

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

**FINDING OF NO SIGNIFICANT IMPACT
Ten High Density Management Study
Environmental Assessment
DOI-BLM-OR-E050-2009-0005-EA**

BACKGROUND

The Bureau of Land Management has prepared an Environmental Assessment (DOI-BLM-OR-E050-2009-0005-EA) which analyzes the effects of commercial thinning and density management on approximately 149 acres of Matrix and 71 acres of Riparian Reserves in the Siuslaw Watershed in Sections 10 and 15, Township 15 South, Range 7 West, Willamette Meridian, Lane County, Oregon. The EA considered two alternatives, a no action and the proposed action. The design of the proposed action was developed by the Density Management Study team to test management applications that promote the development of structurally complex forests and to collect an inventory of lichens and bryophytes with an opportunity to monitor their response to density management; and to monitor the effects of density management in Riparian Reserves on microclimate, fish, and amphibians. The Ten High Density Management Study area was treated in 2000 to attain the research objectives stated above. This Environmental Assessment analyzes the actions for the second treatment, which further tests the research objectives. The EA and preliminary FONSI were made available for a 30 day public comment period. One comment was received.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA (DOI-BLM-OR-E050-2009-0005-EA), and all other information available to me, it is my determination that 1) the implementation of the proposed action is in conformance with the objectives, land use allocations and management direction of the 1995 ROD/RMP; 2) the implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the "Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl," (April 1994) and the "Eugene District Record of Decision and Resource Management Plan," (June 1995); and (3) the Proposed Action and alternatives do not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared. This finding is based on my consideration of the Council Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), with regards to the context and to the intensity of the impacts described in the EA.

Context

The Proposed Action would occur in the Matrix and Riparian Reserve Land Use Allocations (LUA) as designated by the Eugene District Resource Management Plan (RMP). The RMP anticipated that most timber harvest would come from the Matrix LUA, and that silvicultural treatment, such as density management thinning, would occur in Riparian Reserves to help achieve the objectives of the Aquatic Conservation Strategy. The Proposed Action is in conformance with the 1995 Eugene District RMP. Under the proposed action approximately 149 acres of Matrix lands and 71 acres of Riparian Reserve lands would be thinned. All treatments areas comprise of an overstory of primarily Douglas-fir with minor components of western red cedar, western hemlock and native hardwoods. The stand was naturally reseeded following logging operations in the 1940's and 50's. Following natural regeneration and establishment, most of the sale area was pre-commercially thinned in 1972. In 1998 the stand was commercially thinned to varying densities in accordance with the defined objectives of the Density Management Study. Several circular leave islands and patch cuts between 0.25 and 1.0 acres in size are scattered throughout the harvest area. The patch cuts were replanted with native conifers at varying densities as part of the DMS study. The thinning prescriptions for the current proposed action were chosen according to objectives of the Density Management Study. Future treatments are expected to be discussed within the framework and objectives of the Density Management Study.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the Ten High Density Management Study Thinning Project decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. Impacts that may be both beneficial and adverse. The EA considered both potential beneficial and adverse effects (see EA pp. 7-13). None of the effects are beyond the range of effects analyzed in the Eugene District "Final Proposed Resource Management Plan/Environmental Impact Statement" (November 1994), to which the EA is tiered.

2. The degree to which the proposed action affects public health and safety. No aspect of the Proposed Action would have an effect on public health and safety.

3. Unique characteristics of the geographic area, such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. There are no known historic or cultural resource sites that would be affected by the Proposed Action. Past pre-project cultural resource surveys conducted in conjunction with surface-disturbing actions in the Coast Range physiographic provinces have not resulted in the discovery of significant cultural properties. The Oregon BLM and the Oregon Historic Preservation Office developed a protocol agreement recognizing the paucity of discoverable historic properties in the Coast Range. Under this protocol, pre-project cultural resource surveys are not needed in the Coast Range. There are no parks, prime farmlands, or wild and scenic rivers in the planning area.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. The effects of actions planned under the Proposed Action are similar to other commercial thinning projects implemented within the scope of the Northwest Forest Plan and Eugene RMP. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The analysis has not shown that there would be any unique or unknown risks to the human environment not previously considered and analyzed in EISs to which this decision is tiered. Commercial thinning treatments have been pursued and accomplished for many years in the vegetation types typical of the planning area.

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. This project neither establishes a precedent nor represents a decision in principle about future actions. The Proposed Action is consistent with actions appropriate for the Matrix and Riparian Reserve land use allocations, as designated by the Eugene RMP. Commercial thinning in Matrix and density management reduction in Riparian Reserves are expected activities in these LUAs. Future treatments would follow the objectives of the Density Management Study.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EISs which accompanied the Northwest Forest Plan and Eugene RMP.

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 historic resources. There are no features within the planning area that are listed or eligible for listing in the National Register of Historic Places.

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 of 1973. Two threatened species the northern spotted owl and the marbled murrelets are known to inhabit the area.

The project area is located within critical habitat for spotted owls delineated in the 2008 recovery plan. The 2008 recovery plan is currently under review by the USFWS. Although the effects determination due to habitat modification on 161 acres is likely to adversely affect spotted owl critical habitat, this short term effect would contribute to the improvement of spotted owl habitat in the long term. Thinning treatments consist of a light to moderate thinning on 59 acres maintaining spotted owl dispersal habitat, heavy thinning that has been proposed on 161 acres would reduce the habitat to below dispersal thresholds for spotted owls for a temporary period (10 to 20 years), after which the stand would recover and produce a diverse, multi-storied stand with suitable structural components for successful nesting, roosting and foraging activities faster than stands that are not treated with the same thinning prescription. Dispersal habitat is available in sufficient quantities within the Upper Lake creek owl home range; the home range comprises of approximately 3844 acres of dispersal habitat of which 161 acres are being reduced below dispersal thresholds. Critical habitat primary constituent elements (larger trees, snags and down wood) would not be removed. For coarse woody debris additions, two trees per acre would be felled to help improve habitat conditions for spotted owl prey species. The effects determination for disturbance due to the proposed action is not likely to adversely affect spotted owls.

The proposed action would have no effect on marbled murrelets due to habitat modification and would not likely affect marbled murrelets due to disturbance. The proposed action does not occur in marbled murrelet critical habitat.

Coho salmon are listed as threatened but do not occur in the planning area. Coho salmon and its critical habitat are located three miles downstream of the Ten High DMS planning area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The Proposed Action does not threaten to violate any law. The Proposed Action is in compliance with the 1995 Eugene District RMP, which provides direction for the protection of the environment on public lands.

/s/ William E. Hatton
Field Manager
Siuslaw Resource Area

7/20/10
Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
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EUGENE DISTRICT OFFICE

DECISION RECORD

Ten High Density Management Study
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DECISION

It is my decision to select Alternative A as described in the Ten High Density Management Study EA as the proposed action. The EA and preliminary FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in attaining the objectives of the Density Management Study on Matrix, and Riparian Reserve land use allocations through commercial harvest and density management, creation of down wood and snags, road renovation, road improvement and road decommissioning. All design features identified in the EA will be implemented.

The selected alternative is consistent with the 1995 Eugene District ROD/RMP. It meets the objectives of the Density Management Study.

Survey and Manage

The Ten High Density Management project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Eugene District Resource Management Plan. On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure. 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."

Following the Court's December 17, 2009 ruling, the Pechman exemptions are still in place. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects. Nevertheless, I have reviewed the Ten High Density Management project in consideration of both the December 17, 2009 and October 11, 2006 order.

Because the Ten High Density Management project entails no regeneration harvest and entails 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 even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision since the Pechman exemptions would remain valid in such case. The first notice for sale will appear in the newspaper on July 28, 2010.

Consultation and Coordination

This project was included in the Eugene District Planning Document prior to the initiation of planning. The document was mailed to 38 individuals, groups, businesses and local governments on April 13, 2010 for a 30 day public comment period. One comment was received. A copy of the Decision Record and Finding of No Significant Impact and a copy of the EA along with responses to substantive comments will be mailed to the commenter.

U.S. Fish and Wildlife Service (USFWS)

Pursuant to the Endangered Species Act, consultation has been completed with the U.S. Fish and Wildlife Service. The Fish and Wildlife Service concluded formal and informal consultation with a Biological Opinion on April 2, 2009, concurring with the BLM determination that the proposed project would include the following effects:

Spotted Owl

Disruption and Disturbance: Not likely to adversely affect

Habitat Modification: Likely to adversely affect in heavily thinned areas; not likely to adversely affect in light to moderately thinned areas

Marbled Murrelet

Disturbance and Disruption: Not likely to adversely affect

Habitat Modification: No effect

National Marine Fisheries Service (NMFS)

Pursuant to the Endangered Species Act, consultation will not be needed with the NMFS for this project because the proposed action will have no effect on Coho Salmon and its Critical Habitat.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) requires Federal agencies consult with the Secretary of Commerce regarding any action or proposed action authorized, funded or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH) under the Act. The project under the proposed action will have no adverse impacts to EFH.

Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians

The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians were notified of this project during scoping and during the public comment period, requesting information regarding tribal issues or concerns relative to the project. No response was received.

ADMINISTRATIVE REVIEW OPPORTUNITIES

This forest management decision 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 forest management decision is first published in the Eugene Register-Guard on July 28, 2010.

Protests of the decision must be filed with this office within 15 days after first publication of the notice of decision. As interpreted by BLM, the regulations do not authorize acceptance of protests in any form other than a signed, paper document that is delivered to the physical address of the BLM office.

Therefore, e-mail or facsimile protests will not be accepted. If no protest is received by the close of business (4:30 pm) on August 25, 2010, this decision will become final. If a timely protest is received, this decision will be reconsidered in light of the protest and other pertinent information available in accordance with 43 CFR 5003.3.

Authorizing Official:

/s/ William E. Hatton

William E. Hatton

Field Manager

Siuslaw Resource Area

7/27/2010

Date