

West Eugene Wetlands Resource Management Plan Scoping Report

August 23, 2011

*A summary of public comments submitted to the BLM during
the formal scoping period, June 8, 2011, to July 8, 2011*



United States Department of the Interior

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IN REPLY REFER TO:

1610 WEW (ORE050)

Dear Reader:

Please find enclosed a report on the scoping for the Bureau of Land Management (BLM) West Eugene Wetlands Resource Management Plan that we are currently developing. In June, we requested your comments, concerns, and issues related to BLM management in the West Eugene Wetlands. This report summarizes the comments we received and provides responses to questions that were asked.

We have used the information and ideas in scoping comments to refine and expand the list of issues to be addressed in the resource management plan and its accompanying environmental impact statement. We will further consider the scoping comments in the preparation of the Proposed Planning Criteria and State Director Guidance, which is the next step in the planning process.

This Scoping Report will be posted, along with other information on the West Eugene Wetlands Resource Management Plan, on the Eugene District website at <http://www.blm.gov/or/districts/eugene/plans/eugenermp.php>.

Thank you for your interest in BLM management in the West Eugene Wetlands. If you have questions, please send an e-mail to BLM_OR_EU_Mail@blm.gov; or call Richard Hardt at (541) 683-6690.

Sincerely,

William E. Hatton

Field Manager

Siuslaw Resource Area

Enclosure

Introduction and Background

The Eugene District is developing a resource management plan (RMP) for the West Eugene Wetlands Planning Area, which is comprised of approximately 1,340 acres of BLM-administered land and 96 acres of lands on which BLM has an ownership interest (conservation easement) within and near the city of Eugene, Oregon.

The BLM has been managing the lands in the planning area as part of the West Eugene Wetlands Project, a cooperative venture by the BLM and other federal, state, and local agencies and organizations to protect and restore wetland ecosystems in the southern Willamette Valley of Oregon. The BLM has been managing BLM-administered lands in the West Eugene Wetlands consistent with a plan developed by the City of Eugene. However, that plan does not provide management direction specific to the BLM-administered lands and was not developed based on a NEPA analysis. The BLM-administered lands in the West Eugene Wetlands are acquired lands, most of which have been acquired with funds appropriated from the Land and Water Conservation Fund.

The West Eugene Wetlands RMP will provide comprehensive, long-range decisions concerning the use and management of resources managed by the BLM in the West Eugene Wetlands. The West Eugene Wetlands RMP will only address management of existing BLM-administered lands and lands on which BLM has an ownership interest (conservation easement) in the West Eugene Wetlands.

Formal Scoping

Scoping is a term used in the National Environmental Policy Act for determining what issues an environmental impact statement should address. Guidance from the Council on Environmental Quality explains, "The purpose of this process is to determine the scope of the EIS so that preparation of the document can be effectively managed. Scoping is intended to ensure that problems are identified early and properly studied, that issues of little significance do not consume time and effort, that the draft EIS is thorough and balanced, and that delays occasioned by an inadequate draft EIS are avoided. The scoping process should identify the public and agency concerns; clearly define the environmental issues and alternatives to be examined in the EIS including the elimination of nonsignificant issues; identify related issues which originate from separate legislation, regulation, or Executive Order (e.g. historic preservation or endangered species concerns); and identify state and local agency requirements which must be addressed." (CEQ Guidance Regarding NEPA Regulations, 48 Fed. Reg. 34263 (1983)).

Summary of the Scoping Process

The formal scoping period started with printing of the Notice of Intent in the Federal Register on June 8, 2011 and concluded on July 8, 2011. In addition, the BLM sent a scoping letter to 49 individuals, organizations, and agencies that have an interest in BLM management within this planning area. On June 22, 2011, the Eugene Register-Guard newspaper published a news story on the West Eugene Wetlands RMP scoping process and provided contact information for scoping comments. During the formal scoping period, the BLM posted the Notice of Intent, scoping letter, and other information on the

West Eugene Wetlands RMP on the Eugene District website, at <http://www.blm.gov/or/districts/eugene/plans/eugenermp.php>

The BLM has invited potentially affected tribes - the Confederated Tribes of Grande Ronde, Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, the Confederated Tribes of Siletz Indians, and the Confederated Tribes of Warm Springs - to participate in government-to-government coordination in the development of this RMP. The BLM mailed scoping letters to the tribes providing information about the planning process and the planning area and inviting their involvement. None of the tribes provided any comments during the formal scoping period. In addition, the BLM telephoned cultural resources directors and natural resources managers of the tribes to inquire whether they needed additional information or would like to receive a briefing on the RMP. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians responded that they do not wish to be involved in the planning process, because the planning area is outside of their ancestral territory. The tribal historic preservation officer of the Confederated Tribes of Grande Ronde responded that they want to be able to offer comments on the draft RMP/draft EIS. The ceded lands coordinator of the Confederated Tribes of Grande Ronde requested additional information on the RMP. Members of the RMP team are scheduled to meet with staff of the Confederated Tribes of Grande Ronde in the near future to provide more information on the RMP and the planning process.

The BLM received thirteen comments during the formal scoping period and one comment after the close of the formal scoping period. Agencies and organizations providing comments included: the Environmental Protection Agency, the City of Eugene Parks and Open Space Division, the Long Tom Watershed Council, the North American Butterfly Association, The Nature Conservancy, Oregon Wild, and Friends of Eugene. All other comments were from individuals. One comment was submitted on a compact disc mailed to the BLM; one comment was provided as a telephone conversation; all other comments were submitted as email. The BLM received a comment letter after the close of the formal scoping period from the U.S. Army Corps of Engineers. Scoping comments are posted on the Eugene District website at:

<http://www.blm.gov/or/districts/eugene/plans/eugenermp.php>

Attachments included with scoping letters are not posted on the website but are available for inspection at the Eugene District office.

Summary of Issues

Commenters raised a variety of issues, but the following were the most commonly addressed issues:

BLM Management Focus

Most commenters argued for a particular focus to BLM management in the planning area. The City of Eugene, The Nature Conservancy, and the U.S. Army Corps of Engineers urged that the RMP focus on recovery and restoration of rare and threatened species. Oregon Wild urged that the RMP focus on ecological restoration and low impact recreation and environmental education. The Friends of Eugene urged that the RMP focus on maintaining and improving appropriate utilization of cultural resources, opportunities for environmental education, citizen

science, outdoor exploration, and recreation activities. Several individual commenters urged that the RMP should focus on production, harvesting, and use of native food and fiber plants by Oregon Tribal members and local school students.

Use of Herbicides

The City of Eugene, The Nature Conservancy, the Long Tom Watershed Council, the Environmental Protection Agency, and the U.S. Army Corps of Engineers specifically urged the BLM to consider the use of herbicides as a management tool for restoration and control of invasive plants. Several individual commenters specifically urged the BLM not to consider the use of herbicides.

Consultation with Potentially Affected Tribes

The Environmental Protection Agency and several individual commentors urged the BLM to consult with potentially affected tribes in the planning process.

Issues Identified

The Notice of Intent and scoping letter identified a preliminary list of issues related to threatened and endangered species management; ecosystem restoration; control of noxious weeds and invasive plants; recreation; tribal use including plant collection; evaluation of potential new Areas of Critical Environmental Concern (ACEC) and reevaluation of the existing Long Tom ACEC; land tenure adjustments; and the costs of management.

Following internal scoping, the BLM refined and expanded that list to the following identification of preliminary issues:

- Threatened and Endangered Species Management: How would BLM land management actions contribute to meeting the recovery objectives described in the recovery plan for ESA-listed species?
- Special Status Species: How would BLM land management actions affect special status plant and animal species?
- Noxious Weeds and Invasive Non-native Plants: How would BLM land management actions affect the introduction and spread of noxious weeds and invasive non-native and native plants?
- Recreation: What management is needed to maintain existing recreation facilities and recreation use of the West Eugene Wetlands? How can the BLM avoid conflicts between recreation use and other resources in the West Eugene Wetlands?
- Tribal Use: How would BLM land management actions affect tribal use of the West Eugene Wetlands, including plant collection?
- Cultural Resources: How would BLM land management actions affect archaeological, paleontological, or historical resources?
- Areas of Critical Environmental Concern (ACEC): Should the existing Long Tom ACEC continue to be designated as an ACEC? Should other areas within the planning area be designated as an ACEC?

- Land Tenure Adjustments: What BLM lands in the West Eugene Wetlands should be identified for retention?
- Rights-of-Way: How can the BLM avoid conflicts between issuing discretionary right-of-ways and other resources?
- Costs of Management: What would be the BLM land management priorities and capabilities under different levels of funding?

External scoping has raised the following issues:

- Herbicide Use: How would herbicide use contribute to habitat restoration for ESA-listed plants and control of invasive non-native plants? How would herbicide use affect wildlife, plants, soil, water, and tribal use of the West Eugene Wetlands?
- Climate Change: How would changing climate conditions alter the effect of BLM land management actions on resources? How can BLM management adapt to climate change?
- Greenhouse Gases: How would BLM land management actions affect greenhouse gas emissions and carbon storage?
- Illegal uses: How can BLM reduce or halt illegal uses in the planning area, such as illegal camping?

Alternatives Suggested

None of the comments explicitly identified alternatives that should be analyzed in the environmental impact statement. Some commenters addressed specific design features for the RMP, such as specific management tool or techniques that the commenter believed should or should not be used, such as herbicides, prescribed burning, or mastication.

Other Substantive Comments

Some commenters provided advice about particular specialists that should be included on the planning team. Friends of Eugene suggested that a full range of cultural and ecological expertise as well as collaborative process expertise be represented on the planning team. Several individual commenters suggested that the planning team include specialists in cultural anthropology, ethnobotany, historical ecology, and landscape architecture.

Responses to Questions Asked and Clarification of Selected Comments

Several comments received during the scoping process asked specific questions about the planning process or resource issues. Some statements in comments appeared to be based on only partial information. The following answers and responses are added to this report for clarification purposes.

How with the BLM 10-Year Schedule Environmental Assessment be integrated into the RMP process?

In 2005, the BLM issued a decision on the 10-year West Eugene Wetlands Schedule Environmental Assessment, which addresses many specific management activities at the West Eugene Wetlands (EA No. OR090-05-03), which is available online:

http://www.blm.gov/or/districts/eugene/plans/files/EDO_pln_08_02_06.pdf

That decision adopted a suite of treatment actions for ecosystem and habitat restoration, which the BLM has been implementing over time since 2005. The actions in the West Eugene Wetlands Schedule are implementation actions, not planning actions, and were not intended to take the place of a resource management plan. In the RMP process, continued implementation of the suite of treatments in the 10-year West Eugene Wetlands Schedule will be included as part of the No Action alternative, which will explore the effects of no change in the current management approach.

Why is the BLM preparing an environmental impact statement for management of 1,340 acres when it has prepared environmental assessments for management of larger areas?

The BLM NEPA policy and planning policy require the preparation of an environmental impact statement for the approval of an RMP (BLM NEPA Handbook, H-1790-1, p. 70; BLM Land Use Planning Handbook, H-1601-1, p. III-6).

The planning effort should involve Oregon Tribal leadership in substantive roles.

As described above, the BLM has invited potentially affected tribes - the Confederated Tribes of Grande Ronde, Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, the Confederated Tribes of Siletz Indians, and the Confederated Tribes of Warm Springs - to participate in government-to-government coordination in the development of this RMP.

The Long Tom ACEC should continue to be designated as an ACEC because of its ecological significance.

An ACEC designation is the principal BLM designation for public lands where special management is required to protect important natural, cultural and scenic resources or to identify natural hazards (BLM ACEC Manual, 1613.06). In evaluating whether an area should receive or retain ACEC designation, the BLM considers the relevance and importance of the values present. To be designated as an ACEC, an area must not only meet the criteria of relevance and importance, it must require special management attention to protect those important and relevant values (BLM ACEC Manual, 1613.12).

The RMP should consider additional land acquisition in the West Eugene Wetlands.

Consistent with State Director Guidance, further land acquisition is beyond the scope of the RMP, which will address land management on BLM-administered land and lands on which BLM has an ownership interest.

The wetlands office building is an important resource for the community. The RMP should address the use of the building by the public and partners.

The scheduling and use of the wetlands building (commonly known as "the Red House") is beyond the scope of the RMP, which will address land management on BLM-administered land and lands on which BLM has an ownership interest.

The RMP should solicit stable ongoing funding to support the Rivers to Ridges partnership's plant materials program.

Funding sources for the partnership's programs is beyond the scope of the RMP, which will address land management on BLM-administered land and lands on which BLM has an ownership interest.

The RMP should address the potential and benefits of withdrawing the lands from mining and mineral leasing eligibility.

Acquired lands are closed to mineral entry for locatable minerals (hard-rock minerals such as gold, silver, and uncommon varieties of some other minerals) unless the BLM goes through the process of opening the lands for mineral entry. The BLM has only opened two parcels, totaling approximately 26 acres, to mineral entry for locatable minerals in the planning area. Because almost all of the lands in the planning area are already closed to mineral entry for locatable minerals, it would be unnecessary for the RMP to recommend to the Secretary of Interior withdrawal of lands in the planning area. The availability of leaseable and saleable minerals will be addressed through the planning process. The RMP will address whether lands in the planning area would be open or closed to mineral leasing, and, if open, whether leasing would be subject to constraints such as seasonal restrictions or no surface occupancy stipulations (BLM Planning Handbook, H-1601-1, p. C-16). For saleable minerals (e.g., sand, stone, clay, and gravel), the RMP will address whether lands in the planning area would be available for the disposal of saleable minerals, and, if available, whether disposal would be subject to constraints.

Next Steps in the Planning Process

This scoping report will be mailed to individuals, organizations, and agencies that have an interest in BLM management, including the thirteen individuals, organizations, and agencies that provided comments during the formal scoping period. This scoping report will be also posted on the Eugene website at

<http://www.blm.gov/or/districts/eugene/plans/eugenermp.php>.

The BLM will prepare *Proposed Planning Criteria and State Director Guidance*, which will further explore issues requiring analysis and alternatives. Planning criteria are prepared to ensure decision making is tailored to the issues pertinent to the planning effort and to ensure the BLM avoids unnecessary data collection and analyses. The BLM will give public notice and an opportunity for review of, and comment on, the planning criteria before they are approved.