

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

PRELIMINARY FINDING OF NO SIGNIFICANT IMPACT

**LONG TOM LANDSCAPE PLAN
ENVIRONMENTAL ASSESSMENT
DOI-BLM-OR-E050-2009-0006-EA**

BACKGROUND

The Bureau of Land Management (BLM) has prepared an Environmental Assessment (DOI-BLM-OR-E050-2009-0006-EA) analyzing the effects of commercial thinning and density management on BLM administered lands in the Long Tom 5th field hydrologic unit code (HUC) watershed, comprising the planning area. Management actions would occur in Matrix, Late-Successional Reserve and Riparian Reserve land use allocations. A range of four action alternatives and the no action have been considered covering approximately 9280 acres. The EA and Preliminary Finding of No Significant Impact (FONSI) are being made available for a 30 day public comment period starting on March 16, 2011.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA (DOI-BLM-OR-E050-2009-0006-EA) and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the Environmental Impact Statement 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 Environmental Impact Statement and Resource Management Plan, (June 1995); (2) the Proposed Action and alternatives are in conformance with the Eugene District Record of Decision and Resource Management Plan; and (3) the Proposed Action and alternatives do not constitute a major federal action having 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 on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

Context

The Proposed Action would occur in the Matrix (General Forest Management Area and Connectivity), Late-Successional Reserve (LSR) and Riparian Reserve land use allocations (LUAs) as designated by the Eugene District Resource Management Plan (RMP). The RMP anticipated that most timber harvest would occur in Matrix land use allocations and that silvicultural treatment such as density management thinning would occur in LSR and Riparian Reserve land use allocations. In conformance with the 1995 RMP, treatments in LSR would enhance the development of structural characteristics that occur in late-successional forests and treatments in the Riparian Reserve would improve riparian function and contribute to the attainment of Aquatic Conservation Strategy objectives. The release of individual oak trees would contribute to the diversity of plant communities in all land use allocations.

Under the Proposed Action, commercial thinning and density management would occur on approximately 9,280 acres located within the Long Tom 5th field HUC watershed; this watershed has approximately 21,000 acres of BLM administered lands with approximately 17,400 acres that are less than 80 years of age with dense forest conditions. Land use within the Long Tom watershed includes forestry (46%), agriculture (31%), urban (8%), rural residential (9%) and other (6%). Of the 46% under forestry land use objectives, approximately 17% is managed by federal agencies. The BLM administered lands have forestry land use objectives with a vegetation pattern that reflects the checkerboard land ownership pattern and decades of intensive forest management with an emphasis on the production of timber, primarily Douglas-fir. This past management emphasis has resulted in many acres of conifer plantations in the planning area. Most of the forest stands being thinned are 30 to 80 years of age. Approximately 204 acres of forest land above 80 years of age but less than 99 years of age would

benefit by thinning on matrix lands. Thinning in the near term does not establish a firm commitment to thin these stands again in the future.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the Long Tom Landscape 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 for substantive issues identified during external and internal scoping. 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 province 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. As field surveys for individual timber harvests are completed, wetlands may be found within harvest units. These will be protected according to provisions in the Aquatic Conservation Strategy described in the Eugene District RMP. One Area of Critical Environmental Concern (ACEC) is located within the 5th field watershed, but no actions are planned to occur within the ACEC. None of the actions contemplated under the Proposed Action would affect the unique resources in the ACEC. The Fox Hollow Research Natural Area (RNA) is also located in the Long Tom watershed; none of the management actions would affect the resources within this RNA.
- 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 many other thinning projects implemented within the scope of the Northwest Forest Plan and Eugene RMP. A scoping letter was mailed out to individuals, groups and agencies identifying concerns; these were incorporated into issue and alternative development for the EA. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action. The EA is being made available for a 30 day public comment period.
- 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 the EISs to which this decision is tiered. Thinning treatments have been implemented for many years on the Siuslaw Resource Area 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 Matrix, Late-Successional Reserve and Riparian Reserve land use allocations as designated by the Eugene RMP: commercial thinning in Matrix; density management in Riparian Reserves to accomplish Aquatic Conservation Strategy objectives; and density management in Late-Successional Reserves to enhance late-successional characteristics, improving habitat for a variety of species.

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. A sediment analysis model was used to identify site specific areas of high sediment delivery potential on a cumulative basis within the watershed for this EA. Sub-watersheds with a higher degree of sediment delivery potential were identified for which road renovation and improvement proposals would be made. Road renovations and improvements would enhance ACS objectives and also contribute to improve cumulative impacts.
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. Public comment and tribal consultation will be considered prior to a decision being made. Those significant cultural or historic resources which may be impacted would be given special attention by the district archaeologist during project implementation and pre-project surveys may apply.
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.** There are two threatened species that inhabit the area, northern spotted owls and marbled murrelets. The northern spotted owl occupies suitable habitat (conifer forests more than 80 years old) within the planning area throughout the year, using this habitat for nesting, roosting and foraging. This EA also analyzes conifer forests between 50 and 80 years old which may support nesting, roosting and foraging activities within active spotted owl home ranges (a home range consists of a 1.5 mile radius circle around a spotted owl nest site).

The interagency standard of assessing impacts to northern spotted owls followed by the USFWS for management actions on Forest Service and BLM lands, takes into consideration whether 40% of the area within an active owl home range consists of suitable habitat (conifer forests more than 80 years old) and whether 50% of the core area (0.5 miles radius circle around a spotted owl nest site) consists of suitable habitat. When suitable habitat falls below these thresholds it has been assumed that management actions in younger stands (50 to 80 year old conifer stands) located within active owl home ranges would be considered to have an impact on owls because owls would be using these younger conifer forests for nesting, roosting and foraging. Therefore thinning in stands that are 50 to 80 years of age within active owl home ranges *may affect, likely to adversely affect* the northern spotted owl in the short term (less than 10 years). However this action would not result in significant effects to northern spotted owls because although spotted owls are using these stands they currently consist of low quality nesting, roosting and foraging habitat that would greatly benefit from thinning and also because none of the active or inactive spotted owl nest patches (the 70 acre patch around the nest tree) considered to be critical for successful nesting, are being thinned. Thinning these stands *may affect, not likely to adversely affect* spotted owls due to disturbance because disruption distances would be maintained which would not result in significant effects to northern spotted owls.

Thinning would occur in 204 acres of stands that are between 80 to 99 years of age. This thinning *may affect, likely to adversely affect* spotted owl habitat in the short term but would have minimal impact on active owl sites directly because the stands being thinned are either located outside active spotted owl home ranges or would be located in the outer edges of active owl home ranges, and are ascertained by the field biologist to be moderate quality nesting, roosting and foraging habitat that would benefit from thinning. None of these areas are located in active or inactive spotted owl nest patches. Therefore this action does not result in significant effects to the northern spotted owl. In the long term all habitat being thinned would benefit by improving stand conditions for spotted owls.

Thinning in the Area of Concern *may affect, not likely to adversely affect* spotted owls because 60% canopy closure would be maintained when thinning occurs within active owl home ranges resulting in no significant effects to the northern spotted owl.

Conifer forests 40 years and older are considered spotted owl dispersal habitat. The proposed thinning treatments would maintain 40% canopy closure in these stands. This would maintain functionality of the

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thinned stands as spotted owl dispersal habitat except for those LSR stands that would receive a variable density thinning (VDT) treatment. Variable density thinning in those stands would reduce the canopy closure below 40%, however approximately 70% of the BLM administered lands in the Long Tom Watershed consists of dispersal habitat that maintains 40% canopy closure. The removal of 755 acres of dispersal habitat from VDT treatments would not limit owl movement or survival on the landscape, therefore having a *may affect, not likely to adversely affect* determination for a temporary loss of dispersal habitat and does not result in significant effects to the northern spotted owl.

There is no designated critical habitat located in the watershed under the 2008 critical habitat designations for northern spotted owls.

The marbled murrelet is a pelagic bird that uses habitat within the planning area for nesting only and not for roosting or foraging. Road construction and thinning of approximately 204 acres of forest land 80 to 99 years of age and variable density thinning in younger stands *may affect, likely to adversely affect* marbled murrelet habitat because the functionality of the thinned stands would be altered by opening the canopy closure and may possibly be related to higher levels of predation. These effects are not significant because all stands with marbled murrelet suitable habitat would be subject to protocol surveys and occupied habitat would be protected. All potential nesting structure within the thinning areas would be managed according to options of the Level 2 policy of March 26, 2004 (a copy of the guidance is available on request). All actions would occur outside the disruption distance during the breeding period resulting in a *may affect, not likely to adversely affect* determination for marbled murrelets for disturbance.

Marbled murrelet critical habitat is designated on a portion of Late-Successional Reserve lands within the planning area. Variable density thinning will affect principle component elements such as canopy cover which would be fragmented due to VDT treatments resulting in a *may affect, likely to adversely affect*; however, of the approximately 7,313 acres of marbled murrelet critical habitat only 182 acres would be thinned using the VDT treatments which would constitute approximately 2% of marbled murrelet critical habitat within the Long Tom Watershed. The opening of the stands would mainly constitute a short term effect, whereas in the long term the habitat would develop late successional characteristics suitable for marbled murrelet nesting, and principle component elements such as potential nesting platforms would be protected which would preclude significant effects to the marbled murrelet.

Coho salmon are a federally listed threatened species found in the Siuslaw Resource Area but are not found in the Long Tom 5th field watershed. The management activities being analyzed in this environmental assessment would have no effect on coho salmon.

- 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 would not threaten to violate any law. The proposed action is in compliance with the Eugene District RMP, which provides direction for the protection of the environment on public lands and was designed to comply with pertinent laws and regulations.

CONSULTATION AND COORDINATION

U.S. Fish and Wildlife Service (USFWS)

ESA Consultation

Consultation with the USFWS is required because the Northern Spotted Owl and the Marbled Murrelet are found in the action area. Both are currently federally listed Threatened species. Consultation was initiated with the service and a Biological Opinion for management actions to be implemented under the preferred alternative was issued on March 1, 2011. There are no terms and conditions listed in the Biological Opinion; the service has concluded that reasonable and prudent measures have been taken through incorporation of project design features and management standards to allow this project to go forward.

National Marine Fisheries Service (NMFS)

ESA Consultation

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The proposed actions are located in the 5th field Long Tom River – Hydrologic Unit Code (HUC). There are no listed fish species and designated critical habitat within this HUC, therefore consultation will not be required with the service. Small acres of ridge top areas may be thinned and short portions of haul routes may be used that fall into adjacent watersheds, but these would be implemented using best management practices, to have no effect on listed fish species that may occupy adjacent watersheds.

Essential Fish Habitat

The Magnuson-Stevens Fishery Conservation and Management Act requires Federal agencies to 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 preferred alternative as described and analyzed in this environmental assessment would have “No Effect” on waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.

Other Special Status Species

Under all the action alternatives surveys for other special status species such as bureau sensitive, bureau tracking and other bureau strategic species would be conducted as needed using standard protocols that are applicable at the time of implementation. Known sites would be managed consistent with policies that are applicable at the time of implementation of the project.

Survey and Manage

The Long Tom Landscape thinning project for thinning in stands mostly between 30 and 80 years of age 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 Long Tom Landscape project in consideration of both the December 17, 2009 and October 11, 2006 order. Because the Long Tom Landscape project entails no regeneration harvest and most of the acres entail 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

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such case. Approximately 204 acres of stands that are proposed for thinning which are 80 to 99 years of age will be subject to species surveys prior to ground-disturbing activities consistent with Survey and Manage guidelines current at the time of implementation.

TRIBAL CONSULTATION

The Bureau of Land Management Siuslaw Resource Area consulted with the Confederated Tribes of Siletz, Confederated Tribes of the Grand Ronde, and the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians during the scoping period. No response was received. The EA is being made available for 30 day public comment period.

PUBLIC PARTICIPATION

Scoping

A scoping letter was mailed out on September 15, 2009 to local businesses, groups, government agencies and individuals, announcing that BLM was seeking feedback about issues or concerns regarding thinning projects in the Long Tom Watershed. We received 6 comments. Comments were generally in support of commercial thinning, use of temporary roads or no new roads, economic viability and socio economic benefits, snag creation, adequate stream buffers and variable density thinning. Concerns included weed infestations in more open thinning areas and carbon sequestration analysis.

EA Review

This Environmental Assessment and preliminary Finding of No Significant Impact statement is being made available for public review and comment for a 30 day period. The EA will be sent to interested groups, businesses, agencies and individuals. In addition the EA will be posted on the Eugene District internet website.

William E. Hatton
Field Manager
Siuslaw Resource Area

Date