/07
Recreation, Visual and Rural Interface Resources	Traci Meredith	TMM	12/5/07
Wildlife	Gary Licata		

EA Prepared By: K. B. L.

 12/6/2007
Date:

EA Reviewed By: Mary J. Hummel
NEPA / Plans

 12/5/07
Date:

FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of this EA (Environmental Assessment Number OR080-08-03), 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.

There are no significant impacts which have not been adequately analyzed, or any significant impacts beyond those already analyzed, in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS) to which this environmental assessment is tiered. Therefore, supplemental or additional information to the analysis in the RMP/FEIS 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 *Gazette Times* newspaper on December 10, 2007. Within 15 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Trish Wilson, Marys Peak Field 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 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 appeal process, contact Gary Humbard at (503) 315-5981, Marys Peak Resource Area, Salem District, 1717 Fabry Road, Salem, Oregon 97306.

Authorized Official: Trish Wilson
Trish Wilson, Field Manager
Marys Peak Resource Area

Date: 12/6/07