

STATE OF OREGON INDEMNITY SELECTION

**United States Department of the Interior
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT
MEDFORD DISTRICT
SALEM DISTRICT**

**ENVIRONMENTAL ASSESSMENT
EA-OR090-99-20**

CASE FILE OR 49274

MARCH 2002

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I. PURPOSE AND NEED FOR PROPOSED ACTION

A. NEED FOR ACTION

1. PURPOSE AND NEED FOR PROPOSED ACTION

The State of Oregon filed an application for 324.68 acres of public lands as an Indemnity Selection for school lands it was granted under the provisions of the Act of Congress, approved February 14, 1859 (11 Stat. 383), and the Acts supplementary and amendatory thereto (the Oregon Statehood Act). The purpose of this application is to partially satisfy an obligation and debt owed by the United States to the State of Oregon as part of fulfilling statehood land grant rights. The need for this federal action was established by a federal court decision in 1992 finding that the State of Oregon is entitled to select 5,202.29 acres of Public Domain lands presently under Bureau of Land Management (BLM) jurisdiction "in lieu" of certain "base" lands to which the State was entitled under the Statehood Act, but which were not available for transfer to the State for various reasons. The subject "In Lieu" selection is one of several that are expected to be made by the Division of State Lands over the next few years.

BLM analyzed the State of Oregon application in an Environmental Assessment (EA - OR090-99-20) dated August 1999. The State of Oregon subsequently revised their application to address only the Medford parcels (parcels M-1, M-2 and M-3) with an aggregate of 144.68 acres. The EA has been revised to reflect the revised application (Appendix A-2), to summarize public comments on the August 1999 EA and provide responses (Appendix C), and to make minor edits for clarity and to update the EA information. The State of Oregon may make future application for transfer of the Salem and Eugene parcels analyzed in this EA. If such a future application is made, BLM would evaluate whether the analysis in this EA is sufficient to support a decision on transfer of the Salem and Eugene parcels.

2. CONFORMANCE WITH LAND USE PLANS

The lands included in the State selection are covered by the Eugene District Resource Management Plan (RMP) (June 1995), the Medford District Resource Management Plan (April 1995) and the Salem District Resource Management Plan (May 1995). The three plans assign all BLM administered tracts to one of three Land Tenure Zones. Lands assigned to Land Tenure Zone 1 are generally to be retained in federal ownership. The lands included in the subject selection are all Public Domain lands assigned to Land Tenure Zone 2 that are available under the three RMPs for consideration to accommodate the "in lieu" selection entitlement of the State of Oregon. Under the Eugene RMP/ROD, lands designated Bald Eagle Habitat Area (BEHA) are to be managed consistent with the Pacific Bald Eagle Recovery and Implementation Plan to promote development and habitat conditions favorable to the species (Eugene District RMP/ROD, page 62). BEHA lands are to be managed as essential habitat for bald eagle recovery. The Eugene RMP/ROD (page 95) provides that State selection applications are to be processed in accordance with the procedures and policy specified in Bureau Manual 2621 and are to be given favorable consideration to the greatest extent possible within the constraints of applicable law. It also specifies that any selected lands containing threatened or endangered species or their critical habitat for which the U.S. Fish and Wildlife Service (FWS) renders a jeopardy opinion upon consultation will be found unsuitable for transfer to the State. The Biological Opinion of the FWS (discussed below) did not render a jeopardy opinion.

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 (USDA Forest Service and USDI Bureau of Land Management, April 1994), and the Salem District RMP, the Eugene District RMP, and the Medford District RMP, as amended by the Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (USDA Forest Service and USDI Bureau of Land Management, January 2001).

Additional site-specific information is available in the State of Oregon Indemnity Selection project analysis file. This file and the above referenced documents are available for review at the Eugene District Office.

3. RELATIONSHIP TO STATUTES, REGULATIONS, OR OTHER PLANS

The State of Oregon application for Indemnity School Land selections has been filed pursuant to Sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), Sec. 102(a) of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1701, 1712), and Sec. 7 of the Taylor Grazing Act of 1934 (43 U.S.C. 315f). The authority to transfer "in lieu" lands to the State is found in Sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), and guided by regulations found at 43 CFR 2621.

B. ISSUES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

1. CRITICAL ELEMENTS OF THE HUMAN ENVIRONMENT

These elements are specified in Appendix 5 of the BLM National Environmental Policy Handbook (NEPA Handbook H-1790-1, BLM, October 1988). The "critical elements" eliminated from detailed analysis are: air quality, prime or unique farmlands, cultural resources, flood plains, native American religious concerns, hazardous or solid wastes, water quality, wetlands and riparian zones, wild and scenic rivers, and wilderness. There would be either minor or no impacts to these "critical elements" as a result of the proposed title transfer; therefore, the elements were dropped from further analysis. Table 1, attached and incorporated into this EA, summarizes the anticipated environmental impacts to these "critical" resources.

2. SURVEY AND MANAGE SPECIES

The processing of the State of Oregon "in lieu" application will partially satisfy a court order and is, therefore, nondiscretionary. The action of transferring ownership is determined to not be a habitat-disturbing activity and, therefore, does not require protocol for survey and manage species. The need for this proposed action precedes the forest plan and the suitability for the disposal of the selected tracts is established by the Resource Management Plans.

3. OTHER RESOURCE ISSUES ELIMINATED

Other resources requiring consideration (by BLM guidelines) include: existing or proposed wild horse and burro management areas, mineral resources, water resources, rangeland resources, visual resources, recreation resources, and existing land uses (rights-of-way, permits, leases, etc.). There would be either minor or no impacts to these other elements as a result of the proposed title transfer; therefore, the elements were dropped from further analysis. Table 2, attached and incorporated into this EA,

summarizes the anticipated environmental impacts to these resources.

Impacts to minority/low-income populations were considered (as required by Executive Order 12898), and the proposed title transfer is expected to have no impact, either direct or indirect, on such populations because of the location, land uses, and small acreage of the lands involved.

C. ISSUES TO BE ANALYZED

The following issues have been identified for detailed analysis in this EA. Issue identification resulted from consultation with other local and Federal agencies interdisciplinary (ID) team review.

1. IMPACTS TO SPECIAL STATUS SPECIES

- **SPECIAL STATUS PLANTS** - What effect will the proposed land transfer have on special status plant species? Method of measurement: Known habitat or populations of special status plants; potential for disturbance to special status plant habitat.
- **ANADROMOUS FISH** - Would the proposed land transfer have impacts on anadromous fish stock? Method of measurement: Analysis of anadromous fish habitat on Federal selected parcels, including potential of disturbance to aquatic habitat as a result of reducing riparian buffer widths.
- **NORTHERN SPOTTED OWL** - Would the proposed land transfer have impacts on the northern spotted owl? Method of measurement: Location of parcels and changes in acreage of suitable owl habitat.
- **BALD EAGLE** - Would the proposed land transfer have impacts on the bald eagle? Method of measurement: Location of parcels and estimate of potential for use.

2. IMPACTS TO ALLOWABLE SALE QUANTITY (ASQ)

How would the proposed land transfer of timber lands impact the amount of timber volume the BLM may offer for sale? Method of measurement: Change in annual Allowable Sale Quantity (ASQ).

3. POTENTIAL CHANGE IN LAND USES

How could the proposed land transfer potentially change the existing land uses of the selected parcels? Method of analysis: Current County zoning ordinances and change in BLM Land Use Allocation acreage.

4. POTENTIAL IMPACT TO LOCAL GOVERNMENT REVENUE AND THE ECONOMY

How would the proposed land transfer potentially change the level of local economic activity and revenues received by local government? Method of analysis: Change in acreage, and timber volumes between public and private lands; change in BLM Land Use Allocation acreage.

II. PROPOSED ACTION AND ALTERNATIVES

A. PROPOSED ACTION

The proposed action is to relinquish Federal ownership of 324.68 acres of BLM administered Public Domain land to the State of Oregon in partial fulfillment of the land grants made to the State of Oregon when it entered the Union in 1859. Once the State gains ownership of the subject parcels, it is expected that the parcels will be transferred to private parties to satisfy State of Oregon land debts.

The lands selected by the State are located in the BLM Eugene, Medford, and Salem Districts. Refer to Appendix A for legal descriptions of the various parcels involved, and Appendix B for a narrative description and map of the selected tracts. The Eugene District is the lead District in preparing this document; staff from the other Districts provided input and review to this Environmental Assessment.

The initial application, submitted in October 1992 included Public Domain lands located in the Salem, Coos Bay, Eugene, and Medford Districts. Several of the selected tracts had conflicts with the Northwest Forest Plan, District Resource Management Plans, and direct conflicts with several threatened and endangered species including the Northern Spotted Owl, Marbled Murrelet, Snowy Plover, Bald Eagle, and Brown Pelican. Conflicts were noted on one Salem District tract, two Eugene District tracts, and two Coos Bay District tracts, involving 172.3 of the 329.91 acres selected. The State of Oregon agreed to revise the list of selected tracts in March 1996 to delete the tracts with identified conflicts and to add new parcels. The revised list includes two tracts in the Salem District, two tracts in the Eugene District, and three tracts in the Medford District. All of the tracts selected in the resubmission are located in the Oregon Cascades in an effort to minimize environmental conflicts. At the request of the Salem District, there was an additional change in tracts in April 1998. The current list of tracts is described in Appendices A and B of this document.

B. ALTERNATIVES

1. NO ACTION ALTERNATIVE

The "No Action" alternative would result in BLM retaining the above mentioned parcels. These parcels would be managed according to their specific Land Use Allocations.

No additional alternatives were considered because the State has not identified possible alternate tracts that would be acceptable.

III. AFFECTED ENVIRONMENT

GENERAL SETTING - The selected parcels from the Salem, Eugene, and Medford Districts are within the mountainous terrain of the Cascade Range of Western Oregon. There are two 40-acre parcels in the Salem District, both in Linn County (Tracts S-1 and S-2). There are two parcels totaling 100 acres in the Eugene District, both in Lane County (Tracts E-1 and E-2). There are three parcels, 41.93, 45.14, and 57.61 acres in the Medford District, all in Jackson County (Tracts M-1, M-2, and M-3). Lands in all these areas are predominantly public, State, and private timberlands managed for timber production and related forest values. The selected parcels are mostly composed of Douglas-fir forests ranging from mature stands to old growth. Other habitat types include grassy meadows and riparian areas with mixed deciduous and conifer species. These parcels are described in detail in Appendix B. Exhibit A summarizes the acreage of species' habitats by parcel being proposed for transfer. Exhibit B summarizes the effect determinations by species by parcel.

A. SPECIAL STATUS SPECIES

1. SPECIAL STATUS PLANTS

All selected tracts have been surveyed for special status plants and no federally listed plant species were found within the subject tracts. *Usnea longissima*, a survey and manage species, is located on Tract S-2. There is no known habitat identified for federally listed plant species within the subject tracts.

2. ANADROMOUS FISH

The affected environment of the Upper Willamette chinook salmon and steelhead trout and other listed or candidate fish species is discussed in the Biological Assessment State Indemnity Lands Transfer, Salem District BLM Lands. There are no anadromous fish bearing streams on the five parcels in Eugene and Medford Districts.

3. NORTHERN SPOTTED OWL

The affected environment concerning the northern spotted owl is discussed at length in the attached Biological Assessment for the Oregon Indemnity Selection for Salem, Eugene, and Medford Districts, Bureau of Land Management.

4. BALD EAGLE

The affected environment concerning the bald eagle is discussed at length in the attached Biological Assessment for the Oregon Indemnity Selection for Salem, Eugene, and Medford Districts, Bureau of Land Management.

There is no known habitat identified for the marbled murrelet or peregrine falcon within the subject tracts.

B. ALLOWABLE SALE QUANTITY (ASQ)

All of the 324.68 acres are classified as General Forest Management Area (GFMA) lands that are suitable for forest management purposes under the Resource Management Plans of the Salem, Eugene, and Medford Districts of the Bureau of Land Management.

C. LAND USES

The future management goals of public lands administered by BLM and assigned to the GFMA Land Use Allocation are described in the Eugene, Medford, and Salem District Records of Decision and Resource Management Plans.

The State of Oregon and prospective transferees of the State are primarily engaged in managing lands in the area of the selected tracts for commercial timber production and related forest uses, subject to the standards and guidelines included in the State of Oregon Forest Practices Act. State law requires that the State Land Board manage lands acquired under the Oregon Statehood Act for the maximum long term benefit of the public schools. Revenues derived from such lands are deposited to the Common School Fund, a permanent account managed to provide funds to public schools.

D. LOCAL GOVERNMENT REVENUE AND THE ECONOMY

All of the selected tracts are Public Domain as required by the provisions of the Statehood Act and are located in Linn, Lane, and Jackson Counties. In Federal ownership, any revenue generated from these tracts would be distributed to various Federal accounts, except for 4 percent of revenue from the sale of land or resources that would go to the State of Oregon. These parcels are also exempt from property taxation and currently contribute no tax revenue to local government.

IV. ENVIRONMENTAL CONSEQUENCES

A. ENVIRONMENTAL CONSEQUENCES OF PROPOSED ACTION

The act of conveying the land to the State of Oregon, in and of itself, would not have any environmental effects, as it would be simply a transaction on paper transferring ownership. The management actions of the State or its successors after acquiring ownership could, however, have environmental consequences and are inter-related and inter-dependent with the proposed action. Under the proposed action the State of Oregon would acquire the seven subject tracts and would then be expected to transfer them to private ownership. The tracts could then be developed or harvested in line with prevailing zoning restrictions and the State Forest Practices Act.

The specific consequences discussed below are those anticipated to occur after the State transfers the parcels into private ownership.

1. SPECIAL STATUS SPECIES

a. Special Status Plants

No special status plants or their habitat have been identified on the selected lands. It is, therefore, anticipated that completion of the proposed action would have no affect on such plants.

b. Anadromous Fish

Consultation with National Marine Fisheries Service (NMFS) was initiated on March 13, 1998 for parcels M-1, M-2, and M-3. A letter of concurrence dated April 15, 1998 regarding parcels M-1, M-2, and M-3 was received by Medford District from NMFS. The proposed action is not likely to affect SONC coho or SOCC chinook. The Salem and Eugene Districts conferenced with NMFS concerning parcels S-1, S-2, E-1 and E-2 on April 5, 1999.

The impacts for the specific parcels are summarized as follows:

- S-1 **May affect, likely to adversely affect Upper Willamette River steelhead and chinook.**
- S-2 **No affect on Upper Willamette River steelhead or chinook.**
- E-1 **Not likely to adversely affect Upper Willamette River steelhead and chinook salmon.**
- E-2 **Not likely to adversely affect Upper Willamette River steelhead and chinook salmon.**
- M-1 **Not likely to adversely affect southern Oregon chinook and coho salmon.**
- M-2 **Not likely to adversely affect southern Oregon chinook and coho salmon.**
- M-3 **Not likely to adversely affect southern Oregon chinook and coho**

salmon.

c. Northern Spotted Owl

The impacts on the northern spotted owl due to future timber management actions on the seven parcels is discussed at length in the attached **Biological Assessment for the Oregon Indemnity Selection for Salem, Eugene, and Medford Districts, Bureau of Land Management**. The Biological Assessment, submitted to the U. S. Fish and Wildlife Service for Review March 24, 1999, concludes that the proposed action may affect and is likely to adversely affect northern spotted owls and their habitat.

The impacts for the specific parcels are summarized as follows:

- S-1 Loss of 40 acres of suitable spotted owl habitat and is an isolated parcel surrounded by private lands where connectivity is poor and dispersal habitat is lacking; **may affect, likely to adversely affect spotted owls; not likely to jeopardize the continued existence of the spotted owl.**
- S-2 Loss of 40 acres of suitable spotted owl habitat and is an isolated parcel surrounded by private lands where connectivity is poor and dispersal habitat is lacking; **may affect, likely to adversely affect spotted owls; not likely to jeopardize the continued existence of the spotted owl.**
- E-1 Loss of 40 acres of suitable spotted owl habitat; **may affect, likely to adversely affect spotted owls; not likely to jeopardize the continued existence of the spotted owl.** Suitable connectivity/dispersal habitat remains in the vicinity.
- E-2 Loss of 60 acres of suitable spotted owl habitat and isolated island of connectivity/dispersal habitat; **may affect, likely to adversely affect spotted owls; not likely to jeopardize the continued existence of the spotted owl.**
- M-1 Loss of 42 acres of suitable spotted owl habitat; **may affect, likely to adversely affect spotted owls; not likely to jeopardize the continued existence of the spotted owl.** Suitable connectivity/dispersal habitat remains in the vicinity.
- M-2 Loss of 5 acres of suitable spotted owl habitat; **may affect, likely to adversely affect spotted owls; not likely to jeopardize the continued existence of the spotted owl.** Suitable connectivity/dispersal habitat remains in the vicinity.
- M-3 Loss of 57.61 acres of suitable spotted owl habitat; **may affect, likely to adversely affect spotted owls; not likely to jeopardize the continued existence of the spotted owl.** Suitable connectivity/dispersal habitat remains in the vicinity.

The Biological Opinion, provided by the U. S. Fish and Wildlife Service on June 11, 1999, concludes that the transfer of the selected tracts to the State of Oregon and eventually to private parties is not likely to jeopardize the continued existence of the spotted owl. Also, the Biological Opinion states that because the State of Oregon is likely to transfer the subject tracts to private parties who may wish to develop or harvest them, and because at this time the U. S. Fish and Wildlife Service is unable to develop those prudent measures and terms and conditions necessary or appropriate to minimize the impact of such taking consistent with 50

CFR 402.14(l), the U. S. Fish and Wildlife Service is not providing an incidental take statement authorizing take of listed species associated with the indirect effects of the actions described in the Biological Opinion, and thus this proposed action.

d. Bald Eagle

The impacts on the bald eagle due to future timber management actions on the seven parcels is discussed at length in the attached **Biological Assessment for the Oregon Indemnity Selection for Salem, Eugene, and Medford Districts, Bureau of Land Management**. The Biological Assessment, submitted to the U. S. Fish and Wildlife Service for Review March 24, 1999, requested informal consultation and concludes that the proposed action may affect, but is not likely to adversely affect bald eagles and their habitat.

The impacts for the specific parcels are summarized as follows:

- S-1 This tract does not contain the structure suitable for nesting bald eagles; **no affect on bald eagles.**
- S-2 This tract does not contain the structure suitable for nesting bald eagles; **no affect on bald eagles.**
- E-1 This tract does not contain the structure suitable for nesting bald eagles; **no affect on bald eagles.**
- E-2 This tract does not contain the structure suitable for nesting bald eagles; **no affect on bald eagles.** This tract is identified as reserved to be managed for bald eagle recovery (BEHA); however, it does not have habitat considered suitable for nesting at this time.
- M-1 This tract contains suitable nesting habitat for the bald eagle and is within 0.25 mile of a large body of water; **may affect, not likely to adversely affect bald eagles; the likelihood that eagles would use this tract for nesting is very low.**
- M-2 This tract does not contain the structure suitable for nesting bald eagles; **no affect on bald eagles.**
- M-3 This tract contains suitable nesting habitat for the bald eagle and is within 2 miles of a large body of water; **may affect, not likely to adversely affect bald eagles; the likelihood that eagles would use this tract for nesting is very low.**

The Biological Opinion, provided by the U. S. Fish and Wildlife Service on June 11, 1999, concurs that the transfer of the selected tracts to the State of Oregon and eventually to private parties may affect, but is not likely to adversely affect, bald eagles, stating that "This concurrence is based on the fact that both parcels, which contain suitable habitat for this species (M-1 and M-3), have adequate information indicating that the likelihood eagles would use the tracts for nesting is very low." Also, the Biological Opinion states that because the State of Oregon is likely to transfer the subject tracts to private parties who may wish to develop or harvest them, and because at this time the U. S. Fish and Wildlife Service is unable to develop those prudent measures and terms and conditions necessary or appropriate to minimize the impact of such taking consistent with 50 CFR 402.14(l), the U. S. Fish and Wildlife Service is not providing an incidental take statement authorizing take of listed species associated with the indirect effects of

the actions described in the Biological Opinion, and thus this proposed action.

2. ALLOWABLE SALE QUANTITY (ASQ)

The proposed action will deplete the GFMA land base by 324.68 acres. Assuming that each acre grows approximately 857 board feet per acre per year there would be an overall reduction of approximately 200,000 board feet per year from the western Oregon annual Allowable Sale Quantity from lands managed by the Bureau of Land Management.

3. LAND USES

The proposed action would result in the conveyance of 324.68 acres of GFMA forest lands to the State of Oregon. It is likely that the lands would eventually be conveyed into the private sector to be managed for commercial timber production and related forest uses. The general use of the tracts would thus not be expected to change, although any timber harvest would be subject to the standards and guidelines included in the State of Oregon Forest Practices Act, rather than the BLM RMPs. It is also likely that tract E-2 would not be managed in a manner designed to generate future bald eagle habitat.

The proposed action will assure that both parties retain access rights they need to have for future management of their respective lands in the vicinity of the selected tracts. Any access reservations related to the proposed action would not have any additional environmental consequences or would an access reservation provide either party access to any of its lands where access does not already exist.

4. LOCAL GOVERNMENT REVENUE AND THE ECONOMY

Upon transfer to the State of Oregon, the 324.68 acres of Public Domain land would remain exempt from property taxation. When the State transfers them into private ownership in order to satisfy a debt, the acreage would be placed on the County tax roles and the timber will be subject to the State Timber Severance taxes.

Assuming that all of the selected lands would be placed in the forest deferral status upon entering the private sector, and also assuming that property tax collections would be about the 1996-1997 average of \$4.00 per acre for forest lands, the estimated annual change in property tax collections resulting from the proposed action would be: +\$320 in Linn County, +\$400 in Lane County, and +\$579 in Jackson County.

Because of the reduction of the Public Domain land base by 324.68 acres, the State of Oregon would not receive payment of 4 percent of the timber sale receipts from future forest management activities by the Bureau of Land Management. It would instead collect Timber Severance taxes. The current rate is approximately \$2.26/mbf.

B. ENVIRONMENTAL CONSEQUENCES OF NO ACTION ALTERNATIVE

The obligation of the United States to convey Indemnity School Lands to the State of Oregon is required by law with the final entitlement established by federal court in 1992. The "No Action" alternative would cause the denial of the current selection, but would eventually result in the selection of other public lands by the State for the fulfillment of the identified obligation. It is anticipated that any future selection would likely involve impacts similar to those analyzed in the proposed action.

If the seven subject tracts were not conveyed to the State of Oregon, they could still be harvested (except parcel E-2 which is designated as a BEHA) under standards and guidelines for timber harvest on Matrix lands under the Northwest Forest Plan. Timber harvest under both the Northwest Forest Plan and the State Forest Practices Act would typically eliminate some or all of the roosting, nesting, and foraging habitat for northern spotted owls and future nesting and roosting habitat for bald eagles. Timber harvest under the Northwest Forest Plan usually requires larger riparian reserves, and a greater number of green trees and amount of down woody material be retained after harvest than the Oregon State Forest Practices Act.

C. CUMULATIVE EFFECTS

This proposed action will result in the relinquishment of 324.68 acres of BLM lands to the State of Oregon. It is reasonable to assume that private lands adjacent to these seven subject tracts, which may currently be providing suitable habitat and or dispersal spotted owl habitat and/or suitable bald eagle habitat, will be harvested in the future. If the proposed action is implemented the seven tracts would be included in the assumption that they would end up in private ownership and managed as private timberlands. There are no State of Oregon owned lands in the vicinity of any of these tracts of land.

V. CONSULTATION AND COORDINATION

A. FEDERAL AGENCIES

U.S. Fish and Wildlife Service
National Marine Fisheries Service

B. STATE AND LOCAL AGENCIES

The following State agencies were notified and their comments requested:

Department of Environmental Quality
Department of Fish & Wildlife
Department of Forestry
Department of Geology and Mineral Industries
Department of Land Conservation & Development
Division of State Lands
State Historic Preservation Office
State Parks Division
Water Resources Department

No adverse comments were received.

The following local government agencies were also notified and their comments requested:

Lane County Board of Commissioners
Lane County Planning Division
Linn County Board of Commissioners
Linn County Planning Division
Jackson County Board of Commissioners
Jackson County Planning Division

No comments were received.

C. PUBLIC CONTACT AND NOTIFICATION

The August 1999 EA was made available for a 30-day public comment period. Three comment letters were received. Responses to these comments are included in Appendix C of this EA.

Following the approval of a Finding of No Significant Impact (FONSI), a Proposed Classification Decision will be issued under the procedures specified in 43 CFR Part 2400, proposing to classify the selected parcels as suitable or unsuitable for transfer to the State of Oregon. That decision will provide a 30-day comment/protest period. Any adverse comments received will be considered and responded to before issuance of the final decision (Initial Classification Decision).

D. LIST OF PREPARERS

The following BLM resource specialists have examined the proposed action and provided either written or verbal input utilized in this assessment:

EUGENE DISTRICT

<u>Participant</u>	<u>Title</u>	<u>Resource Value</u>
Neil Armantrout	Fishery Biologist	Fisheries
Bill Dean	Biologist	Wildlife
Dave DeMoss	Forester	Timber
Steve Madsen	Realty Specialist	Access, EA
Elizabeth Aleman	Recreation Planner	Recreation
Cheshire Mayrsohn	Botanist	Botany
Lisa Lyons	Wildlife Biologist	RTE Wildlife
Nancy Ketrenos	Geologist	Minerals
Mike Southard	Archeologist	Cultural Resources
Nancy Wogen	Botanist	RTE Plants
Glen Gard	Hazardous Materials Spec.	Hazardous materials

SALEM DISTRICT

<u>Participant</u>	<u>Title</u>	<u>Resource Value</u>
Bob Ruediger	Fishery Biologist	Fisheries
David Larson	Biologist	Wildlife
Art Arroyo	Realty Specialist	Access
Marilyn Lowery	Botanist	Botany
Jim England	Wildlife Biologist	RTE Wildlife
Nancy Ketrenos	Geologist	Minerals
Fran Philipek	Archeologist	Cultural Resources
Clair Hibler	Botanist	RTE Plants
Bob Hershey	Hazardous Materials Spec.	Hazardous materials
Dave Roberts	Fisheries Biologist	Fisheries

MEDFORD DISTRICT

<u>Participant</u>	<u>Title</u>	<u>Resource Value</u>
Jon Raby	Fishery Biologist	Fisheries
Jim Harper	Biologist	Wildlife
Alan Buchta	Forester	Timber
Dan Kreitner	Realty Specialist	Access
Leland Gilsen	Recreation Planner	Recreation
Lisa Lyons	Wildlife Biologist	RTE Wildlife
Nancy Ketrenos	Geologist	Minerals
Phil Ritter	Archeologist	Cultural Resources
Jean Williams	Botanist	RTE Plants
Jim Conn	Hazardous Materials Spec.	Hazardous materials
Bob Budesá	Range Con.	Range

VII. ATTACHMENTS
APPENDIX A-1

SELECTED TRACT IDENTIFICATION

<u>LEGAL DESCRIPTION</u> <u>SELECTED BLM TRACTS</u>	<u>Acreege</u>	<u>County</u>
SALEM DISTRICT		
Tract S-1(Shot Pouch) T. 13 S., R. 2 E., W.M. Sec. 24: SE¼NE¼	40.00	Linn
Tract S-2 (Santiam) T. 13 S., R. 3 E., W.M. Sec. 9: NE¼NE¼	40.00	Linn
EUGENE DISTRICT		
Tract E-1 (Fall Creek) T. 18 S., R. 1 E., W.M. Sec. 24: SW¼SW¼	40.00	Lane
Tract E-2 (School Creek) T. 19 S., R. 1 E., W.M. Sec. 26: W½NE¼NE¼, NW¼NE¼	60.00	Lane
MEDFORD DISTRICT		
Tract M-1 (Laurelhurst Cutoff) T. 33 S., R. 2 E., W.M. Sec. 30: Lot 4 (SW¼SW¼)	41.93	Jackson
Tract M-2 (Schoolmarm East) T. 32 S., R. 3 E., W.M. Sec. 19: Lot 26 (SE¼NW¼)	45.14	Jackson
Tract M-3 (Schoolmarm South) T. 32 S., R. 3 E., W.M. Sec. 19: Lot 32 (NW¼SW¼)	57.61	Jackson
Total Selected Lands	324.68	

APPENDIX A-2

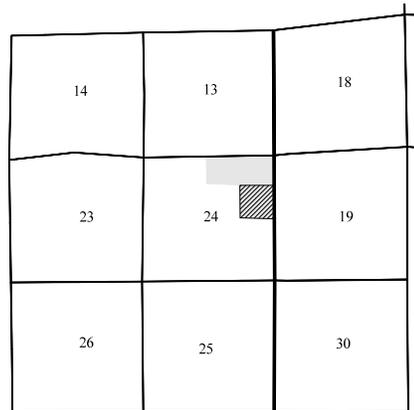
BASE LAND INFORMATION

<u>LEGAL DESCRIPTION</u> <u>BASE LANDS - IN PLACE</u>	<u>Acreage</u>	<u>County</u>
SALEM DISTRICT		
T. 4 S., R. 6 E., W.M. Sec. 36: All	6.71	Clackamas
T. 2 N., R. 6 E., W.M. Sec. 36: SE $\frac{1}{4}$	79.60	Multnomah
ROSEBURG DISTRICT		
T. 27 S., R. 1 W., W.M. Sec. 16: SW $\frac{1}{4}$ SW $\frac{1}{4}$	7.65	Douglas
<u>BASE LANDS - NATURAL DEFICIENCIES</u>		
SALEM DISTRICT		
T. 1 S., R. 8 E., W.M. Sec. 16: NE $\frac{1}{4}$	2.49	Hood River
MEDFORD DISTRICT		
T. 38 S., R. 5 E., W.M. Sec. 36: South & East Portions	39.02	Klamath
Total	135.47	

APPENDIX B

NARRATIVE DESCRIPTION OF SELECTED TRACTS

Tract S-1(Shot Pouch)
(T13S, R02E, Sec 24, SE¼NE¼, Linn County)



T.13 S., R.2 E., Sec. 24

General Setting - This 40-acre parcel is located in the Salem District of the Bureau of Land Management in the Oregon Cascade Range in the upper reaches of Shot Pouch Creek drainage. The general location is East of Albany and approximately two and one half miles South of Green Peter Reservoir.

Access - None.

Land Tenure - Land tenure zone 2.

Timber - Dominated by well stocked 100 year old mature Douglas-fir with an understory of Douglas-fir, bigleaf maple, and some western hemlock. The canopy closure is 60-80 percent over most of the parcel with a few small scattered openings due to *Phellinus* infections. The secondary understory consists of vine maple and huckleberries. The ground cover consists of dense salal, Oregon grape, and sword fern. There are no old-growth remnants in this stand.

Wildlife Values - This parcel is classified as General Forest Management Area, Matrix, that is managed to provide connectivity along with other allocations such as Riparian Reserves as well as produce a sustainable supply of timber. Provides habitat for a variety of organisms associated with both late-successional and younger forest. Because of the aspect and stand conditions, this parcel provides good thermal cover for elk.

Threatened & Endangered Animals - This parcel contains suitable nesting, roosting, foraging, and dispersal habitat for the northern spotted owl, but structure for nesting is very limited. One known northern spotted owl activity center is located within the 1.2 mile provincial home range radius of the parcel. This tract is one of three tracts of suitable habitat on federal lands completely surrounded by private lands. The closest federal lands are 4+ miles to the north in the vicinity of Green Peter Reservoir. There are Forest Service lands located 3 miles to the east in the Moose Ridge area. This parcel is not located in Critical Habitat for the northern spotted owl nor is it Late-Successional Reserve.

Fisheries Values - The upper reaches of Shot Pouch Creek, a 3rd order perennial stream, flows through the parcel. In addition, the parcel contains several small 1st order streams that flow into Shot Pouch Creek. Approximately 50 percent of tract S-1 is located within a Riparian Reserve tributary to Shot Pouch Creek. In the absence of information to document that steelhead or chinook do not use Shot Pouch

Creek, a conservative determination of may effect, likely to adversely affect Upper Willamette River steelhead and chinook is most appropriate for the transfer of this parcel.

Threatened & Endangered Plants - None.

Mining Claims/Oil & Gas Leases/ Minerals Potential - None.

Water Resources/Water Rights - None.

Cultural Resources - None.

Soils - Slopes are generally 20 to 70 percent and aspects are mostly west to northwest and southeast. Elevations range from 2000 to 2400 feet. Soils are Kilchis stony loam, Klickitat stony loam, and Harrington gravelly loam. Problems associated with these soils include: landslide and slumping, and droughtiness due to rock content. There is no existing evidence of landslide or slumping from an aerial photo surveillance.

Easements - None.

Permits/Reciprocal Agreements - None.

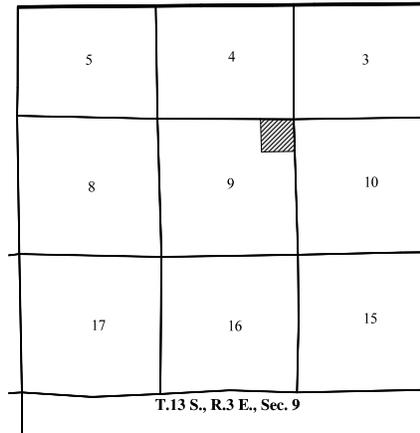
Recreation Potential - None.

Visual Resources/Scenic Quality - Visual Resource Management Class 4.

County Zoning/Allowable Uses - Forest Conservation and Management (FCM)

Hazardous Wastes and Other Conditions - No known hazardous materials exist on this site.

Tract S-2 (Santiam)
(T13S, R03E, Sec 9, NE¼NE¼, Linn County)



General Setting - This 40-acre parcel is located in the Salem District of the Bureau of Land Management in the Oregon Cascade Range. The general location is East of Albany and approximately two and one-half mile south of Green Peter Reservoir.

Access - None.

Land Tenure - Land tenure zone 2.

Timber - This 40-acre parcel is dominated by a mature (90 year-old) stand of Douglas-fir with an understory of western hemlock and Douglas-fir. Canopy closure is approximately 60-80 percent and the secondary understory consists of salmonberry, vine maple, salal, and Oregon grape.

Wildlife Values - This parcel is classified as General Forest Management Area, Matrix, that is managed to provide connectivity along with other allocations such as Riparian Reserves as well as produce a sustainable supply of timber. Provides habitat for a variety of organisms associated with both late-successional and younger forest. Because of the aspect and stand conditions, this parcel provides good thermal cover for elk.

Threatened & Endangered Animals - This parcel contains suitable roosting, foraging, and dispersal habitat for northern spotted owl, but structure for nesting is lacking. One known active northern spotted owl site is located within the 1.2 mile provincial home range radius of the parcel. This parcel is not located in critical habitat for the northern spotted owl nor is it Late-Successional Reserve. This tract is an isolated 40-acre tract of federal lands surrounded by private forest lands. The closest federal lands are located 3 miles to the east and north in the vicinity of Green Peter Reservoir; and south and east to the Moose Ridge area.

Fisheries Values - There are two 1st order and one 3rd order streams associated with this parcel. These streams are in the Rumbaugh Creek watershed that flows northerly into Green Peter Reservoir. Approximately 40 percent of this tract is located in the Riparian Reserves, tributaries of Talley Creek. Due to the absence of steelhead and chinook upstream of Green Peter Dam, and the probability that Green Peter Reservoir would serve as a settling basin for any sediment yield increase that may result from land management activities, transfer of this parcel will have no effect on Upper Willamette River steelhead or chinook.

Threatened & Endangered Plants - There were no special status species found on this parcel. A survey and manage species, *Usnea longissima*, is found on this parcel.

Mining Claims/Oil & Gas Leases/ Minerals Potential - The parcel is classified for Power Site 171. No

mineral potential.

Water Resources/Water Rights - None.

Cultural Resources - There are no known cultural resources located on this parcel.

Soils - Elevation ranges from 1600-2000 feet. Soils are mapped as Kinney cobbly loam and Klickitat stony loam. These soils are deep, well drained, and range from 20 to 70 percent slopes. Some slumping and landslides are associated with these soils. Aerial photos reveal that an approximately 1 to 2-acre recent landslide is in the southwest quarter of this tract.

Easements - None.

Permits/Reciprocal Agreements - This tract is included in Right-of-Way Agreement S-622.

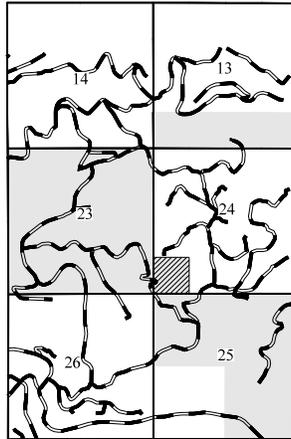
Recreation Potential - None.

Visual Resources/Scenic Quality - Visual Resource Management Class 4.

County Zoning/Allowable Uses - Forest Conservation and Management (FCM)

Hazardous Wastes and Other Conditions - There are no known hazardous substances located on this tract.

Tract E-1 (Fall Creek)
(T18S, R01E, Sec 24, SW ¼SW ¼, Lane County)



T.18 S., R.1 E., Sec. 24

General Setting - This 40-acre parcel is located in the McKenzie Resource Area of the Eugene District of the Bureau of Land Management. The parcel lies to the East of Fall Creek Reservoir in the Cascade Range, approximately 24 miles southeasterly of Eugene, Oregon.

Access - Reserve road right-of-way to BLM for Road No. 18-1E-26.

Land Tenure - Land tenure zone 2.

Timber - The forest is dominated by Douglas-fir, with many cedars and a moderate proportion of hemlock and bigleaf maple. Stage classes range from very large old growth Douglas-fir (>200 years), which are sparse, to suppressed sapling-sized individuals. The bulk of the trees are moderate size and age (<100 years). A number of apparent rot pockets (characterized by small down trees, broken either at or above the ground) are scattered throughout the parcel. The understory is mostly sword fern and vine maple.

Wildlife Values - This parcel is classified as General Forest Management Area, Matrix, which is managed to provide connectivity along with other allocations such as Riparian Reserves as well as produce a sustainable supply of timber. Provides habitat for a variety of organisms associated with both late-successional and younger forest.

Threatened & Endangered Animals - The land use allocation for this tract is General Forest Management Area, Matrix. The tract contains nesting, roosting, and foraging habitat for spotted owls within the provincial home ranges of the Deer Mountain and Deer Mountain South owl pairs. This tract is not part of a Critical Habitat Unit or LSR.

Fisheries Values - This unit contains 1st and 2nd order streams that are tributary to the North Fork of Fall Creek, a tributary to Fall Creek Reservoir. No fish populations were found within the streams in this tract.

Threatened & Endangered Plants - No sensitive, threatened, or endangered plant species were found on this parcel.

Mining Claims/Oil & Gas Leases/ Minerals Potential - None.

Water Resources/Water Rights - None.

Cultural Resources - No known cultural resources exist on this tract.

Soils - Elevations range from 1700-2300 feet, east and southeast slopes, Klickitat soils on 50-75%

slopes, Honeygrove and Kinney soils on 3-30% slopes.

Easements - None.

Permits/Reciprocal Agreements - OR 40639, RWA-E-340 granted to Willamette Industries, its successors or assigns; OR 46406, RWA-E-721 granted to Weyerhaeuser Co., its successors or assigns; OR 52486, RWA-E-806 granted to John Hancock Mutual Life Ins. Co., its successors or assigns.

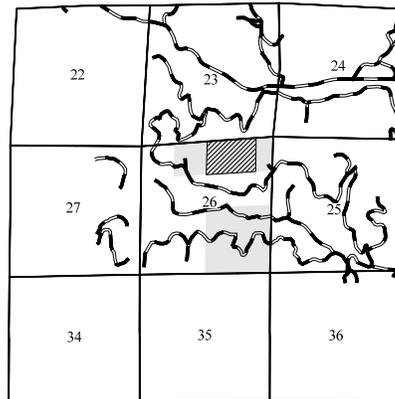
Recreation Potential - None.

Visual Resources/Scenic Quality - Not visible from the County road or Fall Creek Reservoir. Visual Resource Management Class 4.

County Zoning/Allowable Uses - Forest management zoning, EFU-40.

Hazardous Wastes and Other Conditions - No evidence of hazardous materials or the effect of hazardous materials.

Tract E-2 (School Creek)
(T19S, 01E, Sec 26, W½ of NE¼NE¼ and NW¼NE¼, Lane County)



T.19 S., R.1 E., Sec. 26

General Setting - This 60-acre parcel is located in the McKenzie Resource Area of the Eugene District of the Bureau of Land Management. The parcel lies to the north of Lookout Point Reservoir in the Cascade Range, approximately 30 miles southeasterly of Eugene, Oregon.

Access - None.

Land Tenure - Land tenure zone 2.

Timber - The forest is dominated by Douglas-fir, with cedars and a moderate proportion of hemlock and bigleaf maple. The bulk of the trees are moderate size and age (<100 years). The understory is mostly sword fern and vine maple.

Wildlife Values - This parcel is designated as Bald Eagle Habitat Area in the Eugene District Resource Management Plan and Record of Decision. The management of this site is to be consistent with conservation measures designed to facilitate the conservation of essential habitat for bald eagle recovery. This tract also provides habitat for a variety of organisms associated with both late-successional and younger forest.

Threatened & Endangered Animals - This parcel contains suitable roosting, foraging, and dispersal habitat for northern spotted owl. Two known active northern spotted owl sites are located within the 1.2 mile provincial home range radius of the parcel. This parcel is not located in Critical Habitat for the northern spotted owl. This parcel does contain the stand structure suitable for nesting bald eagles and is identified in the Eugene District Resource Management Plan to be managed for potential Bald Eagle Recovery habitat.

Fisheries Values - The parcel contains both 1st and 2nd order streams that are tributary to Winberry Creek, a tributary to Fall Creek Reservoir. No fish populations were found within the streams in this tract.

Threatened & Endangered Plants - No sensitive, threatened, or endangered plant species were found on this parcel.

Mining Claims/Oil & Gas Leases/ Minerals Potential - None.

Water Resources/Water Rights - None.

Cultural Resources - No Cultural Resources exist within this parcel.

Soils - Elevations range from 1300-2200 feet, northerly slopes, Klickitat soils on 50-75% slopes, McDuff

soils on 3-25% slopes.

Easements - None.

Permits/Reciprocal Agreements - OR 41255, RWA-E-495 granted to Giustina Land and Timber Co., its successors or assigns.

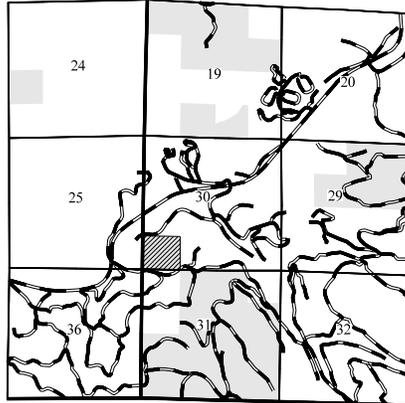
Recreation Potential - None.

Visual Resources/Scenic Quality - Not visible from the County road or Lookout Point Reservoir. Visual Resource Management Class 4.

County Zoning/Allowable Uses - Forest management, EFU-40.

Hazardous Wastes and Other Conditions - No evidence of hazardous materials or the effect of hazardous materials.

Tract M-1 (Laurelhurst Cutoff)
(T33S, R02E, Sec 30, Lot 4 (SW¼SW¼), Jackson County)



T.33 S., R.2 E., Sec. 30

General Setting - This 41.93 acre parcel is located in the Butte Falls Resource Area of the Medford District of the Bureau of Land Management. The parcel lies above Lost Creek Dam on the Rogue River in the Cascade Range.

Access - Right-of-Way Reservation OR 54242 to the United States.

Land Tenure - Land tenure zone 2.

Grazing - Round Mountain pasture of Summit Prairie Allotment 1, permittee would need two-year notification.

Timber - This parcel contains a mixed conifer stand of Douglas-fir and ponderosa pine, with some madrone and white oak. The timber type is R-D4 1750//D3=1900, which equates to residual 100 to 250 year old Douglas-fir. There have been no timber harvest activities in the past 15 years other than salvage along roadsides.

Wildlife Values - This parcel is classified as General Forest Management Area, Matrix, that is managed to provide connectivity along with other allocations such as Riparian Reserves as well as produce a sustainable supply of timber. Provides habitat for a variety of organisms associated with both late-successional and younger forest.

Threatened & Endangered Animals - This parcel contains suitable habitat for the northern spotted owl, with the nearest known site being 1.2 miles away. There is a known bald eagle nest within 3/4 mile of this parcel. Bald eagles would be expected to use the site as a perch on occasion. There is no identified use of peregrine falcon on this site. This parcel is not part of a Critical Habitat Unit or LSR.

Sensitive Species - This parcel contains an active nest site for osprey.

Fisheries Values - No streams are found on this parcel.

Threatened & Endangered Plants - No sensitive, threatened, or endangered plant species were found on this parcel.

Mining Claims/Oil & Gas Leases/ Minerals Potential - None.

Water Resources/Water Rights - None.

Cultural Resources - None.

Soils - The dominant soil type is Freezener soil, slopes range from 5-35 percent. Elevations range from 2,000 to 2,300 feet.

Easements - None.

Permits/Reciprocal Agreements - M-2000-C (OR 56841)(Silver Butte Timber Company); M-2000-D (OR 56842)(Coast Range Resources LLC/Lone Rock Timber Company); M-2000-E (OR 56843)(Indian Hill LLC); and M-2000-F)OR 56844) (Superior Lumber Company).

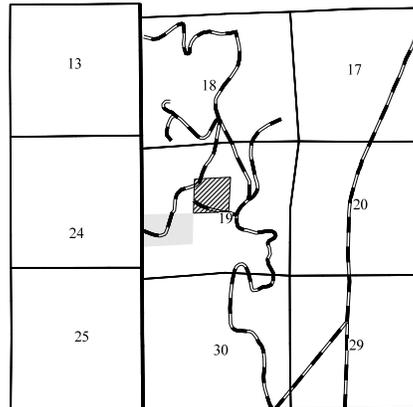
Recreation Potential - Tract included in the Lost Creek Reservoir potential Special Recreation Management Area. Lack of access to this tract has restricted current dispersed recreational use.

Visual Resources/Scenic Quality - Visual Management Class II, visible from Hwy. 62 and Lost Creek Reservoir. Designated as VRM classification II; restrict modifications to the landscape so that the character of the landscape is retained.

County Zoning/Allowable Uses - Forest management.

Hazardous Wastes and Other Conditions - None.

Tract M-2 (Schoolmarm East)
(T32S, R03E, Sec 19, Lot 26 (SE¼NW¼), Jackson County)



T.32 S., R.3 E., Sec. 19

General Setting - This 45.14 acre parcel is located in the Butte Falls Resource Area of the Medford District of the Bureau of Land Management. The parcel lies above Lost Creek Dam on the Rogue River in the Cascade Range.

Access - Right-of-Way Reservation OR 54242 to the United States.

Land Tenure - Land tenure zone 2.

Timber - This tract mostly consists of a mixed conifer plantation of approximately 36 year old Douglas-fir and ponderosa pine, with some madrone and white oak. There are also approximately 5 acres of mature mixed conifer forest.

Wildlife Values - This parcel is classified as General Forest Management Area, Matrix, that is managed to provide connectivity along with other allocations such as Riparian Reserves as well as produce a sustainable supply of timber. Provides habitat for a variety of organisms associated with both late-successional and younger forest.

Threatened & Endangered Animals - This parcel does contain approximately 5 acres of nesting, roosting, and foraging habitat for the northern spotted owl. There is no known use of this parcel by bald eagle or peregrine falcon. This parcel is not part of a Critical Habitat Unit or LSR.

Fisheries Values - This parcel contains steep intermittent and perennial 1st and 2nd order streams. There are no fish-bearing streams on this parcel.

Threatened & Endangered Plants - No sensitive, threatened, or endangered plant species were found on this parcel.

Mining Claims/Oil & Gas Leases/ Minerals Potential - This tract is within an oil and gas compartment; however, there is no lease as of 8/11/98.

Water Resources/Water Rights - None.

Cultural Resources - None.

Soils - The predominant soil type is Freezener-Geppert soil complex with slopes ranging from 35-65 percent. Soils are fairly deep with inclusions of fractured volcanic bedrock. Elevations range from 3,000 to 3,300 feet.

Easements - None.

Permits/Reciprocal Agreements - Existing 3rd party rights include a USFS road right-of-way, Road No. 6400-210 (BLM Case File ORE 015692).

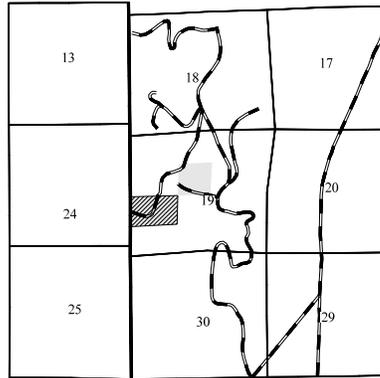
Recreation Potential - None.

Visual Resources/Scenic Quality - Visual Resource Management Class 4.

County Zoning/Allowable Uses - Forest Management.

Hazardous Wastes and Other Conditions - None.

Tract M-3 (Schoolmarm South)
(T32S, R03E, Sec 19, Lot 32 (NW¼SW¼), Jackson County)



T.32 S., R.3 E., Sec. 19

General Setting - This 57.61 acre parcel is located in the Butte Falls Resource Area of the Medford District of the Bureau of Land Management. The parcel lies above Lost Creek Dam on the Rogue River in the Cascade Range.

Access - Right-of-Way Reservation OR 54242 to the United States.

Land Tenure - Land tenure zone 2.

Timber - This parcel is stocked with a mature stand of 140 year-old Douglas fir/madrone and is considered to be old growth. There have been no timber harvest activities in the past 15 years other than salvage along roadsides.

Wildlife Values - This parcel is classified as General Forest Management Area, Matrix, that is managed to provide connectivity along with other allocations such as Riparian Reserves as well as produce a sustainable supply of timber. Provides habitat for a variety of organisms associated with both late-successional and younger forest.

Threatened & Endangered Animals - This parcel does contain suitable roosting and foraging habitat for the northern spotted owl and suitable nest trees for the bald eagle. There is no known use of this parcel by bald eagle or peregrine falcon. This tract is not part of a Critical Habitat Unit or LSR.

Fisheries Values - This parcel contains steep intermittent and perennial 1st and 2nd order streams. There are no fish-bearing streams on this parcel.

Threatened & Endangered Plants - No sensitive, threatened, or endangered plant species were found on this parcel.

Mining Claims/Oil & Gas Leases/ Minerals Potential - The parcel is part of an oil and gas compartment. No mining claims as of May 13, 1993.

Water Resources/Water Rights - None.

Cultural Resources - No Cultural Resources exist within this parcel.

Soils - (741) Freezener - (740) Geppert Soil Complex. They present no special hydrologic sensitivity. The 35-65 percent slopes have generally south facing slopes. Elevations range from 3,200 to 3,700 feet above sea level.

Easements - None.

Grazing Leases - None.

Permits/Reciprocal Agreements - Existing 3rd party rights include a USFS road right-of-way, Road No. 6400-210 (BLM Case File ORE 015692).

Recreation Potential - None.

Visual Resources/Scenic Quality - The parcel is adjacent to USFS lands that are part of the Upper Rogue River Wild and Scenic River Withdrawal, OR 44751, established October 28, 1988.

County Zoning/Allowable Uses - Forest management.

Hazardous Wastes and Other Conditions - None.

APPENDIX C

RESPONSE TO PUBLIC COMMENT

The EA and draft FONSI were made available for public comment from October 6 to November 5, 1999. Comment letters were received from the Oregon Division of State Lands, Headwaters, and the Oregon Natural Resources Council. The letter from the Oregon Division of State Lands endorsed the selection of lands and encouraged transfer of the lands as soon as possible. The letters from Headwaters and the Oregon Natural Resources Council raised several concerns, which are summarized below.

Comment: *The EA did not consider an adequate range of alternatives. Alternative parcels including younger forests, and continuous stretches of land should have been considered. There is no consideration of options to land transfer that could provide other economic benefits and allow for habitat to be protected.*

Response: The EA explained that no other action alternatives were analyzed because the State of Oregon has not submitted application for transfer of lands other than those identified in the proposed action (EA, p. 4). The selection of lands for transfer are the choice of the State of Oregon, not BLM. BLM has little discretion in the selection of lands for this transfer proposal. The Eugene District RMP, to which this EA is tiered, explained the context of this proposed land transfer in the following management decision:

“To accommodate the entitlement of the State of Oregon to select additional lands to fulfill the grant made upon its entry into the Union in 1859 as provided in a 1992 court decision, make public domain lands in Zones 2 and 3 available for "in lieu" selection by the Division of State Lands. Process selection applications in accordance with the procedures and policy specified in Bureau Manual 2621 and give them favorable consideration to the greatest extent possible within the constraints of applicable law. Find any selected lands containing threatened or endangered species or their critical habitat for which the U.S. Fish and Wildlife Service renders a jeopardy opinion upon consultation unsuitable for transfer to the State.” (Eugene District RMP, p. 95).

It is important to emphasize that only Public Domain lands are available for transfer, not revested Oregon and California Railroad lands (O&C lands) (EA, p.4).

The State had initially selected some tracts for which transfer would have posed jeopardy to the continued existence of listed species, and this initial selection was revised. The revised selection is presented as the proposed action (EA, p. 4). Alternatives that would have transferred lands with younger forests were not analyzed because the State has not submitted application for transfer of such lands, and therefore such alternatives would not respond to the purpose and need for the action.

Alternatives to land transfer would not respond to the purpose and need for the action and would be beyond the scope of this EA. Furthermore, BLM proposal of alternatives to land transfer would not be consistent with the existing RMP decision to give State selection applications favorable consideration to the greatest extent possible within the constraints of applicable law (Eugene District RMP, p. 95). Finally and most importantly, alternatives to land transfer would not comply with the court judgement in State of Oregon v. BLM-USDI, No. 85-646-MA, slip op. at 3, 1991 WL 110206 (D.Or. June 17, 1991), which found that the State of Oregon has an entitlement to 5,202.29 acres of BLM land (See also, State of Oregon v. BLM-USDI, 876 F.2d 1419 (9th Cir. 1989)).

Comment: *The EA does not adequately analyze the impacts on northern spotted owls and listed fish species.*

Response: The act of conveying the land to the State of Oregon, in and of itself, would not have any environmental effects (EA, p. 7). However, after transfer, the State of Oregon is likely to transfer the lands to private ownership, and the stands would likely be harvested in accordance with the State Forest Practices Act (EA, p.11). It was on this basis that BLM consulted with the U.S. Fish and Wildlife Service and NMFS on the effect of the action on listed species (BA, pp. 8, 14).

The EA and the BA disclose that the loss of spotted owl habitat resulting from the cumulative effect of the land transfer and eventual timber harvest by the State or its successor is likely to adversely affect the northern spotted owl (EA, p. 8; BA, p. 8). The Biological Opinion from the U.S. Fish and Wildlife Service concludes that this transfer is not likely to jeopardize the continued existence of the northern spotted owl (EA, p. 8).

The EA discloses that listed fish species would not likely be adversely affected by the transfer of the Medford and Eugene parcels; would likely be adversely affected by transfer of one Salem parcel; and would not be affected by transfer of the other Salem parcel (EA, p. 7). The National Marine Fisheries Service has concurred with this assessment for the Medford parcels (EA, p.7), but has not yet completed consultation on the remaining parcels.

The analysis of the effects on northern spotted owls and listed fish presented in the EA and the associated Biological Assessments provides a sufficient basis to determine whether the proposed action would have a significant impact and for selection among the alternatives. The EA points out that the No Action alternative would still likely result in eventual timber harvest in these parcels, but in accordance with different standards. The difference in effects between timber harvest according to the standards of the Northwest Forest Plan and timber harvest according to standards more similar to the State Forest Practices Act is generally analyzed in the EISs for the district RMPs, to which this EA is tiered (EA, p.1).

Comment: *Surveys for Survey and Manage species and for bats must be conducted for this action.*

Response: Surveys for Survey and Manage species and bats are not required for land transfers, because the land transfer itself is not a habitat-disturbing activity (EA, p. 2). Furthermore, there would be little point to such surveys, given that (1) the presence or absence of any particular Survey and Manage species would not affect the decision on the land transfer; and (2) there is no reason to presume that any Survey and Manage species sites found by surveys would be protected by the State of Oregon or its successor after the land transfer.

As explained above, the EA analysis did assume that the transferred lands would likely be harvested in accordance with the State Forest Practices Act (EA, p.11). Those species that are adversely affected by forest harvesting would be adversely affected by the cumulative effect of the land transfer and eventual timber harvest by the State or its successor. However, detailing which species are present in these tracts would not improve the analytical base for decision-making on this land transfer action, given the limited BLM discretion and the existing RMP decision to give State selection applications favorable consideration to the greatest extent possible within the constraints of applicable law.

Comment: *The land transfer would remove habitat identified to be managed for bald eagles.*

Response: One of the Eugene parcels includes a Bald Eagle Habitat Area, which the Eugene District RMP identifies is to be managed as essential habitat for bald eagle recovery (EA, pp. 9, 25; Eugene District RMP, p. 62). However, because this parcel does not contain the structure suitable for nesting bald eagles, the proposed land transfer would have no effect on bald eagles (EA, p. 9; BA, p.13). The U.S. Fish and Wildlife Service has concurred with this assessment. Furthermore, the parcel with the Bald Eagle Habitat Area is classified as Land Tenure Zone 2 in the Eugene District RMP. Therefore, transfer of this parcel would be consistent with the Eugene District RMP decision to give favorable consideration to State selection applications to the greatest extent possible within the constraints of applicable law, as referenced above (Eugene District RMP, p. 95).

The transfer of this parcel might require that the Eugene District evaluate whether the effect on bald

eagles is sufficiently changed from what was originally analyzed in the EIS for the RMP so as to alter the validity of the decisions in the RMP. An RMP evaluation would consider whether the effect of this transfer would result in the need for amendment of the RMP or supplementation of the EIS for the RMP. In any case, transfer of this parcel would require RMP maintenance to reflect the changed land status.

Comment: *Cumulative effects are not adequately analyzed and should not assume that the land will remain as it is under State ownership.*

Response: The EA analysis explicitly did assume that the transferred lands would be harvested by the State or its successor in accordance with the State Forest Practices Act (EA, p.11). In fact, the EA effects analysis is almost entirely devoted to the cumulative effect of the land transfer together with eventual timber harvest by the State or its successor, because the act of conveying the land to the State, in and of itself, would not have any environmental effects (EA, p.11).

Comment: *The EA says that the State of Oregon is entitled to 5,202.29 acres of BLM lands, yet this EA only covers 324.68 acres. Why is this project only covering a small portion of the debt owed?*

Response:

This proposed action is the application for transfer made by the State at this time. The State will likely make additional applications in the future for additional transfers until all lands to which it is entitled have been transferred. BLM will consider these future applications as the State presents them. Because these applications are made at the State's discretion, BLM cannot consider transfer of all entitled acres in the current analysis. As noted in this EA (p. 1), the State of Oregon has requested that the Salem and Eugene parcels be dropped from further consideration in their application, and their current application only addresses the Medford parcels (parcels M-1, M-2 and M-3) with an aggregate of 144.68 acres.

Comment: *The EA does not analyze the economic impacts of the land transfer.*

Response:

EA did analyze economic impacts and specifically identified impacts to the local economy as an issue (EA, pp. 3, 10). The EA quantified on a county-by-county basis the changes that would occur to local government revenue from the proposed land transfer (EA, p.11). Beyond this analysis, further consideration of economic impacts would not improve the analytical base for decision-making on this land transfer action, given the limited BLM discretion and the existing RMP decision to give State selection applications favorable consideration to the greatest extent possible within the constraints of applicable law.

**TABLE 1 - Summary of Critical Elements
of the Human Environment**

Critical Element	Environmental Impact	Remarks
Air Quality	None	Selected tracts would likely be managed under the Best Management Practices required under the State of Oregon Forest Practices Act.
Areas of Critical Environmental Concern	None	None of the tracts selected are within a designated or proposed ACEC.
Prime or Unique Farmlands	None	This resource does not occur in the selected tracts.
Flood plains	None	Protected under State of Oregon Forest Practice Act.
Native American Religious Concerns	None known.	A cultural resources report has been completed for all selected tracts.
Threatened or Endangered Species, Special Status Species	See Biological Assessment	See Biological Opinion presented by U. S. Fish and Wildlife Service.
Hazardous or Solid Wastes	None	A thorough search of available records, including BLM, Federal and State lists of potential sites, BLM land status records, case records, and mining claim records was conducted and did not reveal any potential for contamination by hazardous materials on any of the selected tracts.
Water Quality	Selected tracts are subject to State law designed to meet the Federal Clean Water Act and the Oregon Forest Practices Act.	The Clean Water Act recognizes water quality issues for Oregon streams regardless of private, State, or Federal ownership. None of the selected tracts are in a Key Watershed under the President's Forest Plan.
Wetlands/Riparian Zones	None	Protected under State of Oregon Forest Practice Act.

Wild and scenic Rivers	None Anticipated.	Review of the free flowing streams in the selected tracts indicate that none of them contain Outstandingly Remarkable Values as required for Wild and Scenic River designation. Tract M-3 is adjacent to Upper Rogue River Wild and Scenic River Withdrawal.
Cultural Resources	None anticipated.	A cultural resource survey of the selected tracts was conducted and no prehistoric or historic sites were found.
Wilderness	None	None

TABLE 2 - Summary of Elements of Other Resources	
Resource	Remarks
Wild Horse and Burro Management	N/A
Mineral Resources	Reference the mineral report in case file.
Water Resources	No domestic water resources or municipal watersheds involved.
Rangeland Resources	N/A
Visual Resources	Except for Tract M-1, no Class I or Class II VRM issues. Tract M-1 is rated Class II, which is managed to retain landscape characteristics.
Recreation Resources	Little recreation potential on the selected parcels. Tract M-1 is included in (located within view shed) the Lost Creek Res. Potential Special Recreation Management Area.
Existing Land Uses	Existing authorized land uses, such as legal access, on the selected lands would be continued after conveyance through deed provisions and completion of realty related actions.

FINDING OF NO SIGNIFICANT IMPACT

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

for

STATE OF OREGON INDEMNITY SELECTION

Environmental Assessment No. OR090-99-20

State Selection (OR 49274)

The State of Oregon filed application on Bureau of Land Management (BLM)-administered land in the Salem, Eugene, and Medford Districts as an Indemnity Selection for school lands the State of Oregon was granted under the provisions of the Act of Congress, approved February 14, 1859 (11 Stat. 383), and the Acts supplementary and amendatory thereto (the Oregon Statehood Act). The BLM prepared an environmental assessment (EA OR090-99-20) in August 1999, which analyzed the effects of the Proposed Action (the State of Oregon application for 324.68 acres of BLM-administered land) and the No Action alternative. The State of Oregon subsequently requested that the Salem and Eugene parcels be dropped from further consideration in their application. Therefore, this determination only addresses the Medford parcels (parcels M-1, M-2 and M-3) with an aggregate of 144.68 acres. Appendix A-2 of the EA has been revised to reflect those changes in Base Lands submitted by the State of Oregon in amended Indemnity Selection Application, dated 1/30/02. Legal descriptions and general information of the lands proposed for transfer to the State of Oregon are shown in the attached EA (appendices A-1, A-2, B).

Responsibility for processing the State of Oregon application was delegated from the BLM Oregon/Washington State Director to the BLM Eugene District Manager.

A summary of the environmental effects (as discussed in the EA) follows. The tests of significance identified in 43 CFR 1508.27(b) have also been considered.

- Analysis indicated no significant impacts on society as a whole, the affected region, the affected interest, or the locality.
- There were no identified impacts or issues related to public health or safety. Hazardous materials clearances would be verified prior to transfer of title to the State of Oregon (EA, Table 1).
- There are no prime or unique farmlands, or potential, nominated, or designated wild and scenic rivers within the selected tracts (EA, Table 1).
- There would be no significant impact, either direct or indirect, to minority or low-income populations or communities. Completion of the State of Oregon in Indemnity Selection Application involves small acreage located generally distant from population centers and would not result in any significant changes in land use.
- There are no known cultural resources on any of the selected tracts.
- Wetlands/riparian zones on the selected tracts are protected under the State of Oregon Forest Practice Act.
- Impacts on the quality of the human environment are not anticipated to be highly controversial. A public notice advertising the availability of the August 1999 EA and preliminary FONSI appeared in October 1999 in local newspapers in the Salem, Eugene, and Medford areas. State and local government agencies were notified and their comments requested (EA, p. 12). A 30-day public comment period closed on November 5, 1999. Three comment letters were received. Appendix C has been added to the EA to provide responses to these comments.
- There are no highly uncertain or unique unknown risks involved.
- Future activities on federal land transferred to the State of Oregon, and eventually to private ownership,

would be governed by State statutes (EA section IV). In non-federal ownership, these lands would be subject to County land use planning requirements, including County comprehensive planning and zoning.

- The transfer to the State of Oregon would reduce the Allowable Sale Quantity of timber for lands managed by the Bureau of Land Management by a minor amount
- If the selected tracts are eventually transferred to private parties, there would be a corresponding minor increase in forest land placed on the County tax roles in Jackson County (EA, section III, 4).
- The mineral potential for the selected tracts is similar in nature to the base lands shown on Appendix A-1 and A-2. Both the base lands and selected lands are found to be non-mineral in character.
- The proposed action would not have an adverse effect on the increased supply and availability of energy to our Nation.
- Consultation has been completed with the U. S. Fish and Wildlife Service, which found that the Proposed Action is not likely to jeopardize the continued existence of any listed species (EA, pp 8-11). Because the State of Oregon is likely to transfer the subject tracts to private parties who may wish to develop or harvest them, and because at this time the U. S. Fish and Wildlife Service is unable to develop those prudent measures and terms and conditions necessary or appropriate to minimize the impact of such taking consistent with 50 CFR 402.14(I), the U. S. Fish and Wildlife Service is not providing an incidental take statement authorizing take of listed species associated with the indirect effects of the actions described in the Biological Opinion, and thus this Proposed Action.
- The Proposed Action would not violate Federal, State, and local law requirements imposed for protection of the environment.

DETERMINATION

On the basis of the information contained in the environmental assessment, and all other information available to me, it is my determination that by completing the processing of the Application of Indemnity Selection for school lands submitted by the State of Oregon, Case File OR 49274, the transfer of the three Medford parcels (M-1, M-2 and M-3) as described in the Proposed Action would 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 *Medford District Record of Decision and Resource Management Plan* (June 1995), with which this EA is in conformance, 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.

Julia Dougan
District Manager, Eugene District

March 21, 2002
Date