FINDING OF NO SIGNIFICANT IMPACT

Introduction

The Bureau of Land Management (BLM) published the Rainbow Ridge Timber Sale Environmental Assessment (EA) (DOI-BLM-OR-S050-2013-0002-EA) in November 2014. The analysis in the EA is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement,* September 1994 (RMP/FEIS).

This project is located on BLM-managed lands in Township 14 South, Range 6, Section 29, Willamette Meridian in Benton County, Oregon. The EA included two action alternatives. The proposed action is to conduct regeneration harvest on approximately 81 acres of stands that are less than 70 years old in the Matrix (General Forest Management Area), and conduct commercial thinning and density management on approximately 30 acres of stands that are 42 years old in the Matrix (24 acres) and Riparian Reserves (6 acres)[1].

The EA and FONSI were made available for public review from November 5, 2014 to December 5, 2014. The notice for public comment was published in a legal notice in the *Gazette-Times* newspaper on November 5 and November 12, 2014. The BLM received five comment letters during the 30 day public comment period. The BLM also completed a Determination of NEPA Adequacy (DNA) to review the potential impacts of winter storms on the proposed action and the project area. The BLM published this and provided it to those who commented on the EA on February 27, 2015.

Finding of No Significant Impact

Based upon review of the Rainbow Ridge Timber Sale EA, the DNA, and other supporting documents, I have determined that the proposed action is not a major federal action that would significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No site-specific environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, supplemental or additional information to the analysis done in the RMP/FEIS through a new environmental impact statement is not needed. This finding is based on the following information:

Context:

Potential effects resulting from implementation of the proposed action have been analyzed within the context of the Upper Alsea River and Marys River fifth field watersheds, the Upper South Fork Alsea and Upper Muddy Creek sixth field watersheds, and the project area boundaries. The proposed action would occur on approximately 135 acres of Matrix and Riparian Reserve land use allocations, encompassing less than 0.03 percent of BLM-managed within the Marys River and Upper Alsea River fifth field watersheds [40 CFR 1508.27(a)].

[1] Acres in this document are based on final GPS acres determined after the EA was published. These acres will be reflected in the final decision document.

***Intensity**:*

1. [40 CFR 1508.27(b)(1)] – **Impacts that may be both beneficial and adverse**: The resources potentially affected by the proposed activities are air quality, fire risk, and fuels management, carbon sequestration (storage) and climate change, fisheries and aquatic habitat, recreation, rural interface, and visual resources, soils, vegetation - invasive, non-native plant species, water, and wildlife. The effects of the proposed actions are unlikely to have significant impacts on these resources for the following reasons:

   Project Design Features described in EA section 2.6 would reduce the risk of effects to affected resources to be within RMP standards and guidelines within the effects described in the RMP/EIS. The BLM has found the implementation of project design features to be effective in reducing the likelihood of negative impacts. Potential effects to the affected elements of the environment are anticipated to be site-specific and/or not measurable (i.e. undetectable over the watershed, downstream, and/or outside of the project areas). The project is designed to meet RMP standards and guidelines, modified by subsequent direction (EA section 1.5); and the effects of these projects would not exceed those effects described in the RMP/FEIS.

   Vegetation and Forest Stand Characteristics *(EA section 3.1):* The Rainbow Ridge timber sale is situated on a ridge separating two fifth-field watersheds, the Upper Alsea River and the Marys River watersheds. The project area is approximately 135 acres of the 240 acres the BLM manages in the section. Due to the small size of the overall project area, impacts to natural vegetation within these watersheds from the implementation of this project are localized. Early-seral habitat is lacking on BLM lands in the project area. Regeneration harvest (including recent windthrow) would not significantly change the distribution of age classes in the watersheds, but it would increase the amount of early-seral habitat on BLM lands in these watersheds from approximately 16 percent to 17 percent.

   Noxious Weeds – While the number of species known to the project area may increase in number the short term, any increase is anticipated to be short lived because large areas with ground-disturbing activities would be sown with Oregon Certified (blue tagged) red fescue (*Festuca rubra*). Sowing disturbed soil areas allows the fescue grass to become established and dominant in areas that may otherwise be suitable for noxious weeds. This reduces the physical space or the potential habitat for noxious weeds to become established. As native vegetation increases in density and size, due to additional sunlight, it would become established in areas dominated by the red fescue because the red fescue tends to get out competed by the native vegetation.

   ESA listed, Bureau Special Status, and Survey and Manage Botanical and Fungal Species *(EA section 3.1):* There are no known threatened and endangered botanical or fungal species known to be within or adjacent to the project area. Special status fungi known sites are protected by their inclusion within riparian reserves, fungi protection areas, aggregates, or clumps of wildlife trees. The distribution and size of fungal organisms within the soil is unknown. Fungal fruiting structure locations (known sites) only indicate presence of the organism. There are no special status species known within the commercial thinning or

density management treatment areas. Such treatments would allow for an increase in size and density of the tall shrub layer creating future habitat for epiphytic lichen and bryophyte species.

Wildlife *(EA section 3.2):* The project would not contribute to the need to list any BLM special status species. There is no critical habitat in the project area for either the northern spotted owl or the marbled murrelet.

Northern spotted owl: No suitable habitat would be affected; there is no suitable roosting, foraging, or nesting habitat within the project units. Dispersal habitat would be maintained within the thinning units and would be removed within the regeneration harvest units (USFWS letter of concurrence, p. 66). Because of these reason, the Rainbow Ridge timber sale is not likely to adversely affect the species.

Marbled murrelet: The Rainbow Ridge area is considered "non-habitat" for the marbled murrelet and will have no effect on the species (USFWS letter of concurrence, p. 69).

Thinning would not significantly change species diversity (a combination of species richness and relative abundance) of the migratory and resident bird community. Regeneration harvest would provide high-quality early-seral habitat for several species that favor early-seral forest conditions. No species would become extirpated in the watershed as a result of the proposed harvest, though some species would be likely to leave or enter thinned stands as a short-term response to reduced canopy closure and tree density.

Fisheries and Aquatic Habitat, Hydrology, and Soils *(EA sections 3.3, 3.4, and 3.5):* New road construction is unlikely to have significant impacts because of the location, topography, lack of connectivity to streams, and project design features. New roads would be located outside Riparian Reserves, generally be located on ridgetops, and would require no stream crossings. Gentle to moderate slope gradients in project areas provide little opportunity for surface runoff to reach stream channels. The stream protection zones (SPZs) would prevent any overland flow and sediment generated by logging from reaching streams. The SPZs would maintain the current vegetation in the primary shade zone and treatments would retain most of the current levels of shading in the secondary shade zone. Soil compaction is limited to no more that 10 percent of each unit's acreage. Renovation of existing roads would improve their conditions and reduce the likelihood of road-related sediment delivery.

Air Quality, Fire Risk, and Fuels Management *(EA section 3.6):* Effects to this resource would not be significant because the proposed action would comply with the Clean Air Act and State of Oregon Air Quality Standards by adhering to Oregon Smoke Management guidelines. The harvest itself would decrease the risk of a canopy fire and the fine fuels generated by harvest would decay in the project areas within three to five years, reducing the risk of a surface fire to near current levels. The potential for a human-caused wildfire would be reduced by treating the fuels most likely to be ignited by human activities. Prescribed burning would lessen the fuel load along private property lines and roads that are open to public access. It would also serve as site preparation for planting.

Recreation, Rural Interface, and Visual Resources *(EA section 3.7):* The proposed project would comply with Visual Resource Management Class IV objectives as defined in the Salem District RMP. Class IV provides for management activities which require major modification of the existing character of the landscape.

A forest setting and most of the canopy would remain in the density management and commercial thinning areas, but few trees would remain in the regeneration harvest area. Evidence of the density management and thinning portions of the project would not be observable within five years as understory vegetation reestablishes and grows and the remaining stand continues to mature. The regeneration portion may remain observable for several years until the seedlings are well established.

Recreational activities within the project area would be limited during periods of operation and may be displaced to other areas. Following harvest activities, current recreational activities would continue with potential of increased hunting and OHV use due to the opening or building of skid roads for harvest activities and creation of early-seral habitat that game animals favor.

Carbon Sequestration (Storage) and Climate Change *(EA section 3.8):* The Rainbow Ridge Timber Sale EA is tiered to the PRMP FEIS (1994) which concluded that all alternatives analyzed in the FEIS, in their entirety including all timber harvest, would have only slight (context indicates that the effect would be too small to calculate) effect on carbon dioxide levels. Analyses completed for projects of similar scope, treatment type, stand type, and scale have supported the conclusion that project emissions would be negligible.

With the implementation of the project design features described in EA section 2.6, potential effects to the affected elements of the environment are anticipated to be site-specific and/or not measurable (i.e. undetectable over the watershed, downstream, and/or outside of the project areas). The project is designed to meet RMP standards and guidelines, modified by subsequent direction (EA section 1.5); and the effects of these projects would not exceed those effects described in the RMP/FEIS.

2. [40 CFR 1508.27(b)(2)] – **The degree to which the proposed action affects public health or safety:** The project's effects to public health and safety would not be significant because the project occurs in a forested setting, removed from urban and residential areas, where the primary activities are forest management and timber harvest.

   Public safety along haul routes would be minimally affected because log truck traffic from forest management activities on both private and public land is common and the majority of the public using these haul routes are aware of the hazards involved in driving on these forest roads. In addition, project design features require use of signs, road blocks, and/or flaggers near project activities to provide for public safety (EA section 2.6).

3. [40 CFR 1508.27(b)(3)] – **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas:** The proposed project would not affect

historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas, because these are not located within the project area.

4. [40 CFR 1508.27(b)(4)] – **The degree to which the effects on the quality of the human environment are likely to be highly controversial:** The effects on the quality of the human environment are not likely to be highly controversial. CEQ guidelines relating to controversy refer not to the amount of public opposition or support for a project, but a substantial dispute as to the size, nature, or effect of the action. The effects of actions planned under the action alternatives are similar to many other forest management projects implemented within the scope of the 1995 RMP. No unique or appreciable scientific controversy has been identified regarding the effects of the project. There is, therefore, no known scientific controversy over the impacts of the project.

   Effects are expected to be consistent with those of the published literature cited in the EA and are not controversial in a scientific sense. The public has had opportunities to comment on this project the public meeting, through formal scoping, during the formal comment period for the EA, and upon publishing the DNA (February 2015). While comments were received expressing disagreement with the BLM timber management program, none established a scientific dispute of the size, nature, or effects of the action alternatives.

   The BLM is aware that the fundamental nature of science requires disagreement and vigorous debate, and that as a result some disagreement will always be present in any scientific discussion. The topic of ecological forestry (or variable retention harvest) is no exception. The BLM is aware of the articles in peer-reviewed scientific literature, such as DellaSalla et al. (2013), which express some reservations and disagreements with ecological forestry applications. The BLM also notes that much of DellaSalla (2013) relates to the ongoing social controversy over management practices and refinement of land management goals and practices. Where the article discusses the size, nature, and effects of ecological forestry, and discusses perceived shortcomings in the framework principles, it also acknowledges the positive aspects of the framework, and notes that the details of its management are "yet to be described" (DellaSalla et al. (2013), pp. 420–421). Unanimity in science is rarely, if ever, present. That some discussion and debate in the peer-reviewed scientific forums continues to occur is a sign, not of controversy as NEPA uses the term, but of a healthy discussion. In the end, however, while the BLM encourages this debate, NEPA and the principles which underlie it do not require unanimity. Articles such as DellaSalla (2013) are limited in direction application, and are more focused on advocacy and social policy. Rather than present scientific debate on the effects of implementing ecological forestry on matrix lands available for regeneration harvest, the articles seek to pass judgment on whether ecological forestry is the appropriate tool to address the current and changing conditions of forests in the Pacific Northwest. These policy positions do not generate and are not evidence of a substantial dispute over the size, nature, and effects of the proposed action, and thus do not give rise to "controversy" under NEPA.

   The BLM is, as noted, aware that social controversy is ongoing over the existence and practices of the BLM's timber harvest program across western Oregon. The societal debate, reflected in the comments received by the BLM is precisely the public opposition or support that the CEQ guidelines have identified as not relevant to the term "controversy" as applied

to NEPA. The BLM has responded to comments provided during scoping and will respond to comments received during the EA comment period in the Decision Record. Comments have not constituted a true dispute over the size, nature, or effects of the action. Because the comments received from the public do not establish such a dispute, the action is not controversial under NEPA.

5. [40 CFR 1508.27(b)(5)] – **The degree to which the possible effects on the human environment area highly uncertain or involve unique or unknown risks:** The effects associated with the project do not involve uncertain, unique, or unknown risks, because the BLM has experience implementing similar actions in similar areas without these risks. The BLM has found project design features (EA section 2.6) to be effective in minimizing risks associated with the project.

6. [40 CFR 1508.27(b)(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:** The proposed action would not establish a precedent for future actions, nor would it represent a decision in principle about a further consideration for the following reasons: The project is within the scope of proposed activities documented in the Salem District RMP. Regeneration harvest with a variety of green tree retention methods is authorized in the RMP for the Matrix (General Forest Management Area) land use allocation. The BLM has experience implementing similar actions in similar areas without setting a precedent for future actions or representing a decision about a future consideration. See #4 and #5, above.

7. [40 CFR 1508.27(b)(7)] – **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts**: The Interdisciplinary Team evaluated the project in context of past, present, and reasonably foreseeable actions and determined that there is not a potential for significant cumulative effects (EA sections 3.1–3.8, February 2015 DNA) beyond those already analyzed in the FEIS, because of the small size of the project and the project design features to minimize the risk of adverse effects to the human environment. The project would occur on approximately 135 acres of a 240 acre parcel that the BLM manages (only 56 percent of what the BLM manages in the section). The project would increase the amount of early seral habitat on BLM lands in the watersheds by only one percent.

8. [40 CFR 1508.27(b)(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 historical resources:** The proposed project is not expected to adversely affect any of the aforementioned resources. There are no features within the project area that are listed or eligible for listing in the National Register of Historic Places.

9. [40 CFR 1508.27(b)(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 (ESA) of 1973:** The proposed project is not expected to adversely affect ESA listed species or critical habitat for the following reasons:

ESA Wildlife – Threatened and Endangered Species *(EA sections 3.2 and 5.1):* Consultation concerning listed wildlife species has been addressed by inclusion of this action within a Biological Assessment (BA) that analyzed all projects that may modify the habitat of listed wildlife species on federal lands within the Northern Oregon Coast Range during fiscal years 2015 and 2016. This action has been designed to incorporate all appropriate design standards included in the BA. A Letter of Concurrence (#01EOFW00-2012-I-0124) was received from the U.S. Fish and Wildlife Service (dated 9/23/2014) confirming their concurrence that the activities included within the Rainbow Ridge timber sale are not likely to adversely affect any listed wildlife species or their critical habitat.

ESA Fish *(EA sections 3.3 and 5.1):* No effects are anticipated to Upper Willamette River Spring Chinook salmon, Upper Willamette River steelhead, Oregon chub, and Oregon Coastal coho salmon in either watershed due to distance to occupied habitat; therefore, no ESA consultation is warranted.

Protection of Essential Fish Habitat (EFH) as described by the Magnuson/Stevens Fisheries Conservation and Management Act and consultation with NMFS is required for all projects which may adversely affect EFH of Chinook and coho salmon. The treatment area is at least 1.5 miles from nearest habitat utilized by coho salmon in the South Fork Alsea River and 26 miles from nearest habitat utilized by Chinook and coho in the Marys River. Based on the distance of the proposed action from occupied habitat, there would be no effects on EFH. Consultation with NOAA NMFS on EFH is not required for this project.

10. [40 CFR 1508.27(b)(10)] – **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment**: The proposed project has been designed to follow Federal, State, and local laws (EA section 1.5).

Approved by: /s/ Andy Frazier 5/20/2015
Andy Frazier Date
Acting Marys Peak Field Manager