

ENVIRONMENTAL ASSESSMENT (EA)

EA Number: OR-105-99-

BLM Office: South River RA, Roseburg District

Proposed Action Title: Application to Withdraw Lands from Public Land Laws and Mining Laws for Recreation Sites

I. INTRODUCTION

A. Need for Proposed Action: The Roseburg District Manager, through an interdisciplinary review and public input, determined a need for the protective withdrawal during the land use planning process. The Roseburg District RMP was adopted June 1995. There is projected to be an increase in demand for recreational opportunities, both developed and dispersed. The withdrawal would provide for the future development of dispersed recreational opportunities. Withdrawal of these sites would protect the areas from non-discretionary activities that could result in irreparable damage to the recreational and scenic values that are unique to these sites. This action would provide for the management of Bureau of Land Management (BLM) administered land to protect natural resources, provide visitor safety, and minimize conflicts among various uses. The proposed withdrawal is needed in order to protect these values and to assure that these lands will be retained in public ownership.

B. Location of Proposed Action:

Federal Lands:

Island Creek Recreation Site

T. 31 S., R. 7 W.,

Sec. 1, Lot 5, except that portion granted to the railroad under the Act of July 25, 1866, (14 Stat. 239).

Containing 41.72 acres of Oregon and California Revested Grant Lands (O & C).

Iron Mountain Creek Recreation Site

T. 31 S., R. 7 W.,

Sec. 4, NE¹/₄SE¹/₄, except that portion granted to the railroad under the Act of July 25, 1866, (14 Stat. 239).

Containing 36.60 acres of Public Domain Land.

Pickett Bridge Recreation Site

T. 30 S., R. 2 W.,

Sec. 23, SW¹/₄NE¹/₄.

Containing 40.00 acres of O & C.

Olalla-Thompson Creek Day Use Site

T. 30 S., R. 7 W.,

Sec. 5, SW¹/₄NE¹/₄SW¹/₄, SE¹/₄NW¹/₄SW¹/₄, N¹/₂NE¹/₄SW¹/₄SW¹/₄.

Containing 25.00 acres of O & C.

Total Federal Acres: 143.32

Private Lands:

Island Creek Recreation Site

T. 30 S., R. 7 W.,

Sec. 36, S¹/₂S¹/₂S¹/₂SW¹/₄.

T. 31 S., R. 7 W.,

Sec. 1, That portion of Lot 5 granted as right-of-way (R/W) to the railroad under

the Act of July 25, 1866, (14 Stat. 239), and the NW¹/₄NW¹/₄.
Containing 60.50 acres.

Iron Mountain Creek Recreation Site

T. 31 S., R. 7 W.,

Sec. 4, That portion of the NE¹/₄SE¹/₄ granted as R/W to the railroad under the Act of July 25, 1866, (14 Stat. 239).

Containing 3.40 acres.

Total Private Acres subject to withdrawal upon acquisition: 63.90

Note: The railroad R/W grants, under the Act of July 25, 1866, (14 Stat. 239), have been called a "limited fee" title. This is considered a fee title subject only to the possible reversion to the United States for non-use for railroad purposes. The railroad grant lands subject to reversion contain approximately 3.90 acres of the private land described above.

The areas described, including both public and private lands, aggregate 207.22 acres.

- C. Conformance with Applicable Land Use Plan:** This proposed action is subject to the following land use plan:

Name of Plan: Roseburg District Record of Decision and Resource Management Plan

Date Approved: June 2, 1995.

This plan has been reviewed to determine if the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5.

II. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

- A. Proposed Action:** This proposed action is to withdraw 207.22 acres of federal and private land for a period of 20 years. The public land would remain under the jurisdiction of the BLM as would the private lands if they came under Federal ownership. No lands within the exterior boundaries of the proposed withdrawal area are to be exempted from the requested action. The full acreage of Federal and non-Federal surface estate and mineral estate would become subject to the proposed withdrawal.

The withdrawal would preclude settlement, sale, location, or entry under the general land laws, including the mining laws (30 U.S.C. 21-54). Leasing under the mineral leasing laws, the issuance of permits, and other discretionary land use authorization under authority of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1712) would still be allowed.

The lands would be withdrawn to protect and preserve existing recreational and natural values, including scenic, botanical, water quality and wildlife values, as well as substantial public investment in improvements, such as paving. The lands would be managed to control or avoid land uses that would degrade the recreational and natural values.

- B. Alternatives:** No Action Alternative: The No Action alternative would be to not proceed with the request for withdrawal. Such alternative would not guarantee adequate protection of the sites, and would preclude some of the proposed recreational uses.

Alternative Sites: The proposed action is to protect and preserve the public financial investment and natural resource values of the four areas. The values to be protected are inherent in the property and cannot be replaced or relocated. There are no alternative sites that can be considered because each site is unique in its location, ownership and recreation potential.

Adequacy of rights-of-way or cooperative agreements: It has been determined that alternatives such as rights-of-way (R/W) reservation or cooperative agreements would not adequately constrain

nondiscretionary uses which could destroy the resource values of the areas. Cooperative agreements would not be appropriate because there is no other party with whom to cooperate. Neither option would preclude mining claim location and the establishment of possessory rights.

Adequacy of surface management regulations (43 CFR 3809): These regulations provide BLM with the authority to prevent unnecessary and undue degradation from mining operations. The regulations would not provide any authority to prevent the destruction or degradation of recreational and scenic values that could result from necessary activities connected with a mining operation. The regulations would not prevent transfer of the lands out of public ownership through issuance of a mineral patent.

III. AFFECTED ENVIRONMENT

- A. **General Setting.** The subject areas are located in Douglas County. These areas are primarily rural residential mixed with private corporation and government ownership. Island Creek and Iron Mountain Creek are within the area designated as Cow Creek Road Back Country Byway. Pickett Bridge is on the South Umpqua River approximately 3 miles northeast of the town of Tiller. Olalla-Thompson Creek is approximately ½ mile from the end of County Road 38 at the confluence of Olalla Creek and Thompson Creek.
- B. **Affected Resources.**
1. **Mineral Resources.** A mineral report has been prepared for this proposal. The report indicates that Island Creek, Iron Mountain Creek and Olalla-Thompson Creek sites have locatable (gold) deposits with foreseeable development potential. Based on the known history of activities on these sites, that activity would consist of minor, in season, suction dredge activity. Evidence to this point is such as to indicate that the deposits would not be economic to develop. The Pickett Bridge site includes the correct geologic setting for the concentration of gold but is not known to contain any, so the mineral potential has no foreseeable development potential.
 2. **Cultural Resources.** Two of the four areas contain known archaeological sites. The Pickett Bridge parcel contains archaeological sites 35DO154 and 35DO662, and the Olalla-Thompson Creek parcel contains archaeological site 35DO665. There is no change in ownership nor any ground disturbing activities currently planned for these areas, so there should be no effect to the archaeological values present.
 3. **Flood Plain and Wetland/Riparian Zones.** The Federal Emergency Management Agency (FEMA) maps were consulted but do not cover these sites. All of the areas are located along a creek or river, so some portion of each site would be within the 100-year flood plain. A field survey is recommended for any proposed project or future development at any of the sites.
 4. **T & E Species and Species of Concern.** The proposed recreation withdrawal sites identified special status species that may inhabit or utilize these areas, including northern spotted owl, marbled murrelet, bald eagle, trout (Umpqua Cutthroat and Steelhead), and salmon (Coho and Chinook). This proposal would not involve the development of any of the sites; therefore there would not be a loss of any habitat for the above mentioned species. Any future development of the sites would require site specific review for impacts.

Each site is reviewed for those T & E species and species of concern that may inhabit or utilize the area.

- a. **Island Creek Recreation Site.** This site is in Late Successional Reserve (LSR).

1) **Northern Spotted Owl.** The federal land is not considered suitable spotted owl habitat at this time. The private land has suitable spotted owl habitat. This site is within the provincial radius of one known spotted owl pair. This area is also part of Critical Habitat Unit OR-62 designated by the US Fish and Wildlife Service (USFWS) for the recovery of the northern spotted owl.

2) **Marbled Murrelet.** Potential habitat is located northeast and south of this site.

3) **Bald Eagle.** The federal land contains hardwood and some remnant conifer species in the western portion adjacent to Cow Creek. The private land has suitable roosting habitat for bald eagles in the winter. Bald eagles have been observed using the Cow Creek drainage during the winter months and do use the older forest stands for roosting, perching, and foraging along the creek channel.

4) **Fish.** This area is used by trout (Umpqua Cutthroat and Steelhead) only during migration into and out of the Cow Creek drainage system. Chinook salmon use this area during the late fall and early winter for spawning. The spawning season occurs at a low use time. Coho salmon use this area for migration into and out of tributaries for spawning.

b. Iron Mountain Creek Recreation Site. This site is part of LSR area.

1) **Northern Spotted Owl, Marbled Murrelet and Bald Eagle.** There is suitable habitat within ½ mile of Cow Creek for these species. This area is part of Critical Habitat Unit OR-62 designated by the USFWS for the recovery of the northern spotted owl.

2) **Fish.** This area is used by trout (Umpqua Cutthroat and Steelhead) only during migration into and out of the Cow Creek drainage system. Both Chinook and Coho salmon use this area during the late fall and early winter for spawning. Chinook are known to use Cow Creek for spawning and Coho are known to use Iron Mountain Creek. The spawning season occurs at a low use time.

c. Pickett Bridge

1) **Northern Spotted Owl and Bald Eagle.** The forest in this area is considered suitable spotted owl habitat. There is suitable bald eagle habitat along the South Umpqua River corridor.

2) **Fish.** There is potential for both Umpqua Cutthroat and Steelhead trout to use this area for spawning. There is potential for Chinook salmon to use this area for spawning. The large pool on private could be a holding area for Spring Chinook salmon during the summer.

d. Olalla-Thompson Creek. The site is part of LSR area.

1) **Northern Spotted Owl and Marbled Murrelet.** There is suitable habitat in and around the proposed area.

2) **Fish.** This area contains important spawning and rearing habitat for the federally listed Umpqua Cutthroat Trout. This habitat is vital for the life cycle of the species. Steelhead Trout also use this area for spawning and rearing. There is a high density of spawning and rearing activity by Coho salmon in Thompson Creek.

5. **Riparian Reserves.** This action will be in support of the Aquatic Conservation Strategy objectives. Any development of the individual sites will require an environmental analysis as to the effects.

IV. **ENVIRONMENTAL CONSEQUENCES**

The proposed withdrawal areas are essentially the same as those analyzed in the Roseburg District Resource Management Plan and Environmental Impact Statement (1994). Minor acreage clarifications have been incorporated. The proposal for the development of the Island Creek and Iron Mountain Creek areas as recreational gold panning sites was presented to the District by the claimants involved during the development of the Roseburg District RMP. All of these sites were identified in the plan and were not protested by the public or the claimants.

The following critical elements have been analyzed and will not be affected: Air Quality, Areas of Critical Environmental Concern, Prime or Unique Farmlands, Native American Religious Concerns, Hazardous or Solid Waste, Wild and Scenic Rivers, and Wilderness.

- A. **Impacts of the Proposed Action.** Approval of the proposed withdrawal would remove 143.32 acres of existing mineral estate and 63.90 acres of potential future public mineral estate from possible entry under the federal mining laws. This action would preclude the possibility of the land passing into private ownership through patenting under the mining laws. This action would also preclude potential locatable mining activities that could degrade or destroy existing recreational and scenic values.

Precluding mining on these lands would mean that potential employment and income from mining operations on these lands would be foregone. The withdrawal would assure BLM the discretionary control of the lands needed to protect significant recreational and natural values and provide security for future public investments.

No adverse impacts to soils or water resources have been identified. Restricting these lands from mineral exploration and/or utilization may have the potential benefit of preventing in-stream or upland disturbances to soil and water resources that are associated with mining activities such as erosion, stream turbidity, reduced streamside vegetation, and changes in stream channel characteristics.

- B. **Impacts of Alternatives.** Reliance on the surface management regulation (43 CFR 3809) would not adequately constrain nondiscretionary uses which could irrevocably destroy the resource values to be protected, threaten public health and safety, allow the establishment of possessory rights, and lead to transfer of the land out of public ownership.
- C. **Mitigation Measures.** The proposed action would maintain old forest habitat along three major riparian corridors. Acquiring the private portion of this proposed site would maintain old forest habitat along a major riparian corridor. The adverse impacts of the No Action alternative could be mitigated through approval of the proposed withdrawal.

V. **LIST OF PREPARERS**

The following BLM resource specialists have examined the proposed action and provided input for this assessment:

<u>Participant</u>	<u>Title</u>	<u>Resource</u>
Todd Kuck	Hydrologist	Flood Plains/Wetlands
Roli Espinosa	Wildlife Biologist	T&E Wildlife

Gary Basham	Botanist	T&E Plants
Aimee Burns	Bio. Tech. (Fisheries)	T&E Fish
Don Schleen	Archaeologist	Cultural
Ted Weasma	Geologist	Minerals
Dave Mathweg	Recreation Planner	Recreation
Diann Rasmussen	Realty Specialist	Project Lead/EA Writer

VI. LIST OF AGENCIES AND PERSONS CONSULTED

The proposals for Island Creek and Iron Mountain Creek areas as recreational gold panning sites were presented to the BLM by the claimants involved during the development of the Roseburg District RMP. The subject lands were proposed for withdrawal in the Draft Roseburg District Resource Management Plan (RMP) and Environmental Impact Statement (EIS) for all but the Olalla-Thompson Creek site (Chapter 2-44). They were again reviewed in the Proposed RMP (Table 2-3, Chapter 3-21), this time with the inclusion of Olalla-Thompson Creek. Finally, they were reviewed in the Record of Decision (ROD) and RMP (Page 57, Table 2, and Map 3) which is linked to the Roseburg District Final EIS dated October 1994. The public was afforded public comment opportunities throughout the development of the Roseburg District RMP and EIS. The subject EIS and ROD were advertised and made available for public comment. Direct mailings announcing the availability of the EIS and ROD were sent to select Oregon state agencies, individuals, and groups including environmental organizations. All of these proposals were identified in the plan and were not protested by the public or the claimants.

On November 17, 1997, a Notice of Proposed Withdrawal and Opportunity for Public Meeting was published in the Federal Register. On February 5, 1998, a Notice of Correction of the Notice of Proposed Withdrawal and Opportunity for Public Meeting was published in the Federal Register. The same notice was published (December 17, 1997) and the same correction notice was published (February 13, 1998) in a local paper, The News Review, Roseburg, Oregon. No public comments were received, a public meeting was determined to be unnecessary.

CRITICAL ELEMENTS OF THE HUMAN ENVIRONMENT

The following elements of the human environment are subject to requirements specified in statute, regulation, or executive order. These resources or values are either not present or would not be affected by the proposed actions or alternatives, unless otherwise described in this EA. This negative declaration is documented below by individuals who assisted in the preparation of this analysis.

Element	Responsible Position	Initials	Date	Remarks
Air Quality	Fuels Management Specialist			
Areas of Critical Environmental Concern	Environmental Specialist			
Cultural Resources	Archeologist			
Environmental Justice	Environmental Specialist			
Farm Lands (prime or unique)	Soil Scientist			
Flood Plains	Hydrologist			
Native American Religious Concerns	Environmental Specialist			
Threatened or Endangered Species (wildlife)	Wildlife Biologist			
Threatened or Endangered Species (plants)	Botanist			
Threatened or Endangered Species (fish)	Fisheries Biologist			
Hazardous/Solid Wastes	District Hazardous Materials Coordinator			
Water Quality Drinking/Ground Water	Hydrologist			
Wetlands/Riparian Zones	Hydrologist			
Wild and Scenic Rivers	Recreation Planner			
Wilderness	Recreation Planner			

**Application to Withdraw Lands from
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SOUTH RIVER RESOURCE AREA

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

The South River Resource Area, Roseburg District, Bureau of Land Management, has analyzed a proposal called **Application to Withdraw Lands from Public Land Laws and Mining Laws for Recreation Sites**. In the proposed action, withdrawal of 207.22 acres of federal and private land for a period of 20 years would occur on lands located in T. 30 S., R. 2 W., Sec. 23; T. 30 S., R. 7 W., Sec. 36; T. 31 S., R. 7 W., Sec. 1 and 4, Willamette Meridian. This proposal is in conformance with the *"Roseburg District Record of Decision and Resources Management Plan"* (RMP), the *"Final Supplemental Environmental Impact Statement (FSEIS) on Management of Habitat for Late-Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl"* (Feb. 1994) and the Record of Decision (ROD) for that plan dated April 13, 1994. Five alternatives were analyzed: "proposed action", "no action", "alternative sites", "adequacy of rights-of-way or cooperative agreements", and "adequacy of surface management regulations (43 CFR 3809)" alternatives.

Review/Decision:

Environmental Compliance Review: I, have reviewed the environmental assessment and find that it is in compliance with NEPA and satisfies the environmental documentation requirements of the Bureau of Land Management for the proposed withdrawal action.

Paul J. Ausbeck Date
Environmental Coordinator
South River Resource Area

Finding of No Significant Impact: Based on the analysis of potential environmental impacts contained in the environmental assessment, I have determined that impacts are not expected to be significant and an EIS is not required for the proposed withdrawal action. I have determined that the proposed project is in conformance with the Roseburg District Record of Decision and Resource Management Plan, June 1995.

Steven D. Niles Date
South River Resource Area Manager

Decision: I have reviewed the recommendations contained in this report and approve such recommendations as the Bureau's decision on the proposed withdrawal action.

Cary Osterhaus Date
Roseburg District Manager