

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

ENVIRONMENTAL ASSESSMENT

EA Number: OR-086-06-01

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

Proposed Action Title: Hampton Resources, Inc. Reciprocal Right-of-Way
Agreement (S-700) Amendment, Road Use and Tailhold
Permits

Type of Project: Right-of-Way Amendment and Road Use and Tailhold Permits

Location of Proposed Action: Township 4 South, Range 7 West, Sections 29 and 33,
and Township 5 South, Range 7 West, Section 27, Willamette Meridian, Yamhill County,
located approximately 5 miles north of the City of Willamina, Oregon.

Conformance with Applicable Land Use Plan: The proposed action is in
conformance with the *Salem District Record of Decision and Resource & Management
Plan (RMP)*, dated May 1995; *Scappoose Creek Watershed Analysis*, dated December,
1996; *Record of Decision for Amendments to Forest Service and Bureau of Land
Management Planning Documents Within the Range of the Northern Spotted Owl* and
*Standard and Guidelines for Management of Habitat for Late-Successional and Old-
Growth Forest Related Species Within the Range of the Northern Spotted Owl*, dated
April, 1994; *Record of Decision and Standard and Guidelines for Amendments to the
Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and
Guidelines*, January, 2001; *Record of Decision Amending Resource Management Plans
for Seven Bureau of Land Management Districts and Land and Resource Management
Plans for Nineteen National Forests Within the Range of the Northern Spotted Owl -
Decision to Clarify Provisions Relating to the Aquatic Conservation Strategy*, dated
March 2004; and other applicable guidance.

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:

Hampton Resources Inc has requested permission to use BLM-controlled roads 4-7-9 and 4-7-9.1 in T4S R7W 29, and tailholds on BLM lands in T4S R7W section 33 and T5S R7W section 27 to facilitate timber harvest on adjacent Hampton lands. These lands are not currently included in the reciprocal right-of-way (RROW) agreement (S-700) between BLM and Hampton Resources, Inc. In keeping with current BLM policy, in order to issue tailhold permits on those lands BLM is required to add those lands into the right-of-way agreement.

Description of the Proposed Action:

The proposed Federal action has two components. The first component is to amend RROW agreement S-700 between BLM and Hampton Resources, Inc. to add BLM lands in T4S R7W section 33 (S $\frac{1}{2}$ N $\frac{1}{2}$) and T5S R7W section 27 (S $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$), Willamette Meridian and issue tailhold permits on those lands (Figures 1 and 2). These actions would facilitate Hampton's ability to efficiently harvest timber on their adjoining properties. These two tailhold permits are expected to be utilized February thru April 2006 during their scheduled harvest operations.

The second component is to amend RROW agreement S-700 to add BLM-controlled roads 4-7-29 and 4-7-29.1 in T4S R7W section 29 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$), Willamette Meridian (Figure 3). This action would provide access to Hampton land in the NW $\frac{1}{4}$ of Section 29 and the S $\frac{1}{2}$ SW $\frac{1}{4}$ of section 20. Once these lands are added to the RROW agreement, Hampton could request approval for additional tailholds or construction or use of new or existing roads on those lands.

Design Features:

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

Trees used as tailholds would be protected from damage.

Consultation and Public Involvement:

The proposed action include adding two identified BLM parcels of BLM land and two road segments into an existing right-of-way agreement. Associated with adding these lands and roads to the agreement, language would be included preserving the BLMs authority to initiate consultation under the ESA on future permittee uses or the rights granted, and to condition, restrict or deny such uses (*i.e.*, the proposed action would not result in future authorizations that are not subject to Section 7 of the ESA).

ESA consultation:

There have been no interrelated or interdependent actions identified in association with

the proposed actions.

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

Public Involvement: In compliance with the National Environmental Policy Act, the proposed action was listed in the December 2005 edition of the quarterly *Salem District Project Update*, which was mailed to over 1,200 addresses. No public comments were received in response to this scoping.

Figure 1.

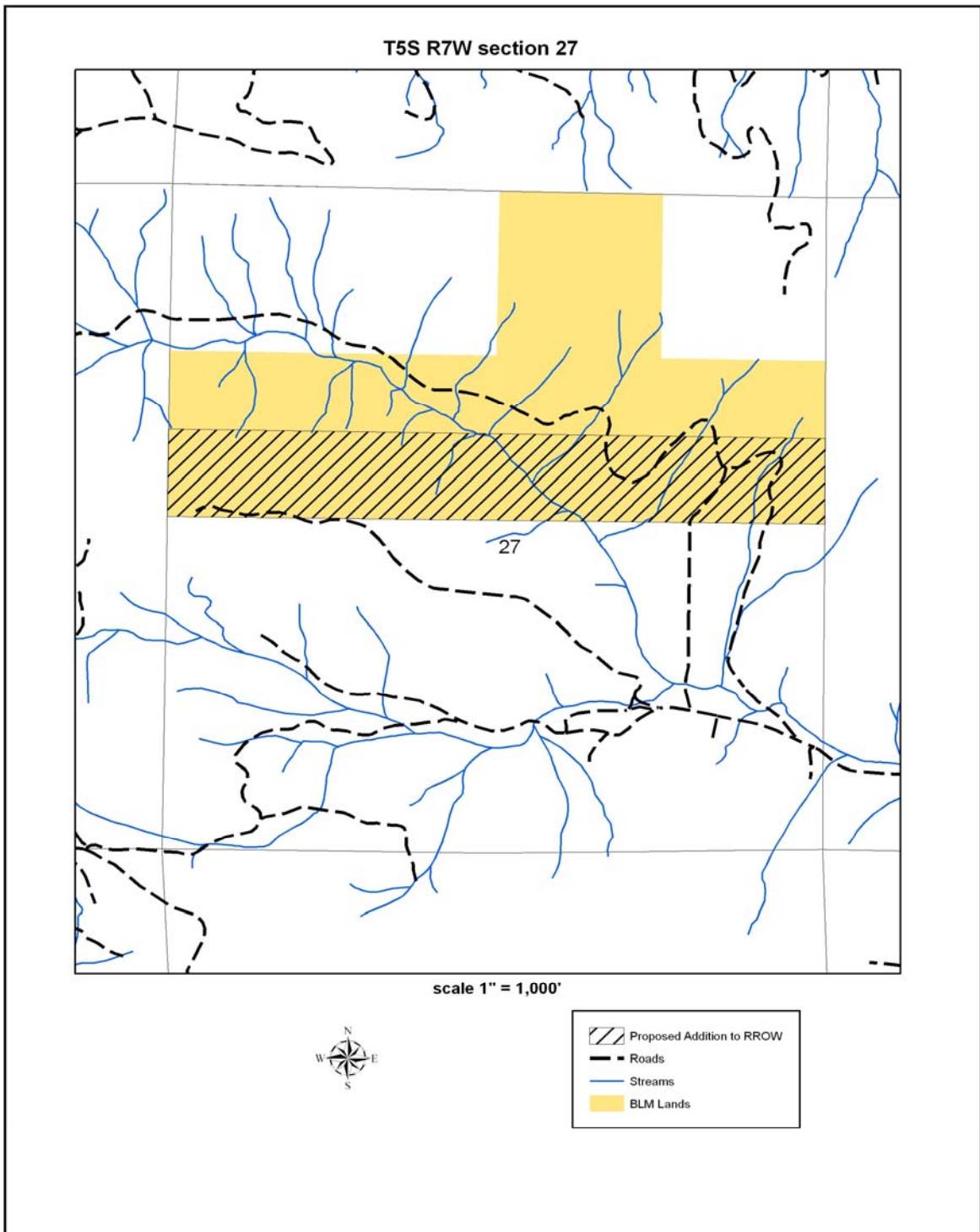


Figure 2.

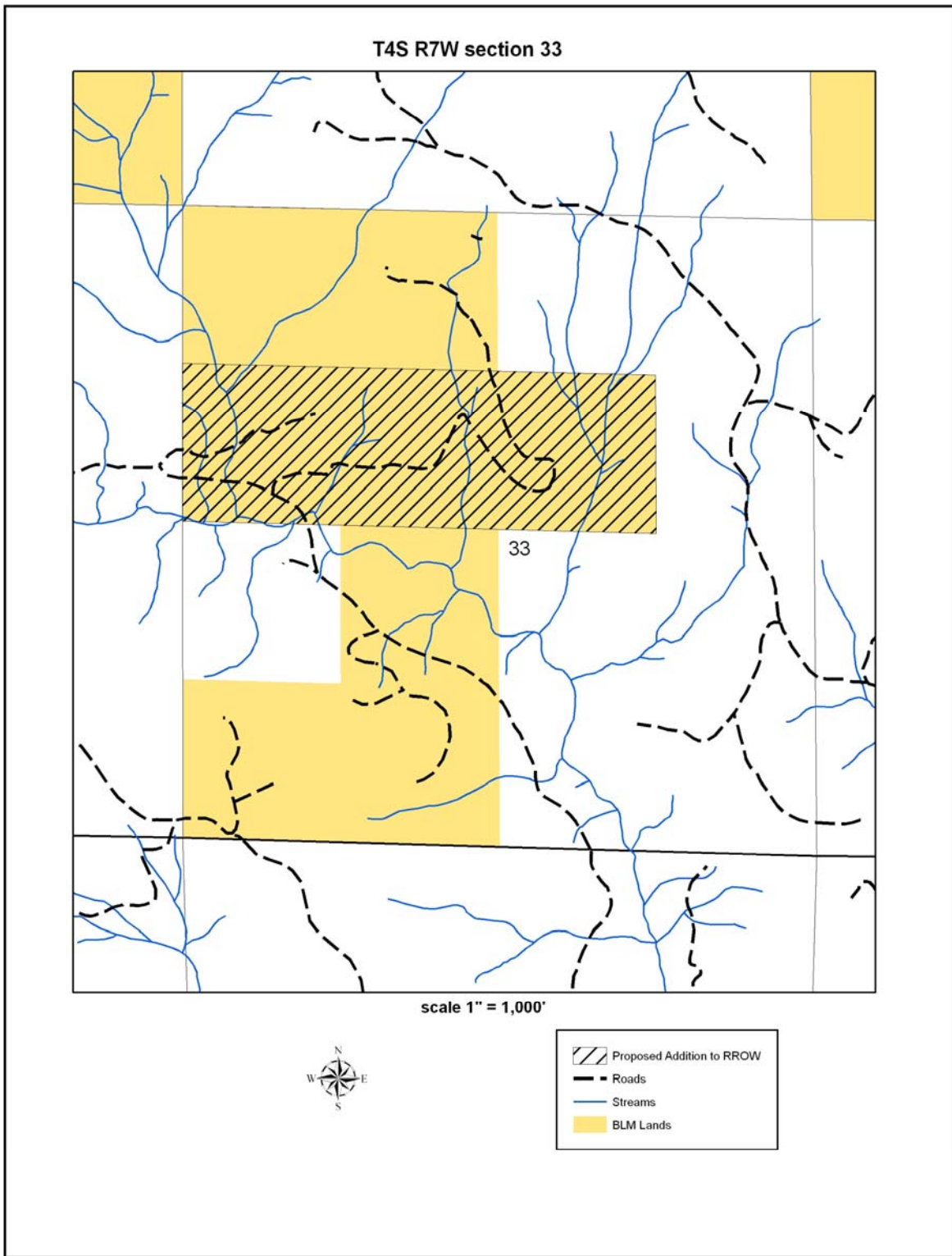
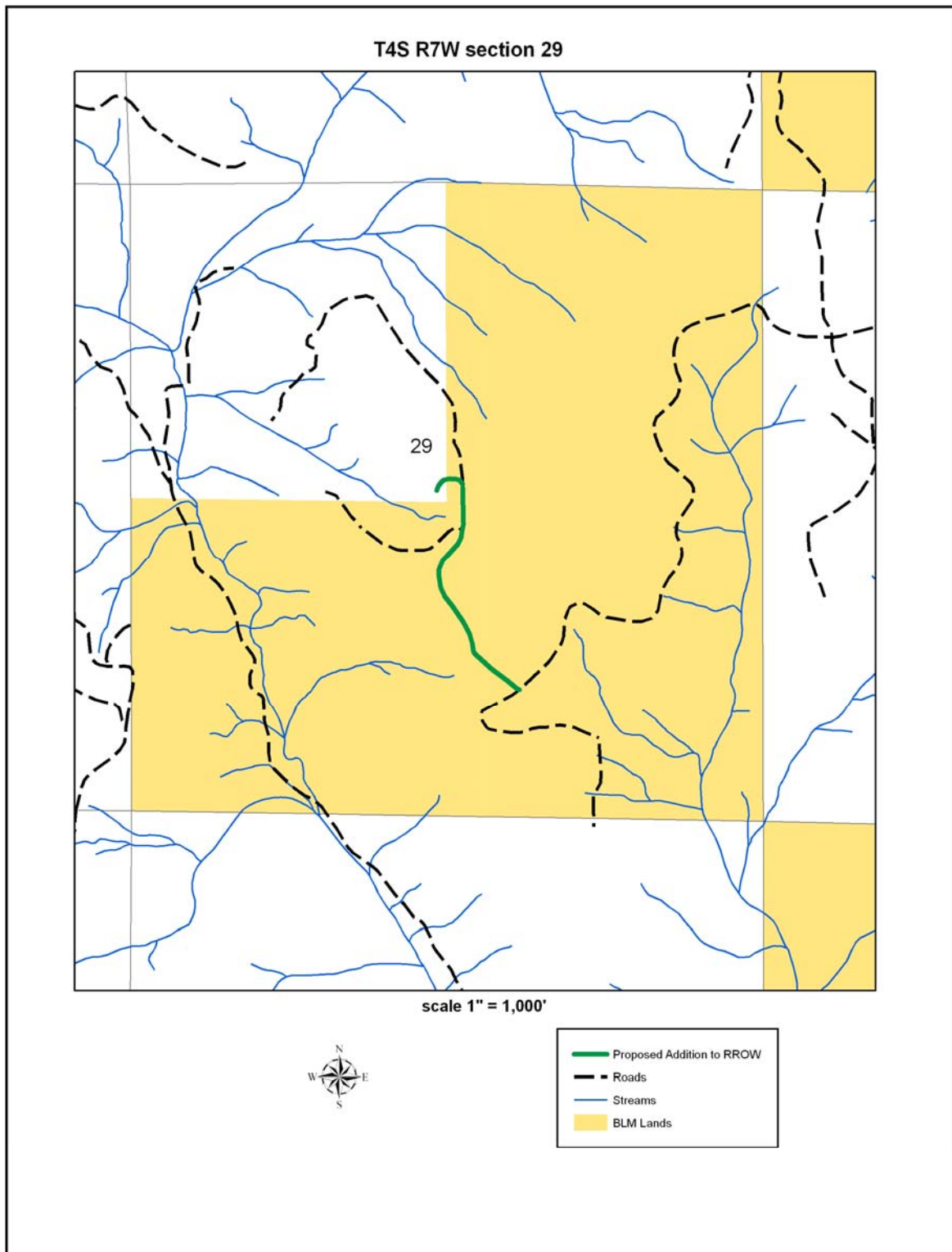


Figure 3.



Affected Environment:

General: The project is within the Willamina Creek Watershed. The land use allocation is Adaptive Management Area (AMA) and Riparian Reserve. The lands proposed for inclusion in the right-of-way agreement are on a broad ridge top with gentle slopes and deep, well drained soils. The dominant vegetation is composed of 50 to 70-year old Douglas-fir and red alder, with a groundcover of salal, vine maple and other brush species. The project roads are gravel surfaced and are stable and in good condition.

Threatened/Endangered (T/E) Fish: Upper Willamette steelhead (Federally Threatened) are located in Canada Creek which runs through two of the BLM parcels that are part of this proposed action (T 4S, R7W 29 and 33). There are two parts to the proposed action on these lands however the action with potential to affect listed species is setting tailholds. The tailholds requested would utilize heavy equipment, trees or stumps to facilitate logging on the adjacent parcel. As none of these tailholds cross fish bearing streams and soil disturbance is not anticipated no impacts to Upper Willamette steelhead are expected.

The third parcel of BLM lands (T5S R7W sec27) to be added to the RROW and has tailholds requested is located 2 miles above steelhead distribution in Willamina Creek. None of these tailholds cross streams with this species and soil disturbance is not anticipated. Due to the great distance, lack of soil disturbance no impacts to Upper Willamette steelhead are expected.

Selected Special Status Fish Species and Magnuson–Stevens Fisheries Conservation and Management Act (Essential Fish Habitat): None of the fish on the Special Status Species (SSS) list within this watershed are considered Bureau Sensitive or Bureau Assessment. Coho a MSA species is present in the project area, chinook are not present within the Willamina Creek 5th field Watershed. As none of these tailholds cross streams with coho and soil disturbance is not anticipated no impacts are expected.

Other fish present in the action area include cutthroat and pacific lamprey both of which are Bureau Tracking species. Several of the tailholds located in section (T5S R7W sec27) will be over the stream containing these species. The standard stipulations requiring that the tailhold lines be maintained stationary within Riparian Reserves should minimize potential disturbance to these species. Minor disturbance to cutthroat is anticipated when the tailholds are placed and removed affecting few individuals. No physical impacts or long term effects would occur.

Threatened/Endangered (T/E) Wildlife: None of the project areas are located within spotted owl or marbled murrelet Designated Critical Habitat. There are no bald eagle, spotted owl or marbled murrelet known sites within the vicinity of the three proposed action areas. There is no suitable bald eagle habitat within the vicinity of the proposed action areas. Two of the project areas, contain or are in proximity to unsurveyed suitable habitat for spotted owl and marbled murrelet; these projects areas are those contained

within T4S, R7W sections 33 and 29. There is no suitable habitat, for spotted owl or marbled murrelet within 0.25 miles of proposed project contained within T5S, R7W sections 27.

Other Special Status Wildlife Species: Wildlife Special Status Species (SSS) within this watershed and/or potentially within the vicinity of the proposed project areas based upon the nature of the habitats within the area include Columbia Torrent Salamander (Bureau Sensitive), Red Tree vole (both Bureau Sensitive and Survey and Manage) Townsend's Big-eared Bat (Bureau Sensitive), Fringed Myotis (Bureau Assessment), as well as numerous mollusk species including the Crowned Tightcoil (*Pristiloma pilsbryi*), Pacific Walker (*Pomatiopsis californica*), Salamander Slug (*Gliabates oregonius*), Spotted Tail Dropper (*Prophysaon vanattaie pardalis*), and Tillamook Westernslug (*Hesperarion mariae*) - all Bureau Sensitive Species, and the Evening Fieldslug (*Deroceras hesperium*) and Puget Oregonian (*Cryptomastix devia*) which are both Bureau Sensitive and Survey and Manage Species. While, dispersing or migrating Peregrine Falcons (Bureau Sensitive) may make use of habitats within and near the project areas, there have been no Peregrine Falcon sightings recorded in the areas of the proposed action and the habitats within and near the proposed actions are not suitable for falcon nesting. Similarly, Northern Goshawks (Bureau Sensitive) may make periodic use of the habitats in and near some to the project areas but there are no known nest sites within the vicinity of the action areas nor have there been any sightings recorded.

Soil Resources: Project soils are Hembre silt loam. They are deep, well drained soils which formed in colluvium and residuum from basalt. Their typical profile consists of silt loam topsoil and silty clay loam subsoil. The major management concern for these soils is compaction and erosion.

Water Resources: The project area is located in the Willamina Creek 5th field watershed and is drained by a Canada Creek, a tributary of the Willamina Creek. The nearest surface water, a 1st order tributary of Canada Creek, is over 200 feet away from the 4-7-29 road. The nearest domestic water diversion or municipal water intake is over 10 miles downstream from the project area. The primary beneficial uses are domestic and municipal water, irrigation, cold water fisheries including salmonids, recreation, and wildlife. The lower Willamina Creek is 303(d) listed for fecal coliform bacteria beginning about 7 miles downstream of the project area.

Environmental Effects:

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

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

Critical Elements Of The Environment		Status: (i.e., Not Present, Not Affected, or Affected)	Does this project contribute to cumulative effects? Yes/No	Remarks
Air Quality (Clean Air Act)		Not Affected	No	The proposed action would have no effect on air quality.
Areas of Critical Environmental Concern		Not Present		There are no ACECs in the project area.
Cultural, Historic, Paleontological		Not Present		There are no known cultural or historic sites within the project area.
Energy (Executive Order 13212)		Not Affected	No	There are no known energy resources located in the project area. The proposed action would have no effect on energy development, production, supply and/or distribution.
Environmental Justice (Executive Order 12898)		Not Affected	No	The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
Prime or Unique Farm Lands		Not Present		There are no prime or unique farm lands in the project area.
Flood Plains (Executive Order 11988)		Not Present		There are no floodplains in the project area.
Hazardous or Solid Wastes		Not Affected	No	The proposed action would involve adding lands to a right-of-way agreement, therefore there would be no effect on hazardous or solid wastes.
Invasive, Nonnative Species (Executive Order 13112)		Not Affected	no	The proposed action entails the use of existing BLM roads and . The proposed action is not anticipated to result in the spread of invasive, nonnative species.
Native American Religious Concerns		Not Affected	No	There is no ground disturbance associated with the proposed action. 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 Affected	No	Upper Willamette steelhead are present within the Willamina Creek Watershed. Analysis of the proposed action found no anticipated effects to this species due to the proximity of these fish and lack of soil disturbance. There is no Designated Critical habitat within the Willamina Creek Watershed for this species. There is no impact to critical habitat.

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
	Plants	Not Affected	No	The proposed projects would have no effect on Threatened or Endangered plant species.
	Wildlife (including Designated Critical Habitat)	Affected	No	<p>There is no spotted owl or marbled murrelet Designated Critical Habitat located within or near any of the proposed project areas. There are no known bald eagle sites or suitable bald eagle habitat within the vicinity of the three proposed action areas, therefore all of the proposed projects would be of <i>No Effect</i> upon the bald eagle.</p> <p>There is no suitable habitat, for spotted owl or marbled murrelet within 0.25 miles of proposed project contained within T5S.,R7W sections 27; this project would also be of <i>No Effect</i> upon the spotted owl or marbled murrelet.</p> <p>One of the project proposals – the road project located at T4S.,R7W section 29 would not result in the potential for disturbance or habitat alteration; this project would be of <i>No Effect</i> upon the spotted owl or marbled murrelet.</p> <p>Although there are no spotted owl or marbled murrelet known sites within the vicinity of the three proposed action areas, one of the project areas, contains and is in proximity to unsurveyed suitable habitat for spotted owl and marbled murrelet and has potential to result in disturbance to spotted owl and marbled murrelet during the critical breeding seasons; this projects is located at T4S.,R7W sections 33. Therefore, this project <i>May Affect and is likely to Adversely Affect</i> the spotted owl and marbled murrelet based upon the potential for disturbance.</p>
	Water Quality (Surface and Ground)	Not Affected	No	The proposed action is not expected to create any ground disturbance. There is a small (<2 ft wide) intermittent headwater stream crossing the BLM-controlled road 4-7-29 immediately north of the 4-7-29.1 road. The gravel road surface overlying the culvert has 3 moderately sized potholes. If winter haul were to occur, it is likely that some fine sediment would be delivered into the stream and increase turbidity. Sediment and turbidity inputs would be small because the road is nearly level and likely not be measurable or visible 150 feet downstream.

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 Present		There are no wetlands within the project area.
Wild and Scenic Rivers	Not Present		There are no Wild or Scenic Rivers within the project area
Wilderness	Not Present		There are no wilderness areas within the project area.

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

<i>Other Elements Of The Environment</i>	<i>Status: (i.e., Not Present, Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks</i>
Coastal Zone (Oregon Coastal Management Program)	Not Affected	No	The proposed action is consistent with Oregon's Coastal Zone Management Program.
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)	Not Affected	No	Coho are the only MSA species within the Willamina Creek Watershed. Coho have the same distribution within this watershed as Upper Willamette steelhead. No impacts to coho Essential Fish Habitat will occur.
Fire Hazard/Risk	Not Affected	No	The proposed action would not create any additional fuels or alter the fire hazard in the project area.
Forest Productivity	Not Affected	No	The project would not affect forest productivity.
Land Uses (right-of-ways, permits, etc)	Not Affected	No	The proposed action would not affect land uses in the project area.
Late successional / old growth	Not Present		There are no late seral or old-growth stands or trees in the project area.
Mineral Resources	Not Present		There are no known mineral resources of commercial value in the project area.
Recreation	Not Affected	No	There is limited recreational opportunity within the project area, due to the restriction of public access across private roads.
Rural Interface Areas	Not Present		There are no rural interface areas within the project area.
Soils	Not Affected	No	The proposed action would not create any new soil disturbance.
Special Areas outside ACECs (Within or Adjacent) (RMP pp. 33-35)	Not Present		There are no Special Areas within the project area.

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

<i>Other Elements Of The Environment</i>		<i>Status: (i.e., Not Present, Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks</i>
Other Special Status Species/Habitat	Fish	Affected	No	The proposed actions will not affect any species that is Bureau Assessment or Bureau Sensitive. Minor disturbance to cutthroat is anticipated.
	Plants	Not Affected	No	The proposed actions would not create any ground disturbance and so would not have any effect on Special Status plants.
	Wildlife	Not Affected	No	Based upon the nature and scale of the proposed actions, none of the projects would be expected to result in the loss of population viability for any Special Status Species that may occur in the project area, or result in the need to elevate their status to any higher level of concern including the need to list under the ESA.
Visual Resources		Not Affected	No	The BLM lands are managed as VRM Class IV, which provides for management activities which require major modification of the existing landscape.
Water Resources (except Water Quality)		Not Affected	No	The proposed action would not create any ground disturbance and would have no effect on water resources.
Other Wildlife Structural or Habitat Components (Snags /CWD / Special Habitats, road densities)		Not Affected	No	The proposed action would not disturb any structural or habitat components.

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).

<i>Components</i>	<i>Effect</i>	<i>Remarks /References</i>
Riparian Reserves	None	The proposed action would not have any effect on Riparian Reserves.
Key Watershed	None	Not in a Key Watershed
Watershed Analysis	None	Deer Creek, Panther Creek, Willamina Creek and South Yamhill River Watershed Analysis, Feb. 2000
Watershed Restoration	None	The proposed action involves addition of BLM lands to a right-of-way agreement and would not have an adverse effect on restoration efforts in the Willamina Creek watershed.

Interdisciplinary Team:

Affected Resource	Specialist	Initial	Date
Botany/Vegetation	Kurt Heckerth		
Fire Hazard/Risk	Kent Mortensen		
Fisheries	Matt Walker		
Hydrology, Water Quality	Dennis Worrel		
Other Resources/ NEPA	Bob McDonald		
Recreation, Visual and Rural Interface Resources	Debra Drake		
Soils	Dennis Worrel		
Wildlife	Steve Bahe		

EA Prepared By: _____

Date: _____

EA Reviewed By: _____
NEPA / Plans

Date: _____

FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of this EA (Environmental Assessment Number OR-086-06-04), I have determined that the proposed action is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. I have also determined that the proposed action is in conformance with the approved land use plan. It is my decision to implement the proposed action, as described in the EA.

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

If you appeal: A public notice for this decision is scheduled to appear in the McMinnville News-Register newspaper on February 7, 2006. Within 15 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Field Manager, Bureau of Land Management, 4610 Third Street, Tillamook, OR, 97141. A copy of the *Notice of Appeal* must also be sent to the BLM Regional Solicitor (see Form 1842-1). The appellant has the burden of showing that the decision appealed from is in error.

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

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

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

Statement of Reasons: Within 15 days of the filing of the *Notice of Appeal*, a complete statement of reasons why you are appealing must be filed with the Interior Board of Land Appeals (see Form 1842-1).

Implementation Date: If no appeals are filed, this decision will become effective and be implemented 15 days after the public notice of this Decision Record appears in the McMinnville News-Register newspaper.

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

Authorized Official: _____
Brad Keller, Field Manager
Tillamook Resource Area

Date: _____