The Nestucca National Back Country Byway Project

Finding of No Significant Impact (FONSI)[1]
for
Environmental Assessment: DOI-BLM-ORWA-S060-2014-0001-EA

May 10, 2016

United States Department of the Interior
Bureau of Land Management, Oregon State Office
Salem District, Tillamook Field Office
Tillamook and Yamhill Counties, Oregon

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Introduction

The Tillamook Field Office, Salem District Bureau of Land Management (BLM), proposes to implement the Nestucca National Back Country Byway Project (Byway Project). The Project is located on a total of approximately 41 miles of BLM controlled roads in Tillamook and Yamhill Counties, Oregon which are designated as a National Back Country Byway including the Nestucca, Bald Mountain and Bible Creek Access Roads. These road segments form a loop and are located approximately 14 miles east of Beaver, Oregon (U.S. Highway 101) to approximately 10 miles west of Carlton, Oregon (Oregon Route 47). The approximate14 mile road segment located west of the project area (from the project area to Hwy 101 at Beaver) is commonly referred to as Blaine Road; it is under the jurisdiction of Tillamook County. The 10 mile road segment located east of the project area (from the project area to Oregon Route 47 at Carlton) is commonly referred to as Meadow Lake Road; it is under the jurisdiction of Yamhill County. In addition to roads contained within the designated Back

[1] This **unsigned** FONSI is included here along with the Nestucca National Back Country Byway Project EA in order to provide the public the opportunity to review and comment on both documents. After a public comment period, the Tillamook Field Manager will consider comments received and if appropriate, will finalize and sign the FONSI.

Country Byway, the project area also includes 1.2 miles of Bald Mountain Road located in T4S, R7W sections 22 and 27 which is not designated as a Back Country Byway. This portion of Bald Mountain Road within the project area heads 1.2 miles south of the designated Back Country Byway loop and ends approximately 10.5 miles north of Willamina, Oregon via what are commonly referred to as Gilbert Creek, Coast Creek and Willamina Creek Roads which are also under the jurisdiction of Yamhill County.

The Byway Project area is located within T.3S, R.7W sections 13, 23, 24, 26, 27, 28, 31, 32, and 33; T.4S, R.7W sections 1, 6, 7, 8, 11, 12, 14, 15, 16, 17, 21, 22 and 27; T.3S, R.6W sections 7, 8, 13, 14, 15, 16, 17, 18, 20, 28, 29, 30, and 31; Willamette Meridian (WM). The majority (approximately 66%) of the roads to be impacted by the proposed project are located within the Nestucca River fifth field watershed however, approximately 2.9 miles of the eastern end of the Nestucca Access Road are in the North Yamhill fifth field Watershed, and approximately 9.9 miles of Bald Mountain Road and 1.1 miles of Bible Creek Road are located within the upper reaches of the Willamina Creek fifth field Watershed.

The proposed action (Alternative 2 of the EA) includes paving the 2.7 miles of the Nestucca Access Road that is currently gravel-surfaced; this would involve some minor road realignment and road prism widening to make this segment of road a double-lane road and accommodate ditches as proposed with the Storm Water Management Plan. The Elk Bend Campground parking lot would be redesigned, paved and generally upgraded to enhance safety, address parking lot, campground and toilet accessibility and user needs. The project would also involve replacing undersized and/or failing culverts along the Nestucca, Bible Creek, and Bald Mountain Access Roads; installing additional cross-drain culverts; replacing the current single-lane bridge on the Nestucca Access Road at Elk Creek with a two-lane bridge; chipsealing currently and newly paved road segments; repainting fog lines and centerlines; repairing multiple road slump areas; paving and/or restricting vehicular access to several existing pull-offs along the Nestucca Access Road; constructing additional paved turnouts or strategically widening identified stretches along Bible Creek and Bald Mountain Access Roads; managing roadside trees; installing traffic signs, informational signs and additional guard rails; and establishing a posted speed limit. The project also includes the restoration of an old asphalt waste site adjacent to the Nestucca River and the development of a day-use area within the site to help provide recreational opportunities displaced by the vehicle restrictions proposed at some of the existing pull-offs along the Nestucca Access Road.

Connected actions include activities such as realty actions; the development and use of end-haul waste areas; utilization of temporary storage areas, rock quarries and rock crushing sites; maintenance activities on roads being used to haul rock or waste material or to be used as alternate routes or detours; and exploration of the subsurface conditions at construction sites.

The purpose of the Byway Project includes; providing visitors with a safe, scenic travelling experience on the Nestucca Back Country Byway; conducting needed deferred road and facilities maintenance; improving water quality and hydrologic function; and contributing to the recovery of the ESA listed Oregon Coast Coho Salmon.

The project would be implemented consistent with objectives found in the Salem District Resource Management Plan (RMP 1995) for management of recreational facilities and roads, Key Watersheds, and other resource management programs.

The EA and unsigned FONSI will be made available for public review from ***May 11, 2016*** through ***June 10, 2016***. The notice for public comment will be published in legal notices by the News Register newspaper of McMinnville, Oregon, and the Headlight Herald newspaper of Tillamook, Oregon. It will also be posted on line in the Tillamook County Pioneer at www.tillamookcountypioneer.net. Comments received by the Tillamook Field Office of the Salem District Office, 4610 Third Street, Tillamook, Oregon, 97141, on or before ***June 10, 2016*** will be considered in making the final decision for this project.

Finding of No Significant Impact

Based upon review of the Nestucca National Back Country Byway Project EA and the supporting project record, I have determined that this project is not a major federal action and would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. There are no site specific impacts that would require supplemental/additional information to the analysis done in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). Therefore, an environmental impact statement is not needed. This finding is based on the following discussion:

Context. The proposed project is a site-specific action directly involving a total of approximately 41 miles of BLM controlled roads, along with additional actions (hauling and maintenance) occurring on various additional haul roads. The proposed project does not have international, national, region-wide, or state-wide importance.

The discussion of the significance criteria that follows applies to the intended actions and is within the context of local importance. The EA details the effects of the action alternatives; none of the effects identified, including direct, indirect and cumulative effects, are considered to be significant and do not exceed those effects described in the RMP/FEIS.

Intensity. The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27. The discussions below apply to the proposed action (Alternative 2) contained within the Nestucca National Back Country Byway Project Environmental Assessment.

1. Impacts may be both beneficial and adverse: The effects of the Byway Project are unlikely to have significant (beneficial and/or adverse) impacts *(EA Section 3)* for the following reasons:

Transportation and Road System Infrastructure (*EA section 3.1*) Effects to these resources would not have significant impacts because:

- During construction, the proposed action would have periodic, relatively minor direct effects to recreational, administrative and commercial use of the Byway roads. Per EA section 2.2.2, the proposed action is expected to be accomplished in approximately seven phases over eight years of construction. Although design feature have been incorporated to help minimize impacts, each phase would pose an inconvenience to users of the Byway at a variety of levels. Depending on construction project specifics, travelers may encounter inconveniences ranging from 20-minute delays to complete road closures for extended time periods. Extended road closures would include closing specific segments of road for varying periods of time up to the entire summer construction period (generally from approximately May through October). Public outreach would be conducted to inform road users and potential visitors of scheduled road closures. Impacts from any extended road closures would be minimized with identified and posted designated detour routes, both for the general public and commercial operations. To help minimize or avoid the potential for impacts to scheduled timber haul on project area roadways, BLM would coordinate with adjacent landowners as the proposed construction schedule and planned road closures are finalized.
- Post-treatment the project area roadways would still function in their current capacity as "rural collector roads" as defined by the Western Oregon Transportation Management Plan. Due to the winding nature of the roadways requiring moderate travel speeds, the project would not result in the Byway roads being converted into another heavily used route between the Coast and the Willamette Valley such as State Highways 6 or 22. Project area roadways would be expected to continue to function in their current capacity as local roadways providing access to large blocks of public land and accommodating multiple user including those interested in scenic alternate routes "off the beaten path" (aka Back Country Byways).

Recreation *(EA section 3.2):* Effects to this resource would not have significant impacts because:

- The project would not change the types of recreational opportunities available, generally camping, fishing, hunting, swimming, target shooting, geocaching, sightseeing, mushroom collection, OHV use, wildlife viewing, motorcycle and bicycle touring and leisurely driving.
- During construction, notifications of closures would be dispersed and regularly updated on BLM websites and through press releases. Providing continued up-to-date information regarding activities, closures, and progress of the project would greatly reduce impacts to public use.
- During construction, additional safety signage would be placed to inform users of additional truck traffic, potential closures and activities associated with the project to ensure most up to date information is available regarding recreational and travel opportunities.
- During construction, defined detour routes would aid in alleviating impacts to users traveling the Byway.
- Primary use of the Upper Nestucca OHV trail system takes place on weekend days (Saturday and Sunday); during construction, short term closures of Bald Mountain Road is expected to take place on weekdays (Monday through Friday).
- During construction, BLM would coordinate with annual Special Recreation Permit applicants as the proposed construction schedule and planned road closures are finalized to minimize impacts to routinely permitted events.
- Projected increase in traffic volumes are expected with or without Byway improvements. The increase in use can be reasonably tied to the projected population growth rate within the Willamette Valley. The proximity of the Willamette Valley provides "close to home" recreational opportunities and promotes the expected increase in its use.
- Posting a speed limit would supplement the safety signs promoting safe traveling experiences for both recreational and commercial use of the roadway.
- Limiting vehicle access to selected existing pull-offs along the Nestucca Access Roads which have been determined to be unsafe would disrupt recreational opportunity for some Byway visitors. Development of a day-use site in the current asphalt waste site would provide additional river access and help lessen the impacts associated with restricting vehicle access at the pull-offs closed for reasons of safety.
- Initially following the proposed chipsealing, the treated roadways would be less desirable for some motorcyclists and bicyclists due to the loose aggregate and freshly chipsealed surface. This temporary inconvenience would be expected to improve over time with the most notable adverse impacts generally lasting no longer than a few months as the surface hardens and the excess material is removed (swept) from the roadway. Ultimately, paving the currently gravel-surfaced surfaced portion of the Nestucca Access Road would be seen as an improvement to most cyclists.

<u>Visual Resources</u> *(EA section 3.2)* Effects to this resource would not have significant impacts because:

- The Nestucca River Corridor falls within the Visual Resource Inventory (VRI) Class II and Visual Management (VRM) Class I. Although the corridor has been inventoried at a lower level due to the presence of the road, the Class I VRM as designated with the Scenic Byway designation is the desired status.
- Restoration of the asphalt waste site and removal of non-native vegetation would enhance visual qualities of this site.
- Retaining walls, or more accurately in this case – Reinforced Soil Slopes (RSS) and Coarse Rock Fill, will meet VRM III immediately following the project, then easily meet VRM I in the long term with the design features as prescribed.
- Construction within the gravel portion of the roadway, paving and striping would initially place this section of the project in VRM III in the short term and move to a VRM I thereafter.
- Construction or upgrades to roadside turnouts or pull-offs, hardening of river access points, and the management of roadside trees are not expected to draw the attention from the viewer within one year following project completion with the inclusion of replanting native grasses and forbs in the disturbed areas. New developments will meet the visual precedent established by existing facilities.
- Replacement of the Elk Creek Bridge would fail to meet VRM Class I in the short term. Initial replacement would meet VRM Class III and would meet VRM Class I in the long term following

guidance provided within the design features to include adding colorant and contouring, open-rail construction similar to the existing bridge, seeding areas of ground disturbance with native grasses and forbs, and planting shrubs and other native vegetation.

- Culvert upgrades are expected to not draw the attention of the user following the guidance of the project design features as described in association with Elk Creek Bridge replacement.

Forest Resources *(EA section 1.3.1):* Effects to these resources would not have significant impacts because:

- The proposed action would convert approximately 3.45 acres from what is considered forestland and place it into the new road prism. These 3.45 acres represent 0.0093% of the BLM's 37,136 total acres within the Nestucca 5th Field watershed. This conversion of forestland to road prism would occur on lands that are revested Oregon and California Railroad Lands (O&C Lands). The loss of this forest growing space is considered to be negligible.

Hydrology (*EA section 3.3*): Effects to these resources would not have significant impacts because:

- The project effects on water quality would comply with Oregon Department of Environmental Quality water quality standards and the Total Daily Maximum Load for the Nestucca River.
- Water quality would be maintained because Best Management Practices and Project Design Features would minimize sediment delivery to streams from project activities including culvert and bridge replacement, increased haul and road maintenance, road construction and renovation, and other ground-disturbing activities (*EA sections 2.2 and 6.1*). Replacing undersized culverts and paving the 2.7-mile section of the Nestucca Access Road would reduce long-term contributions of fine sediment.
- Stream temperature would be maintained within its current range because tree removals associated with widening of the Nestucca Access Road and culvert replacements would not result in a reduction in effective shade at the reach scale. Any minor, localized reductions in effective shade would be mitigated by post-project plantings and offset as shade conditions and channel widths continue their trend toward system potential condition.
- The project would not have any measurable effect on peak flows due to the limited increase in impervious area relative to the size of the watershed (*EA section 3.3*). The implementation of the Storm Water Management plan and installation of additional cross drains would have beneficial effects, reducing hydrologic connectivity with the stream network and reducing peak flows closer to natural levels (*EA section 6.2*).

Fisheries Resources - (*Includes ESA listed fish species and their Critical Habitat, BLM Special Status Species, and Magnuson-Stevens Essential Fish Habitat*) *(EA section 3.4):* Effects to these resources would not have significant impacts because:

- There is not expected to be a consequential reduction in wood recruitment potential from the project therefore the project is not expected to affect in-stream features that are part of ESA listed or Bureau status fish habitat (Oregon Coast Coho, steelhead, and lamprey), or Magnuson-Stevens Act Essential Fish Habitat (chinook, Coho).
- Stream temperatures in the project area are expected to be maintained and would not contribute to adverse effects to listed fish or contribute to the need to list Bureau status fish.
- Some culvert replacements would require the capture and removal of special status fish present in the construction zone. These capture operations would have direct impacts to Bureau status and ESA listed fish however due to the site specific nature of these operations and the limited number of special status fish affected relative to the overall populations, there would be no contribution to the need to list Bureau Status fish. The direct mortality of up to 34 juvenile Coho caused by capture and removal operations would not have any consequential effect on the population of Coho in the mainstem Nestucca River above Boulder Creek.

- Small, short duration, increases to sedimentation in project area streams are not expected to have long lasting consequences to ESA listed or Bureau status fish. These sediment sources include construction, culvert and bridge replacements and the hauling of material.
- Inputs of stored stream sediments to the Nestucca River from culvert replacements would have a beneficial effect to listed fish and Bureau status fish, minor increases in the abundance of gravels for spawning would be localized.
- Additional improved or new access to over 8 miles of Coho and Steelhead habitat would provide beneficial effects. Pacific lamprey are anticipated to gain an additional 8.25 miles of habitat of this 5 miles above waterfalls that are barriers to Coho and steelhead.
- All stream crossing structures would be designed to pass at a minimum a 100 year flood event; structures at fish bearing streams would be designed to meet aquatic organism passage in addition to the 100 year flood event. These culvert replacements would benefit ACS objectives, stream connectivity and natural stream processes.
- Recreation impacts to riparian vegetation, stream banks and streambeds would be very localized and thus only have minor effects to a very small segment of ESA listed or Bureau status fish populations.

Wildlife Resources - *(Includes ESA listed species, BLM Special Status Species, Survey and Manage Species, Migratory Bird Treaty Act species, and certain RMP species): (EA sections 3.5 and 3.6)* Effects to this resource would not have significant impacts because:

ESA Listed Wildlife Species (EA section 3.5):

- Portions of the proposed project area are within or near designated Critical Habitat and/or suitable habitat for the northern spotted owl and the marbled murrelet. Although this project would impact spotted owl and/or marbled murrelet habitat along the project area roadsides, some of which is designated as Critical Habitat, the functionality of these habitats at the stand level to provide habitat would be maintained. Project design features have been included within the project design to help minimize the adverse impacts.
- The proposed project would have potential to disturb spotted owls. The potential for disruption is mainly associated with breeding behavior at an active nest site (USDI and USDA 2014). There are no known active spotted owl nest sites within the Wildlife Analysis Area used to analyze the impacts of the proposed Nestucca Byway Project upon spotted owls. The only known spotted owl site within the Analysis Area, the Haskins Creek spotted owl site is historic in nature.
- The proposed project would have potential to disturb marbled murrelets. Located in a band of land that ranges from approximately 17 to 29 miles from the ocean, the Byway Project Area is located within the outer portion of marbled murrelet Zone 1. In Oregon, Zone 1 is located in a band of land extending up to 35 miles inland and Zone 2 is located 35 to 50 miles from the sea. Increasing distance from the ocean becomes a negative factor in marbled murrelet inland site selection; Zone 1 holds a higher likelihood for murrelet occupancy than Zone 2. The nearest known occupied marbled murrelet sites to any portion of the roadways impacted or utilized by the Byway Project are two sites located within the Elk Creek drainage. These sites are located approximately 0.1 to 0.5 miles from Elk Creek Road which is an identified haul route for use to access the Dovre Peak Rock Quarry. In the event that murrelets are present, disruption of nesting behavior would likely not occur because hauling and light road maintenance are activities that are not disruptive to murrelets (USDI and USDA 2014[2]). Additionally, Elk Creek Road is a routinely used haul route for the transport of Douglas fir logs harvested on the Tillamook State Forest to the Hampton mill at Willamina Oregon. In areas that are continually exposed to higher ambient noise or human presence levels (e.g. areas near well-traveled roads and campgrounds), murrelets are probably less susceptible to small increases in disturbance because they are accustomed to such activities. Project

[2] USDI - USFWS (U.S. Fish and Wildlife Service) Oregon Fish and Wildlife Office, BLM (Bureau of Land Management) Salem and Eugene Districts, and USDA - USFS (Forest Service) Siuslaw National Forest. August 7, 2014. *Biological Assessment of habitat modification projects proposed during fiscal years 2015 and 2016 in the North Coast Planning Province, Oregon, that are Not Likely to Adversely Affect (NLAA) northern spotted owls or marbled murrelets and their critical habitats*. 53 pages + appendices

design features have been included within the project design to help minimize the potential for disturbance impacts. These design features include the following:

- Any activity implemented between April 1 and September 15, that would generate noise above the ambient level (use of chainsaws; heavy equipment for road construction, road repairs, bridge construction, culvert replacements; pile-driving; use of rock crushing and screening equipment) would include daily time restrictions if unsurveyed potential or suitable habitat for marbled murrelets is located within 120 yards (i.e. noise generating activities would not begin until 2 hours after sunrise and would end 2 hours before sunset). This daily time restriction does not apply to hauling. When the Industrial Fire Precaution Level is 2 or above, the time-of-day restriction may be waived during the late breeding period (August 6 to September 15).
- Any blasting needed for construction activities between April 1 and September 15 would include daily time restrictions if unsurveyed potential or suitable habitat for marbled murrelets is located within one mile (i.e. blasting activities would not begin until 2 hours after sunrise and would end 2 hours before sunset).
- If a tree needing to be felled contains marbled murrelet suitable nesting structure, it would felled outside of the murrelet nesting season (April 1 to September 15).

BLM Special Status Wildlife Species, Survey and Manage Wildlife Species, Migratory Bird Treaty Act species, and certain RMP Wildlife species (EA section 3.6):

- The Proposed Action would not lead to the elevation of the status of any Special Status Species, including the need to list under the ESA.
- All acres of the project area that required wildlife surveys have been surveyed.
- Based on the facts that terrestrial mollusk surveys were completed and no Survey and Manage or Bureau Sensitive terrestrial mollusk species were located; the general scope and nature of the proposed action; incorporated design features; and the types of habitats impacted, the expected level of direct and indirect impacts to terrestrial Special Status Mollusk Species populations are considered to be minor. No survey and manage mollusk species were found during surveys and there is not expected to be any loss of persistence at any undetected mollusk sites.
- Given the general scope and nature of the proposed action, incorporated design features to protect water quality and minimize sediment delivered to stream channels, the potential impacts to the Olympia pebblesnail are considered to be minor.
- Although the project would occur near suitable occupied red tree vole habitat, the project would not be expected to result in the loss of persistence of the species at the sites. Trees found to contain red tree vole nests would be protected.
- There are no known bald eagle communal winter roosts within or near the Byway Project Area. The nearest known bald eagle nest is historic in nature and located along Elk Creek about 2.5 miles north of the Nestucca Access Road. Because of the high visibility of bald eagles and bald eagle nests, it is unlikely that undiscovered bald eagle nests or roosts are located within or near the project areas. If a new bald eagle nest or roost is discovered, any project activity within 0.25 mile or 0.5-mile sight distance would immediately be evaluated by the unit wildlife biologist for potential effects on bald eagles, and mitigated to help prevent or reduce disturbances.
- As a result of project implementation, the project may generate noise above the ambient level which could displace individual resting, roosting or foraging bald eagles if they were to be in the area. This impact is considered to be minor as eagle usage of the area most commonly occurs during the late fall or winter months, and should they be present during project implementation, it would be expected that displaced birds would simply, temporarily relocate to other areas containing suitable habitat and lower levels of disturbance activity.
- Should a female harlequin duck with young be in the river during project implementation, it would be expected that the birds would simply, temporarily relocate to other stream reaches containing suitable habitat and lower levels of disturbance activity. The identified potential disturbance impacts to harlequin ducks are considered to be minor and the action would not be expected to result in any loss of population viability.

- While some of the roadside trees along project area roads needing to be cut could function as night roosts or resting sites for bat species of concern identified in the Salem District RMP, given the heavily forested nature of the surrounding landscape, other suitable trees are present within the immediate area. No trees (living or dead) containing cavities preferred by bats have been identified along project area roads. There are some potentially beneficial impacts to bats associated with the implementation of the project. The project has incorporated a design feature to provide additional roosting opportunities for bats; structures such as bat boxes or other bat-friendly design features would be installed under new bridges and/or within larger concrete culverts where beneficial.
- Overall, the identified potential impacts to the Johnson's hairstreak (butterfly) are considered to be minor. Mistletoes used by this species occur mainly on western hemlock and occasionally true firs. The project is expected to impact relatively few hemlock trees and certainly, given the nature and scope on the project, a miniscule proportion of the available hemlocks within the area would be impacted. The suitability of any potential habitat near the project area roadways would be expected to be maintained.
- There is a small possibility that the proposed project could, through increased human activity and the creation of noise, disturb nesting migratory birds and/or destroy individual nests for these species and thus result in the loss of breeding potential for the season. The identified impacts would not be expected to have a measurable negative effect upon migratory bird populations as there is relatively low probability for direct impacts to nesting birds and the impacts would occur within and near a very minor proportion of the suitable habitats available to the species of concern being analyzed. Given the fact that the project is set in the context of a heavily forested landscape, the scale of the impacts are considered to be negligible relative to the amount of undisturbed suitable habitat within the area.

<u>Botany and Invasive Plants</u> - (*Includes BLM Special Status Species and Survey and Manage Species*): Effects to this resource would not have significant impacts because:

BLM Special Status Species and Survey and Manage Plant Species (EA section 1.3.1):

- This project would be located mostly within existing road prisms with historic site disturbance from initial road construction and annual road maintenance practices. Where new bridge construction, culvert replacement and road widening/straightening are being proposed a variety of ages of red alder, big leaf maple, Douglas fir and western hemlock would be removed; surveys have been conducted by a qualified BLM botanist in these areas and no plant species of concern were identified. Disturbance to the understory shrubs and herbaceous plants would not be of concern as they are not typically a substrate that would harbor listed plants of concern. Because of the historic alteration of habitats that has occurred along the road prism the rest of the proposed project area can be considered as not having the appropriate habitat to harbor plant species of concern.

Invasive, Non-native Plant Species (Executive Order 13112) (EA section 3.7):

- The invasive non-native weed species found during surveys were located along existing roadways; identified species are relatively common throughout the region. We can expect initial increase in population size and new establishment to be confined to disturbance areas and would be expected to decrease over time as native species re-vegetate and the recovery of canopy closure occurs. After this initial increase in weed populations and the subsequent reduction, it would be expected that populations of non-native weed species would again reach a level more similar to the current "background" populations.
- Design features incorporated into this project such as washing equipment prior to entering the project area, introducing native plant species on disturbed sites and monitoring for new invasive non-native plant populations would reduce the impacts of invasive, non-native plant species resulting from project implementation.

- All BLM rock quarries used for sources of gravel extraction and temporary storage areas on BLM land would be surveyed for invasive and non-native plant species prior to project implementation. Based on the presence of invasive and non-native species identified, an appropriate eradication treatment method would be developed and implemented and/or a determination would be made as to if the use of the source would be acceptable.
- Restoration of the asphalt waste area across from the Davidson rock pit would require some form of site disturbance. Where site disturbance occurs and/or replacement soil is incorporated at the site, native plants would be planted or seeded to help mitigate the introduction of invasive non-native plant species. The proposed restoration activities at this site would help diminish the current non-native, invasive weed component which dominates portions of this site. Design features such as monitoring of this site would assure new high priority weed species would be targeted for treatment.

Soils *(EA sections 1.3.1):* Effects to this resource would not have significant impacts because:

- The proposed action would convert approximately 3.45 acres from what is considered forestland and place it into the new road prism. Soils within the areas that are converted would be heavily impacted; however, the area impacted is relatively small, and would have no effect on the surrounding soils forest productivity. Issues relating to erosion and sediment delivery would be managed by BMPs and PDFs.

Air Quality, Fire Risk and Fuels Management *(EA section 1.3.1):* Effects to this resource would not have significant impacts because:

- Any dust resulting from the proposed project is predicted to be localized, of short duration and not affect populated areas or contribute negatively to human health and safety.
- Due to the nature of the work being proposed and the proximity to the Nestucca River, the fire risk is low. During fire season, fire suppression equipment would be required to be on site.
- Most of the work being proposed in this project would occur in the road prism. Up to an estimated 1,800 trees would need to be cut and brush cleared in order to widen the gravel portion of the Nestucca Access Road and complete other construction activities. The fuels that would be generated by the felling of trees and brush clearing would be relatively light and is proposed to be managed in such a way as to not increase the risk of fire. The potential fuel load increase would be in a very narrow long strip and would not be enough to warrant any additional fuels management activities.

Carbon Storage, Carbon Emissions, and Climate Change *(EA section 1.3.1):* Effects to this resource would not have significant impacts because:

- The incremental increase in carbon emissions as greenhouse gasses that could be attributable to the proposed action is of such small magnitude that it is unlikely to be detectable at global, continental or regional scales.

Cultural Resources *(EA section 1.3.1):* Effects to this resource would not have significant impacts because:

- The BLM conducted background research and field reconnaissance for the Byway project. There are no previously recorded sites within the project's Area of Potential Effect (APE). There are ten sites and two isolated finds recorded within a ½ mile of the project APE. In addition, there are 13 documented previous cultural resource inventories which have been conducted within the project APE and 27 documented previous cultural resource inventories within ½ mile of the APE. Based on the nature and scope of the proposed action none of the known sites within ½ mile of the project APE would be impacted.
- In the event new cultural resource discoveries are encountered during inventory, avoidance or mitigation measures would be employed in order to protect and preserve significant cultural resource values. Such measures would be recommended by the District Archaeologist in consultation with the SHPO and local federally recognized Tribes.

2. **The degree to which the selected alternative will affect public health or safety.** This project was designed to enhance the safety of current and future visitors to the Nestucca National Back Country Byway. It would accomplish this by providing a more consistent road surface capable of being used by most common road vehicles; safer roadway geometry at selected locations; and additional traffic safety and road control features.

3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas**. No historic or cultural resource sites have been identified within the project areas. There are no prime farm lands, or wilderness areas located within the project area. The project would enhance visitor use of parks and campgrounds along the project area roadways.

There are no federally designated Wild and Scenic Rivers within the project areas although a 15.3-mile segment of the Nestucca River from Ginger Creek down to the western boundary of T4S., R7W., W.M. (about a mile west of the confluence with Bible Creek) was found to be suitable for designation as a component of the National Wild and Scenic River System. The management for this river classification consists of protection of the values which make it outstandingly remarkable while also providing river related outdoor recreation opportunities. There are three identified values that make the Nestucca River remarkable; those are the scenic qualities, recreational potential, and fisheries resources. The Byway Project has been designed to protect and/or enhance these identified values.

There are a few small (less than 1/4 acre) forest wetlands and seasonal wet areas adjacent to the Nestucca Access Road and several larger wetlands/marsh areas and ponds primarily located along the Bald Mountain Road on the drainages that flow into the Willamina Creek Watershed. In addition there are wetlands associated with the Bible Creek culvert #2. While there are wetlands within the project area, no adverse impacts to these wetlands are anticipated.

Approximately 26% of the Byway Project's 41 miles of roadways (10.6 miles) are located with the Nestucca River Area of Critical Environmental Concern (ACEC). The management objectives within the ACEC include the maintenance, protection and restoration of identified relevant and important values (scenic, fisheries and wildlife); the Byway Project has been designed to maintain, protect and restore these identified values.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** *"Controversial"* refers to circumstances where a substantial dispute exists as to the environmental consequences of the proposed action and does not refer to the existence of opposition to a proposed action, the effect of which is relatively undisputed (43 CFR Part 46.30).

External scoping of the proposed project resulted in nine comment letters or e-mails indicating that the level of concern is no greater than most other projects the BLM proposes. The disposition of public comments is contained in section 7 of the EA.

The effects of the proposed project on the quality of the human environment were adequately understood by the interdisciplinary team to provide an environmental analysis. A complete disclosure of the predicted effects of the proposed project is contained within Section 3 of the EA.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The proposed project is not unique or unusual. The BLM has experience implementing similar projects in similar areas and have found effects to be reasonably predictable. Where BLM lacked a specific skill or expertise, it contracted with independent, professional contractors or the US Department of Transportation (Federal High Administration) to supply the needed expertise. The environmental effects to the human environment with the potential for significant impacts are fully analyzed in the EA. There are no predicted effects on the human environment which are considered to be highly uncertain or involve unique or unknown risks.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The proposed project does not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration. Any future projects will be evaluated through the NEPA (National Environmental Policy Act) process and will stand on their own as to environmental effects.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The interdisciplinary team evaluated the proposed project in the context of past, present and reasonably foreseeable actions (EA section 8). A complete disclosure of the effects of the action alternatives is contained in Section 3 of the EA. Cumulative effects have been identified for Transportation and Road System Infrastructure (EA Section 3.1), Recreation (EA section 3.2), and Wildlife Resources (EA sections 3.5 and 3.6). None of the identified cumulative effects were determined to be significant.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The proposed project was assessed, including field reconnaissance, for its potential to contain important cultural properties and none were found (EA section 1.3.1). Therefore, the proposed project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will the proposed project cause loss or destruction of significant scientific, cultural, or historical resources. Project Design Features have been incorporated that would protect any cultural resource should they be discovered during project implementation (EA section 2.2.1).

9. **The degree to which the action may adversely affect an endangered or threatened species or its designated critical habitat under the Endangered Species Act of 1973.**

Fish Species *(EA section 3.4)*:

The Byway Project would impact fish species listed under the Endangered Species Act. Fish species that may be impacted within the analysis area of the Byway project that have Threatened or Endangered ESA status are Oregon Coast Coho Salmon and their Designated Critical Habitat.

Based on the analysis presented within this EA, the BLM has determined that the potential impacts to listed fish specifically Oregon Coast Coho salmon and their Critical Habitat warrant formal consultation with NMFS for the following reasons: 1) Potential inputs of sediment to occupied Coho habitat, this includes streams in close proximity to rock and waste material hauling, culvert replacement (including fish passage culverts and bridges), and road widening and paving are 2) Direct affects to juvenile Coho from their removal from culvert replacement sites, an anticipated 1130 juvenile Coho would be removed from these construction sites, during this removal process a maximum of 3% or 34 Coho juveniles may be killed. 3) Public use of a new day-use recreation site, specifically recreational in water use would indirectly affect juvenile Coho, causing disturbance to up to 300 individuals and resulting in changes to their behavior or their movement out of the day use area.

A project-specific Biological Assessment "*Nestucca Back Country Byway*" has been prepared and submitted to NMFS. Section 7 Endangered Species Act Consultation would be completed prior to any decision authorizing an action.

Wildlife Species *(EA section 3.5)*:

- Portions of the proposed project area are within or near designated Critical Habitat and/or suitable habitat for the northern spotted owl and the marbled murrelet. Although this project would impact spotted owl and/or marbled murrelet habitat along the project area roadsides, some of which is designated as Critical Habitat, the functionality of these habitats at the stand level to provide habitat would be maintained.

Project design features have been included within the project design to help minimize the adverse impacts.

- The proposed project would have potential to disturb spotted owls. The potential for disruption is mainly associated with breeding behavior at an active nest site (USDI and USDA 2014). There are no known active spotted owl nest sites within the Wildlife Analysis Area used to analyze the impacts of the proposed Nestucca Byway Project upon spotted owls. The only known spotted owl site within the Analysis Area, the Haskins Creek spotted owl site is historic in nature.
- The proposed project would have potential to disturb marbled murrelets. Located in a band of land that ranges from approximately 17 to 29 miles from the ocean, the Byway Project Area is located within the outer portion of marbled murrelet Zone 1. In Oregon, Zone 1 is located in a band of land extending up to 35 miles inland and Zone 2 is located 35 to 50 miles from the sea. Increasing distance from the ocean becomes a negative factor in marbled murrelet inland site selection; Zone 1 holds a higher likelihood for murrelet occupancy than Zone 2. The nearest known occupied marbled murrelet sites to any portion of the roadways impacted or utilized by the Byway Project are two sites located within the Elk Creek drainage. These sites are located approximately 0.1 to 0.5 miles from Elk Creek Road which is an identified haul route for use to access the Dovre Peak Rock Quarry. In the event that murrelets are present, disruption of nesting behavior would likely not occur because hauling and light road maintenance are activities that are not disruptive to murrelets (USDI and USDA 2014[3]). Additionally, Elk Creek Road is a routinely used haul route for the transport of Douglas fir logs harvested on the Tillamook State Forest to the Hampton mill at Willamina Oregon. In areas that are continually exposed to higher ambient noise or human presence levels (e.g. areas near well-traveled roads and campgrounds), murrelets are probably less susceptible to small increases in disturbance because they are accustomed to such activities. Project design features have been included within the project design to help minimize the potential for disturbance impacts. These design features include the following:

    - Any activity implemented between April 1 and September 15, that would generate noise above the ambient level (use of chainsaws; heavy equipment for road construction, road repairs, bridge construction, culvert replacements; pile-driving; use of rock crushing and screening equipment) would include daily time restrictions if unsurveyed potential or suitable habitat for marbled murrelets is located within 120 yards (i.e. noise generating activities would not begin until 2 hours after sunrise and would end 2 hours before sunset). This daily time restriction does not apply to hauling. When the Industrial Fire Precaution Level is 2 or above, the time-of-day restriction may be waived during the late breeding period (August 6 to September 15).
    - Any blasting needed for construction activities between April 1 and September 15 would include daily time restrictions if unsurveyed potential or suitable habitat for marbled murrelets is located within one mile (i.e. blasting activities would not begin until 2 hours after sunrise and would end 2 hours before sunset).
    - If a tree needing to be felled contains marbled murrelet suitable nesting structure, it would felled outside of the murrelet nesting season (April 1 to September 15).

The spotted owl and marbled murrelet would be affected by this project through the modification of habitat (including Critical Habitat) and through the potential for disturbance. Due to these identified impacts described in EA section 3.5, consultation with the U.S. Fish and Wildlife Service (USFWS) is warranted.

Endangered Species Act consultation with USFWS on the Byway project would occur programmatically in a batched Biological Assessment (BA). Batched Biological Assessments are routinely prepared by the interagency Level 1 Team (terrestrial subgroup) for the North Coast Planning Province and contain projects batched by their level of potential impact - *May Affect, Not Likely to Adversely Affect* (NLAA) or *May Affect, Likely to Adversely*

[3] USDI - USFWS (U.S. Fish and Wildlife Service) Oregon Fish and Wildlife Office, BLM (Bureau of Land Management) Salem and Eugene Districts, and USDA - USFS (Forest Service) Siuslaw National Forest. August 7, 2014. *Biological Assessment of habitat modification projects proposed during fiscal years 2015 and 2016 in the North Coast Planning Province, Oregon, that are Not Likely to Adversely Affect (NLAA) northern spotted owls or marbled murrelets and their critical habitats*. 53 pages + appendices

Affect (LAA). These batched Biological Assessments contain Design Standards which serve to assure that expected impacts of the batched projects do not exceed those analyzed within the specific assessment(s). Where appropriate, the Byway Project's Project Design Features (PDFs) coincide with the applicable Biological Assessment's Design Standards to assure a seamless ESA consultation process.

The Nestucca Back Country Byway Project has been included within an appropriate batched BA - the *Biological Assessment of Habitat Modification and Disruption Projects Proposed During Fiscal Years 2016 And 2017 in the North Coast Planning Province, Oregon, that are Likely To Adversely Affect (LAA) Northern Spotted Owls or Marbled Murrelets and their Critical Habitats* (dated September 24, 2015) prepared by the interagency Level 1 Team (terrestrial subgroup) and the corresponding Biological Opinion from USFWS dated February 29, 2016.

10. **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment**. The proposed project does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. The EA and supporting Project Record contain discussions pertaining to the Endangered Species Act, National Historic Preservation Act, Clean Water Act, Clean Air Act, Migratory Bird Treaty Act and Executive Order 13112 (Invasive Species). State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, the proposed projects are consistent with applicable land management plans, policies, and programs.

Prepared by: _____ _____

Steve Bahe — Date
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Karen M. Schank — Date
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