

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

FINDING OF NO SIGNIFICANT IMPACT
And
DECISION RECORD

Lost Creek Analysis Area
Environmental Assessment No. OR 090-EA-00-24

Background

The McKenzie Resource Area completed an EA (Environmental Assessment) and FONSI (Finding of No Significant Impact) for a proposal to implement forest management activities in the Lost Creek Watershed Analysis Area. The proposed projects would occur within Matrix Lands as designated 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 (SEIS/ROD) pp. 7.

The EA describes proposed harvest activities taking place in the Matrix Land Use Allocation consisting of 15 acres of regeneration harvest, and 176 acres of thinning. An estimated 0.86 mile of temporary road would be constructed and decommissioned after harvest activities have been completed.

Consultation

Consultation with United States Fish & Wildlife Service for terrestrial wildlife occurred under the "Willamette Province Fiscal Year 1999 Habitat Modification Biological Assessment for Effects to Listed Species." The resulting Biological Opinion was Ref. Number 1-7-98-F-381.

A letter of concurrence was received from the National Marine Fisheries Service on these proposed harvest areas.

Public Comments

A public notice advertising the availability of EA OR090-00-24 and an unsigned FONSI appeared in the Eugene Register-Guard on July 5, 2000. Additionally, the EA and unsigned FONSI were mailed to interested individuals and organizations (EA OR090-00-24, p. 23). A 21-day public comment period closed July 26, 2000. One comment letter was received. BLM dealt with public comments in two ways: 1) no response was provided to comments determined to be an opinion or an inaccurate statement about the project, and 2) comments that were expressed that warranted detailed explanation are addressed below:

Critical Habitat Unit

The wording in the draft EA on page 9 in Section 3.2 regarding the "interim" nature of the critical habitat units was incorrect and confusing. The paragraph is corrected as follows:
"Northern Spotted Owl Critical Habitat Units were designated by the U.S. Fish & Wildlife Service. The purpose of critical habitat is to identify habitat that may require special management to provide for the conservation and recovery of the Northern spotted owl. Sixty-eight acres of proposed

harvest areas fall within Critical Habitat Unit OR-20. This Critical Habitat Unit consists of a total of approximately 78,425 acres of BLM and Forest Service lands. Approximately 10,060 acres of this Critical Habitat Unit is within BLM ownership. Approximately 2,200 acres of these lands are currently suitable nesting habitat and 2,600 acres are currently dispersal habitat.”

Consultation for this timber sale was completed in the “Willamette Province Fiscal Year 1999 Habitat Modification Biological Assessment for Effects to Listed Species.” Effects of this project on spotted owls and their critical habitat were analyzed by BLM in this document. The Fish and Wildlife Service determines whether a project would result in adverse modification to critical habitat or jeopardy for the species. The resulting Biological Opinion (Ref. 1-7-98-F-381) determined that the projects consulted on in this Biological Assessment were “not likely to jeopardize the continued existence of the spotted owl or result in the destruction or adverse modification of spotted owl critical habitat.”

Northern Spotted Owl Nest

The proposed action would prescribe thinning which would initially degrade 40 acres of suitable spotted owl nesting habitat that is within 0.5 mile of the most recently used nests. These 40 acres would continue to serve as dispersal and foraging habitat after harvest. There have been no documented nesting attempts within proposed units. Within 10-15 years the canopy closure would increase and the habitat would be suitable for nesting again. None of the proposed units within 0.5 mile of the known nests would be a regeneration harvest. Consultation on the proposed action occurred in the “Willamette Province Fiscal Year 1999 Habitat Modification Biological Assessment for Effects to Listed Species.” The resulting Biological Opinion determined that projects consulted on in this Biological Assessment were “not likely to jeopardize the continued existence of the spotted owl or result in the destruction or adverse modification of spotted owl critical habitat.”

Surveys For Bats

The SEIS/ROD states “conduct surveys of crevices in caves, mines, and abandoned wooden bridges and buildings for the presence of roosting bats...” (SEIS/ROD p. C-43). The reference to “crevices and voids large enough to fit a human” stems from the actual definition of a “cave” as used in the Federal Cave Resource Protection Act of 1988. During field reconnaissance of the proposed project area, no crevices or voids were found; therefore no specific surveys for bats were necessary. Bats do use snags, and snags which do not pose a safety hazard would be retained (EA, Appendix A, # 4 & 15). Additional green tree retention would be required in the Proposed Action as outlined in Appendix A, # 11.

Lack of Alternatives

A list of four other alternatives is found on page 7 and 8 of the EA in Section 2.3 titled “Alternatives Eliminated From Detail Study.” The project was limited in scope because of the number of Survey and Manage site discoveries, timing of the surveys, and lack of access to areas because of the abundance of Riparian Reserve areas. A thorough study by the interdisciplinary team of the identified analysis area was conducted arriving with one feasible action alternative, given the above limitations. The interdisciplinary team used the most recent information, and direction from the SEIS/ROD and the Eugene District Record of Decision and Resource Management Plan.

Finding of No Significant Impact

On the basis of the information contained in the Environmental Assessment (OR090-00-24), and all other information available to me, it is my determination that implementation of the Proposed Action or Alternative will not have significant environmental impacts not already addressed in the Record of Decision (ROD) 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). Environmental Assessment OR090-00-24 is in conformance with the above 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 (EIS) or supplement to the existing EIS is unnecessary and will not be prepared.

Decision and Rationale

It is my decision to select Alternative I (Proposed Action). This alternative consists of one regeneration harvest area (15 acres), and seven thinning areas (176 acres) as described under Section 2.1. Alternative I is selected because it meets project objectives described in Section 1.2 of the Lost Creek Analysis Area EA, and is consistent with the Standards and Guidelines 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). Alternative I (Proposed Action) would not prevent nor retard attainment of any of the Aquatic Conservation Strategy Objectives (EA OR090-00-24, p. 40).

The No Action Alternative was not selected because it does not meet the project objectives described under Section 1.2 in the EA, nor does it meet the intent of the SEIS/ROD or Eugene District Record of Decision and Resource Management Plan.

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 within 30 days of the publication of the notice of this decision in the Eugene Register-Guard for transmittal to the Board. 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, 97232, 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 (43 CFR 4.21 (a)(2)).

Approved by: Jerry Richeson
Acting Field Manager McKenzie Resource Area

Date: 8/21/00