

## Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior  
Bureau of Land Management (BLM)  
Salem District, Oregon  
Tillamook Field Office

### Holiday Timber Sale DOI-BLM-OR-S060-2014-0002-DNA

- A. Location of Proposed Action:** Sections 3, 5, and 7, T.2S., R.5W., Willamette Meridian, Yamhill County, Oregon.

**Description of the Proposed Action:**

The proposed action is to implement the Holiday Timber Sale by commercially thinning approximately 275 acres within the North Yamhill River and Trask River 5<sup>th</sup> field watersheds. The thinning treatments would occur in the Adaptive Management Area and Riparian Reserve Land Use Allocations (LUA). The effects associated with commercial thinning harvest and associated connected actions in the North Yamhill River and Trask River watersheds were analyzed, described, and disclosed for Alternative 2 (the Proposed Action) of the *Turner Creek Environmental Assessment* (EA# DOI-BLM-OR-S060-2011-0002-EA). The Holiday Timber Sale specifically includes units 3-3, 5-1, 5-5, 5-17, and 7-2 as described in the Turner Creek EA.

- B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans**

LUP Name: *Salem District Record of Decision and Resource Management Plan*, dated May, 1995 (ROD/RMP) and *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, dated September 1994 (FEIS)

This action also incorporates the following documents:

- The *Final Supplemental Environmental Impact Statement (FSEIS) on Management of Habitat for Late-Successional and Old-Growth Related Species Within the Range of the Northern Spotted Owl* (USDA, USDI 1994.) (Northwest Forest Plan);
- *Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer and other Mitigation Measures Standards and Guidelines*. (USDA and USDI, January 2001) (*without Annual Species Reviews*) (S&M ROD)

The proposed action is in conformance with the applicable LUPs because it is specifically

provided for in the following LUP decisions:

- The 1995 ROD/RMP calls for managing the Northern Coast Range AMA to restore and maintain late-seral forest habitat outside of reserves, consistent with marbled murrelet guidelines, as well as provide a stable supply of timber. In addition, there is an objective to develop and evaluate new management approaches to integrate and attain ecological and economic health, and other social values (ROD/RMP p. 19).
- The 1995 ROD/RMP also calls for applying silvicultural practices in Riparian Reserves (RR) to control stocking, reestablish and manage stands, and acquire desired vegetation characteristics needed to attain Aquatic Conservation Strategy objectives (ROD/RMP p. 11).

**C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.**

**Applicable NEPA Documents:**

*Turner Creek Project Environmental Assessment* (EA# DOI-BLM-OR-S060-2011-0002-EA), March 2011, Salem District, Tillamook Resource Area, which shall be referred to as the Turner Creek EA.

*Turner Creek Project Decision Record*, April 2011, Salem District, Tillamook Resource Area.

**Other Related Documents:**

*Biological Assessment of habitat-modification projects proposed during Fiscal Years 2013 and 2014 in the North Coast Planning Province, Oregon that are Not Likely to Adversely Affect (NLAA) northern spotted owls or marbled murrelets, and their critical habitats, May 21, 2012*, Prepared by the interagency Level 1 Team (terrestrial subgroup) for the North Coast Planning Province: Siuslaw National Forest, Salem and Eugene BLM Districts, and US Fish and Wildlife Service.

*Letter of Concurrence and Conference Concurrence Regarding the Effects of Habitat Modification Activities within the North Coast Province, FY 2013 and 2014, proposed by the Eugene District, Bureau of Land Management; Salem District, Bureau of Land Management; and the Siuslaw National Forest on the Northern Spotted Owl (Strix occidentalis caurina), Marbled Murrelet (Brachyramphus marmoratus), and their Designed and Proposed Critical Habitat*, dated July 17, 2012 and prepared by the Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service Portland, Oregon (FWS Reference Number 01EOFW00-2012-I-0124)

Holiday Timber Sale would not affect Endangered Species Act (ESA) or Magnuson-Stevens Act- listed fishes, therefore consultation with National Marine Fisheries Service (NMFS) is not required.

**D. NEPA Adequacy Criteria**

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

Yes. Alternative 2 (the Proposed Action) of the Turner Creek Project EA considered a forest management project to commercially thin approximately 940 acres. It is located within sections 3, 5, 7, 9, 17, 21, 28 and 29 of Township 2 South, Range 5 West, Willamette Meridian. The Decision Record for the Turner Creek Project did not delineate which areas are associated with the proposed timber sale names listed in the table on page 1 of the Decision. The Holiday Timber Sale is comprised of fewer acres than listed in the Decision Record and specifically includes units 3-3, 5-1, 5-5, 5-17, and 7-2 as shown and analyzed in the EA.

The EA analyzed the potential effects of the Proposed Action based on best available information that included use of BLM corporate digital information (GIS data), aerial photos, LiDAR, and on-the-ground site visits. While the corporate data is reasonably accurate, there are limitations in its effectiveness for detecting and estimating all features of the landscape. Consequently the estimates of area and length of features can vary from that estimated on GIS maps with actual on-the-ground circumstances. Also, data limitations can obscure features that affect road and unit boundary layout such as unmapped creeks and short steep ground slopes that do not show on contour maps.

As a result of data limitations the length of new, temporary road to be constructed in four locations, as actually determined on the ground, is approximately 262 feet longer than GIS estimates shown in the EA. All new, temporary roads would be constructed outside of Riparian Reserves. This change in road length is not considered to be substantial by the Interdisciplinary Team because it would result in less than 0.2 acres of additional ground disturbance, or less than 1% increase over that assumed in the EA. Also, the difference between the estimated and actual temporary road lengths would not change the status of the watershed regarding percentage of area impacted by roads which would remain within Oregon Watershed Enhancement Board's low risk category with less than 4% of the area in roads, the same as originally described in the EA.

Holiday Timber Sale thinning treatment acres have decreased 63 acres from the planned 338 acres proposed in the EA and listed in Table 1 of the Decision Record for Turner Creek Project. Approximately 25 of those acres were included in the Roller Coaster Timber Sale, which was also analyzed in the EA and sold in February of 2013. The remaining acreage reductions were due to various on-the-ground complexities including logging feasibility issues, the discovery of additional streams, and stand type

delineations.

The EA hydrology and fisheries analyses considered effects of replacing or installing approximately 17 culverts on live streams and multiple cross drains (ditch relief culverts) throughout the project area, including the area included in the Holiday Timber Sale. No other resources would be affected by culvert work. Since the EA was finalized, the BLM determined that an additional 8 cross drains and 2 stream crossing culverts, one on an intermittent stream (draining a roadside seep) and one on a perennial headwater stream, need to be installed or replaced in the vicinity of the Holiday Timber Sale.

The EA hydrology analysis considered effects to beneficial uses of project area streams as habitat for cold water fisheries and municipal water supplies. The fisheries analysis considered the effects to Upper Willamette Steelhead, a fish listed as threatened under the Endangered Species Act.

Replacing cross drains does not contribute negative impacts to water or fish resources since by definition any flow through them does not drain to the stream network. The one additional culvert on a live stream (small first order headwater stream) that would be replaced by the Holiday Timber Sale is at least 2.5 miles above the upper extent of steelhead use. The impacts associated with the culvert replacement would be well within those analyzed in the EA because any sediment transmission would be localized and not contribute measurable negative effect downstream.

Considered together these minor deviations between project layout and the estimated Proposed Action details from the EA are well within those proposed in the EA, therefore the action is substantially the same as the action previously analyzed.

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

Yes. The Environmental Assessment analyzed and disclosed the predicted environmental effects of two alternatives to the Turner Creek Project: Alternative 1 (No Action) and Alternative 2 (Proposed Action). This was an appropriate range of alternatives given the purpose and need for the project and the environmental concerns and values of the area.

Alternative 1 was the No Action Alternative. Alternative 2, the Proposed Action, was designed to (1) restore and maintain late-seral forest habitat outside of reserves, consistent with marbled murrelet guidelines; (2) supply a sustainable source of forest commodities to provide jobs and contribute to community stability; (3) develop and maintain refugia for species that depend on late-seral habitat; (4) provide for the maintenance of ecologically valuable structural components such as down logs, snags and large trees; (6) protect, manage and conserve federal listed and proposed species and their habitats to achieve their recovery in compliance with the Endangered Species Act; and (7) maintain and develop a safe, efficient and environmentally sound road system and reduce environmental effects associated with existing roads. The Turner Creek EA

describes the anticipated effects of the commercial thinning on forest conditions (pp. 26-31). Both alternatives are described in detail in EA section 2. The selected alternative is Alternative 2. The decision to implement the selected alternative was addressed in the *Turner Creek Project Decision Record*. No new environmental concerns, interests, resource values or circumstances have been revealed since the EA was published in 2011 that would indicate a need for additional alternatives.

**3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?**

Yes. Several new circumstances have arisen since the publication of the Turner Creek Project EA in March, 2011 but none of these changes have resulted in new information which could affect the adequacy of the analysis.

- The Ninth Circuit Court of Appeals issued an opinion on April 25, 2013, that reversed the District Court for the Western District of Washington's approval of the 2011 Survey and Manage Settlement Agreement. The case is now remanded back to the District Court for further proceedings. This means that the December 17, 2009, District Court order which found National Environmental Policy (NEPA) inadequacies in the 2007 analysis and records of decision removing Survey and Manage is still valid and that the original 2006 *Pechman Exemptions* are still in place. The last valid Record of Decision governing Survey and Manage is the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (not including subsequent Annual Species Reviews). This new development does not affect the adequacy of the analysis since all areas that required surveys were surveyed and none of the species from the 2001 ROD list (without ASR) were found.
- The 2011 BLM State Directors Special Status Species (Dec. 2011) list was released which resulted in the removal of the Tillamook Westernslug, a mollusk species found in the Turner Creek EA analysis area, from the list. This species is common and the known sites were not planned to be managed.
- On October 28, 2008, the USFWS initiated a status review of the red tree vole, including an evaluation of the North Oregon Coast population and the red tree vole throughout its range. On October 13, 2011, after review of the best available scientific and commercial information, the USFWS determined that ESA listing of the North Oregon Coast population of the red tree vole as a distinct population segment (DPS) was warranted. However, they also determined the development of a proposed listing rule was precluded by higher priority actions to amend the lists of Endangered and Threatened

Wildlife and Plants. Upon publication of the 12-month petition finding, the USFWS has added this DPS of the red tree vole to their list of candidate species. Pursuant to BLM's procedures regarding the management of candidate species, the North Oregon Coast population of the red tree vole is being managed as a Sensitive Species under the Bureau's Special Status Species Policy; it is also managed as a Survey and Manage Species. The fact that the North Oregon Coast DPS of the red tree vole has been added to the USFWS candidate species list does not affect the adequacy of the existing NEPA analysis since there is no suitable red tree vole habitat as described in the current Red Tree Vole Survey Protocol within the timber sale area.

- On November 21, 2012, in compliance with an order from a U.S. District Court, the USFWS finalized the 2012 designation of Critical Habitat for the spotted owl. The final rule was published in the Federal Register on December 3, 2012 and became effective on January 3, 2013. The Holiday Timber Sale Project is not located within Spotted Owl Critical Habitat and therefore is unaffected by this change.
- On June 26, 2013 Judge Richard J. Leon of the U.S. District Court, District of Columbia ruled in *Swanson Group et al. v. Salazar-DOI/Vilsack-DOA*, that the Owl Estimation Methodology (OEM) violated the Administrative Procedures Act (APA) and has prohibited federal agencies from using the methodology until it has gone through a public review process. The OEM is used by the USFWS to estimate "take" of spotted owls resulting from federal actions where insufficient survey data exists. The Holiday Timber Sale is included in the *Biological Assessment of habitat-modification projects proposed during Fiscal Years 2013 and 2014 in the North Coast Planning Province, Oregon that are Not Likely to Adversely Affect (NLAA) northern spotted owls or marbled murrelets, and their critical habitats*, May 21, 2012. The Biological Assessment included an analysis that involved the prediction of four owl sites generated by the OEM in the Northern Coast Range Province. Since the Letter of Concurrence (Letter of Concurrence for FY 13-14 Habitat Modification Activities, North Coast Planning Province – FWS Reference Number 01 EOFW00-1012-I-0124, dated July 17, 2012) supporting the Biological Assessment was issued before October 3, 2013, the date when Judge Leon's order took effect, the Holiday timber sale may go forward.

**4. Does the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?**

Yes. The methodology and analytical approach used for the analysis contained in the EA continue to be appropriate in respect to the current proposed action. (1) There are no new standards or goals for managing resources. (2) There are no changes in resource conditions since the EA was published in 2011. (3) There are no changes in resource-related plans, policies or programs of other government agencies. (4) There are no new land designations in the Upper North Yamhill River, Turner Creek, and Middle Fork of North Fork Trask River subwatershed project planning areas. (5) There are no changes in statute, case law or regulation that would affect the adequacy of the analysis in the EA, which supports the Holiday Timber Sale.

**5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?**

Yes. The EA adequately addresses the impacts (direct, indirect, and cumulative) of the proposed action on the relevant elements of the environment (EA, pp. 26-91). The EA describes impacts to Vegetation and Forest Stand Characteristics; Water Resources; Threatened or Endangered Fish Species or Habitat, Magnuson Stevens Act –Essential Fish Habitat and Fish Species with Bureau Status; Soils Resources; Endangered Species Act (ESA) Listed Wildlife Species, Habitat and/or Designated Critical Habitat; Invasive and Non-Native Plant Species; Bureau Sensitive and Special Attention Plant and Animal Species and Habitats; Migratory Bird Treaty Act Birds; Recreation and Visual Resources; Air Quality, Fire Risk and Fuels Management; and Carbon Storage, Carbon Emissions, and Climate Change. Impacts from implementing the Holiday Timber Sale would fall within those analyzed in the EA, and were anticipated in the EA.

**6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?**

Yes. The cumulative effects considered in the EA included those from past, present and reasonably foreseeable future projects on public and private land. No unanticipated actions or events have occurred in the planning area that would have additional cumulative effects with the Holiday Timber Sale Project.

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

Yes. There have been many opportunities for public involvement and interagency review associated with the Turner Creek Project EA.

External scoping (seeking input from people outside of the BLM) was conducted by means of a scoping letter for the Turner Creek Project sent out to nine municipal government agencies, nearby landowners, and interested parties on the Tillamook Resource Area mailing list on October 13, 2010. In addition, a description of the proposal was included in the Salem Bureau of Land Management Project Update for September 2010, which was mailed to more than 250 individuals and organizations.

A total of three comment letters were received as a result of this scoping which were used to help develop the Proposed Action. A summary of the comments and BLM responses are in EA Section 1.4.1.

Based on the original response, a notification of availability of the EA, or the EA itself, was mailed to 13 agencies, individuals and organizations on March 3, 2011. A legal

notice was placed in the *McMinnville News Register* newspaper soliciting public input on the action on March 5, 2011. A total of two comments were received during the 30 day comment period for the EA. The comments were responded to and included in the Decision Record for the Turner Creek Project.

The public involvement process outlined above provided appropriate public involvement and interagency review opportunities at a level commensurate with potential impacts associated with the proposed action.

**E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.**

<u>Name</u>	<u>Resource Represented</u>
Andy Pampush	NEPA Review
R. Clay Ramey	Hydrology and Fisheries
Steve Bahe	Wildlife
Landon Rhodes	Team Leader - Forester

**F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.**

No Mitigation Measures were incorporated into the Turner Creek EA. This project incorporates design features set forth on pages 17-23 of the EA. These design features are consistent with the Best Management Practices described in Appendix C to the ROD/RMP on pages C1 – C11 and adequately minimize potential negative impacts associated with the project.

**REVIEWED BY**

  
\_\_\_\_\_  
Planning and Environmental Coordinator

Date 1/22/14

**CONCLUSION**

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

  
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Karen M. Schank  
Tillamook Resource Area Field Manager

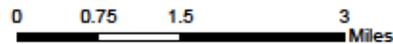
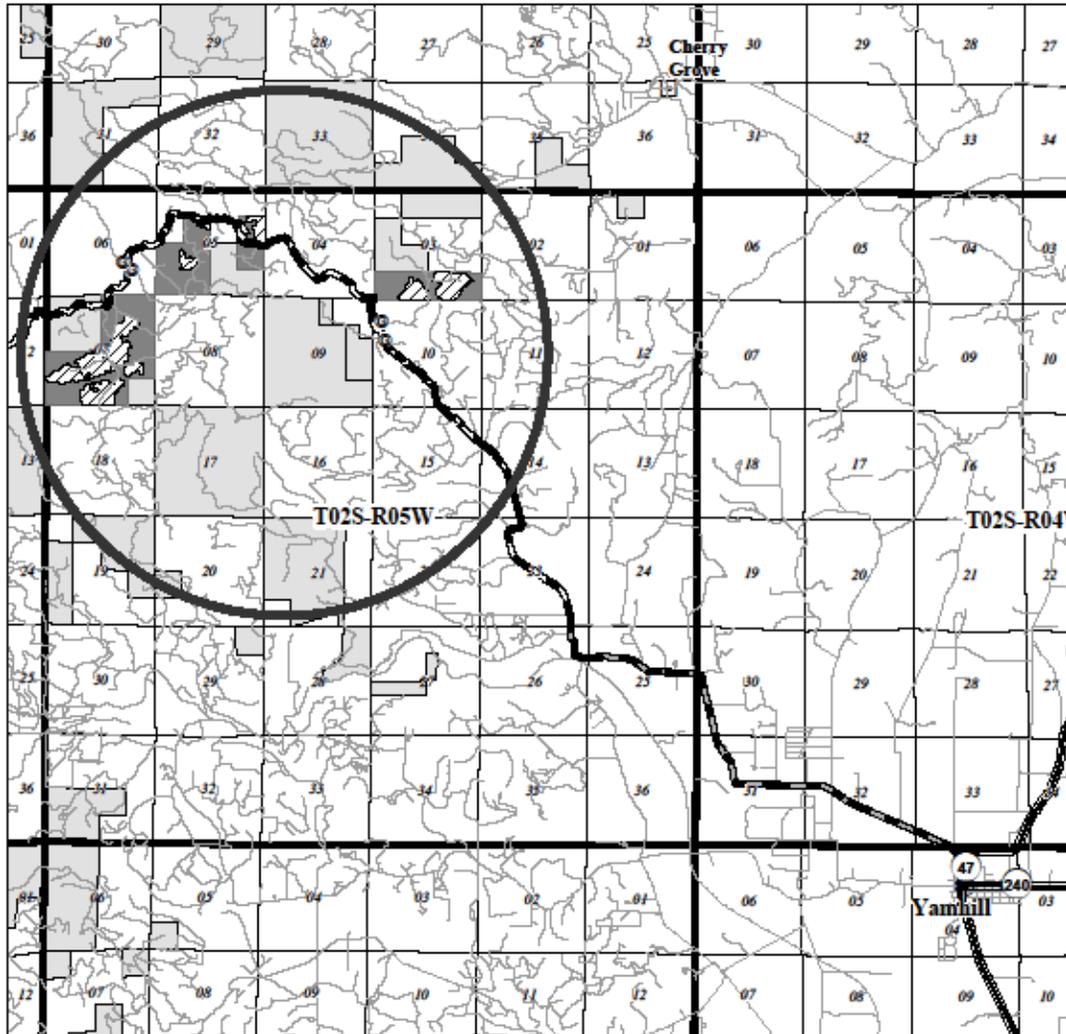
1/23/14  
\_\_\_\_\_  
Date

United States Department of the Interior  
 BUREAU OF LAND MANAGEMENT  
 PROJECT LOCATION MAP

Contract No. TS2014-0101  
 Holiday Timber Sale  
 Project Location  
 Page 1 of 1

T. 2S, R. 5W, Sections 3, 5 & 7 W. M. - SALEM DISTRICT - OREGON

Date: 12/13/2013



1 inch = 6,667 feet



Gates	Holiday contract area
Turner Creek Rd	Holiday Timber Sale Treatment Areas
Pike Rd	BLM Lands
Highway	
Other Roads	

Note: Boundaries of Harvest Areas are posted and/or painted orange.

Areas shown on Exhibit A for partial cut have been computed using a Trimble Pro XH Global Positioning System receiver. Acreage was calculated based on Global Positioning System traverse procedures including differential correction.