

Dunk Tank Timber Sales Environmental Assessment
DOI-BLM-ORWA-S050-2015-0001-EA
Salem District, Marys Peak Field Office

DRAFT FINDING OF NO SIGNIFICANT IMPACT

Introduction

The Bureau of Land Management (BLM) conducted an environmental analysis for a proposal to conducting thinning harvest in the Dunk Tank Timber Sales Environmental Assessment (EA). The proposal is to perform thinning harvest on approximately 730 acres of early and mid-seral forest in the Matrix (General Forest Management Area) and Riparian Reserves land use allocations (LUAs).

The project area is located approximately six miles southwest of Philomath, Oregon, in Benton County on forested land managed by the Marys Peak Field Office of the Salem District BLM. The project area lies within the Marys River fifth-field watershed in Township 13 South, Range 6 West, Sections 7, 17, 19, and 21, Willamette Meridian.

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 2.5).

The BLM is providing a 30 day public review period for the EA and draft FONSI from May 6, 2016 to June 6, 2016. The notice for public comment has been published in a legal notice by the Benton County Gazette-Times newspaper. The BLM will review comments received during this period; substantive comments may be used to refine the proposed action or may be responded to in project-specific Decision Records.

Finding of No Significant Impact

Based upon review of the Dunk Tank Timber Sales 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 C.F.R. 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 Marys River fifth field watershed (and the Beaver Creek and Greasy Creek sixth-field watersheds). The proposed projects would occur on approximately 740 acres of BLM-managed land (730 acres of thinning harvest and 10 acres for new road

construction), encompassing less than one percent of the forest cover with the watersheds and 11 percent of BLM lands in the watersheds [40 C.F.R. 1508.27(a)].

Intensity:

1. 40 C.F.R. 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, 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 2.4*) 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 2.5*). 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 740 acres of BLM-managed forests in the Marys River fifth-field watershed. This accounts for approximately 11 percent of the lands that BLM manages in the watershed. Thinning harvest would not change the pattern or distribution of age classes (*EA pp. 32, 49*). Stands proposed for harvest activities are not presently functioning as late-successional old growth habitat.

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 (*EA p. 26*). 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 (*EA p. 48*). Sowing seed on exposed soil areas tends to reduce or limit the establishment of noxious weeds through competition.

ESA listed, Bureau Special Status, and Survey and Manage Botanical and Fungal Species (*EA section 3.1*): The BLM completed specific surveys for bureau special status species in the spring and summer of 2014 and 2015 (*EA p. 41*). Surveys indicated the presence of one fungal species in the project area. This site would be protected due to its exclusion from harvest (within no-cut stream protections zones) (*EA pp. 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. 51).

Northern Spotted Owl – The project is not likely to adversely affect northern spotted owls. No suitable habitat or critical habitat for northern spotted owls would be affected by the proposed action. All of the planned harvest units are expected to maintain sufficient canopy cover (greater than 40 percent) such that they would retain their current function as dispersal habitat within this project area. Four of the proposed harvest units fall within the home range of the two spotted owl sites. The amount of dispersal habitat affected by proposed thinning harvest represents less than 4 percent of the total home range area of each owl site, and except for 3 acres of Unit 7-1, the affected units are outside the core area for each site (EA pp. 57-58). For these reasons, the projects are not likely to adversely affect the species or its critical habitat.

Marbled Murrelet – This project area is 30 miles inland from the ocean and the nearest known occupied marbled murrelet is on BLM lands about 4 miles to the west. The forest stands in the planned harvest units do not contain any potential nesting structure for murrelets, which is usually composed of older conifer forest stands (greater than 120 years old) having large canopy branches, mossy limbs, and abundance of branch whorl platforms (McShane et al. 2004). Some of the older forest patches in the local vicinity (less than 3 miles) were surveyed (Evans-Mack et al. 2003) for murrelets at various dates from 1991 to 2015. In that time period, there have been 209 survey visits at 61 survey stations without any murrelet detections. There is no designated marbled murrelet critical habitat (USDI-FWS 1996, USDI-FWS 2011b) within the project area (EA p. 53). No negative effects are expected (EA p. 58).

Red Tree Vole – surveys were conducted in a small portion of Section 19 (17 acres) where the proposed thinning units included a scattered cohort of older legacy trees and wolfy trees that had a high likelihood of red tree vole presence. Following ground transects in 2015, 9 potential nest trees were selected from climbing, and red tree voles were detected in 6 of the 9 trees (EA pp. 53–54). The BLM designated a Habitat Area where voles were found for protection of the species, consistent with management recommendations. 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 (EA pp. 58–559). The project would not contribute to the need to list the species.

Other wildlife: At the scale of the analysis area, this proposed action is expected to have no discernable negative effects on populations of BCC species because all of the proposed thinning units would retain forest canopy cover (greater than 40 percent), canopy cover

reduction would largely recover within 30 years, and these mid-seral conifer stands that are targeted for treatment are currently an abundant age-class on both federal and non-federal lands within this watershed (EA pp. 60–61).

Fisheries and Aquatic Habitat, Hydrology, and Soils (EA sections 3.3, 3.4, 3.5): New road construction would occur within the Matrix; no new road construction would occur within the Riparian Reserves. Construction would be unlikely to have significant impacts because of the location, topography, lack of connectivity to streams, and project design features. The proposed new road construction road system is located in a stable geologic landform and there is very little risk of road related landslides (EA p. 77). 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. 20). Soil compaction would be limited to no more than 10 percent of each unit's acreage (EA p. 27).

The stream protection zones [SPZs (variable distances ranging from a minimum of 50 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 (EA p. 67).

The BLM determined that the proposed actions, including timber harvest, road work, and post-harvest fuel reduction treatments, would not result in adverse effects to listed fish species. No ESA consultation is warranted when no effects would occur to the listed species or its critical habitat (EA p. 104).

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. 90). 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 pp. 25, 90). The thinning would remove most of the ladder fuels and decrease the crown bulk density, reducing the risk of a crown fire (EA p. 91). 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 (EA pp. 89–90).

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; the BLM would manage trails in the area consistent with agreements between user groups and adjacent landowners (EA p. 26). Projects would comply with VRM Class 4 management direction. The project area has been previously graded as possessing low visual quality; the proposed action would not contribute to heightened sensitivity levels or cause the scenic quality of the overall landscape to change (EA p. 96). The projects would not affect Wild and Scenic Rivers or wilderness areas, as none are present in or adjacent to the project area (EA p. 32). Only one occupied residence is within the rural interface and could be affected by the project. Truck traffic noise

accompanying proposed operations may be heard however truck traffic associated with logging on both private and federal lands within the area is commonplace. Little distinction is expected to be observed with the incorporation of the proposed project (EA p. 95).

2. 40 C.F.R. 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, recreation in the project area may be limited during active operations to provide for public safety (EA section 2.4). Any prescribed burning would require a project level Prescribed Fire Burn Plan that adheres to smoke management and air quality standards (EA pp. 89–90). 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 pp. 25, 90).

3. 40 C.F.R. 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 C.F.R. 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 C.F.R. 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 2.4) to be effective in minimizing risks associated with the project.

6. 40 C.F.R. 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 (EA pp. 3–4, 30). 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 C.F.R. 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 (EA p. 60).
8. 40 C.F.R. 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. 29).
9. 40 C.F.R. 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 (EA p. 104):

U. S. Fish and Wildlife Service – Due to potential affects to northern spotted owls, as outlined in Table 3–9 (EA p. 58), consultation is required in accordance with Section 7(a) of the Endangered Species Act. The Section 7 Consultation for the proposed action will be addressed by inclusion within a Biological Assessment (BA; currently in preparation) that would analyze all projects that may modify the habitat of listed wildlife species on federal

lands within the Northern Oregon Coast Range during fiscal years 2017 and 2018. This proposed action has been designed to incorporate all appropriate design standards that will be included in the BA. A Letter of Concurrence would be expected from the Service in early October 2016, prior to any timber sale decision date.

National Marine Fisheries Service (NMFS): Threatened and Endangered Species – UWR Spring Chinook distribution is more than 2.2 miles downstream from project activities. Based on distance no project level impacts would affect UWR Spring Chinook or its critical habitat. Steelhead distribution is possible more than 0.5 mile from stand treatments (StreamNet 2009). Survey data does not indicate the presence of the species in the project area and no critical habitat is designated in the Marys River. No sediment, temperature, or LWD impacts would occur to listed fish habitat based on proposed design features that minimize site level impacts and distance to potential steelhead habitat. No ESA consultation is warranted when no effects would occur to the listed species or its critical habitat.

UWR Spring Chinook – UWR Spring Chinook 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 treatment area is at least 2.2 miles from nearest habitat utilized by Chinook salmon in Beaver Creek, coho are not noted to occur in Beaver Creek (StreamNet 2009). In the Greasy Creek Chinook are not noted to occur; however, coho salmon are at least 70 feet from one treatment unit (StreamNet 2009). All other units are 260 feet or greater from EFH based on coho distribution. All wet season haul over potential EFH streams occurs on paved roads. The nearest unpaved wet season haul is at least 950 feet upstream of EFH. Based on distance of vegetation treatments and hauling activities from occupied habitat proposed project would have no adverse effects on EFH. Consultation with NOAA NMFS on EFH is not required for these projects.

10. 40 C.F.R. 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 2.5).

Approved by: _____
Paul Tigan
Marys Peak Field Manager

Date