

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

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

Jane's Remains Density Management Project DOI-BLM-OR-S060-2013-0005-DNA

- A. **Location of Proposed Action:** T.3S, R.6W, section 30 and T.3S, R.7W, sections 24, 25, and 36, Willamette Meridian, Tillamook County, Oregon

Description of the Proposed Action:

The proposed action is to implement the Jane's Remains Density Management Project by commercially thinning approximately 169 acres within the Nestucca River watershed. The thinning treatments will occur in the Late Successional Reserve, Adaptive Management Area and Riparian Reserve land use allocations. The proposed action, is described in the *Hoag Pass Projects Environmental Assessment* (EA# OR-086-06-05), and *Final Decision Record and Finding of No Significant Impact for The Hoag Pass Commercial Density Management Thinning, Fish and Wildlife Habitat Enhancement, And Roadside Hardwood Removal for Road Maintenance Projects* documents. The Jane's Remains Density Management Project represents a portion of the larger Hoag Pass Commercial Density Management Thinning.

- 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 is also in conformance with 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 1994a) (Northwest Forest Plan);
- BLM-Instruction Memorandum OR-2011-063 concerning the 2011 Settlement Agreement regarding litigation over the Survey and Manage Mitigation Measure in *Conservation Northwest et al. v. Sherman et al.*, Case No. 08-1067-JCC (W.D. Wash.) which reinstated and modified the *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (USFS et al. 2001) (2001 ROD).

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

provided for in the following LUP decisions:

The Salem District ROD/RMP (1995) calls for providing a stable timber supply and social/economic benefits to local communities, as well as maintaining a functional late-successional forest ecosystem and accelerating the development of some late-successional forest habitat characteristics (ROD/RMP pp. 15 - 19) within the Late-Successional Reserve (LSR) and Adaptive Management Area (AMA) land use allocations (LUAs). The 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). The proposed action is within the LSR, AMA and RR LUAs.

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

Applicable NEPA Documents:

Hoag Pass Projects Environmental Assessment (EA# OR-086-06-05), April 17, 2006, Salem District, Tillamook Resource Area, which shall be referred to as the EA.

Final Decision Record for The Hoag Pass Commercial Density Management Thinning, Fish and Wildlife Habitat Enhancement, And Roadside Hardwood Removal for Road Maintenance Projects (August 11, 2006) 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 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 01E0FW00-2012-I-0124)

D. NEPA Adequacy Criteria

- 1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?**

Yes. The EA considered a project called the Hoag Pass Commercial Density Management Thinning which would include approximately 862 acres in T3S., R7W., sections 13, 14, 23, 24, 25, 26, 34, 35, and 36; and T3S., R6W., sections 19 and 30, Willamette Meridian. The Jane's Remains timber sale is located in a portion of this project area.

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 four alternatives to the Hoag Pass Density Management Project: Alternative 1 (Proposed Action) and Alternative 2 (No Action), and Alternatives 3 and 4 (Action Alternatives). The differences between Alternative 1, the Proposed Action and Alternatives 3 and 4 revolved around the use and condition of BLM Road 3-7-36.6 post-harvest; this road is located in another part of the Hoag Pass Density Management project area as described in the EA and has no bearing on the Jane's Remains Timber Sale project area. Therefore, relative to the Jane's Remains Timber Sale, the EA analyzed two alternatives, which was an appropriate range given the purpose and need for the project.

Alternative 1 – The Proposed Action, was designed to (1) accelerate the development of some late-successional forest structural features; (2) increase variability in stand density within and between stands; (3) to increase stand species diversity; (4) increase stand resilience to the impacts of Swiss needle cast disease on Douglas-fir; (5) increase stand resilience to the impacts of *Phellinus weirii* root rot. The Hoag Pass EA describes the effects of the density management thinning on forest conditions (Hoag Pass EA, pp. 21-23). Alternative 2 was the No Action Alternative. Both Alternatives are described in detail in EA sections 2.2.2 and 2.2.3. The selected alternative is Alternative 1. See *Final Decision Record for Hoag Pass Commercial Density Management Thinning, Fish and Wildlife Habitat Enhancement, and Roadside Hardwood Removal for Road Maintenance Projects*. No new environmental concerns, interests, resource values, or circumstances have been revealed since the EA was published in 2006 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 EA in 2006 but none of them have resulted in new information which could affect the adequacy of

the analysis.

- The Survey and Manage Settlement Agreement was approved on July 6, 2011, which retained the Pechman exemptions unchanged, modified the Survey and Manage species list and included additional exemption criteria. None of the changes associated with the Survey and Manage Settlement Agreement affected the Jane's Remains Density Management Project area.
- 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 Hoag Pass 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.
- On June 28, 2011 the USFWS released the final *Revised Recovery Plan for the Northern Spotted Owl (Strix occidentalis caurina)*. The Jane's Remains Density Management Project is fully consistent with the revised recovery plan.
- 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. Jane's Remains Density Management Project is not located within Spotted Owl Critical Habitat and therefore is unaffected by this change.
- In May, 2008 Oregon Coast coho salmon was listed as a threatened species under the Endangered Species Act and Critical Habitat was designated simultaneously. The EA did not analyze affects to coho as a listed species but did evaluate them as a Bureau Sensitive species covered by the BLM's Special Status Species policy as well as a Magnuson-Stevens Fisheries Conservation and Management Act listed fish species. The conclusions are that the Hoag Pass Commercial Density Management Thinning project described in the EA would have no effect on Special Status Species including Oregon Coast coho as a result of sediment delivery to streams (EA pp. 63-64)

4. **Do 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 2006. (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 Nestucca River watershed or the Hoag Pass project planning area. (5) There are no changes in statute, case law or regulation that would affect the implementation of the Jane's Remains 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. 19-68). The EA describes impacts to forest vegetation; Endangered Species Act (ESA) listed wildlife species, habitat and/or designated critical habitat; Endangered Species Act (ESA) listed fish species or habitat; water quality; invasive and non-native plant species, soil resources, Bureau Sensitive and Special Attention plant and animal species and habitats; fish species with Bureau Status and Essential Fish Habitat; recreation and visual resources. Impacts from implementing the Jane's Remains timber sale would fall within those analyzed in the EA, and were anticipated in the EA.

Also see section D(3) of this DNA for further discussion.

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. Appendix 3 of the EA listed those past, present and reasonably foreseeable future projects considered in the cumulative impacts analysis. No unanticipated actions or events have occurred in the planning area that would have additional cumulative effects with the Jane's Remains 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 Project EA. In compliance with NEPA, the Hoag Pass

Projects were listed in the March 2004 through June 2006 editions of the *Salem District Project Update* which were mailed to over 150 addresses. On April 29, 2005, a Scoping Letter along with a copy of the 16 page Hoag Pass Scoping Report and copies of 3 Project Maps were sent to 49 individuals, organizations and agencies. As a result of this scoping effort, three letters providing comments were received and there was one request for a site visit to the project area by a representative of the Oregon Parks and Recreation Department. The IDT reviewed, clarified, and assessed the public comments; as a result of the site visit request, Tony Stein, Coastal Land Use Coordinator with Oregon Parks and Recreation Department visited the project area with Tillamook RA staff on July 7, 2005. BLM responses to the public comments are documented in Hoag Pass EA Appendix 1- Public Comments to Scoping for the Hoag Pass Projects including BLM Responses.

On April 17, 2006, a copy of the EA and appendices and FONSI (Finding of No Significant Impact) were sent to 15 individuals, groups and agencies (Project Record Document 55) that had expressed an interest in the project. Also, a legal notice requesting public comment to the EA and FONSI appeared in the *Headlight Herald* Newspaper of Tillamook and the EA was made available on the Salem District website. The EA and FONSI were released for public comment from April 17, 2006 to May 8, 2006. As a result of this scoping, two letters were received. The BLM's response to these letters is contained in Addendum 1 of the Final Decision Record for the Hoag Pass Projects.

The public involvement process outlined above provided an appropriate coverage for the current 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>
Steve Bahe	Interdisciplinary Team Leader & Wildlife Resources
Matt Walker	Fisheries Resources
Andy Pampush	Environmental Coordinator

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 identified for or incorporated into the Jane's Remains Density Management Project. Project design features set forth on pages 10 - 18 of the EA 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



Environmental Coordinator



Date

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.



Tillamook Resource Area Field Manager



Date