

Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)
Salem District, Oregon
Tillamook Field Office

Baker's Dozen Timber Sale

DOI-BLM-ORWA-S060-2016-0005-DNA

- A. **Location of Proposed Action:** T.3N, R.3W, Section 13, Willamette Meridian, Washington County, Oregon

Description of the Proposed Action:

The proposed action is to implement the Baker's Dozen Timber Sale which would sell federal timber on approximately 202 acres of land within the South Scappoose Creek watershed. The sale would entail commercial thinning on 199 acres, which would occur in the Matrix and Riparian Reserve Land Use Allocations (LUA), and 3 acres of right-of-way clearing for temporary road construction. The 3 acres cleared for road construction would be decommissioned after harvest and replanted. The effects associated with thinning, and associated connected actions in the South Scappoose Creek watershed were analyzed, described and disclosed for Alternative 2 (the Proposed Action) of the *South Scappoose Creek Project Environmental Assessment* (EA# DOI-BLM-ORWA-S060-2011-0007-EA). The Notice of Decision to implement Alternative 2 of the EA was published in November of 2011 in *The South County Spotlight* of Scappoose, Oregon and included a 15 day protest period as required by 43 CFR subpart 5003. The decision was also documented in the *Decision Record South Scappoose Creek Project* document which was made available to interested publics at the same time as the newspaper notice. The Bakers Dozen Timber Sale specifically includes portions of the Lucky 13 Timber Sale as shown on page 1 of the *Decision Record for the South Scappoose Creek Project EA* (Unit 9 as described in the South Scappoose Creek EA). See Figure 1 below for map of the Baker's Dozen timber sale area.

- B. **Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans**

LUP Name: *Salem District Record of Decision and Resource Management Plan*, dated May, 1995 (ROD/RMP) and *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, dated September 1994 (FEIS)

This action is also in conformance with the following documents:

- The *Final Supplemental Environmental Impact Statement (FSEIS) on Management of Habitat for Late-Successional and Old-Growth Related Species Within the Range of the Northern Spotted Owl* (USDA, USDI 1994a) (Northwest Forest Plan)
- *Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer and other Mitigation Measures Standards and Guidelines*. (USDA and USDI, January 2001) (S&M ROD)
- *Revised Recovery Plan for the Northern Spotted Owl (Strix occidentalis caurina)*. (U.S. Fish and Wildlife Service. 2011) (Spotted Owl Recovery Plan)

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

The Salem District ROD/RMP (1995) calls for managing developing stands on available lands to promote tree survival and growth and to achieve a balance between wood volume production, quality of wood, and timber value at harvest (ROD/RMP p. 46); and increase the proportion of merchantable volume in the stand, to produce larger, more valuable logs, to anticipate mortality of small trees as the stand develops, to maintain good crown ratios and stable, wind-firm trees (ROD/RMP p. D-2) by applying commercial thinning treatments. It also calls for supplying a sustainable source of forest commodities from the Matrix land use allocation to provide jobs and contribute to community stability (ROD/RMP pp. 1, 46-48); and to select logging systems based on the suitability and economic efficiency of each system for the successful implementation of the silvicultural prescription, for protection of soil and water quality, and for meeting other land use objectives (ROD/RMP p. 47) by developing timber sales that can be successfully offered to the market place. The Salem District ROD/RMP also gives direction to provide habitat for a variety of organisms associated with both late-successional and younger forests (ROD/RMP p. 20); and for applying silvicultural practices in Riparian Reserves (RR) to control stocking, reestablish and manage stands, and acquire desired vegetation characteristics needed to attain Aquatic Conservation Strategy objectives (ROD/RMP p. 11). The Baker's Dozen Timber Sale Project is within the Matrix and RR LUAs.

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

Applicable NEPA Documents:

South Scappoose Creek Project Environmental Assessment (EA# DOI-BLM-OR-S060-2011-0007-EA), September 13, 2011, Salem District, Tillamook Resource Area.

Decision Record for the South Scappoose Creek Project (November 23, 2011) Salem District, Tillamook Resource Area.

Other Related Documents:

Endangered Species Act (ESA) Consultation

WILDLIFE:

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, August 7, 2014, Prepared by the interagency Level 1 Team (terrestrial subgroup) for the North Coast Planning Province: Siuslaw National Forest, Salem and Eugene BLM Districts, and US Fish and Wildlife Service.

*Letter of Concurrence and Conference Concurrence Regarding the Effects of Habitat Modification Activities within the North Coast Province, FY 2015 and 2016, proposed by the Eugene District, Bureau of Land Management; Salem District, Bureau of Land Management; and the Siuslaw National Forest on the Northern Spotted Owl (*Strix occidentalis caurina*), Marbled Murrelet (*Brachyramphus marmoratus*), and their Designated and Proposed Critical Habitat, dated September 23, 2014 and prepared by the Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service Portland, Oregon (FWS Reference Number 01EOFW00-2014-I-0234)*

FISH:

The Baker's Dozen Timber Sale is included as part of a Biological Assessment (BA) for effects to Lower Columbia Coho Salmon that may result from implementation of the South Scappoose Creek Project which covers multiple sales in the South Scappoose Creek Drainage, including the Baker's Dozen Timber Sale. The BA assessed the effects of proposed harvest within Riparian Reserves, timber hauling, road construction/maintenance, and culvert replacements. The possibility of increased water temperature and also sediment delivery to streams resulting from the action are the effects of most concern. The Biological Assessment was accepted by the Northwest Oregon Fisheries Level 1 Team and forwarded to National Marine Fisheries Service (NMFS) on March 19, 2014 as a *May Affect, Not Likely to Adversely Affect (NLAA)* Project. A Letter of Concurrence was issued by NMFS (*Reference # NMFS WCR-2014-563*) on May 30, 2014.

D. NEPA Adequacy Criteria

- 1. Is the current proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?**

Yes. Alternative 2 (the Proposed Action) of the South Scappoose Creek Project EA considered a forest management project which consists of commercial thinning and density management treatments on approximately 1,540 acres and regeneration harvest treatment on approximately 100 acres. It is located within sections 7, 9, 19 and 29 of Township 3 North, Range 2 West; and sections 1, 11 and 13 of Township 3 North, Range 3 West, Willamette Meridian. The Decision Record for the South Scappoose Creek Project did not delineate which areas are associated with the proposed timber sale names listed in the table on page 1 of the Decision. The original Lucky 13 Timber Sale identified in the Decision Record was estimated at 391 acres. That original sale has now been split into two smaller timber sales named Baker's Dozen (this sale) and Lucky 13 (sold in 2014). The Baker's Dozen Timber Sale considered in this DNA is 202 acres and is comprised of portions of unit 9, as shown and analyzed in the South Scappoose Creek Project EA.

- 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?**

Yes. The Environmental Assessment analyzed and disclosed the predicted environmental effects of two alternatives to the South Scappoose Creek Project: Alternative 1 (No Action) and Alternative 2 (Proposed Action). This was an appropriate range of alternatives given the purpose and need for the project and the environmental concerns and values of the area.

Alternative 1 was the No Action Alternative. Alternative 2 – The Proposed Action, was designed to (1) Manage developing stands on available lands to promote tree survival and growth and to achieve a balance between wood volume production, quality of wood, and timber value at harvest; (2) Supply a sustainable source of forest commodities from the Matrix land use allocation to provide jobs and contribute to community stability; (3) Provide habitat for a variety of organisms associated with both late-successional and younger forests; (4) Maintain water quality standards and improve stream conditions; (5) Develop large conifers which in the future could be recruited as large coarse woody debris, large snag habitat and in-stream large wood. Develop long-term structural and spatial diversity, and other elements of late-successional forest habitat, to control stocking (stand density), to acquire desired vegetation characteristics and improve diversity of species composition within the

RR LUA; (6) Protect, manage, and conserve federally listed and proposed species and their habitats to achieve their recovery in compliance with the Endangered Species Act, approved recovery plans, and Bureau special status species policies; and (7) Maintain and develop a safe, efficient and environmentally sound road system and reduce environmental effects associated with identified existing roads within the project area. Both Alternatives are described in the EA sections 2.3 and 2.4.

The selected alternative is Alternative 2 – the proposed action. No new environmental concerns, interests, resource values, or circumstances have been revealed since the EA was published in 2011 that would indicate a need for additional alternatives.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

Yes. Several new circumstances have arisen since the publication of the South Scappoose Creek Project EA on September 13, 2011 but none of these changes have resulted in new information which could affect the adequacy of the analysis.

- Since the South Scappoose Project EA was published a number of proceedings pertaining to Survey and Manage have transpired. Based on current direction as of July 2015, this project is consistent with Survey and Manage guidance. The Baker's Dozen Timber sale is comprised of thinning of forest stands less than 80 years old. Thinning in stands less than 80 meets one of the Pechman exemptions (*Exemption A., Thinning projects in stands younger than 80 years old*), which have been and still are in place per the February 2014 Survey and Manage Remedy Order.
- A new BLM State Director's Special Status Species list was released in Jan. 2015. There were no changes to the list that would trigger further survey and analysis consequently this change would not affect the adequacy of the NEPA analysis.
- On October 28, 2008, the USFWS initiated a status review of the red tree vole, including an evaluation of the North Oregon Coast population and the red tree vole throughout its range; the EA recognized this fact on page 88. On October 13, 2011, after review of the best available scientific and commercial information, the USFWS determined that ESA listing of the North Oregon Coast population of the red tree vole as a distinct population segment (DPS) was warranted. However, they also determined the development of a proposed listing rule was precluded by higher priority actions to amend the lists of Endangered and Threatened Wildlife and Plants. Upon publication of the 12-month petition finding, the USFWS has added this DPS of the red tree vole to their list of candidate species. Pursuant to BLM's procedures regarding the management of candidate species, the North Oregon Coast population of the red tree vole is being managed as a Sensitive Species under the Bureau's Special Status Species Policy; it is also managed as a Survey and Manage Species. The fact that the North Oregon Coast DPS of the red tree vole has been added to the USFWS candidate species list does not affect the adequacy of the existing NEPA analysis since there is no suitable red tree vole habitat within the timber sale area.
- On November 21, 2012, in compliance with an order from a U.S. District Court, the USFWS finalized the 2012 designation of Critical Habitat for the spotted owl. The final rule was published in the Federal Register on December 3, 2012 and became effective on January 3, 2013. The Baker's Dozen Timber Sale Project is not located within Spotted Owl Critical Habitat and

therefore is unaffected by this change.

- At the time of the publication of the South Scappoose Creek Project EA (September 13, 2011) the second and final round of mollusk surveys was needed to fulfill protocol requirements on the 100 acres proposed for regeneration harvest (EA pg. 87). These surveys were completed November 2nd through November 16th 2011 and the results disclosed in the Decision Record in November 2011. No target species were located during surveys including Species listed as Sensitive under the BLM's 6840 Special Status Species Policy and Survey and Manage Species (SEIS Special Attention Species) as identified within the 2001 S&M ROD without Annual Species Review.
- On June 26, 2013 Judge Richard J. Leon of the U.S. District Court, District of Columbia ruled in *Swanson Group et al. v. Salazar-DOI/Vilsack-DOA*, that the Owl Estimation Methodology (OEM) violated the Administrative Procedures Act (APA) and has prohibited federal agencies from using the methodology until it has gone through a public review process. This ruling was reversed on June 12, 2015 by Judge Garland of the Court of Appeals for the D.C. Circuit. The court determined that the industry plaintiffs did not have standing to sue, and so reversed the district court, vacated the district court opinion, and remanded with instructions to dismiss the complaint.

The OEM is used by the USFWS to estimate "take" of spotted owls resulting from federal actions where insufficient survey data exists. As noted in Section C, Wildlife above, the Baker's Dozen Timber Sale is included in the *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*, August 7, 2014. The Biological Assessment included an analysis that involved the prediction of four owl sites generated by the OEM in the Northern Coast Range Province. None of the sites are located in the Tillamook Resource Area and the effects analysis associated with the South Scappoose Creek Project would be the same with or without OEM predicted sites included in the assessment. Consequently, the analysis in the EA is accurate and adequate.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes. The methodology and analytical approach used for the analysis contained in the EA continue to be appropriate in respect to the current proposed action. (1) There are no new standards or goals for managing resources. (2) There are no changes in resource conditions since the EA was published in 2011. (3) There are no changes in resource-related plans, policies or programs of other government agencies. (4) There are no new land designations in the South Scappoose Creek project planning area. (5) There are no changes in statute, case law or regulation that would affect the adequacy of the analysis in the EA, which supports the Baker's Dozen Timber Sale.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Yes. The EA adequately addresses the impacts (direct, indirect, and cumulative) of the proposed action on the relevant elements of the environment (EA, pp. 30-120). The EA describes impacts to Vegetation and Forest Stand Characteristics; Water Resources; Threatened or Endangered Fish Species or Habitat, Magnuson Stevens Act –Essential Fish Habitat and Fish Species with Bureau Status; Soils Resources; Endangered Species Act (ESA) Listed Wildlife Species, Habitat and/or

Designated Critical Habitat; Invasive and Non-Native Plant Species; Bureau Sensitive and Special Attention Plant and Animal Species and Habitats; Migratory Bird Treaty Act Birds; Recreation and Visual Resources; Air Quality, Fire Risk and Fuels Management; and Carbon Storage, Carbon Emissions, and Climate Change.

The EA analyzed the potential effects of the Proposed Action based on best available information that included use of BLM corporate digital information (GIS data), aerial photos, on-the-ground site visits, and a preliminary logging plan. LiDAR data, though now available, was not available for the area that includes the Baker's Dozen Timber Sale at the time of analysis. While the corporate data is reasonably accurate, there are limitations in its effectiveness for detecting and estimating all features of the landscape. Consequently the estimates of area and length of features can vary from that estimated on GIS maps with actual on-the-ground circumstances. Also, data limitations can obscure features that affect road and unit boundary layout such as unmapped creeks and short steep ground slopes that are not detectable on contour maps. As a result, the EA underestimated the on-the-ground road construction needs by 5,700 feet for the total 1,640 acre project. Most of the additional mileage is associated with increased length of road segments due to unforeseen topographical features that precluded more direct route layout. In some cases additional short spurs were also identified as being needed to gain access to the topographical break from main roads that do not run directly on the break. Nearly all of the increased length is associated with temporary roads to be decommissioned at the conclusion of the projects, while the estimate of new rock road needed has decreased from the estimate in the EA.

The two resources with the potential to be affected by additional road construction are hydrology (stream flow and sediment) and soils (productivity). The analysis in the EA considered the impacts of new road construction to these resources and found that the impacts would be minor. The hydrology analysis considered that, based on Oregon Watershed Enhancement Board (OWEB) standards, if a subwatershed had less than 4% of its land area in roads that it would fall into the low risk category for negative impacts to peak flows. The South Scappoose Creek subwatershed is currently at 3% roaded and with the addition of the new roads from the South Scappoose Creek Project EA would be at 3.1% roaded. The addition of 5,700 feet of new road beyond that shown in the EA would raise the level of roads to 3.12%, or an increase of 0.02%; still below the OWEB standard and therefore substantially the same as analyzed in the EA. The EA also found that most roadwork would have little potential to affect sedimentation and turbidity levels because with the exception of three stream crossings, most roadwork would occur on gentle to moderate sloping stable ridgetops and benches and all road work, with the exception of culvert work, would be 100 feet or greater from stream channels. This is also true for the additional road construction work. There would not be any additional stream crossing beyond that analyzed in the EA and all of the additional road length would be at least 100 feet from streams on ridgetops and benches. Therefore, the analysis in the EA is still accurate pertaining to water quality and sedimentation.

The other resource affected by new roads is soil productivity, as it can affect future tree growth due to soil compaction. The EA found that the project would result in severe soil disturbance to about 14 acres from new road construction. Including the new road length, approximately 16 acres of severe soil disturbance from new road construction will occur in the project area, an increase of 2 acres from the total analyzed. Nearly all of the new mileage would be subsoiled and decommissioned after harvest which would result in a modicum of restoration of soil productivity by restoring some hydrologic function and improving soil physical properties. The IDT concludes that the loss of soil productivity on the additional acres would still not result in a detectable loss in tree growth over the course of an 80+ year rotation at the landscape scale and is therefore still consistent with the analysis in the EA.

The Baker's Dozen Timber Sale would require the construction of approximately 4,035 feet of temporary road, which is 14% of the estimated total South Scappoose Creek project road construction.

During layout of the Baker's Dozen Timber Sale the treatment area was reduced by approximately 21 total acres from that estimated in the EA due to streams being more extensive than previously estimated and several areas containing slopes over 70% which showed signs of active slumping. Because the overall reduction in treatment acres and change in yarding method would result in fewer effects from timber harvesting rather than more, the EA has sufficiently analyzed the site-specific impacts related to the Baker's Dozen Timber Sale.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes. The cumulative effects considered in the EA included those from past, present and reasonably foreseeable future projects on public and private land. No unanticipated actions or events have occurred in the planning area that would have additional cumulative effects with the Baker's Dozen Timber Sale Project.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. There have been many opportunities for public involvement and interagency review associated with the Project EA. External scoping (seeking input from people outside of the BLM) was conducted by means of a scoping letter for the South Scappoose Creek Project sent out to a total of 21 county, state and federal government agencies, organizations, associations, and interested parties on the Tillamook Resource Area mailing list on February 17, 2011. This scoping letter was also posted to the BLM's Salem District website. A Notice for Public Comment was published in *The South County Spotlight* newspaper of Scappoose Oregon on February 23, 2011. Finally, a description of the proposal was included in the Salem District, Bureau of Land Management Project Updates for the spring and summer of 2011 which were mailed to more than 240 individuals, organizations and agencies.

As a result of this scoping effort, nine letters providing comments were received. In addition to the letters, three phone calls were received by individuals requesting additional information or wishing to provide comment. A summary of the public comments received and BLM responses is located in Appendix 1 of the EA.

Based on the original scoping responses, a notification of availability of the South Scappoose Creek Project EA was mailed to nine agencies, individuals and organizations on September 14, 2011. Additionally, a legal notice was placed in *The South County Spotlight* newspaper soliciting public input on the action on September 21, 2011 and the EA was posted to the BLM's Salem District website. On October 13, 2011, Tillamook Field Office staff members provided a field tour of the South Scappoose Creek Project Area as requested by the Scappoose Bay Watershed Council; the tour was attended by approximately 22 interested persons.

A total of three written comment letters or e-mails were received during the 30 day comment period for the EA. A summary of these comments and BLM responses can be found in Appendix A of the South Scappoose Creek Decision Record.

The public involvement process outlined above provided appropriate public involvement and interagency review opportunities at a level commensurate with potential impacts associated with the proposed action.

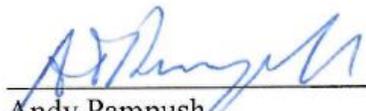
E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Role or Resource Represented</u>
Steve Bahe	Interdisciplinary Team Leader & Wildlife Resources
Andy Pampush	Environmental Coordinator
Brian Christensen	Forester
Christian Sween	Soils Resources
Matt Walker	Fish Resources
Joel Churchill	Engineer

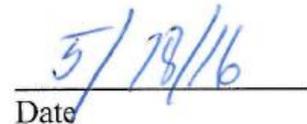
F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

No mitigation measures were identified or incorporated into the Baker's Dozen Timber Sale Project. Project design features set forth on pages 21 - 28 of the EA are consistent with the Best Management Practices described in Appendix C to the ROD/RMP on pages C1 – C11 and adequately minimize potential negative impacts associated with the project.

REVIEWED BY



Andy Pampush
Environmental Coordinator



Date

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

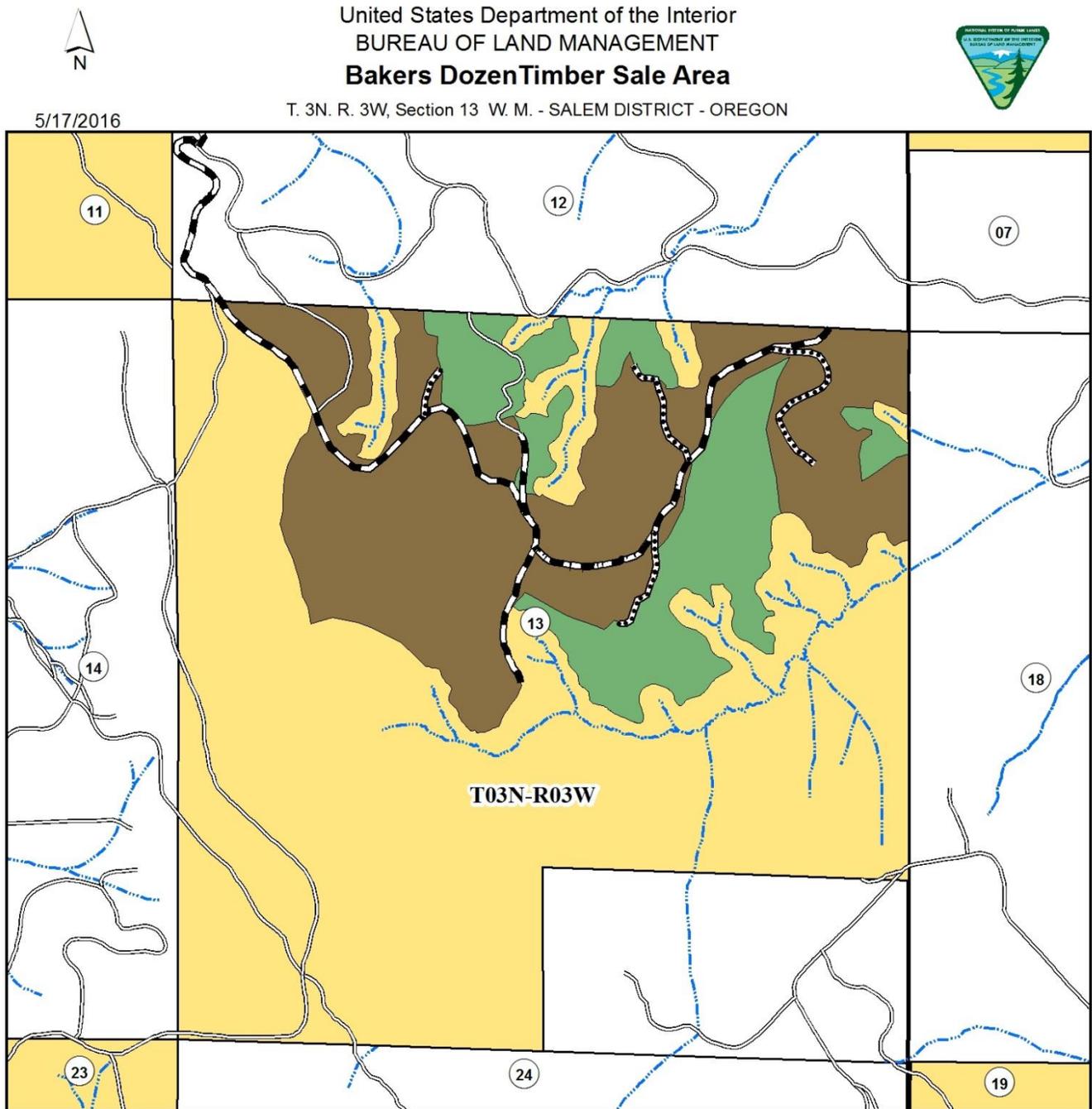


FOR Karen M. Schank
Tillamook Field Manager



Date

Figure 1 Baker's Dozen Project Area



0 500 1,000 2,000 3,000 Feet

- Road to be Constructed
- Road to be renovated
- Ground-Based Yarding
- Cable Yarding
- Other Roads
- Streams
- Bureau of Land Management

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

Prepared By: csween

