



# 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: [OR\\_CoosBay\\_Mail@blm.gov](mailto:OR_CoosBay_Mail@blm.gov)

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



### **In Reply Refer To:**

1792 (ORC040)

EA# OR-128-06-01

***March 26, 2009***

Dear Concerned Citizen:

We have signed the FONSI and the Decision Record for the New River Fore-dune Management Environmental Assessment (EA# OR-128-06-01). The Proposed Action of this EA includes re-establishing dune heights and creates approximately 100 acres of open sand habitat for western snowy plovers. These documents have been posted on the District Internet site:

<http://www.blm.gov/or/districts/coosbay/index.php> .

The Decision Record is open to Appeal procedures as detailed at 43 CFR, Part 4 Subpart E – Special Rules Applicable to Public Land Hearings and Appeals (Administrative Remedies). Appeals of this action must be filed within 30 days after publication of the Notice of Availability for this Decision. Please direct requests for copies, questions, or comments to Coos Bay District BLM, 1300 Airport Lane, North Bend, OR 97459-2000, Attention: Aimee E.B. Hoefs; call (541) 751-0100; FAX (541) 751-4303; or e-mail to [OR\\_CoosBay\\_Mail@blm.gov](mailto:OR_CoosBay_Mail@blm.gov), Attention: Aimee E.B. Hoefs.

Sincerely,

***Paul T. Flanagan***

Paul T. Flanagan  
Myrtlewood Field Manager



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### **In Reply Refer To:**

1792 (ORC040)

EA-OR-128-06-01

## **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

### **and DECISION RECORD**

**For the**

**New River Foredune Management Environmental Assessment**

**EA-OR-128-06-01**

### **I. Introduction**

An Interdisciplinary Team has prepared an Environmental Assessment (EA) for the New River Foredune Management Project located within the Myrtlewood Field Office of the Coos Bay District Bureau of Land Management. This EA is hereby incorporated by reference. Within this document, the team analyzed two alternatives: a no-action alternative and a proposed action alternative. The no-action alternative describes the effects of not conducting ground-disturbing activities on the foredune at this time. The proposed action alternative describes the effects of conducting the proposed management activities on the New River foredune. The proposed action would re-establish dune heights to mitigate blowing sand and ocean overwash into the New River system, expand the current Habitat Restoration Area for plovers, and create two vegetated foredunes parallel with open sand areas. The project is located within the New River Area of Critical Environmental Concern in T. 30 S., R. 15 W., Sections 3, 10, 15, 21, 22, and 28.

### **II. Background**

This project was developed under the management direction of the Final Coos Bay District Proposed Resource Management Plan Final Environmental Impact Statement (USDI 1994) and its Record of Decision (USDI 1995), and the Final Supplemental Environmental Impact Statement on Management of Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl, commonly referred to as the "Northwest Forest Plan" [NFP] (USDA/USDI 1994) and its Record of Decision [ROD] (USDA/USDI 1994a) as supplemented and amended by:

Management of Port-Orford-cedar in Southwest Oregon Final Supplemental Environmental Impact Statement (USDA/USDI 2004), and its Record of Decision (USDI 2004).

The Final Supplement to The 2004 Environmental Impact Statement to Remove or Modify The Survey and Manage Mitigation Measure Standards and Guidelines (USDA/USDI 2007) and its Record of Decision (USDI 2007).

This EA incorporates by reference and is in conformance with the *New River Area of Critical Environmental Concern Management Plan: Updated May 2004* (USDI 2004).

This project is in conformance with the Coos Bay District's 2008 Record of Decision and Resource Management Plan (2008 ROD/RMP). Revision of a resource management plan necessarily involves a transition from the application of the old resource management plan to the application of the new resource management plan. A transition from the old resource management plan to the new resource management plan avoids disruption of the management of BLM-administered lands and allows the BLM to utilize work already begun on the planning and analysis of projects.

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

I am adopting the EA, which indicates that there would not be a significant impact on the quality of the human environment from the implementation of any of the alternatives. 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 the context and intensity of the impacts described in the EA.

#### Context

The proposed activities are not national or regional in scope. The New River Fore-dune Management EA action area comprises approximately 100 acres. The Coos Bay District Record of Decision and Resource Management Plan (USDI 2008) anticipated these types of management activities within the New River ACEC as well as conducting restoration activities for the recovery of listed species.

#### 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 analyzed and described in the Final Supplemental Environmental Impact Statement on Management of Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl (USDI 1994), to which the EA is tiered.

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

The proposed activities would not significantly affect public health and safety. Adherence to the Oregon Smoke Management Plan (OAR 629-43-043) and the State of Oregon Administrative Rule No. 340-108, *Oil and Hazardous Materials Spills and Releases*, would minimize impacts to Air Quality and from Solid/Hazardous Wastes.

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

The proposed activities will have no impact on unique characteristics of the geographic area such as historic or cultural resources, park lands, prime or unique farmlands, wetlands or floodplains, Wild and Scenic Rivers, or wilderness. The proposed action would occur within an Area of Environmental Critical Concern. Within the Environmental Assessment (pp. 37-38) the effects of implementing the action on the recreational opportunities and Visual Resource Management

objectives within the New River ACEC were analyzed. The effects of the proposed action are consistent with the *New River Area of Critical Environmental Concern Management Plan: Updated May 2004*.

*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. Six comments were received in response to Scoping for this project (November 24 – December 24, 2005). No comments were received that I consider highly 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.

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

The proposed projects do not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant effects. Habitat restoration activities have been conducted within New River for many years; the proposed action would change the manner in which they are conducted.

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

There are no significant cumulative effects identified in this environmental assessment.

*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 requested re-consultation for management of Western Snowy Plovers within the New River ACEC. A Biological Opinion (13420-2008-F-0104) was received on December 2, 2008, concluding that the proposed action “will not jeopardize the continued existence of the plover and that activities are not likely to adversely modify critical habitat.”
- Informal consultation with the National Marine Fisheries Service has been concluded concerning effects to the federally listed coho salmon and the southern DPS of the green sturgeon. A Letter of Concurrence was received on March 13, 2009.
- 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).

*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 activities would not violate Federal, State or local laws imposed for the protection of the environment. These include the Clean Air Act and the Clean Water Act.

Analysis has also concluded that implementation of the proposed actions would minimize the likelihood of and need for listing any Special Status Species as identified in BLM Manual 6840 and BLM OR/WA 6840 policy.

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.

Based on the analysis of potential impacts contained in the New River Foreedune Management environmental assessment, 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 management activities within the New River Area of Critical Environmental Concern are within those analyzed in the Final Supplemental Environmental Impact Statement on Management of Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl, (1994) and would be in conformance with the Coos Bay District's 2008 Record of Decision and Resource Management Plan.

***Paul T. Flanagan***

***March 25, 2009***

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Paul T. Flanagan  
Myrtlewood Field Manager

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Date

**Decision**

It is my decision to authorize the implementation of the Proposed Action Alternative as described on pages 10-12 of the New River Foredune Management Environmental Assessment (EA) #OR128-06-01, which is incorporated by reference. This alternative best responds to the need for action: incorporating new dune geomorphology information and how to balance that information with the needs of special status species (EA pp. 5-6).

The Proposed Action will re-establish dune heights to mitigate blowing sand and ocean overwash into the New River system while providing open sand habitats for nesting western snowy plovers within the expanded Habitat Restoration Area. Site specific Project Design Features that will be implemented as part of the Action Alternative are described on pages 12-14 of the New River Foredune Management EA.

This decision is in conformance with the Coos Bay District's 2008 Record of Decision and Resource Management Plan (2008 ROD/RMP) and the 2008 Final Environmental Impact Statement for the Revision of the Resource Management Plans of the Western Oregon Bureau of Land Management (2008 FEIS) and its Record of Decision (2008 ROD).

Revision of a resource management plan necessarily involves a transition from the application of the old resource management plan to the application of the new resource management plan. A transition from the old resource management plan to the new resource management plan avoids disruption of the management of BLM-administered lands and allows the BLM to utilize work already begun on the planning and analysis of projects.

The 2008 ROD allowed for such projects to be implemented consistent with the management direction of either the 1995 resource management plan (1995 RMP) or the 2008 RMP, at the discretion of the decision maker.

This project meets the requirements designated in the 2008 ROD for such transition projects:

1. A decision was not signed prior to the effective date of the 2008 ROD.
2. Preparation of National Environmental Policy Act documentation began prior to the effective date of the 2008 ROD (Scoping 2005)
3. A decision on the project will be signed within two years of the effective date of the 2008 ROD.
4. Regeneration harvest would not occur in a late-successional management area or any harvest would not occur in a deferred timber management area.
5. There would be no destruction or adverse modification of critical habitat for species listed as endangered or threatened under the Endangered Species Act.

Although planning and design for this project was initiated prior to the 2008 ROD, it does not contain any project design features that are not consistent with the management direction contained in the 2008 RMP.

The selected alternative is in compliance with the Endangered Species Act, the Clean Water Act, the Magnuson-Stevens Fishery Conservation Act and the BLM Special Status Species Program. The EA and FONSI analyzed the selected alternative and found no significant impacts that would require the development of an EIS.

In addition to the selected alternative, there was a no action alternative that would continue the current management of the foredune, which is allowing European beachgrass to reinvade the area. Two other alternatives were considered but eliminated. One was to continue the previous management practice as described in EA#OR-128-00-03. This was eliminated because it is inconsistent with the basic policy objectives of the *New River Area of Critical Environmental Concern Management Plan: Updated May 2004*. The other alternative was to re-establish a larger dune height with intermittent areas of open sand along breaching areas. This alternative was rejected by the U.S. Fish and Wildlife Service.

### **Public Involvement**

The general public was notified of the proposed project and EA through the publication of the District's semi-annual planning update under the title of "Western Snowy Plover Habitat Restoration Area Environmental Assessment for New River Area of Critical Environmental Concern." Formal Scoping was conducted from November 24 through December 24, 2005.

On December 15, 2008, the New River Foredune Management draft FONSI was released for a 30-day Public Review and was sent to local groups, businesses, state and local government agencies, adjoining landowners and individuals. No comments were received.

### **Consultation and Coordination**

#### U.S. Fish and Wildlife Service

Pursuant to the Endangered Species Act, Formal Consultation with the U.S. Fish and Wildlife Service has been completed. The Service has determined in a Biological Opinion that implementation of the proposed action "will not jeopardize the continued existence of the plover and that activities are not likely to adversely modify critical habitat."<sup>1</sup>

#### National Marine Fisheries Service

The BLM initiated informal Consultation with the National Marine Fisheries Service (NMFS) on October, 20, 2008. The NMFS concurred that the project is "not likely to adversely affect (NLAA) Oregon Coast (OC) coho salmon ... or their designated critical habitat."<sup>2</sup> The project would also not likely adversely affect the southern DPS green sturgeon and their proposed critical habitat. Finally, NMFS concludes that the action would not adversely affect Essential Fish Habitat designated for Pacific salmon, coastal pelagic and groundfish species.

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<sup>1</sup> December 2, 2008. Biological Opinion on the Management of the New River Western Snowy Plover Habitat Restoration Area on Bureau of Land Management Lands within the New River Area of Critical Environmental Concern (13420-2008-F-0104).

<sup>2</sup> March 13, 2009. Endangered Species Act Section 7 Informal Consultation and Conference report and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the New River Foredune Management Project (2008/07031)

**Rationale for the Decision**

The proposed action would most effectively meet the purpose of action, which is to stabilize the geomorphology of the New River foredune while providing open sand habitats for nesting western snowy plovers (EA pp. 5-6). The proposed action would allow the foredune to gain in elevation height while creating approximately 100 acres of open sand habitat.

**Administrative Review Opportunities**

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed at the Myrtlewood Field Office, Coos Bay BLM, 1300 Airport Lane, North Bend, OR, 97459, within 30 days after publication of a Notice of Availability for this Decision. The appellant has the burden of showing that the decision being appealed is in error.

*Paul T. Flanagan*

*March 25, 2009*

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Paul T. Flanagan  
Myrtlewood Field Manager

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Date