



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Coos Bay District Office

1300 Airport Lane, North Bend, OR 97459

Web Address: <http://www.blm.gov/or/districts/coosbay>

E-mail: BLM_OR_CB_Mail@blm.gov

Telephone: (541) 756-0100 Toll Free: (888) 809-0839 Fax: (541) 751-4303



IN REPLY REFER TO

1792/5400 (ORC040)

DOI-BLM-OR-C040-2011-0006-EA

Lone Pine Environmental Assessment

FINDING OF NO SIGNIFICANT IMPACT

for the

Lone Pine Environmental Assessment

DOI-BLM-OR-C040-2011-0006-EA

I. Introduction

An interdisciplinary team has prepared an environmental assessment (EA), which contains analysis of the effects of implementing thinning treatments (2,591 acres), hardwood conversion treatments (461 acres) and mixed thinning/hardwood conversion (675 acres). This document contains two alternatives: a no action alternative and a proposed action alternative. The no action alternative describes the effects of not conducting management activities on these lands at this time. The proposed action alternative describes the effects of managing tree densities, species composition in Matrix stands and encouraging structural complexity in Riparian Reserve stands. This alternative also includes approximately 13.9 miles of new road construction, 84.9 miles of road renovation, reconstruction, or improvement, and 30.8 miles of road decommissioning. Snag and down wood creation are also proposed. The Bureau of Land Management (BLM) would offer these as timber sales and would use the technique of sample tree falling in the preparation of those timber sale contracts. The locations for the treatment areas are shown in the following table:

Table I Location of proposed treatment areas.

Township	Range	Section(s)
27 S.	11 W.	21 and 35
27 S.	12 W.	35
28 S.	09 W.	17
28 S.	10 W.	22
28 S.	11 W.	1, 2, 3, 5, 7, 17, 19, 29, 31, 32
28 S.	12 W.	1, 13, 23, 25, 27, 35
29 S.	11 W.	5 and 7
29 S.	12 W.	12

II. Background

This EA was developed under the management direction of the 1995 Coos Bay District Record of Decision and Resource Management Plan (1995 ROD/RMP). The analysis supporting this decision tiers to the *Final Coos Bay District Proposed Resource Management Plan/Environmental Impact Statement* (UDSI 1994).

The 1995 Record of Decision is also supported by, and in conformance with, the *Final Supplemental Environmental Impact Statement (EIS) on Management of Habitat for Late-Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan)* (USDA and USDI 1994) and its *Record of Decision* (USDA and USDI 1994a) as supplemented and amended.

The Coos Bay District initiated planning and design for this project to conform and be consistent with the Coos Bay District's 1995 RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in *Douglas Timber Operators et al., v. Salazar*, which vacated and remanded the administrative withdrawal of the Coos Bay District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, we have determined that the proposed action is consistent with the Coos Bay District's 1995 RMP and the 2008 ROD and RMP. Although the proposed action contains some design features not mentioned specifically in the 2008 ROD and RMP, these design features are consistent with the 2008 ROD and RMP.

As stated in the Record of Decision for the Northwest Forest Plan, the Aquatic Conservation Strategy (ACS) was developed to restore and maintain the ecological health of watersheds and aquatic ecosystems on public lands within the range of Pacific Ocean anadromy. Consistency of the proposed alternative with the ACS objectives is included in Chapters 3&4 of the EA (pp. 65-74).

III. Finding of No Significant Impact

The EA effects analysis indicates that there would not be a significant impact on the quality of the human environment from the implementation of either alternative. This finding and conclusion is based on my consideration of the Council of Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and intensity of the impacts described in the EA.

Context

The proposed action would occur within the Matrix and Riparian Reserve land use allocations as designated by the 1995 Coos Bay District ROD/RMP. The RMP anticipated the need to conduct silvicultural treatments within: (1) Matrix to provide for a sustainable supply of timber and (2) Riparian Reserves to restore or maintain the objectives of the Aquatic Conservation Strategy.

Intensity

Impacts that may be both beneficial and adverse (40 CFR 1508.27 (b)(1))

Any impacts, both beneficial and adverse, are not significant as they are consistent with the range and scope of those effects of timber management analyzed in the 1994 Final Coos Bay District Proposed Resource Management Plan/Environmental Impact Statement to which the EA is tiered.

Public Health and Safety (40 CFR 1508.27(b)(2))

No aspect of the proposed action would have an effect on public health and safety. Smoke management from pile burning would adhere to the Oregon Smoke Management Plan (EA p. 74). There would be no impact to the water quality of the North Fork Coquille River, which is a drinking water source for the City of Myrtle Point (EA p. 76) nor would there be an impact to water quality of the Coquille River, a drinking water source for the City of Coquille (EA p. 76).

Unique characteristics of the geographic area (40 CFR 1508.27(b)(3))

There are no known parklands, prime or unique farmlands, wetlands, floodplains, wild and scenic rivers or wilderness values that would be affected in the project area.

Degree to which effects are likely to be highly controversial (40 CFR 1508.27(b)(4))

The effects on the quality of the human environment of the proposed activity are not highly controversial. The Coos Bay District has been operating under the management direction of the resource management plan since 1995. The effects of thinning treatments are not considered controversial.

Degree to which effects are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5))

The possible effects of the proposed activities on the quality of the human environment are not highly uncertain and do not involve unique or unknown risk. Thinning is a common practice on lands managed by the BLM in western Oregon. None of the public comments received indicated unique or unknown risks to the human environment.

Consideration of whether the action may establish a precedent for future actions with significant impacts (40 CFR 1508.27(b)(6))

The proposed project does not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant effects. The timber management program on BLM-managed lands in western Oregon is well-established and this project would not establish a new precedent.

Consideration of whether the action is related to other actions with cumulatively significant impacts (40 CFR 1508.27(b)(7))

There are no cumulatively significant impacts identified by the environmental assessment. Those reviewed include impacts to forest structure (pp. 26-34), wildlife (pp. 34-41), water resources and water quality (pp. 41-48), fisheries (pp. 48-56), soil resources (pp. 56-58), botany resources (pp. 58-61), and climate change and carbon storage (pp. 61-64).

Scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8))

The proposed activities would not affect districts, sites, highways, structures or objects listed in or potentially eligible for listing in the National Register of Historic Places. Nor would the activities cause a loss or destruction of significant scientific, cultural, or historical resources.

Threatened or endangered species and their critical habitat (40 CFR 1508.27(b)(9))

The Myrtlewood Field Office has completed consultation with the U.S. Fish and Wildlife Service for effects to federally listed wildlife species and their critical habitat on lands managed by the Coos Bay BLM. On August 1, 2013 the BLM received a Biological Opinion, which includes a finding that “the proposed action would not jeopardize the continued existence of the northern spotted owl or marbled murrelet, and will not adversely modify critical habitat for the spotted owl” (USDI 2013). This opinion covers all commercial and non-commercial treatments, associated roadwork, and sample tree falling.

Based on consultation with the U.S. Fish and Wildlife Service, 1,696 acres of the project was reclassified as spotted owl suitable habitat. This did not cause changes in the design features or result in additional impacts to spotted owls and thus additional effects analysis is not needed.

The Myrtlewood Field Office has initiated consultation with the National Marine Fisheries Service for effects to federally listed fish species and their critical habitat on lands managed by the Coos Bay BLM. Applicable Terms and Conditions would be implemented. The results of this consultation would also be disclosed in the applicable decision documentation.

The proposed action would also not result in adverse effects to Essential Fish Habitat as designated by the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1855 as amended).

There are no threatened or endangered botany species within the project area.

Any effects that threaten a violation of Federal, State, or local laws or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10))

The proposed action would not violate Federal, State, or local laws imposed for the protection of the environment. These include the Endangered Species Act and the Clean Water Act.

This project complies with the Coastal Zone Management Act, as there would be no adverse effects to coastal zone resources from implementing the Lone Pine project because water quality would not be affected (EA pp. 41-48).

The EA analysis includes the conclusion that implementation of the proposed actions will not change the likelihood of and need for listing of any special status species under the ESA as identified in BLM Manual 6840 and BLM OR/WA 6840 Policy.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Sherman et al.*, No. 08-1067-JCC (W.D. Wash.), granting plaintiffs' motion for partial summary judgment and finding NEPA violations in the BLM and USFS Record of Decision eliminating the Survey and Manage Mitigation Measure. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects. Plaintiffs and Defendants entered into settlement negotiations that resulted in the 2011 Survey and Manage Settlement Agreement, adopted by the District Court on July 6, 2011.

The Ninth Circuit Court of Appeals issued an opinion on April 25, 2013, that reversed the District Court for the Western District of Washington's approval of the 2011 Survey and Manage Settlement Agreement. The Ninth Circuit Court has remanded the case back to the District Court for further proceedings. This means that the December 17, 2009, District Court order which found National Environmental Policy (NEPA) inadequacies in the 2007 analysis and records of decision removing Survey and Manage is still valid.

Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies' 2007 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation had entered into stipulation exempting certain categories of activities from the Survey and Manage Standard (hereinafter "Pechman exemptions").

Following the District Court's December 17, 2009 ruling, the Pechman exemptions remain in place. I have reviewed the Lone Pine project in consideration of the litigation history. For the thinning and mixed treatment portions of this project (3,266 acres), the Lone Pine project includes thinning only in stands less than 80 years old. Thus, I have made the determination that this portion of the project meets Exemption A of the Pechman exemptions (October 11, 2006 order), and therefore may still proceed to be offered for sale.

For the hardwood conversion portions of the Lone Pine project (461 acres), the project may also proceed because the hardwood conversions meet the provisions of the last valid Record of Decision, specifically the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (not including subsequent annual species reviews). Surveys are ongoing and the BLM will complete these surveys prior to issuing a decision record. The decision record will identify if any species were found and the buffer measures taken to ensure species persistence.

Pursuant to Executive Order 13212, the BLM must consider the effects of this decision on the President’s National Energy Policy. As there would be no impact to the exploration, development, or transportation of undeveloped energy sources from the proposed action, a Statement of Adverse Energy Impacts is not required.

Conclusion

Based on the information contained in the EA (DOI-BLM-OR-C040-2011-0006-EA), and all other information available to me, I have determined that the proposed action would not have a significant impact on the human environment within the meaning of section 102(2) (c) of the National Environmental Policy Act of 1969, and that an environmental impact statement is not required. I have determined that the effects of the proposed activities would be in conformance with the 1995 *Record of Decision/Resource Management Plan* for the Coos Bay District.

Kathy Hoffine

August 19, 2013

Kathy Hoffine
Myrtlewood Field Manager

Date