

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

DETERMINATION OF NEPA ADEQUACY (DNA)

OFFICE: Siuslaw Resource Area, BLM Eugene District

TRACKING NUMBER: DOI-BLM-OR-E050-2015-0008-DNA

PROJECT NAME: Battle Axe Timber Sale

LOCATION/LEGAL DESCRIPTION: T. 19 S., R. 5 W., Section 9, Will. Mer.

A. Description of Proposed Action

The proposed action is to implement the Battle Axe Timber Sale by thinning approximately 95 acres. Approximately 70 acres General Forest Management Area (GFMA) land use allocation (LUA) and 25 acres of Riparian Reserves (RR) will be thinned. The project site is located within the Long Tom Landscape Plan EA planning area. The proposed action (including silvicultural prescriptions; logging systems; RR treatments; road construction and renovation; road decommissioning prescription; wildlife, botany, and fuels mitigation measures) is described in the attached "Implementation Prescription."

B. Land Use Plan (LUP) Conformance

The Eugene District initiated planning and design for this project to conform and be consistent with the following:

- Eugene District Record of Decision and Resource Management Plan (RMP), as amended. Date approved: June 1995
- Long Tom Landscape Plan Environmental Assessment (EA). Date approved: July 2011

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

"Design silvicultural systems on General Forest Management Areas to meet a high level of timber production within a framework of mitigating measures and project design features which protect environmental quality and habitat for wildlife, fish and botanical species" (RMP 1995, p. 86).

In Riparian Reserves "Design and implement wildlife habitat restoration and enhancement activities in a manner that contributes to attainment of Aquatic Conservation Strategy objectives... Manage riparian areas for a late seral stage unless watershed analysis identifies reasons for alternate objectives... Maintain the riparian/wetland conditions within the historic range of conditions as much as can be determined..." (RMP 1995, p. 42).

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

The proposed action is covered by the Long Tom Landscape Plan EA (July 2011).

United States Fish and Wildlife Service Biological Opinion for the Long Tom Landscape Plan EA.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? 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(s)? If there are differences, can you explain why they are not substantial?

The proposed thinning is part of Alternative 4 (preferred alternative) analyzed in the Long Tom Landscape Plan EA and is contained within the EA analysis area. The current proposed action implements the following specific actions in the selected alternative:

In matrix lands "Forest stands between 30 and 79 years of age would be thinned using the traditional silvicultural technique of thin from below to relative densities in the mid-thirties, generally ranging from 32 to 38. Spotted owl dispersal habitat would be maintained to USFWS standards (EA, p.11)."

Battle Axe consists of approximately 95 acres of matrix thinning that are approximately 60 years of age. The Battle Axe Timber Sale will thin trees to a Curtis relative density of 31 (strata 2) and 34 (strata 1). Thinning will retain 142 (strata 2) to 162 (strata 1) square feet basal area per acre, averaging about 59 (strata 1) to 64 trees (strata 2) per acre, maintaining more than an average canopy closure of 60 percent. This prescription will maintain northern spotted owl dispersal and foraging habitat.

"All streams would receive a minimum buffer of approximately 60 feet within which no thinning would occur." (EA, p.12).

All streams within the thinning unit will receive a minimum 60 foot buffer within which no thinning would occur, see the attached prescription for detailed stream buffers.

"Roads would be constructed or renovated/improved as needed. Approximately 20 to 30 miles of construction and approximately 170 to 190 miles of renovation/improvement would occur." (p. 16).

Approximately 4,524 feet of new road will be constructed; approximately 8,869 feet of road will be renovated or improved.

"Decommissioning strategy for Matrix lands: Newly constructed and renovated/improved natural surface roads; Newly constructed and renovated/improved roads within late successional stands that are natural surface or have been rocked to facilitate harvest activities but are not needed for future management." (decommissioning will be done using the design features listed in the EA) (EA 2011, p. 8).

Approximately 3,377 feet of road (including newly constructed roads) would be decommissioned (see the implementation prescription for design features).

The large numbers of oak trees in stratum 2 of this project east of Jordan Creek prompted the nomination of the area as the Jordan Creek proposed Area of Critical Environmental Concern (ACEC) in February of 2013. This project, including forest thinning with oak release, is consistent with the relevant and important values of the ACEC, and would benefit these values. The oak release has been analyzed in the Long Tom EA under the preferred alternative (pages 11, 35 and 48).

Special management attention mentioned in the ACEC nomination includes:

- Prohibit activities and authorizations that would adversely affect the relevant and important values. Maintain in savannah or woodland structure as appropriate through silvicultural prescriptions and prescribed fire.

- Maintain and promote oaks while reducing Douglas-fir abundance.
- Promote “fire climax” structure of open grown old oak and fir trees.
- Remove noxious and invasive weeds at a higher priority than weeds on the district in general.
- Restore native plant communities and Special Status Species associated with meadows, savannahs and woodlands.

The resource area botanist will monitor the site for ensuring high priority weed control.

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

The Long Tom Landscape Plan EA analyzed four alternatives in addition to a no action alternative. The alternatives analyzed a variety of thinning prescriptions. The EA analyzed the effects of thinning on suitable and potentially suitable habitat for northern spotted owls (pp. 29-32) and marbled murrelet habitat (p. 31). The effects of thinning on spotted owl nest patches (pp. 32-33) were analyzed as well. The effects of road use and improvements on ACS objectives were analyzed (pp. 24-29). The effects of management activities on the release or storage of carbon were analyzed (pp. 39-41). Comments received were taken into consideration both before and after the alternatives were analyzed. No new environmental concerns, interests, resource values or circumstances have been revealed since the EA was published that would indicate a need for additional alternatives.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated list of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

There is no significant new information or circumstance relative to the analyses in the Long Tom Landscape Plan EA and the current proposed action. The project is not located in the 2012 northern spotted owl critical habitat designation. Trees with potential marbled murrelet nesting structure located within the harvest area have been painted yellow and will be reserved. The Revised Recovery Plan for the Northern Spotted Owl (USDI-FWS, Revised Recovery Plan for the Northern Spotted Owl 2011), (USDI-FWS, Revised Critical Habitat for the Northern Spotted Owl; Final Rule) provides new information; however, the existing analysis in the EA is adequate and conferencing with USFWS was completed. Consistency is a result of project design features for protecting northern spotted owl habitat.

4. Are the direct, indirect and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

There is no new information or circumstance that would alter the effects analysis in the Long Tom Landscape Plan EA. The Long Tom Landscape Plan EA analyzed direct and indirect impacts of the proposed action; the current project consists of treatments that were described in the proposed action for the EA. The EA concluded that thinning the stands would improve growing conditions and improve the quality of habitat for northern spotted owls. The EA analysis concluded that habitat within known current owl home ranges would maintain the ability of the stand to function as dispersal and foraging habitat and that the actions outlined in this timber sale will not exceed the anticipated effects on wildlife. The project is located in the South Willamette North Umpqua Area of Concern, canopy cover is being maintained to protect foraging habitat.

Thinning and associated activities would result in slash creation in the short-term, increasing fire risk, followed by a long term reduction in the risk of severe fire, relative to leaving stands un-thinned (EA, p. 38). Road renovation, new road construction, and log-haul would produce negligible, if any, sediment delivery to streams, while road improvements such as replacement of culverts and upgrading surfacing would reduce long-term sediment delivery (EA, p. 26).

Stream buffers will protect streams from sediment that may be generated from logging operations (EA, p. 26). Reduction in canopy closure from thinning, road renovation and new road construction could result in some further establishment and spread of noxious weeds; however, weed levels will decrease as the canopy recovers and shade is restored to these sites. Stratum 1 has one oak tree which will be released by removing all conifers within a ¼ acre opening; stratum 2 has 25 oak trees which will be released by removing all conifers within ¼ to ½ acre area around the oaks. There are no large remnant conifers or potential marbled murrelet trees located in the area being cleared of conifers.

Weed introductions will be minimized by cleaning of vehicles prior to entry into the stand (EA, p. 36). The EA analyzed both the short-term and long-term effects of carbon emissions and carbon storage. The analysis indicated that long-term cumulative carbon emissions levels were less than the long term carbon sequestration levels 30 years after thinning.

The site specific effects of the current proposed action are consistent with the effects analysis in the Long Tom Landscape Plan EA. The stand conditions in the project area for the current proposed action are consistent with those anticipated in the Long Tom Landscape Plan (EA, pp. 14-16). Dispersal and foraging habitat thinned would continue to function as owl dispersal and foraging habitat since the silvicultural prescriptions for these units maintain at least 60% canopy cover. Marbled murrelet protocol surveys were completed and no detections were made. This timber sale is not located within marbled murrelet critical habitat.

Site visits and surveys did not identify any unique conditions (such as special habitats or special status species), there is no specially designated areas Research Natural Area (RNA) in the project area. The Jordan Creek proposed ACEC is located in stratum 2 of the thinning area.

The 1995 Eugene Resource Management Plan, page 40, directs managers to “maintain, enhance, and acquire oak, oak-conifer woodlands, and pine stands for associated wildlife species” and to “identify management strategies including competitive conifer control in these high value habitats” to “manage the site within the range of known historical conditions.”

Additional details are provided in the Long Tom Landscape Plan EA project analysis file.

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

Public involvement for the Long Tom Landscape Plan EA has been adequate. Scoping was completed before the analysis for the EA began. An information sheet describing the proposed project and project area was included in the Long Tom Watershed Council newsletter in March of 2009. A letter was mailed to interested parties on March 15, 2009. Representatives of the BLM attended a Long Tom Watershed Council meeting on March 29, 2011. The EA and preliminary FONSI were made available for a 30-day public review on March 15, 2011; twelve comments were received. One comment suggested a wider range of alternatives and mentioned that thinning to 60% canopy cover be analyzed as a separate alternative. One comment requested a more open, inclusive and collaborative process of review and analysis. The EA process included an adequate scoping and public comment period which began approximately three years ago.

One comment suggested that county commissioners should be allowed to make recommendations for road decommissioning but not allowed decision making authority. The EA incorrectly stated that county commissioner “approval” will be obtained before road decommissioning measures are implemented. That statement in the EA has been changed to state county commissioners will “review” decommissioning measures before implementation. Two comments inquired if surveys for survey and manage species will be performed in stands greater than 80 years of age.

BLM received one protest following the publication of the Decision Record, filed August 8, 2011. The protest was denied on January 10, 2012. The appeal period ended on February 21, 2012. BLM notified the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians; the Confederated Tribes of the Siletz; and the Confederated Tribes of the Grand Ronde of the Long Tom Landscape Plan EA during the scoping process, requesting information regarding tribal issues or concerns relative to the project. BLM also sent the tribes copies of the EA and no responses were received.

BLM has consulted with the U.S. Fish and Wildlife Service (USFWS). BLM completed formal consultation under the Endangered Species Act (ESA) with the USFWS on effects of the Battle Axe Timber Sale on the northern spotted owl and marbled murrelet. The current proposed action is consistent with the description of the action in the Long Tom Landscape Plan Biological Opinion issued by the USFWS in 2011. Northern spotted owl critical habitat was re-designated in 2012 and conferencing with USFWS has been completed for this project. The proposed action is not likely to adversely affect northern spotted owls because road construction would occur in spotted owl dispersal habitat. The project will likely adversely affect marbled murrelet habitat due to thinning near trees that have potential nesting platforms and from road construction in non-habitat. The Long Tom Watershed does not contain critical habitat for coho salmon. Because the current proposed action would have no effect on coho salmon and its designated critical habitat, as well as no adverse effect on Essential Fish Habitat, consultation with the National Oceanic and Atmospheric Administration - Fisheries is not required.

E. BLM Staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource</u>
Karin Baitis	Soil Scientist	Soils/Road Decom.
Peter O'Toole	Planning Forester	Team Lead
Crystal Perez-Gonzalez	Silviculturist	Silviculture
Doug Goldenberg	Botanist	Botany
Peter Huppi	Civil Engineering Technician	Engineering
Tom Jackson	IT Specialist	GIS
Kristen Allison	Fuels Specialist	Fuels
Randy Miller	Wildlife Biologist	Wildlife
Jason McCaslin	Wildlife Biologist	Wildlife
Sarah Wernecke	Forester	Logging Systems
Leo Poole	Fisheries Biologist	Fisheries
Sharmila Premdas	Landscape Planner	NEPA
Steve Steiner	Hydrologist	Hydrology

Prepared By

/S/ Sharmila Premdas
Sharmila Premdas, NEPA Planner

Date: 4/20/2015

Conclusion

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

/S/ Michael J. Korn
Michael J. Korn, Field Manager,
Siuslaw Resource Area

Date: 4/20/2015

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

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DECISION RECORD
DOI-BLM-OR-E050-2015-0008-EA
Battle Axe Timber Sale

DECISION

It is my decision to implement this action as described in the Determination of NEPA Adequacy Documentation DOI-BLM-OR-E050-2015-0008-DNA.

PLAN CONFORMANCE

The proposed action has been reviewed by BLM staff. The Proposed Action is in conformance with the 1995 Eugene District Record of Decision and Resource Management Plan (as amended). Based on the Determination of NEPA Adequacy, I have determined that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

SURVEY AND MANAGE

The project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the district Resource Management Plan.

Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation had entered into a stipulation exempting certain categories of activities from the Survey and Manage standard (hereinafter "Pechman exemptions").

Judge Pechman's Order from October 11, 2006 directs: "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

- A. Thinning projects in stands younger than 80 years old (emphasis added):
- B. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary, or to be, decommissioned;
- C. Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and
- D. The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph."

Battle Axe project has been reviewed in consideration of Judge Pechman's October 11, 2006, order. Because the Battle Axe project includes no regeneration harvest and includes thinning only in stands less than 80 years old, I have made the determination that this project meets Exemption A of the Pechman Exemptions (October 11, 2006 Order), and therefore may still proceed to be offered for sale.

ADMINISTRATIVE REMEDIES

The decision to implement this project may be protested under 43 CFR 5003 - Administrative Remedies. In accordance with 43 CFR 5003.2, the decision for this project will not be subject to protest until the notice of sale is first published in the Eugene Register-Guard. This published notice of sale will constitute the decision document for the purpose of protests of this project (43 CFR 5003.2b). Protests of this decision must be filed with this office within fifteen (15) days after first publication of the notice of sale. As interpreted by BLM, the regulations do not authorize the acceptance of protests in any form other than a signed, written hard copy that is delivered to the physical address of the BLM Eugene District Office.

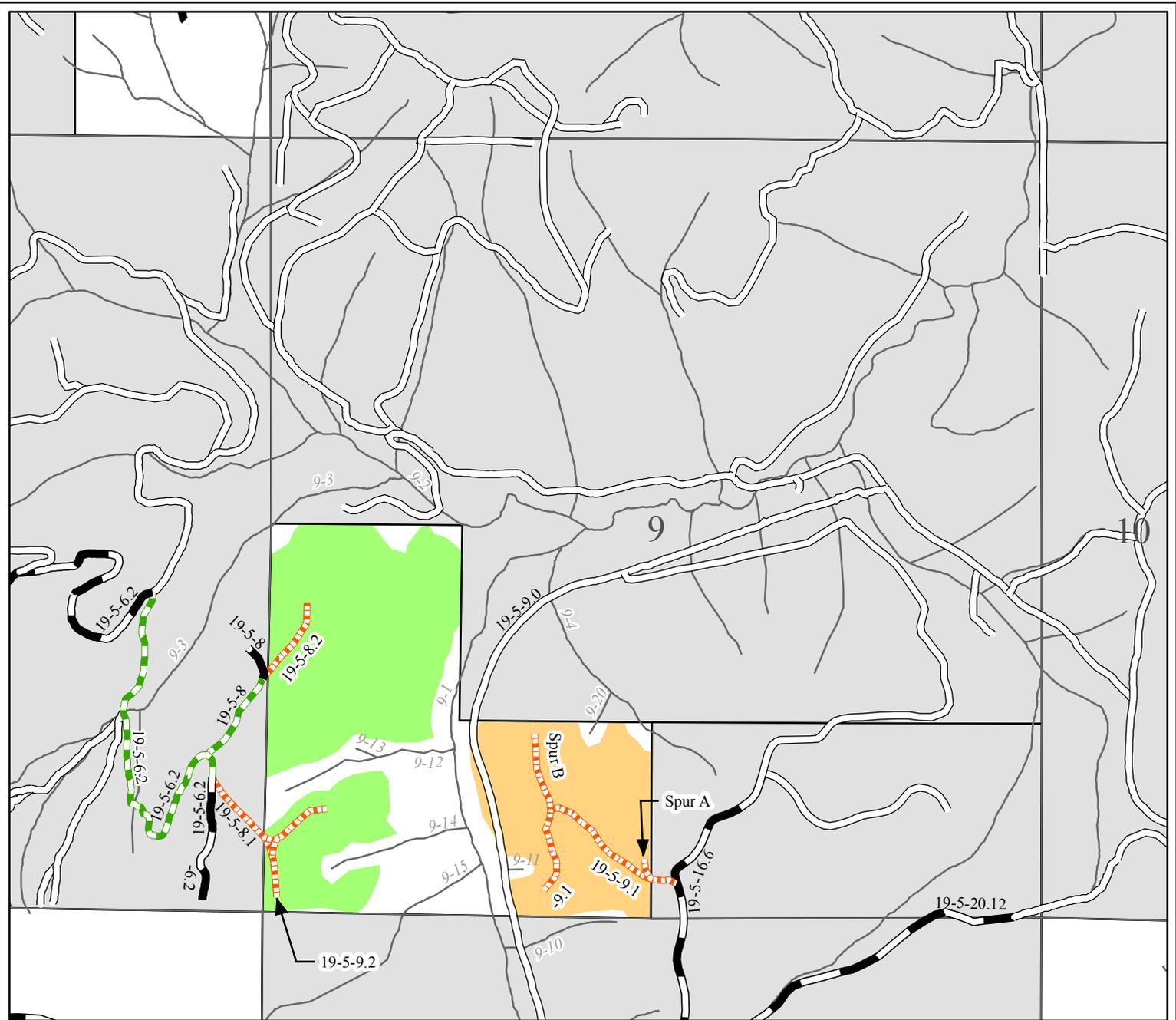
Signature of the Responsible Official:

/S/ Michael J. Korn

Michael J. Korn
Field Manager, Siuslaw Resource Area
Eugene District Office

4/20/2015

Date



United States Department of the Interior
Bureau of Land Management

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Universal Transverse Mercator
Zone 10, North American Datum 1983

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Eugene District



Battle Axe 2015 DNA

T.19 S., R.5 W. Sec. 9

Treatment Area

-  Strata 1
-  Strata 2
-  BLM Ownership
-  Private Ownership
-  Road - Rock Surface
-  Road - Other Surface
-  Road - To Renovate
-  Road - To Construct
-  Stream

