

**Starker Forests Inc. Amendment  
To Right-of-Way Agreement S-754 (Honey Grove Road)**

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

Environmental Assessment Number OR080-08-10

March 26, 2008

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

Township 14 South, Range 7 West, Section 5, Willamette Meridian  
Upper Alsea River Watershed  
Benton County, Oregon

Responsible Agency: USDI - Bureau of Land Management

Responsible Official: Trish Wilson, Field Manager  
Marys Peak Resource Area  
1717 Fabry Road SE  
Salem, OR 97306 or  
(503) 315-5969

For further information, contact: Steve Cyrus, Project Lead  
Marys Peak Resource Area  
1717 Fabry Road SE  
Salem, OR 97306  
(503) 315-5988



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## **Environmental Assessment, Finding Of No Significant Impact, And Decision Record**

**Type of Project:** Right of Way (ROW) Amendment of existing Reciprocal ROW Agreement S-754

**Location of Proposed Action:** Township 14 South, Range 7 West, Section 5, Willamette Meridian located approximately 1½ miles east 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 ROW agreements;
- *North Fork Alsea River Watershed Analysis*, dated July, 1996;
- *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standard and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, dated April, 1994;
- *2007 Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl*, dated July 2007.

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 Supplement to the 2004 Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines*, (SEIS) June 2007.

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 Starker Forests Inc. Amendment To Right-of-Way Agreement S-754 (Honey Grove Road) Project because review of existing maps, databases etc. indicate there are no known sites and the area is generally not considered as suitable habitat for any bureau sensitive species.

The Starker Forests Inc. Amendment To Right-of-Way Agreement S-754 (Honey Grove Road) Project conforms with the 2007 Record of Decision *To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl*.

### **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 ),

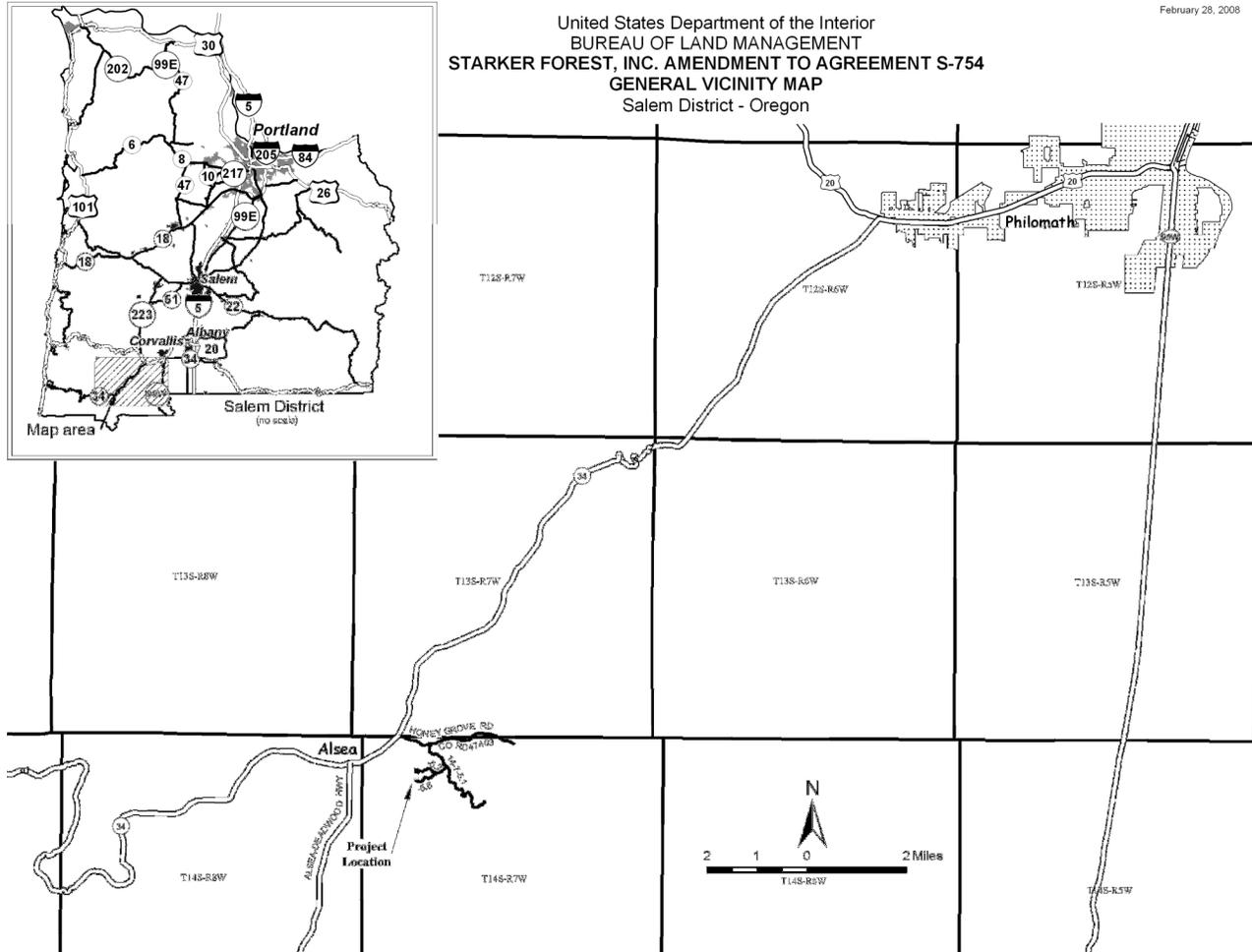
The NOAA-Fisheries Biological Opinion for the ACS Amendment (March 19, 2004),

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 (pp. 13-14) shows how the Starker Forests Inc. ROW Amendment meets the Aquatic Conservation Strategy in the context of PCFFA IV and PCFFA II.



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

The purpose for the proposed action is to provide access for Starker Forests for their management purposes. There is a need to authorize use of existing BLM administered roads and approximately 500 feet of new construction on BLM managed land.

Starker Forests Inc. is requesting permanent access on approximately 1.05 miles of the following existing BLM controlled Roads: 14-7-5.1 B, C (part), 14-7-5.2 A-B and 14-7-5.5 A-B (see EA Map).

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

The 0.18 mile of Road #14-7-5.1 Segment B located in the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 5 is controlled by BLM under Exclusive Easement #RE S-354. The easement is not currently detailed into RWA S-754, making the addition to the agreement a discretionary action.

The remainder of the existing BLM managed land over which the requested access occupies has not been included in RWA S-754 and their addition is therefore discretionary. To minimize future impacts to BLM managed lands, only the lands within the existing road prisms will be added by amendment.

To facilitate Starker Forests Inc. requested new construction, BLM will add the following lands to the agreement: S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 5 T. 14 S., R. 7 W. That will confine the new construction to a strip of land containing a stand of 30 year old reproduction timber.

### *Design Features*

- Existing BLM-controlled road segment 14-7-5.5B, and the BLM managed land to be added in S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 5 T. 14 S., R. 7 W, are adjacent to unsurveyed suitable marbled murrelet habitat thus requiring language in the amendment that preserves the BLM'S authority to initiate consultation under the ESA on future permittee uses or the rights granted, and to condition, restrict or deny such uses.
- Use of existing BLM-controlled road segment 14-7-5.5B and the BLM managed land to be added in S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 5 T. 14 S., R. 7 W will be seasonally restricted from April 1 to September 15 as follows; use is permitted from two hours after official sunrise to two hours before official sunset.
- Grass seed all exposed soil due to construction or improvement by September 15 the same year as construction. All locations where mineral soil is exposed (road to be constructed) will be sown with Oregon Certified (blue tagged) red fescue (*Festuca rubra*), and/or sown with a wildlife vegetation mix and applied at a rate equal to 40 pounds per acre or sown/planted with other native species as approved by the resource area botanist.
- Road construction will be restricted to dry weather periods, generally between May 1 and October 31.
- All snags and down woody debris needing to be cut and/or moved for road construction will be retained on site to enhance coarse woody debris.
- Light accumulations of debris cleared during road construction will be scattered along the length of the ROW. Large accumulations of debris will be piled for burning. All piles will be located on

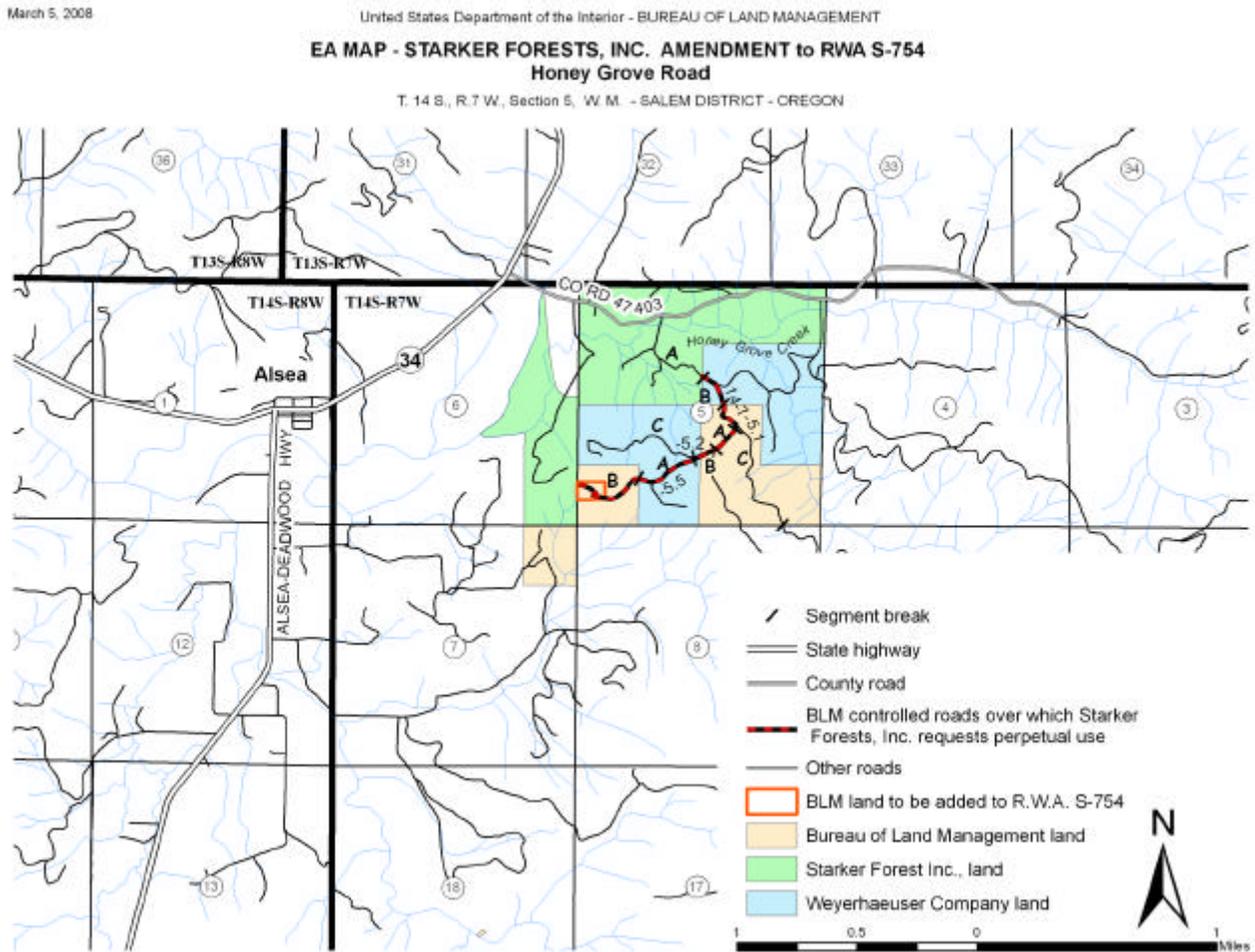
Starker Forests Inc. property. Burning of slash will be coordinated with Oregon Department of Forestry in accordance with the Oregon State Smoke Management Plan which serves to coordinate all forest burning activities on a regional scale to prevent cumulative negative impacts to local and regional air sheds.

- During periods of use, Starker Forests Inc. 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 road in compliance with the Best Management Practices (RMP pp. C-6, Section G).

**Alternatives Considered but not Analyzed:**

None.

**EA Map**



## Consultation and Public Involvement:

### *ESA consultation:*

- **Wildlife:** The proposed action on BLM managed lands results in a no effect to the bald eagle; a no effect to the northern spotted owl and its critical habitat; a no effect to marbled murrelet critical habitat, and a may affect, not likely to adversely affect to the marbled murrelet, (for noise disturbance within 300 feet of unsurveyed suitable habitat). This action complies with the reasonable and prudent measures contained in the Incidental Take Statement portion of the *Biological Opinion for Effects to Bald Eagles, Northern Spotted Owls and Marbled Murrelets from the Bureau of Land Management, Eugene and Salem Districts, for the FY 2004-2008 Right-of-Way Authorizations* (FWS Reference Number 1-7-04-F-0253). Associated timber harvesting activities on Starker Forests Inc. 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 Starker Forests Inc. that they may want to discuss potential impacts to listed species with the U.S. Fish and Wildlife Service.
- **Fish:** On February 11, 2008, the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) listed the Oregon Coast coho salmon Evolutionarily Significant Unit as threatened under the Endangered Species Act (ESA). Therefore, all discretionary actions associated with this proposed project will be consistent with Section 7 of that Act.
- **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 February 28, 2008, was sent to 14 potentially affected and/or interested individuals, groups, and agencies. One comment letter in favor of the proposal was 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.

*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	Burning approximately 8 tons of dry, cured, piled fuels under favorable atmospheric conditions in the Oregon Coast Range Mountains is not expected to result in any long-term negative effects to air quality.
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 any floodplain, change floodplain elevations, or affect overbank flooding.
Hazardous or Solid Wastes	Not Present	No	
<b>Invasive, Nonnative Species (Executive Order 13112)</b>	<b>Affected</b>	<b>No</b>	<b>See Vegetation section.</b>
Native American Religious Concerns	Not Affected	No	Past projects of this type within this area have not resulted in tribal identification of concerns.

<b>Threatened or Endangered (T/E) Species or Habitat</b>	Fish	Not Affected	No	Oregon Coast coho salmon occur within the action area. The road segment 5.1A over Honey Grove Creek is part of the existing ROW agreement and is non-discretionary; therefore, not subject to ESA. The remaining road segments in the project area are discretionary. Discretionary actions will occur at least 0.25 miles from listed habitat action. There are no known stream connections to listed habitat from the haul route. Therefore no effects to listed fish are anticipated.
	Plants	Not Present	No	
	<b>Wildlife (including designated Critical Habitat)</b>	<b>Affected</b>	<b>No</b>	<b>There is suitable unsurveyed marbled murrelet habitat adjacent to the proposed new road construction and a portion of existing BLM road (segment -5.5B). Retaining discretion under a Schedule 3 of the ROW agreement will permit the BLM to impose seasonal restrictions for all future noise related activities.</b>
<b>Water Quality (Surface and Ground)</b>		<b>Affected</b>	<b>No</b>	<b>Approximately 500 feet of new road construction will occur as a result of this action. The location of the proposed road construction will result in no new stream crossings and no new sediment to streams. Log and mineral haul over existing BLM roads will not cross any active stream.</b>
Wetlands (Executive Order 11990)	Not Present		No	
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)	Not Affected	No	Effects to Essential Fish Habitat from mineral and log haul will be limited to the Honey Grove Creek crossing. Construction of the 500 feet of road on BLM will occur on ridge tops locations where it will be unlikely that any generated sediment could reach a stream.
<b>Fire Hazard/Risk</b>	<b>Affected</b>	<b>No</b>	<b>Approximately 0.25 acre of 30 year old trees will be cut as a result of the proposed new construction. The resulting slash will be scattered, avoiding accumulations which will pose a hazard if ignited. Where accumulations may occur, Starker Forests Inc. will be required to transport the material to their lands for disposal.</b>
<b>Forest Productivity</b>	<b>Affected</b>	<b>No</b>	<b>Approximately 0.25 acre will be lost to forest production as a result of the proposed action.</b>
Land Uses (ROWs, permits, etc)	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>
Late successional / old growth	Not Affected	No	An approximate quarter acre of 30 year old conifer stand will be cleared as a result of the proposed road construction. No suitable or critical habitat will be impacted.
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	<b>Affected</b>	<b>No</b>	<b>The 500 feet of new construction associated with this action will require clearing the ROW of vegetation and minimal amounts of excavation due to the gentle terrain. Soils in this area are deep and the ground stable with no indications of past slumping or other stability concerns.</b>
Special Areas outside ACECs (Within or Adjacent) (RMP pp. 33-35)	Not Present	No	
Other Special Status Species/Habitat	Fish	Not Present	Yes
	Plants	Not Present	No
	Wildlife	Not Affected	No
Visual Resources	Not Affected	No	Project is located in VRM II and IV class and use of existing roads comply with management objectives.
Water Resources (except Water Quality)	Not Affected	No	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 be increased by approximately 500 feet, and Starker Forests Inc. use will be limited to infrequent, short-term periods.

### **Affected Environment and Environmental Effects**

**General:** The proposed project will occur within the Upper Alsea River 5<sup>th</sup> field watershed. Land Use Allocation for the BLM managed lands being hauled across will be General Forest Management Area (GFMA). The new construction will occur on GFMA, however it will be adjacent to Late-Successional Reserve (LSR) in the south half of SW¼SW¼ of Section 5. No LSR lands will be added to R.W.A. S-754 as a result of this amendment.

### ***Threatened/Endangered (T/E) Wildlife:***

#### **Affected Environment**

The proposed new road construction on BLM, and the existing BLM road segment 14-7-5.5 segment B are within a 30 year old early-seral stand and immediately adjacent to a 20 acre stand of late-seral/old-growth (LSOG) habitat. The LSOG stand is not designated as critical habitat for the northern spotted owl or the marbled murrelet. Currently, there is no known bald eagle or northern spotted owl nesting occurring in the LSOG stand. The stand has not been surveyed for the presence of marbled murrelet and therefore it is assumed to be occupied. By adding the lands to Schedule 3 of the ROW agreement, BLM will retain discretion, allowing the addition of restrictions to minimize noise disturbance to the marbled murrelet.

#### **Environmental Effects**

The construction of new road and the hauling of timber on it and existing BLM-controlled road segment 14-7-5.5B may affect, not likely to adversely affect the marbled murrelet due to noise disturbance within 300 feet of unsurveyed suitable habitat. Potential noise disturbance effects to listed species have been addressed in a programmatic Biological Assessment (BA) covering FY2004-2008 Road Right-of-Way Authorizations. This action complies with the design standards set forth in that BA and is covered by the Biological Opinion (FWS ref. # 1-7-04-F-0253).

The cumulative effect impact to listed species within the watershed from this action will be very small due to the short length of new road, (approximate 500 feet); the small amount of habitat loss, (approximately one acre); the type of habitat loss, (early-seral), which is abundant in the watershed; and the ability to minimize noise disturbance to the adjacent LSOG stand through seasonal restrictions.

### ***Soil Resources:***

#### **Affected Environment**

The project area is primarily underlain by Apt-McDuff soil complex that consists of deep well drained silty clay loam soils that were formed from sedimentary rock.

#### **Environmental Effects**

Constructing approximately 500 feet of new road will result in loss of topsoil and compaction of sub-soil on approximately 0.23 acres. The currently forested land will be converted to non-forest. The road to be constructed will be located on moderate topography (slopes of approximately five to over 30 percent). The total width of the clearing will be expected to be around 20 feet. This narrow clearing will have a minimal effect on overall tree spacing and stocking.

### ***Water Resources:***

#### **Affected Environment**

The project area is drained by the North Fork Alsea River and Honey Grove Creek. The existing roads and new road segment addressed in this proposal do not lie within a municipal watershed. The road

does not lie in close proximity to streams, but does include a crossing of Honey Grove Creek.

### **Environmental Effects**

The method of parceling the lands added by this amendment will permit new construction within only 5 acres -- effectively eliminating any future development opportunities on BLM managed lands without BLM discretion. All other lands added will include only the existing road ROWs. Existing hydrologic resources will not be altered, and impacts will not be measurable. Road traffic levels are not anticipated to increase substantially and road maintenance is expected to continue along these routes.

### **Vegetation:**

#### **Affected Environment**

The existing ROW is a gravel road and is maintained as such. The location of the new construction was harvested in the late 1970's and planted in 1978. The area is dominated by red alder (*Alnus rubra*) with few areas dominated by Douglas fir. The alder averages less than 6 inches DBH and the Douglas fir less than 12 inches DBH with one conifer approximately 18 inches in diameter. The vegetation layer below the alder and Douglas fir is mostly open and moss (*Kindbergia oregana*) covered with a few scattered sword-fern and Oregon grape plants.

There are no known sites of any bureau sensitive or strategic botanical or fungal species within the proposed project area, nor were any found during surveys. In addition, the area is considered too young to support any of these species.

The following noxious weeds are known to exist within the vicinity of the project area, Tansy ragwort, bull and Canadian thistles, St. John's wort and Scot's broom.

### **Environmental Effects**

The existing ROW will continue to be maintained as a ROW regardless if this project is implemented or not. The new construction area will have the vegetation removed and the organic layer scraped to mineral soil.

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. Any adverse effects from non-native plant infestations within or near the project area will be limited primarily to the exposed soils associated with the 500 feet of proposed new construction.

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., 3) the use of existing roadways are not expected to increase any exposed mineral soil above the current level of maintaining the roadway for vehicular traffic, and 4) the sowing of grass seed on the exposed mineral soil will further minimize any anticipated small infestation of bull or Canadian thistles, tansy ragwort, St. John's wort or Scot's

broom.

### ***Fisheries:***

#### **Affected Environment**

Threatened species within this watershed include Oregon Coast coho salmon. Essential Fish Habitat (EFH) on Honey Grove Creek, occupied by Chinook and coho salmon will be crossed by trucks hauling mineral material and logs. Otherwise, the haul route is located over a half mile distance from the EFH. No other intermittent or perennial streams are present.

#### **Environmental Effects**

Proposed actions analyzed as part of this ROW agreement include the use of existing BLM controlled Road #14-7-5.1 B and C (part), 14-7-5.2 A-B, and 14-7-5.5 A-B. Commercial mineral and 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 BLM controlled Roads 14-7-5.1, 14-7-5.2, and 14-7-5.5 will occur as a result of additional access to timber stands on private lands associated with the addition of the roads into R.W.A. S-754. The entire haul route is located on infrequently used and maintained gravel roads. Except for the BLM controlled road crossing of Honey Grove Creek, no hydrologic impacts were anticipated from the general use and maintenance of the road segments associated with this ROW.

The portion of the haul route crossing Honey Grove is located within EFH. The remainder of the BLM controlled haul route is above anadromy and is highly unlikely to affect EFH. Once departing from the BLM controlled road system, log haul will progress approximately 1 mile over the gravel Benton County road to the paved State of Oregon Highway 34.

Resident fish species within Honey Grove Creek could be affected 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 any accessible habitat following cessation of disturbance.

### ***Fuels:***

#### **Affected Environment**

The approximate 500 feet of new construction will occur within a 30 year old conifer plantation mixed with alder and maple of a similar age. Undergrowth in the project area is a light to moderate growth of salal, vine maple, and sword fern.

#### **Environmental Effects**

A substantial amount of slash will be generated as a result of the proposed new construction. The existing fuel load, risk of a fire start and resistance to control will increase as a result of the scattered construction slash. Concentrations of slash will be avoided, hauling any excessive quantities to Starker

Forest Inc. lands for disposal.

## 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 is not a key watershed.

**Component 3 – Watershed Analysis:** North Fork Alsea Watershed Analysis (1996),

**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

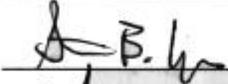
**Table 3: Projects’ Consistency with the Nine Aquatic Conservation Strategy Objectives**

Aquatic Conservation Strategy Objectives (ACSOs)	Starker Forests Inc. ROW Amendment Project
1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features.	Meets the attainment of ACSO 1. New road construction will occur within a 30 year old stand of timber on a ridgetop location and outside Riparian Reserves.
2. Maintain and restore spatial and temporal connectivity within and between watersheds.	Meets the attainment of ACSO 2. Construction of approximately 500 feet of new road construction outside Riparian Reserves and use of existing roads will not affect riparian habitat.
3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.	Meets the attainment of ACSO 3. Construction of approximately 500 feet of ridgetop road and use of existing roads 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. Road construction within a ridgetop location and use of existing roads with the implementation of Best Management Practices will minimize adverse affects to water quality. No activities will take place directly in or adjacent to stream channels. Use of existing road with the implementation of Best Management Practices will minimize adverse effects to water quality.
5. Maintain and restore the sediment regime under which aquatic ecosystems evolved.	Meets the attainment of ACSO 5. No activities on BLM managed land will take place directly in or adjacent to stream channels.

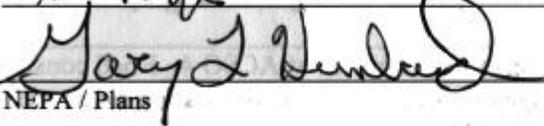
Aquatic Conservation Strategy Objectives (ACSOs)	Starker Forests Inc. ROW Amendment Project
6. Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing.	Meets the attainment of ACSO 6. The proposed action will not alter instream flows. The proposed road construction and road use will affect only 0.00012% of the forest cover in the Upper Alsea River watershed – the minute amount of proposed road construction will not substantially affect forest canopy at the 5 <sup>th</sup> field watershed level and is highly unlikely to affect fish.
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. The approximate 500 feet of new construction will occur at a location which will avoid impacts.
8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands.	Meets the attainment of ACSO 8. Road construction within a 30 year old stand of timber on a ridgetop location and outside Riparian Reserves will not affect structural diversity.
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 within a ridgetop road location will not be affected.

**Interdisciplinary Team:**

Affected Resource	Specialist	Initial	Date
Botany/Vegetation	Ron Exeter/Hugh Snook	<i>RLE/HWS</i>	Mar 5, 2008
Cultural Resources	Dave Calver	<i>DHC</i>	3/26/08
Fire Hazard/Risk	Tom Tomczyk	<i>TST</i>	3/27/08
Fisheries	Scott Snedaker	<i>SS</i>	3/26/08
Hydrology/Water Quality/Soils	Steve Wegner	<i>SJW</i>	3/4/08
Recreation, Visual and Rural Interface Resources	Traci Meredith	<i>TMM</i>	3/26/08
Wildlife	Gary Licata	<i>GAL</i>	03/26/08

EA Prepared By: 

3/31/2008

EA Reviewed By:   
NEPA / Plans

Date: 4/4/2008  
Date: \_\_\_\_\_

## **FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD**

Based upon my review of this EA (EA OR080-08-10), 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 April 10, 2008. 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: 4/7/08