

CHAPTER 4 - CONSULTATION AND COORDINATION

The Forest Service consulted the following individuals, Federal, State, and local agencies, tribes and non-Forest Service persons during the development of this environmental assessment:

ID TEAM MEMBERS:

Team Leader/Hydro	Tech Ernie Ledbetter
Wildlife Biologist	Deborah Quintana
Botanist	Kim McMahan
Fish Biologist	Doug Larson
Soil and Water Sciences	David Murdough
Fire	Dennis Sullivan
Archaeologist	Cathy Lindberg
Recreation	Dave Tangen
Engineering	Dawn Pozzani

FEDERAL, STATE, AND LOCAL AGENCIES:

US Fish and Wildlife Service
Oregon Dept. of Fish and Wildlife
Oregon Dept. of Environmental Quality
City of Oakridge
City of Westfir
Lane County Board of Commissioners
Douglas County Board of Commissioners
US Rep. 4th District Peter Defazio
US Sen. (Oregon), Honorable Ron Wyden
USFS Regional Office

ODOT

<i>TRIBES</i>
Confederated Tribes of the Warm Springs
Confederated Tribes of the Grand Ronde
The Klamath Tribe
Confederated Tribes of the Siletz Indians
Cow Creek Band of the Umpqua Indians
Confederated Tribes of Coos, Lower Umpqua & Siuslaw
Coquille Tribe

<i>OTHERS</i>	
Cascadia Wildlands Project	Dead Mountain Echo Editor
Rocky Mountain Elk Foundation	John M. Moran
Oregon Natural Resources Council	Dick & Marcie Klocko
Sierra Club-Many Rivers	Dave Black
The McKenzie Flyfishers	Jon Devorak
OOHVA	Drum Evens
Cascade Flyfishers	Mary O'Brien
American Forest Resource Council	Randy Zustiak

OTHERS

American Lands Alliance J Davidson & Sons

NPSO Scott Keep

Lane County Audobon Society Alan Bennett

South Willamette Earth First Dennis Chappa

Emerald Trail Riders Assoc Jim Claffin

Northwest Trail Riders Jim Person

Back Country Horsemen of
America Terry Peters

The Obsidians Jack Watson

Jeff Ammon John Koenig

Joanne Vinton Betty Jean Keele

Becky Hope Della Webb

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USDI Fish and Wildlife Service. 2006. Biological Opinion and Letter of Concurrence for Effects to Bald Eagles, Northern Spotted Owls and Northern Spotted Owl Critical Habitat from the U.S. Department of the Interior; Bureau of Land Management, Eugene District and Salem District; U.S. Department of Agriculture, Mt. Hood and Willamette National Forests, and Columbia River Gorge National Scenic Area – Calendar Years 2007-2008 Habitat Modification Activities within the Willamette Province. (FWS Reference Number pending) USFWS, 2006.

APPENDICES

Appendix A - Federal and State Laws, Regulations, and Executive Orders:

The National Environmental Policy Act (NEPA) of 1969, as amended

The purposes of this Act are "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nations; and to establish a Council on Environmental Quality" (42 U.S.C. Sec. 4321). The law further states "it is the continuing policy of the Federal Government, in cooperation, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of the present and future generations of Americans. This law essentially pertains to public participation, environmental analysis, documentation and appeals.

NEPA establishes the format and content requirements of environmental analysis and documentation such as the Niner project analysis. The entire process of preparing an environmental assessment was undertaken to comply with NEPA requirements, as codified by 40 CFR 1501 and the Forest Service Handbook 1909.15, Chapter 40.

The National Forest Management Act (NFMA) of 1976

This Act guides development and revision of National Forest Land Management Plans and addresses a range of activities from required reporting that the Secretary must submit annually to Congress to preparation requirements for timber sale contracts. There are several important sections within the act, including Section 1 (purpose and principles), Section 19 (fish and wildlife resources), Section 23 (water and soil resources), and Section 27 (management requirements that relate to perspective project planning).

All alternatives were developed to be in full compliance with NFMA via compliance with the Willamette National Forest Land and Resource Management Plan, as amended. This EA contains references as to how this project complies with Forest Plan and Northwest Forest Plan standards and guidelines.

The Endangered Species Act of 1973, as amended

The purposes of this Act are to "provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such tests as may be appropriate to achieve the purpose of the treaties and conventions set forth in subsection (a) of this section." The Act also states "It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act."

Field surveys and Biological Evaluations for all listed endangered, threatened, or sensitive species have been conducted to determine possible effects of any proposed activities in the project area (see the Wildlife and Plant Biological Evaluations in the Analysis File).

The Clean Water Act, as amended in 1977 and 1982

The primary objective of this Act is to restore and maintain the integrity of the Nation's waters. This objective translates into two fundamental national goals: 1. Eliminate the discharge of pollutants into the nation's waters; and 2. Achieve water quality levels that are fishable and swimmable. This Act establishes a non-degradation policy for all federally proposed projects. Under Section 303(d) of the Clean Water Act, the State has identified water quality-limited water bodies in Oregon. Fall Creek is the only water body in the project area that is on the 303(d) list due to elevated temperatures.

All action alternatives including associated mitigation actions and BMPs are consistent with current management direction including Willamette Forest Plan Standards and Guidelines, Aquatic Conservation Strategy (ACS) Objectives (at the watershed analysis area) and the Federal Clean Water Act. Implementation of required BMPs would insure protection of water quality and beneficial uses under all alternatives.

The Clean Air Act, as amended in 1990

The purposes of this Act are "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population; to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution; to provide technical and financial assistance to state and local governments in connection with the development and execution of their air pollution prevention and control programs; and to encourage and assist the development and operation of regional air pollution prevention and control programs."

The action alternatives are designed to meet the National Ambient Air Quality Standards, as direction by the Oregon Smoke Management Act, through avoidance of practices which degrade air quality below health and visibility standards.

National Historic Preservation Act of 1966, as amended

This Act requires Federal agencies to consult with American Indian Tribes, and various State and local groups before nonrenewable cultural resources, such as archaeological and historic structures, are damaged or destroyed. Section 106 of this Act requires Federal agencies to review the effects project proposals may have on the cultural resources in the Analysis Area.

As described in Chapter 3, these activities are specifically addressed in the 2004 PA with the SHPO, under the road decommissioning activities described in Appendix B (5, 7, and 8). Since the proposed project activity would take place entirely in the road prism, it is recommended that it be excluded from case by case review, based on inspection and monitoring, as per PA. Activities in the vicinity of the historic Oregon Central Military Wagon Road (along Forest road 21) should be monitored by the district archaeologist or cultural resource technician as previously discussed with the project manager. Hence, the district archaeologist should be notified when operations begin. In the event that heritage

properties are located during the course of this project, all work in the area of this find shall be suspended immediately, while an archaeologist is notified to assess the find.

Executive Order 13186 (Migratory Bird)

On January 10, 2001, President Clinton signed an Executive Order (E.O. 13186) titled "Responsibilities of Federal Agencies to Protect Migratory Birds." This E.O. requires the "environmental analysis of Federal actions, required by NEPA or other established environmental review processes, evaluates the effects of actions and agency plans on migratory birds, with emphasis on species of concern."

Current science applied to S&Gs governing management of this area provide direction that would ensure the long term maintenance of amount and distribution of suitable habitat for native residents and migratory land bird species. The spatial and temporal extent of proposed activities that would result in disturbance to nesting birds in a small portion of the project area would mitigate the overall potential for disturbance and provide protection for nesting birds as intended under the Migratory Bird Treaty Act.

Prime Lands

The Secretary of Agriculture issued memorandum 1827 which is intended to protect prime farm lands and rangelands. The project area does not contain any prime farmlands or rangelands. Prime forestland is not applicable to lands within the National Forest System. National Forest System lands would be managed with consideration of the impacts on adjacent private lands. Prime forestlands on adjacent private lands would benefit indirectly from a decreased risk of impacts from wildfire. There would be no direct, indirect, or cumulative adverse effects to these resources and thus are in compliance with the Farmland Protection Act and Departmental Regulation 9500-3, "Land Use Policy".

Executive Order 13112 (Invasive Species)

This 1999 order requires Federal agencies whose actions may affect the status of invasive species to identify those actions and within budgetary limits, "(i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species... (iii) monitor invasive species populations... (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded;... (vi) promote public education on invasive species... and (3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species... unless, pursuant to guidelines that it has prescribed, the agency had determined and made public... that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions."

The action alternatives implement the direction from the Willamette Forest Plan and the Integrated Weeds Management EA. The action alternatives include mitigating measure (see Chapter 2 – Mitigation Common to All Alternative – Invasive Weeds) which would limit the spread of invasive weeds. Mitigating measures include the cleaning of off road equipment between infested work sites, pre-treating roads before road maintenance and reconstruction, re-vegetating all disturbed areas with weed-free mulch and native seed, and monitoring weed infestations following treatments..

Energy Requirement and Conservation Potential

There are no unusual energy requirements for implementing any of the alternatives

State Laws

Oregon State Best Management Practices (BMPs) - State BMPs are employed to maintain water quality and are certified by the Environmental Protection Agency for meeting the Clean Water Act.

The Oregon Smoke Management Plan - The Oregon State Implementation Plan and the Oregon State Smoke Management Plan are not applicable because the project would not dispose of waste or wood slash by burning.