

South Yamhill River Watershed Environmental Assessment
DOI-BLM-ORWA-S050-2012-0001-EA
Salem District, Marys Peak Resource Area

FINDING OF NO SIGNIFICANT IMPACT

Introduction

The Bureau of Land Management (BLM) conducted an environmental analysis for two projects in the South Yamhill River Watershed Enhancement Environmental Assessment (EA).

- Project 1, Mid-Seral Habitat Enhancement, is a proposal to perform density management on approximately 1,168 acres of Adaptive Management Reserve (AMR) and Riparian Reserve land use allocations (LUAs).
- Project 2, Legacy Tree Release and Coarse Woody Debris (CWD) Creation, is a proposal for older forest legacy tree release, and snag/CWD creation on approximately 117 acres of AMR and Riparian Reserve LUAs.

The project areas are within BLM-managed lands in Township 7 South, Range 8 West, Sections 1, 12, 13 and Township 7 South, Range 7 West, Sections 4, 5, 7, and 8, Willamette Meridian (EA Map 1) within the South Yamhill River and Agency Creek fifth field Watersheds.

The analysis in this EA is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). The projects have been designed to conform to the *Salem District Record of Decision and Resource Management Plan*, May 1995 (RMP) as amended and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (*EA Section 1.5*).

The EA and draft FONSI were made available for public review May 14, 2014 to June 12, 2014. The notice for public comment was published in a legal notice by the Polk County *Itemizer-Observer* newspaper. The BLM received four comment letters during this period.

Finding of No Significant Impact

Based upon review of the South Yamhill River Watershed Enhancement EA and supporting documents, I have determined that the projects are not a major federal action that would significantly affect the quality of the human environment, individually or cumulatively with other actions in the general areas. No site-specific environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, supplemental or additional information to the analysis done in the RMP/FEIS through a new environmental impact statement is not needed. This finding is based on the following information:

Context: Potential effects resulting from the implementation of the proposed actions have been analyzed within the context of the Agency Creek-South Yamhill River fifth field watershed (and

the Gold Creek and Rogue River sixth-field watersheds). The proposed projects would occur on approximately 1,285 acres of BLM-managed land (1,168 acres for Project 1 and 117 acres for Project 2 in Alternative 2, and 1,124 acres for Project 1 and 106 acres for Project 2 in Alternative 3), encompassing less than one percent of the forest cover with the watersheds and 35 percent of BLM lands in the watersheds [40 CFR 1508.27(a)].

Intensity:

1. 40 CFR 1508.27(b)(1) – **Impacts that may be both beneficial and adverse:** The resources potentially affected by the proposed projects are air quality, fire risk, and fuels management, carbon sequestration (storage) and climate change, fisheries and aquatic habitat, recreation, rural interface, and visual resources, soils, vegetation - invasive, non-native plant species, water, and wildlife. The projects are unlikely to have significant impacts on these resources for the following reasons:

Project Design Features (*EA section 2.6*) would reduce the risk of effects to affected resources to be within RMP standards and guidelines within the effects described in the RMP/FEIS, as modified by subsequent direction (*EA section 1.3*). The BLM has found the implementation of project design features to be effective in reducing the likelihood of negative impacts. Potential effects to the affected elements of the environment are anticipated to be site-specific and/or not measurable (i.e., undetectable over the watershed, downstream, and/or outside of the project areas) and would not exceed those effects described in the RMP/FEIS.

Vegetation and Forest Stand Characteristics (*EA section 3.1*): As discussed in the introduction, the proposed projects would occur on approximately 1,285 acres of BLM-managed forests in the Agency Creek-South Yamhill River fifth field watershed. This accounts for approximately one-third of the lands that BLM manages in the watershed. Thinning harvest would not change the pattern or distribution of age classes. Stands proposed for harvest activities are not presently functioning as late-successional old growth habitat; treatment would be beneficial to the creation of late-succession forest habitat (*EA p. 3*). Treatment would not have adverse effects on late-successional forest dependent species.

Noxious Weeds (*EA section 3.1*): Noxious weeds in the project area are known to be regionally abundant. The risk for long-term establishment of noxious weed species is low because project design features will minimize the amount of exposed mineral soil, require equipment to be clean and weed-free, and allow for rapid detection and eradication (*EA p. 48*). Sowing disturbed soil areas allows the sown seed to become established and dominant in areas that may otherwise be suitable for noxious weeds to become established thus reducing the physical space of the potential habitat for noxious weeds to become established.

Implementation of the Marys Peak integrated non-native plant management plan (*EA OR080-06-09*) allows for early detection and rapid control of non-native plant species. These species often persist for several years after timber harvest but soon decline as native vegetation increases within the project areas (*EA p. 48*).

ESA listed, Bureau Special Status, and Survey and Manage Botanical and Fungal Species (EA section 3.1): The BLM completed specific surveys for bureau sensitive species in the summers of 2010 to 2012 (EA p. 40). There are no known sites of any bureau special status botanical or fungal species within Blue Goose, Dorn Peak, Jackpot, or Mule's Gold. Surveys indicated the presence of three lichen species whose status under the Survey and Manage standard has changed since the project was initiated. At the time of analysis, *Chaenotheca chrysocephala* was a Category B species, *Calicium viride* was a Category F species, and *Platismatia lacunosa* was a Category E species. *Chaenotheca chrysocephala* remains a Category B species; the *Calicium viride* and *Platismatia lacunosa* were removed from Survey and Manage during the 2002 annual species review (ASR).

BLM surveys located one known site of *Chaenotheca chrysocephala* and one site of *Calicium viride* within the Rowell Creek project area. In addition, *Platismatia lacunosa* was located in the Lucky Rowell project area (EA p. 40). No specific management recommendations exist for these species; however, they would be protected due to their exclusion from harvest (within no-cut stream protections zones) (EA pp. 46–47).

Wildlife (EA section 3.2): The projects are unlikely to result in significant impacts to wildlife species and their habitat. The following provides discussion on species that may occur within the project vicinity and which may be affected by the projects. These species include northern spotted owls, marbled murrelets, and red tree voles. A review of an interagency database (GeoBOB) and the Oregon Natural Heritage Database found no records of any other Special Status Species or Survey and Manage Species locations within the planned treatment units (EA p. 57).

Northern Spotted Owl – Approximately 174 acres (or 15 percent) of the projects are within critical habitat; dispersal habitat conditions would be maintained (EA p. 65). Most of the planned treatment units currently provide only dispersal habitat for spotted owls since these units generally lack the older forest structure that would provide suitable nesting, roosting, and foraging habitat for this species (EA p. 57). Units with largest and oldest trees, which provide the best habitat for the species, are generally excluded from commercial harvest. Surveys have been conducted in this watershed and adjacent watersheds; only one active owl site has ever been found in this vicinity (EA p. 57). The abundant dispersal habitat provides corridors of connectivity to adjacent patches of suitable habitat and may also provide for foraging opportunities for the resident owl pair. For these reasons, the projects are not likely to adversely affect the species or its critical habitat.

Marbled Murrelet – The projects lie within designated critical habitat (unit OR-02-D). The majority of the projects do not currently provide suitable structure (EA p. 59). The presence of large open-grown trees and old-growth legacy trees within and adjacent to the Rowell Creek proposed Project 1 and Project 2 units presents a risk that potential nesting structure or the surrounding forest stand may be altered by the projects. This risk was addressed by a combination of protocol surveys (Evans-Mack et al. 2003) and project design features that manage this structure in compliance with Option 3 of the Policy for the Management of Potential Marbled Murrelet Nesting Structure within Younger Stands, issued by the Level 2

Streamlined Consultation Team for the North Coast Planning Province, Oregon (USDI-FWS et al. 2011) (EA p. 58).

This structure is expected to be maintained post-harvest. No suitable nesting structure would be altered by the projects and no suitable nesting habitat would be removed (EA p. 65). There is only one known occupied murrelet site in the analysis areas, which lies within an older forest patch adjacent to Jackpot (T. 7 S. R. 7 W., section 7) harvest units. Project design features provide seasonal restrictions that reduce the likelihood of impacts to the species. For these reasons, the projects are not likely to adversely affect the species or its critical habitat.

Red Tree Vole – The projects are unlikely to affect the persistence of the species because most of the treatment units are in unsuitable habitat that does not currently support persistent red tree vole populations, active and inactive nests have been protected in habitat areas in accordance with management recommendations, and existing patches of older forest on federal lands in this watershed are known to provide for population persistence and are not affected by the projects (EA p. 67). The projects would not contribute to the need to list the species.

Thinning would not significantly change species diversity (a combination of species richness and relative abundance) of the migratory and resident bird community. At the watershed scale, this projects are expected to have no discernible negative effects on populations of Birds of Conservation Concern species because the proposed units would largely retain their habitat value, and these mid-seral stands which are targeted for treatment are currently an abundant age-class within this analysis area (EA p. 67).

Fisheries and Aquatic Habitat, Hydrology, and Soils (EA sections 3.3, 3.4, 3.5): New road construction would occur within the AMR and Riparian Reserves. Construction would be unlikely to have significant impacts because of the location, topography, lack of connectivity to streams, and project design features. Gentle to moderate slope gradients in project areas provide little opportunity for surface runoff to reach stream channels. Road work (including culvert installations) would take place during the dry season to minimize soil erosion and stream sedimentation (EA p. 22). Soil compaction is limited to no more that 10 percent of each unit's acreage.

The stream protection zones [SPZs (variable distances ranging from a minimum of 55 feet on perennial and intermittent streams)] would prevent any overland flow and sediment generated by logging from reaching streams. The SPZs would maintain the current vegetation in the primary shade zone and treatments would retain most of the current levels of shading in the secondary shade zone.

Portions of the proposed projects may cause short term impacts to listed fish or listed critical habitat in the watershed. For these reasons, a May Affect determination was indicated for Upper Willamette River steelhead and its critical habitat. Consultation may be required on a project-specific basis. Because NEPA analysis and ESA effect determinations have different purposes and analytical approaches, a May Effect determination under the ESA does not necessarily equate to a significant impact under NEPA. This project is an example of where

location, topography, lack of connectivity to streams, and project design features, when considered together, lessen the intensity of this project below NEPA's significance threshold.

Air Quality, Fire Risk, and Fuels Management (EA section 3.6): Treatment areas would see a short-term (0-5 year) increase in fire ignition potential because of the increase in fine dead fuels (EA p. 107). This would be reduced by treating slash in within project units, along roads, at timber sale landing areas, and along property lines, where the opportunities for ignition are greatest (EA p. 108). The thinning would remove most of the ladder fuels and decrease the crown bulk density, reducing the risk of a canopy fire (EA p. 109). Piling and burning slash at landings and in some fuel treatment areas would have a short duration impact on air quality. Strict adherence to smoke management regulations would result in little or no impact to the public.

Recreation, Rural Interface, and Visual Resources (EA section 3.7): Recreation activities are not expected to be significantly affected. Post-harvest off-highway vehicle use is expected to be similar to present levels; harvest activities would likely obliterate any existing unauthorized trails. Projects would comply with VRM Class 4 management direction, which allows for major modification to the landscape (EA p. 112). A forest setting and a large part of the canopy would remain; evidence of harvest activities would not be observable within five years as understory vegetation grows and the remaining stand continues to mature (EA p. 112). The projects would not affect Wild and Scenic River, wilderness areas, or rural interface areas, as none are present in the project area (EA p. 111).

Carbon Sequestration and Climate Change (EA section 3.8): The South Yamhill River Watershed Enhancement EA is tiered to the PRMP/FEIS (1994) which concluded that all alternatives analyzed in the FEIS, in their entirety including all timber harvest, would have only slight effect (context indicates that the effect would be too small to calculate) on carbon dioxide levels. Analyses completed for projects of similar scope, treatment type, stand type, and scale support the conclusion of the 1995 RMP that project-scale emissions would be relatively negligible considering the geographic scope of any impact (EA p. 115).

2. 40 CFR 1508.27(b) (2) – **The degree to which the proposed action affects public health or safety:** The project's effects to public health and safety would not be significant because the project occurs in a forested setting, removed from urban and residential areas, where the primary activities are forest management and timber harvest.

Public safety along haul routes would be minimally affected because log truck traffic from forest management activities on both private and public land is common and the majority of the public using these haul routes are aware of the hazards involved in driving on these forest roads. In addition, project design features require use of signs, road blocks, and/or flaggers near project activities to provide for public safety (EA section 2.6). Any prescribed burning would require a project level Prescribed Fire Burn Plan that adheres to smoke management and air quality standards (EA p. 107). Burning would be conducted when prevailing winds are blowing away from Smoke Sensitive Receptor Areas in order to minimize the potential for smoke intrusions. Effects of prescribed burning would be of short duration (one to three days) and would be localized (within one-quarter to one mile of units) (EA p. 107).

3. 40 CFR 1508.27(b) (3) – **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas:** The proposed project would not affect historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas, because these are not located within the project area.
4. 40 CFR 1508.27(b) (4) – **The degree to which the effects on the quality of the human environment are likely to be highly controversial:** The effects on the quality of the human environment are not likely to be highly controversial. CEQ guidelines relating to controversy refer not to the amount of public opposition or support for a project, but a substantial dispute as to the size, nature, or effect of the action. The effects of actions planned under the action alternatives are similar to many other forest management projects implemented within the scope of the 1995 RMP. No unique or appreciable scientific controversy has been identified regarding the effects of the project. There is, therefore, no known scientific controversy over the impacts of the project. The proposed projects are not unique or unusual. The BLM has experience implementing similar actions in similar areas without highly controversial, highly uncertain, unique, or unknown risks.
5. 40 CFR 1508.27(b) (5) – **The degree to which the possible effects on the human environment area highly uncertain or involve unique or unknown risks:** The predicted effects of the projects on the quality of the human environment are not highly uncertain and do not involve unique or unknown risk. Timber harvest is a common practice on BLM-managed lands in western Oregon; the BLM has experience implementing similar actions in similar areas without such risks. The BLM has found project design features (EA section 2.6) to be effective in minimizing risks associated with the project.
6. 40 CFR 1508.27(b) (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 projects would not establish a precedent for future actions, nor would they represent a decision in principle about a further consideration for the following reasons: 1/ The projects are within the scope of proposed activities documented in the Salem District RMP. 2/ The BLM has experience implementing similar actions in similar areas without setting a precedent for future actions or representing a decision about a further consideration. The timber management program on BLM-managed lands in western Oregon is well-established. See #4 and #5, above.
7. 40 CFR 1508.27(b) (7) – **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:** The EA did not identify any individual or cumulatively significant impacts. The Interdisciplinary Team evaluated the project area in context of past, present, and reasonably foreseeable actions and determined that there is not a potential for significant cumulative effects on affected resources (EA section 3.0) beyond those already analyzed in the FEIS, because of the scope and scale of the project, and project design features would minimize the risk of adverse effects to the human environment. Effects are not likely to be significant because of the project's scope (effects are likely to be too small to be measurable), scale, and duration. The BLM currently has no other forest management projects planned in the watersheds.

8. 40 CFR 1508.27(b) (8) – **The degree to which the action may adversely affect districts, sites, highways, structures, or 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 project would not affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor would the project cause loss or destruction of significant scientific, cultural, or historical resources. If any cultural and/or paleontological resource (historic or prehistoric site or object) is discovered during project activities all operations in the immediate area of such discovery shall be suspended until an evaluation of the discovery can be made by a professional archaeologist to determine appropriate actions to prevent the loss of significant cultural or scientific values (EA p. 30).
9. 40 CFR 1508.27(b) (9) – **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973:** Significance depends on the degree to which the action would adversely affect species listed under the ESA or their designated critical habitat. A determination under the ESA that an action would adversely affected a listed species or their critical habitat does not necessarily equate to a significant effect under the NEPA context. The proposed project is not expected to significantly affect ESA listed species or critical habitat for the following reasons:

U. S. Fish and Wildlife Service – Due to potential affects to spotted owls, marbled murrelets and their designated critical habitat, as outlined in Table 6, Section 7(a) of the Endangered Species Act requires that this proposed action receive consultation with the U.S. Fish and Wildlife Service. Consultation for the Rowell Creek timber sale has been addressed by inclusion of the project units within a Biological Assessment (BA) that analyzed all projects that may modify the habitat of listed wildlife species on federal lands within the Northern Oregon Coast Range during fiscal years 2015 and 2016. This action has been designed to incorporate all appropriate design standards included in the BA. A Letter of Concurrence (#01EOFW00-2014-I-0234) was received from the Service confirming their concurrence that the project is not likely to adversely affect any listed wildlife species or their critical habitat. The BLM would complete consultation and incorporate appropriate design standards prior to issuing future decisions as required.

National Marine Fisheries Service (NMFS) – Consultation with National Oceanic and Atmospheric Administration (NOAA) NMFS is required for actions which “may affect” ESA listed fish species and critical habitat. Upper Willamette River (UWR) winter steelhead and UWR spring chinook are listed as threatened under the ESA, as amended, in the Willamette basin (64 FR 14517 – 14528). The BLM found that consultation was required on two of the six timber sales analyzed in the EA (Lucky Rowell and Rowell Creek). The other four timber sales (Blue Goose, Dorn Peak, Jackpot, and Mule’s Gold) were determined to have no effect to listed species or their designated critical habitat; thus, consultation was not required.

UWR winter steelhead – Project haul routes along Rock Creek are adjacent to listed UWR steelhead. Distribution of UWR Winter Steelhead is generally more than 1.25 miles downstream of the treatment area, except for haul routes where proximity is generally closer.

The BLM is required to complete consultation for the Lucky Rowell and Rowell Creek timber sales, where proposed hauling on Fire Hall road may cause short-term affects to the listed fish or listed critical habitat. Consultation was therefore initiated with NMFS in December 2014. The NMFS returned a completed Biological Opinion (BO) with terms and conditions for project implementation and monitoring on October 22, 2015, completing the consultation process (consultation number WCR-2014-1866). The BLM has incorporated these terms and conditions into the project design, as they are non-discretionary:

- Hauling – Timber hauling is avoided when road conditions would generate excessive sediment.
- Monitoring plan – A monitoring plan is developed that includes the measurement of the number of miles of aggregate-surfaced road that are used for wet-season hauling and can deliver sediment to streams. This monitoring will be reported annual through the duration of the timber sale.

In the BO, NMFS concludes that the proposed action is not likely to jeopardize the continued existence of the species and will not result in the destruction or adverse modification of its designated critical habitat.

UWR Spring Chinook – UWR Spring Chinook¹ is listed as threatened under the ESA, as amended, in the Willamette basin (64 FR 14308-14328 & 75 FR 21179-21189). UWR Spring Chinook are 25 miles downstream from project activities in the South Yamhill River (Streamnet 2009). A No Effect determination was made for UWR Chinook salmon primarily due to the distance of listed habitat from the proposed action. No consultation would be required for UWR Spring Chinook species.

Essential Fish Habitat (EFH) – Protection of EFH as described by the Magnuson/Stevens Fisheries Conservation and Management Act and consultation with NOAA NMFS is required for all projects which may adversely affect EFH of Chinook and Coho Salmon. The proposed timber sales analyzed in the EA, specifically year round hauling on Fire Hall road, may adversely affect EFH due to proximity to occupied habitat in Agency Creek-South Yamhill Watershed. Project activities which result in adverse impacts to EFH require consultation with NOAA NMFS. Consultation was completed as described above.

10. 40 CFR 1508.27(b) (10) – **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment:** The proposed projects would not violate Federal, State, or local laws or requirements imposed for the protection of the environment (EA section 1.5).

Approved by: /s/ Paul Tigan
Paul Tigan
Marys Peak Field Manager

1/21/2016
Date

¹ At the time of EA analysis, the Oregon Chub was listed as threatened under the ESA. It has subsequently been delisted, but remains a BLM sensitive species. Oregon chub is not known to occur within the project area and is no longer known to occur within the South Yamhill watershed.