

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

1792A
EA-03-10
2812
Weyerhaeuser
RWA-E-476
Amend. 4

DECISION DOCUMENTATION and FINDING OF NO SIGNIFICANT IMPACT

Amendment to O&C Logging Road Right-of-Way Permit E-476
and Right-of-Way & Road Use Agreement E-476

BACKGROUND

The Upper Willamette Resource Area completed an environmental assessment (EA) and preliminary Finding of No Significant Impact (FONSI) for a request from Weyerhaeuser Company (Weyco) to acquire new legal access over an existing BLM controlled road and to construct three spur roads on BLM land which are not covered under an existing right-of-way agreement. In addition, BLM is proposing to remove 320 acres of Weyco land from one existing agreement and add it to another agreement; this action does not require a NEPA document.

FONSI

On the basis of the information contained in the Environmental Assessment, and all other information available to me, it is my determination that implementation of the proposed action or alternatives will not have significant environmental impacts not already addressed in the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (April 1994) and the *Eugene District Record of Decision and Resource Management Plan* (June 1995). This EA is in conformance with the aforementioned documents, and does not, in and of itself, constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

DECISION

Based on the analysis documented in the Environmental Assessment No. OR090-EA-03-10 and the Finding of No Significant Impact, it is my decision to implement the Proposed Action. The action will amend an existing Right-of-Way agreement and permit to: 1) allow the use of an existing BLM controlled road and 2) allow construction of three spur roads, a total of 603 feet in length, on 0.7 acre of right-of-way across public land. The mitigation measures, design features, and management requirements, as described in the EA, are hereby adopted.

The Proposed Action is in conformance with the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (April 1994), and the *Eugene District Record of Decision and Resource Management Plan* (May 1995).

RATIONALE

The Proposed Action was selected because it best meets the goal of reciprocal agreements, which is to avoid duplicate road systems and to provide long-term access to the intermingled lands of the government and private landowner. The proposed action will provide for better road location, allow for uphill logging, and reduce impacts to soil and water. Based on the analysis discussed and

presented in the EA, it is unlikely the proposed action would retard attainment of any of the Aquatic Conservation Strategy objectives.

CONSULTATION

Pursuant to the Endangered Species Act, formal consultation was completed with the U.S. Fish and Wildlife Service (USFWS), concerning the interrelated and interdependent action of the Weyco harvest of 81 acres of suitable Northern Spotted Owl habitat. The USFWS concluded the loss of 81 acres of suitable habitat would be unlikely to result in take due to harm because surveys to date indicate only barred owl presence at two activity centers in the vicinity, and spotted owl reproduction has not occurred in the last six years.

Mandatory terms and conditions specified by the USFWS in their Biological Opinion will be implemented as part of this decision. Other terms and conditions, and conservation recommendations will be provided to Weyco with the Amendment package.

Pursuant to their Biological Opinion, USFWS negotiated with Weyco to further minimize the potential impacts of the harvest of suitable habitat to the Smith Creek East and McCauley Creek owl sites. Additional measures will be implemented as described in the EA.

There are no proposed or listed fish species under the Endangered Species Act located in or near the project area; therefore, consultation with the National Oceanic and Atmospheric Administration (NOAA) Fisheries is not necessary.

PUBLIC COMMENT

A public notice advertising the availability of the EA and FONSI appeared in the Eugene Register-Guard on May 21, 2003. Additionally, the EA and FONSI were mailed to interested individuals and organizations (EA, p. 12). A 15-day public comment period closed on June 5, 2003. No comments were received.

ADMINISTRATIVE REVIEW OPPORTUNITIES

The decision to implement this project may be appealed to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of the Interior, in accordance with the regulations contained in 43 CFR Part 4. If an appeal is taken, the notice of appeal must be filed in this office for transmittal to the Board within thirty (30) days of publication of the notice of this decision in the Eugene Register-Guard on June 11, 2003. A copy of the notice of appeal and any statement of reasons, written arguments, or briefs, must also be served upon the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 500 NE Multnomah Street, Suite 607, Portland, Oregon 97323, within the same time frame. In taking an appeal, there must be strict compliance with the regulations. In accordance with 43 CFR 4.21, an appellant has the right to petition the Office of Hearing and Appeals to stay the implementation of the decision; however, an appellant must show standing and present reasons for requesting a stay of the decision. The petition for stay must be filed together with a timely notice of appeal.

Emily Rice

Emily Rice, Field Manager
Upper Willamette Resource Area

June 6, 2003

Date