



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE  
3040 Biddle Road  
Medford, Oregon 97504  
email address: or110mb@or.blm.gov

IN REPLY REFER TO:  
1792 (116)  
R/W M-660 and M-660a EA  
A6941(WHY:jl)

OCT 22 2002

Dear Interested Public:

The *Environmental Assessment* (EA) for the Reciprocal Right-of-way Agreements M-660 and M-660A is being advertised in the Medford Mail Tribune for a 30-day public review period. The Proposed Action represents a request to amend an existing reciprocal right-of-way agreement, M-660A, from Estremado's, and a similar request to amend agreement M-660 from the Boise Corporation.

The Estremado proposed action is to add a portion of existing Bureau of Land Management (BLM) Road 37-3-9.2 to the existing reciprocal right-of-way agreement and to construct approximately 350 feet of new road from the east boundary of the SE 1/4 SE 1/4, section 30, T36 S, R3 W, to the south boundary, in the SW 1/4 SW 1/4, SW 1/4 of section 29, T 36 S, R 3 W, Willamette Meridian, Jackson County, Oregon.

The Boise Corporation proposed action is to amend the existing reciprocal right-of-way agreement to add BLM Road 37-3-9.2, from the South boundary of the SW 1/4 SW 1/4, section 4, T 37 S., R 3 W, to the West boundary of the SE 1/4 SW 1/4, section 31, T 36 S, R 3 W, Willamette Meridian, Jackson County, Oregon.

The primary purpose of a public review is to provide the public with an opportunity to comment on the BLM's determination that there are no significant impacts associated with the proposed action beyond those impacts addressed in the Medford District Record of Decision and Resource Management Plan.

This EA is published on the Medford District web site, [www.or.blm.gov/Medford/](http://www.or.blm.gov/Medford/), under "Planning Documents."

We welcome your comments on the content of the EA. We are particularly interested in comments that address one or more of the following: (1) new information that would affect the analysis, (2) information or evidence of flawed or incomplete analysis; and (3) alternatives to the Proposed Action that would respond to purpose and need. Specific comments are the most useful. Comments, including names and addresses, will be available for public review. Individual respondents may request confidentiality. If you wish to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

All comments should be made in writing and mailed to Bill Yocum, BLM, 3040 Biddle Road, Medford, OR 97504. Any questions should be directed to Bill at (541) 618-2384.

Sincerely,

Richard J. Drehobl  
Field Manager  
Ashland Resource Area

Enclosure (as stated)

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT  
ASHLAND RESOURCE AREA

ENVIRONMENTAL ASSESSMENT

FOR

RECIPROCAL RIGHT-OF-WAY AGREEMENTS  
M-660 AND M-660A

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
ASHLAND RESOURCE AREA

EA COVER SHEET

Project Name/Number: RECIPROCAL R-O-W AGREEMENTS M660 & M-660A  
# OR-116-03-02

Location: T. 36 S., R. 3 W., Section 29, 30, & 31 Willamette Meridian  
T. 37 S., R. 3 W., Section 4, 5, & 6 Willamette Meridian

Preparer/Lead: Jim McConnell

Preparers/Reviewers	Resource Values
<u>Mike McKey</u>	<u>Engineering, Roads</u>
<u>Dan Dammann/Dave Squyres</u>	<u>Floodplains, Wetlands, Soils and Water</u>
<u>George Arnold</u>	<u>Wildlife, T &amp; E Animals</u>
<u>Brad Tong</u>	<u>T &amp; E Plants</u>
<u>Jennifer Smith</u>	<u>T &amp; E Fish</u>

Format/Adequacy Jim McConnell

## I. INTRODUCTION

### A. Need for Proposal

We have received a request to amend an existing reciprocal right-of-way agreement, M-660A, from Estremado's, and a similar request to amend agreement M-660 from the Boise Corporation. The proposal is to add an existing section of road and to construct 350 feet of new road.

### B. Conformance with Land Use Plans

The proposed action is in conformance with the Medford District Record of Decision (ROD) for the Resource Management Plan (RMP) dated June, 1995.

### C. Relationship to Statutes, Regulations, and Other Plans

The proposed action and alternatives are in conformance with direction given for the management of public lands in the Medford District by the Federal Land Policy and Management Act of 1976 (FLPMA) and the Oregon and California Lands Act of 1937 (O&C Act). The Federal Land Policy and Management Act says, unless otherwise specified by law, BLM lands shall be managed on the basis of multiple use and sustained yield. The BLM is directed to manage the lands covered under the O & C Act for permanent forest production under the principles of sustained yield.

The environmental assessment (EA) is being prepared to determine if the proposed action and any of the alternatives would have a significant effect on the human environment thus requiring the preparation of an Environmental Impact Statement (EIS) as prescribed in the National Environmental Policy Act. It is also being used to inform interested parties of the anticipated impacts and provide them with an opportunity to comment on the various alternatives.

## II. Alternatives, Including Proposed Action

### A. Alternative I (Proposed Action)

The Estremado proposed action is to amend the existing reciprocal right-of-way agreement (M660A). This amendment is for the addition of the right-of-way width (15 feet each side of centerline) along existing BLM Road 37-3-9.2, from the East boundary of the SE 1/4 SE 1/4, section 5, T 37 S., R 3 W, to the junction of proposed road 36-3-30.1 within the SE 1/4 SE 1/4, section 30, T 36 S, R 3 W, Willamette Meridian, Jackson County, Oregon. Approximately 350 feet of proposed new construction with a right-of-way width of 20 feet on each side of the centerline. The new construction is from the east boundary of the SE 1/4 SE 1/4, section 30, T36 S, R3 W, to the south boundary, in the SW 1/4 SW 1/4, SW 1/4 of section 29, T 36 S, R 3 W, Willamette Meridian, Jackson County, Oregon.

The Boise Corporation proposed action is to amend the existing reciprocal right-of-way agreement (M660). This amendment is for the addition of the right-of-way width (15 feet each side of centerline) along existing BLM Road 37-3-9.2, from the south boundary of the SW 1/4 SW 1/4, section 4, T 37 S., R 3 W, to the west boundary of the SE 1/4 SW 1/4, section 31, T 36 S, R 3 W, Willamette Meridian, Jackson County, Oregon.

**B. Alternative II (No Action Alternative)**

The no action alternative would be to deny the right-of-way and not allow construction of any new road across BLM for purposes of ingress and egress to the adjacent private property.

**III. Environmental Impacts**

The analysis of impacts address direct, indirect, and cumulative impacts on all affected resources of the human environment, including a review of the following critical elements.

Critical Element	Affected		Critical Element	Affected	
	Yes	No		Yes	No
Air Quality		X	T & E Species		X
ACEC 's		X	Wastes, Hazardous/ Solid		X
Cultural Resources		X	Water Quality		X
Farmlands, Prime/Unique		X	Wetlands/Riparian Zones		X
Floodplains		X	Wild & Scenic Rivers		X
Nat. Amer. Rel. Concerns		X	Wilderness		X

**A. Soils and Watershed**

**Estramado:** A small section (about 350 feet) of new road construction on BLM land is proposed on the Galls Creek side of the ridge line between Galls Creek and Foots Creek to access private land in T37, R3W, Sec 32. The proposed road would be near the top of a ridge, with moderate side slopes. The slump potential in this area is low and there are no direct links to any streams or draws along the proposed road. There would be a short term increase in sediment production due to road construction activities. This increase in sediment would diminish after the initial flush of sediment is dispersed and the potential for this sediment to reach a stream is low. There may be a slight increase in sediment production due to log hauling, however this increase would diminish soon after log hauling activity ends.

Travel on this road and spur road construction should not pose a threat to fish. However, sediment could be produced from road maintenance and from travel on the road during hauling. The following conditional measures are required to reduce the input of sediment into the stream system:

Conditional measures:

- 1). A seasonal restriction for hauling, road construction, and road renovation will be in place from October 15 to May 15 and during significant rain events (>0.2" in 24 hours) would be required. This restriction could be waived under dry conditions if approved by the Authorized Officer.
- 2). New road construction will meet or exceed Bureau of Land Management (BLM) Best Management Practices (BMPs).

BLM records indicate populations of steelhead (*Oncorhynchus mykiss*) trout in Galls Creek, approximately one mile from the proposed road construction and in Miller Gulch approximately 3/4 mile from the proposed haul route.

Determination of No Effects on Southern Oregon/Northern California (SONC) Coho Salmon, SONC Critical Habitat, and Essential Fish Habitat from Implementation of this action

**Boise:** Logging is proposed to occur on private land within the Foothills Creek drainage area. The proposed haul route would occur on approximately 7 miles of an existing BLM road (37-3-9.2). This is a crushed rock surface road that follows the ridge line between Foothills Creek and Galls Creek. This road is very well constructed and in excellent condition. The road has good drainage structure, which includes rolling water dips, and is on or near a ridge for much of its length. There may be a slight increase in sediment production due to log hauling, however this increase will diminish soon after log hauling activity ends. The potential for sediment reaching streams is minimal because of the excellent road drainage and there are very few stream or draw crossings which limits the number of direct links between the road and streams.

A small tributary (N-type) to Foothills Creek runs through the harvest unit and under the Oregon Forest Practices Act, no riparian buffer is required. Harvest has already been completed under and existing O&C permit and no new road construction or renovation is required.

Foothills Creek supports populations of coho salmon, steelhead, rainbow and cutthroat trout (South Rogue Gold Hill WA 2001). Steelhead may use Miller's Gulch but their upper distribution is unknown. The distance from the harvest activities to fish presence is over one mile and the haul route follows Galls Creek for approximately 6 miles. ODFW surveys (2001) confirmed steelhead, rainbow trout and cutthroat trout in Galls Creek, up to river mile 5.5. Galls Creek is listed by the

Department of Environmental Quality (DEQ) (1994) as water quality limited for temperature.

Determination of No Effects on Southern Oregon/Northern California (SONC) Coho Salmon, SONC Critical Habitat, and Essential Fish Habitat from Implementation of this action.

#### **B. Cultural Resources/ Threatened and Endangered Plants**

Surveys for cultural resources were completed in the proposed location and no artifacts were located. Surveys for threatened or endangered plants were completed.

*Bryoria tortuosa*, a Northwest Forest Plan Category D lichen, is known to occur in the vicinity of the new construction right-of-way. Surveys did not discover any Survey & Manage nonvascular plant species in the new construction right-of-way.

April 2000 surveys for vascular plants found one new population of *Fritillaria gentneri*. No other Special Status plants were found in the project area. *Fritillaria gentneri* is listed as endangered under the Endangered Species Act of 1973. New road realignment and prescribed conservation measures resulted in a no effect determination to this population. Consultation and effects analysis with the US Fish & Wildlife Service determined that actions taken on private land would adversely affect but not jeopardize the continued survival of *Fritillaria gentneri*. While surveys were not conducted on private land, effects analysis estimated that less than 19 plants and 295 acres of suitable habitat could be affected. In the Biological Opinion, it is recommended that Estramado conduct surveys for *Fritillaria gentneri* and report findings to the USFWS.

#### **PDFs**

1. Season of operations is limited to August through January. *Fritillaria gentneri* should be dormant during this period, therefore minimizing potential damage to the plants.
2. Logging skidders and construction equipment would be cleaned to remove mud, debris, and vegetation material prior to arriving at the project area, especially the undercarriage. This action will help prevent the spread of noxious weeds and nonnative plants.
3. If *Fritillaria gentneri* plants are not dormant during log hauling, dust abatement will occur in the vicinity of known sites along the haul route.
4. Guyline anchors and tailholds are not allowed within 175 feet of known sites of *Fritillaria gentneri* unless approved by the Authorized Office.
5. Environmental Stipulations will be included in the right-of-way amendment.

#### **Environmental Stipulations for Reciprocal Right-of-Way Amendments**

A. The Permittee agrees that in all operations for roads listed under this amendment, the Permittee shall comply with:

1. All provisions of the State and Federal Water Quality Standards as they may

apply to any waterway, stream, lake or reservoir, on or near the permit area, together with all applicable State and Federal laws and regulations. The Permittee shall also undertake every reasonable measure to minimize damage to waterways, streams, lakes or reservoirs on or near the permit area.

2. All applicable State and Federal laws and regulations concerning the use of poisonous substances, including insecticides, herbicides, fungicides, rodenticides and other similar substances. Prior to the use of such substances on or near the right-of-way, the Permittee shall obtain from the authorized officer approval of a written plan for such use. The plan shall state the type and quantity of material to be used, the pest to be controlled, the method of application and such other information as the authorized officer may require. All use of such substances on or near the right-of-way shall be in accordance with the approved plan. If the use of a poison is prohibited by the Secretary of the Interior, it shall not be used. If use of a poison is limited by the Secretary of the Interior, it shall be used only in accordance with that limitation.
3. All other applicable State and Federal environmental laws, regulations and standards.

### C. Wildlife

**Estremado:** The proposed action would result in habitat removal and modification on BLM and private land. Proposed road construction would remove existing vegetation on approximately 0.10 acre of BLM managed land, and 0.50 acre of private land. The impact to wildlife from the removal of this small amount of habitat would be negligible.

The road construction would facilitate timber harvest (habitat modification) on approximately 45 acres of private land. The distribution and relative abundance of wildlife species on this parcel would change since the habitat modification would benefit some species and adversely affect others. For example, species preferring open-canopy early-seral vegetative conditions would likely benefit from the habitat modification; whereas those species preferring closed-canopy mid-seral conditions could be adversely affected by the habitat modification. No species are expected to be extirpated from the proposed project area due to the habitat modification.

No listed or proposed threatened or endangered terrestrial wildlife species would be affected by the proposed action. The proposed project is within the range of the northern spotted owl (*Strix occidentalis caurina*) and bald eagle (*Haliaeetus leucocephalus*); both species are listed as threatened. The proposed project area is not within the range of any proposed species. Neither the proposed road construction nor the planned timber harvest on private land is in suitable habitat for either the northern spotted owl or the bald eagle. Also, there are no known nest sites for the listed species proximate to the road to be included in Reciprocal Right-of-Way Agreement M-660A.

**Boise:** The proposed action would provide Boise with access to approximately 120 acres of their land. Timber harvest operations were recently completed on this parcel so it is anticipated that future actions would primarily be timber improvement projects (e.g. precommercial thinning). The distribution and relative abundance of wildlife species would be expected to change as these operations occur, but the overall impact to wildlife in the general area is expected to be relatively minor.

As with the Estremado proposed action described above, listed or proposed threatened or endangered species would not be affected. The Boise parcel does not provide suitable habitat for the northern spotted owl or bald eagle, and there are no known nest sites for these species proximate to the road to be included in the Reciprocal Right-of-Way Agreement M-660.

#### D. Engineering

The following project design features would be followed if Alternative I is selected.

Road construction slash would be windrowed at the base of the fill slope to catch sediment. Where feasible, the running surface would be out sloped with rolling water dips. Fill slopes and fill shoulders would be seeded with native mix or other approved seed mix.

Road construction usually occurs during the dry season (May 15 to October 15) in order to reduce the potential for soil erosion and degradation of water quality. However, it is sometimes necessary to construct roads during the fall or spring when soil moisture is optimum for compaction. This also helps to prevent fill settlement and cracking. All construction activities would be stopped during a rain event of 0.2 inches or more within a 24 hour period. If on-site information is inadequate, measurements from the nearest Remote Automated Weather Station would be used. Construction activities would usually not occur for at least 48 hours after rainfall has stopped or by approval of the Authorized Officer.

Dust abatement would provide driver safety and protect the road surface by stabilizing and binding the aggregate road surface. Water, lignin, magnesium chloride, road oil, or Bituminous Surface Treatment (BST) would be used.

Roads would be maintained on a long term basis. Minor improvements and design changes may be needed to stabilize and correct conditions that are causing erosion or unsafe situations.

#### E. No Action Alternative

The no action alternative would mean the applicant would not be able to access their private property using the most reasonable route available to them.

If the Right-of-Way Agreement is not amended the small amount of habitat loss associated with the road construction might not take place. Timber on the private parcel, however, would still likely be logged; the method of logging would differ. Impacts of the no action alternative to wildlife, therefore, are virtually the same as that of the proposed action.

IV. List of Agencies and Persons Consulted

State Historic Preservation Officer  
National Marine Fisheries Service  
Fish & Wildlife Service