



# United States Department of the Interior

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IN REPLY REFER TO

1792/5400 (ORC030)

DOI-BLM-OR-C030-2011-0003-EA

Big-Vincent Environmental Assessment

## FINDING OF NO SIGNIFICANT IMPACT

for the

**Big-Vincent Environmental Assessment**

**DOI-BLM-OR-C030-2011-0003-EA**

### I. Introduction

An interdisciplinary team (IDT) has prepared an environmental assessment (EA), which contains analysis of the effects of implementing thinning (6,184 acres) and hardwood conversion (157 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 Late-Successional Reserves and Riparian Reserves stands. The proposed action alternative also includes approximately 18.2 miles of new road construction, 81.6 miles of road renovation or improvement, and 22.6 miles of road decommissioning. Snag and down wood creation are also proposed. The BLM would offer these thinning and hardwood conversion harvests as timber sales and would use the technique of sample tree falling in the preparation of those timber sale contracts. The locations for the harvest areas are shown in the following table:

**Table 1.** Location of proposed harvest areas.

Township	Range	Sections
21 S.	7 W.	7 and 18
21 S.	8 W.	1, 7, 9, 10, 11, 12, 13, 15, 16, 17, 19, 21, 29
21 S.	9 W.	1, 2, 3, 11, 12, 13, 14, 21, 23, 27, 29, 32

### II. Background

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

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 Chapter 3 of the EA.

### **III. Finding of No Significant Impact**

The IDT conducting the EA effects analysis indicates 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, Late-Successional Reserves, and Riparian Reserves 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) Late-Successional Reserves to protect and enhance conditions of late-successional and old-growth forest ecosystems, and (3) 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. There would be no impact to the water quality of any drinking water source for any municipality.

*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 activities are not highly controversial. The Coos Bay District BLM 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. 33-45), wildlife (pp. 45-59), water resources (pp. 59-63), water quality (pp. 63-70), fisheries (pp. 70-82), soil resources (pp. 82-87), botany resources (pp. 87-91), and climate change and carbon storage (pp. 91-94).

*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 Umpqua Field Office has determined that the proposed action would not remove critical or suitable northern spotted owl habitat or marbled murrelet nesting structure. The proposed action would maintain and improve the current spotted owl dispersal habitat. The proposed action would accelerate development of late-successional stand characteristics, including more complex forest structure, including larger trees, which would benefit both spotted owl and marbled murrelet. The Umpqua Field Office has received a Letter of Concurrence from the U.S. Fish and Wildlife Service, which covers all commercial and non-commercial treatments, associated roadwork, and sample tree falling.
- The Umpqua Field Office has determined that the proposed activities would have “no effect” to federally threatened Oregon Coast Coho Salmon and its associated Critical Habitat; thus, consultation with the National Marine Fisheries Service is not required.
- The proposed action would also not result in adverse effect 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 Big-Vincent project because water quality would not be affected (EA pp. 59-70).

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.

In December 2009, the District Court for the Western District of Washington issued an order on partial summary judgment in favor of the Plaintiffs finding inadequacies in the NEPA analysis supporting the Record of Decision to Remove Survey & Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans within the Range of the Northern Spotted Owl (BLM *et al.* 2007) (2007 ROD). The District Court did not issue a remedy or injunction at that time.

Plaintiffs and Defendants entered into settlement negotiations that resulted in the 2011 Survey & Manage Settlement Agreement, adopted by the District Court on July 6, 2011.

The Defendant-Intervenor subsequently appealed the 2011 Settlement Agreement to the Ninth Circuit Court of Appeals. The April 25, 2013, ruling in favor of Defendant-Intervenor remanded the case back to the District Court.

On February 18, 2014, the District Court vacated the 2007 RODs. The District Court and all parties agreed that projects begun in reliance on the Settlement Agreement should not be halted. The District Court order allowed for the Forest Service and BLM to continue developing and implementing projects that met the 2011 Settlement Agreement exemptions or species list, as long as certain criteria were met. These criteria include:

- a. Projects in which any Survey & Manage pre-disturbance survey has been initiated (defined as at least one occurrence of actual, in-the-field surveying undertaken according to applicable protocol) in reliance upon the Settlement Agreement on or before April 25, 2013;
- b. Projects, at any stage of project planning, in which any known site (as defined by the 2001 Record of Decision) has been identified and has had known site-management recommendations for that particular species applied to the project in reliance upon the Settlement Agreement on or before April 25, 2013; and
- c. Projects, at any stage of project planning, that the agencies designed to be consistent with one or more of the new exemptions contained in the Settlement Agreement on or before April 25, 2013.

This project is consistent with Criteria 'a' because pre-disturbance field surveys were begun before April 25, 2013, in reliance upon the Settlement Agreement.

I have reviewed the Big-Vincent project in consideration of the litigation history. For the thinning portions of this project (6,184 acres), the Big-Vincent 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 Big-Vincent project (157 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-C030-2011-0003-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.

*/s/ Todd D. Buchholz*

*July 24, 2015*

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Todd D. Buchholz  
Umpqua Field Manager

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Date