

# Thompson Strip Land Tenure Adjustment

## Environmental Assessment and Finding of No Significant Impact

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United States Department of the Interior  
Bureau of Land Management  
Oregon State Office  
Salem District  
Marys Peak Resource Area

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## ENVIRONMENTAL ASSESSMENT

### Table of Contents

1.0	INTRODUCTION .....	1
1.1	Introduction, Property Location, and Proposed Action.....	1
1.2	Conformance with Land Use Plans, Policies, and Programs .....	4
1.3	Decision Criteria.....	4
1.4	Results of Scoping.....	4
1.4.1	Relevant Issues.....	4
2.0	ALTERNATIVES.....	4
2.1	Alternative Development .....	4
2.2	Alternative 1 – No Action .....	5
2.3	Alternative 2 – Proposed Action .....	5
2.4	Alternatives Considered But Not Analyzed In Detail .....	5
3.0	AFFECTED ENVIRONMENT AND ENVIRONMENTAL EFFECTS .....	5
3.1	General Setting .....	5
3.2	Direct, Indirect, and Cumulative Effects – All resources.....	5
4.0	LIST OF PREPARERS.....	7
5.0	CONTACTS AND CONSULTATION .....	7
5.1	Agencies, Organizations, and Persons Consulted (ESA Section 7 Consultation).....	7
5.2	Cultural Resources – Section 106 Consultation and Consultation with State Historical Preservation Office.....	8
5.3	Public Scoping and Notification.....	8
	DRAFT FINDING OF NO SIGNIFICANT IMPACT .....	i

## 1.0 INTRODUCTION

This Environmental Assessment (EA) will analyze the impacts of selling approximately 91 acres of BLM-managed public domain land. The EA will provide the decision-maker, the Marys Peak Field Manager, with current information to aid in the decision-making process. It will also determine if there are significant impacts not already analyzed in the Environmental Impact Statement for the Salem District's Resource Management Plan (RMP) and whether a supplement to that Environmental Impact Statement is needed or if a Finding of No Significant Impact is appropriate.

Section 1 of this EA will provide a context for what will be analyzed in the EA, describes the action we are considering, defines the project area, describes what the proposed action would accomplish, and identifies the criteria that we will use for choosing the appropriate alternative for the action.

### 1.1 Introduction, Property Location, and Proposed Action

Surveying errors in the mid-1800s caused several strips of land south of Grand Ronde, Oregon to be left unpatented. In the 1990s, this error was detected and the lands were re-surveyed. (These strips became known as the "Thompson Strip.") The lands were never patented and eventually came under Bureau of Land Management (BLM) administration.

The two strips are located about five miles southeast of the Grand Ronde at Highway 18 (see Figure 1). One strip, which runs east-to-west, is north of sections 5 and 6, in Township 6 South, Range 7 West. The strip is about two miles long with an average width of 300 feet. Total acreage for this strip is about 54 acres<sup>1</sup>. The other strip, which runs north-to-south, is located in Township 6 South, Range 7 West and just east of Sections 17, 20, 29 and 32. This strip is approximately four miles long with a width that varies from 300 feet to less than 20 feet. Total acreage for this strip is about 37 acres.

These strips are mostly isolated from other public land ownership and are surrounded by private lands. This has resulted in management issues, including at least two recent timber trespasses. In 2002 and again in 2007, Stimson Lumber Company (who at the time owned adjacent land) inadvertently logged a portion of the strip adjacent to Sections 5 and 6 (approximately 352 MBF). In 2008, Hancock Timber acquired the Stimson Lumber lands. The trespass was discovered in 2009 and Stimson Lumber paid the BLM for the timber trespass in 2010.

In 1997, the BLM indicated an interest in transferring the title of the strips to adjoining land owners. The portions of the Thompson Strip considered here for sale are difficult to manage and susceptible to future trespass.

The Proposed Action for this project is to clean up the surveying error and patent the lands through a sale. For strips adjacent to public ownership, the BLM would retain ownership (a

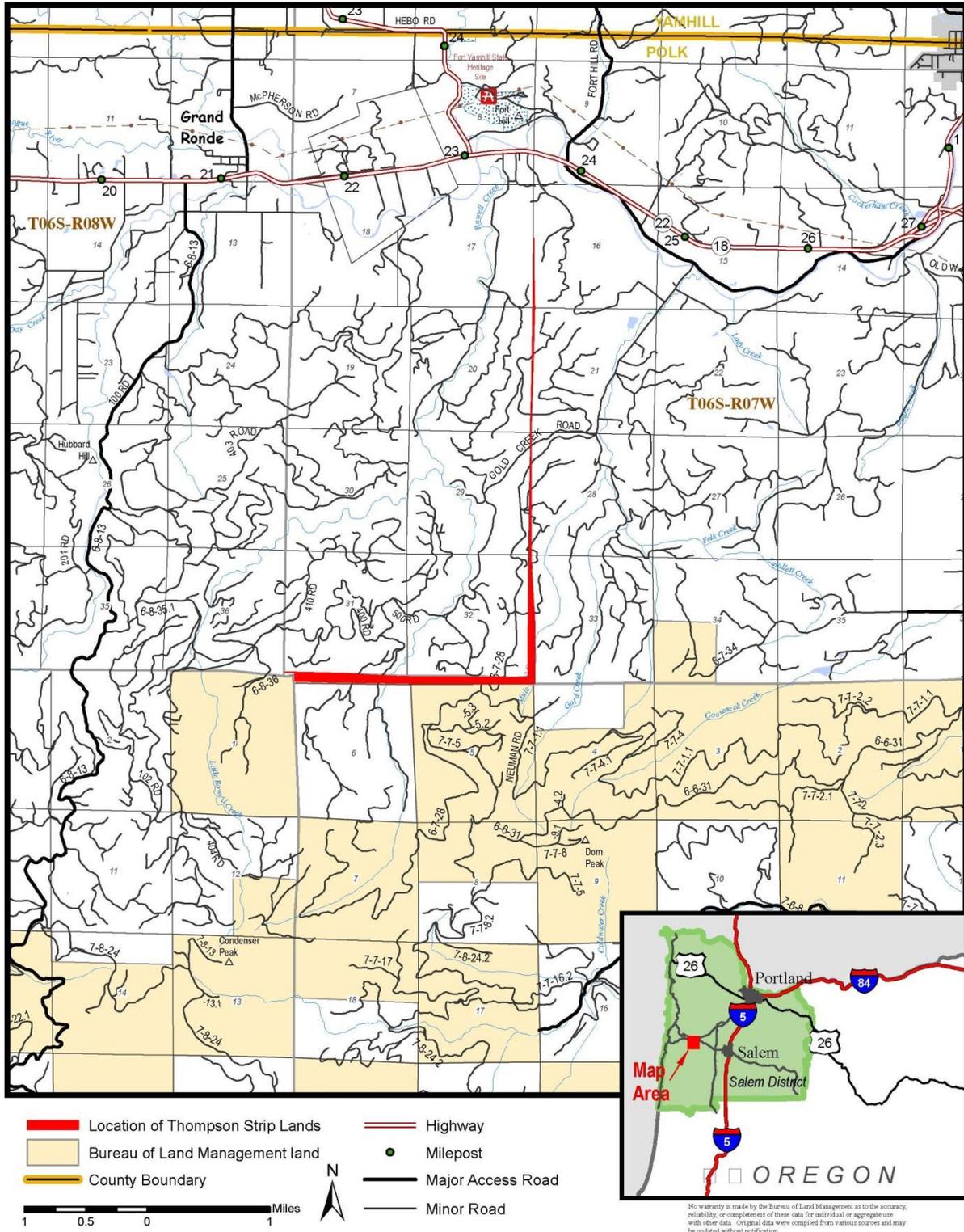
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<sup>1</sup> The BLM would retain the strip that is north of section 5, T6S, R7W.

portion of the sliver north of BLM ownership in section 5). For strips adjacent to only one landowner, the sale will be a direct sale – the adjoining landowner would have an opportunity to purchase the land at appraised value. For strips with more than one landowner abutting the land, a modified competitive sale would be conducted. Landowners adjacent to the strip would have an opportunity to purchase the land at appraised value.

**Figure 1. Location of the Thompson Strips**

United States Department of the Interior  
 BUREAU OF LAND MANAGEMENT  
**THOMPSON STRIP LOCATION MAP**



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

## **1.2 Conformance with Land Use Plans, Policies, and Programs**

The Proposed Action is consistent with direction related to:

- Salem District 1995 Resource Management Plan, as amended.
- Survey and Manage Direction
- Aquatic Conservation Strategy
- 2012 Northern Spotted Owl Critical Habitat Rule

## **1.3 Decision Criteria**

The Marys Peak Field Manager will use the following criteria and objectives in selecting the alternative to be implemented. The field manager will select the alternative that best meets these criteria. The selected action would:

- Comply with the *Salem District Record of Decision and Resource Management Plan*, May 1995 (RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (Section 1.2).
- Would not have significant impact on the affected elements of the environment beyond those already anticipated and addressed in the RMP EIS.

## **1.4 Results of Scoping**

Scoping letters were sent to a targeted group of local government and tribal agencies and conservation groups. The Oregon State Historic Preservation Office responded to the scoping letter and requested that survey information be shared with their office.

### **1.4.1 Relevant Issues**

No issues were identified for this project.

## **2.0 ALTERNATIVES**

### **2.1 Alternative Development**

Pursuant to Section 102 (2) (E) of the National Environmental Policy Act (NEPA) of 1969, as amended, federal agencies shall “Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.”

No unresolved issues or conflicts were identified for this project. Therefore, this EA will analyze the effects of Alternative 1 (No Action) and Alternative 2 (Proposed Action).

## **2.2 Alternative 1 – No Action**

Under the No Action, the land sale would not occur. Management of the strips would continue to be difficult for the BLM and future trespasses would likely occur from adjoining land owners.

## **2.3 Alternative 2 – Proposed Action**

The Proposed Action is to correct the surveying error from the 1800s and patent the lands included in the Thompson Strip. This would consist of a direct sale of approximately 72 acres and a modified competitive sale of 19 acres.

## **2.4 Alternatives Considered But Not Analyzed In Detail**

No other alternatives were considered for this proposal.

# **3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL EFFECTS**

## **3.1 General Setting**

The Thompson Strip parcels amount to 91 acres that lie within the Agency Creek – South Yamhill River fifth field watershed. There are no BLM key watersheds in the project area, although Rowell Creek is considered by the State of Oregon as an Anchor Watershed for water quality. There are approximately 3,570 acres of BLM lands (including these parcels) within the watershed. This portion of the watershed is dominated by private lands that consist mostly of young conifer plantations.

There are two types of stand conditions in the Thompson Strip: stands resulting from natural regeneration and stands resulting from industrial plantation management. The Thompson Strip parcels have been previously harvested and are now mostly early-seral conifer plantations (0-30 years old; approximately 60 acres), along with seven sliver-shaped pieces of mid-seral conifer stands (40-60 years old; approximately 30 acres). The plant associations of this parcel are common in Polk County on BLM lands east of the crest of the Coastal Range Mountains. The stands are within the western hemlock, grand fir, or Douglas-fir plant association zones and consist mainly of Douglas fir, western hemlocks, salal, Oregon grape, sword-fern, vine maple and rhododendrons. Hardwoods are common on the tributaries of Rowell Creek as are rocky outcrops or small cliffs and boulders just upland of these riparian systems.

## **3.2 Direct, Indirect, and Cumulative Effects – All resources**

### **Alternative 1 – No Action**

Under the No Action alternative, the property would remain part of the BLM land base and continue to be available for management under current plans. However, since these parcels are very narrow and surrounded by private plantations, they have very low potential to contribute to

future late-seral forest conditions in this watershed. Given the difficult configuration and confusing ownership pattern, continued trespass from adjoining landowners would be expected. No other effects would be anticipated in Alternative 1.

## **Alternative 2 – Proposed Action**

The sale and transfer of the Thompson Strip parcels to private ownership would reduce the amount of BLM-administered lands within the watershed by approximately 2.5 percent. It is assumed that future harvest of these parcels would occur in accordance with the surrounding management regime on private lands, and would result in a turnover of mid-seral forests stands back to early-seral plantations. However, the precise timing of such future actions cannot be determined. While it is possible that future management of these lands could result in some decrease in soil stability and water quality from the existing condition, those conditions would still meet all applicable Oregon Department of Forestry regulations for the protection of water quality and soil maintenance. This action would not result in a reduction of soil or water quality on adjacent BLM lands.

Land management would convert from Northwest Forest Plan (NWFP) based Salem District Resource Management Plan (RMP) direction to those activities allowed under the Oregon Forest Practices Act (OFPA) and supported by the Oregon Plan for Salmon and Watersheds. Private land managers would be required to protect aquatic habitat as required in the OFPA. Actions occurring on disposed lands would be required to avoid take of Endangered Species Act listed species, such as Upper Willamette River winter steelhead, pursuant to section 9 of the Act. No effects to fisheries or the aquatic environment are anticipated.

Special Status Species that may occur within this project vicinity include the northern spotted owl, marbled murrelets, and red tree voles; however, these parcels do not currently contain suitable habitat for these species. A review of an interagency database (GeoBOB) and the Oregon Natural Heritage Database found no records of any other Special Status Species or Survey and Manage Species locations within or adjacent to these parcels. The proposed action would not directly result in any habitat modification and as such, no special status species or their habitats would be affected. At the watershed scale, the indirect effect of potential future harvest is expected to have no discernable negative effects on populations of Birds of Conservation Concern species because the proposed parcels represent a small amount of the total watershed, and early-seral and mid-seral stand types present are currently the most abundant age-classes across all ownerships within this watershed.

There are no known sites of any federal Threatened and Endangered or bureau special status botanical or fungal species known from the project areas. The proposed action would not disrupt any mineral soil nor would it directly have an impact on any noxious weeds. If this action led to the harvest of timbered stands any effects from the establishment of noxious weeds would be localized within the project areas.

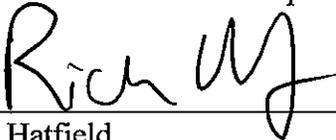
There would be no recreational concerns for this alternative. The lands referenced would provide minimal benefit to recreational activities due to limiting factors of both size and shape.

No cumulative effects to the analyzed elements of the human environment are anticipated.

#### 4.0 LIST OF PREPARERS

Name	Title
Debra Drake	Outdoor Recreation Planner
Ron Exeter	Botanist
Scott Hopkins	Wildlife Biologist
Stefanie Larew	NEPA Coordinator
Bruce Stevens	Silviculturist
Scott Snedaker	Fish Biologist
Heather Ulrich	Archaeologist
Steve Wegner	Hydrologist

Reviewed and released for public comment by:

  
\_\_\_\_\_  
Rich Hatfield  
Marys Peak Field Manager

5/13/2013  
Date

#### 5.0 CONTACTS AND CONSULTATION

##### 5.1 Agencies, Organizations, and Persons Consulted (ESA Section 7 Consultation)

###### U.S. Fish and Wildlife Service

The proposed action has been determined to be “no effect” to any federally listed wildlife species, because this action would not include any planned modification of existing forest habitat, and because none of the proposed parcels are designated as critical habitat. There is no requirement for Endangered Species Act consultation when proposed actions are determined to be no effect.

###### National Marine Fisheries Service (NMFS)

The proposed property is not adjacent to listed fish and critical habitat. Nearest overland distance to listed fish habitat is 1,400 feet. The nearest first order stream within the strip to listed fish is over a half mile upstream and the nearest fish bearing stream is over 1.2 miles upstream from listed fish. A determination has been made that the proposed project would be a “No Effect” on Upper Willamette River winter steelhead. Project actions with “No Effect” determinations would not require consultation with the NMFS prior to implementation.

## **5.2 Cultural Resources – Section 106 Consultation and Consultation with State Historical Preservation Office**

The project area occurs in the Oregon Coast Range Physiographic Province. Survey techniques are based on those described in Appendix A of the *Protocol for Managing Cultural Resource on Lands Administered by the Bureau of Land Management in Oregon*. Cultural resource surveys were conducted throughout the project area during February 2013 (Report # MP1301). Records indicate homesteading, logging, and trail building activities in the general sale area beginning in the 1920s. Cultural resource inventories did not identify any pre-contact or historic archaeological sites within the project area. A summary report of the cultural resource inventory will be sent to the State Historic Preservation Office.

## **5.3 Public Scoping and Notification**

In February 2013, the BLM mailed a scoping letter to 12 potentially affected or interested individuals and parties. The letter explained the history of the property, a description of the proposed action, and provided a contact number for any questions or concerns. The proposal was also included in the Spring 2013 BLM Project Update publication. As noted in Section 1.4, the only comment received was from the Oregon State Historic Preservation Office.

### **15-Day Public Comment Period**

The EA and draft FONSI will be made available for public review May 15, 2013 to May 29, 2013. The notice for public comment will be published in a legal notice by the Polk County *Itemizer-Observer* newspaper. Comments received by the Marys Peak Resource Area of the Salem District Office, 1717 Fabry Road SE, Salem, Oregon 97306, before the close of business (4:30pm) on May 29, 2013 will be considered in making the final decision for this project.

# DRAFT FINDING OF NO SIGNIFICANT IMPACT

## Introduction

The Bureau of Land Management (BLM) has conducted an environmental analysis (Environmental Assessment Number DOI-BLM-OR-S050-2013-0004-EA) for a proposal to sell approximately 91 acres from the BLM land base.

The project area is located approximately five airmiles southeast of Grand Ronde, Oregon, within the Agency Creek-South Yamhill River fifth field watershed (EA figure 1).

The analysis in this EA is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). The proposed action conforms to the *Salem District Record of Decision and Resource Management Plan*, May 1995 (RMP) as amended and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA Section 1.2).

The EA and draft FONSI will be made available for public review May 15, 2013 to May 29, 2013. The notice for public comment will be published in a legal notice by the Polk County *Itemizer-Observer* newspaper. Comments received by the Marys Peak Resource Area of the Salem District Office, 1717 Fabry Road SE, Salem, Oregon 97306, before the close of business (4:30pm) on May 29, 2013 will be considered in making the decisions for this action.

## Finding of No Significant Impact

Based upon review of the Thompson Strip Land Tenure Adjustment EA and 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 areas. 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 the implementation of the proposed action have been analyzed within the context of the Agency Creek-South Yamhill River fifth field watershed. The proposed action would remove approximately 91 acres of land from BLM management. This encompasses less than one-tenth of one percent of land within the watershed [40 CFR 1508.27(a)].

### **Intensity:**

1. [40 CFR 1508.27(b) (1)] – **Impacts that may be both beneficial and adverse:** The BLM interdisciplinary team of specialists reviewed the proposed sale of approximately 91 acres and determined that minimal to no impacts, beneficial or adverse, would occur. The

resources considered include, fisheries and aquatic habitat, invasive, non-native plant species, special status species and habitat, recreation, wildlife, soils, water quality. The proposed actions are unlikely to have significant adverse impacts on these resources for the following reasons:

2. [40 CFR 1508.27(b)(2)] – **The degree to which the proposed action affects public health or safety:** The proposed action would have no effect on public health and safety.
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 proposed action is not unique or unusual. The BLM has experience implementing similar actions in similar areas without highly controversial, highly uncertain, unique, or unknown risks.
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 proposed action do not have uncertain, unique, or unknown risks, because the BLM has experience implementing similar actions in similar areas without these risks.
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: 1/ The project is within the scope of proposed activities documented in the Salem District RMP. 2/ The BLM has experience implementing similar actions in similar areas without setting a precedent for future actions or representing a decision about a further consideration.
7. [40 CFR 1508.27(b)(7)] – **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:** The small scope of the proposed action, the sale of approximately 91 acres of land, will not contribute to any significant impacts.
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 project would not affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor would the project cause loss or destruction of significant scientific, cultural, or historical resources.

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 will not have any effect on any threatened or endangered fish, wildlife, botanical species or their habitat. As such, consultation is not required for this action.
  
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 1.2).

Approved by: \_\_\_\_\_  
Rich Hatfield  
Marys Peak Field Manager

\_\_\_\_\_ Date