

**Determination of NEPA Adequacy (DNA)**  
**U.S. Department of the Interior**  
**Bureau of Land Management**

---

OFFICE: Salem District, Tillamook Resource Area, Bureau of Land Management

TRACKING NUMBER: DOI-BLM-OR-S060-2014-0016-DNA

CASE FILE/PROJECT NUMBER: N/A

PROPOSED ACTION TITLE/TYPE: **2014-2016 Riparian Restoration in Washington / Yamhill and Multnomah County**

LOCATION/LEGAL DESCRIPTION: **Washington / Yamhill / Multnomah Counties, Oregon**

APPLICANT: N/A

**A. Description of the Proposed Action and any applicable mitigation measures**

The Tillamook Resource Area of the Bureau of Land Management (BLM) is proposing to purchase and/or produce native plant material for riparian planting projects on private lands in watersheds throughout Washington, Yamhill and Multnomah Counties, Oregon where the BLM also manages riparian lands for native fish habitat restoration. The BLM will make plant materials available as a member in the Northwest Oregon Restoration Partnership. Other members of the Partnership will conduct other facets of the restoration work including the planting of the vegetation. These actions will occur on private lands, as well as BLM lands, in streamside riparian zones to enhance streamside habitat and improve water quality. All watersheds in these counties cumulatively contribute to the Willamette River and play an important role in supporting the Recovery Plan for the Upper Willamette River steelhead, Spring Chinook and Lower Columbia River Coho.

The proposed action is described in the Salem District Aquatic and Riparian Habitat Restoration Environmental Assessment Number OR-S0000-2012-0001-EA, March 22, 2012 (EA). Given the checkerboard land ownership pattern, restricted ownership in certain watersheds, and limited resources, the BLM recognizes that aquatic restoration cannot be accomplished exclusively by the BLM-administered lands (EA p. 6). This EA considers projects on BLM lands and on private lands where the BLM has provided either full funding or partial funding as a partnering agency, (EA p. 8).

**B. Land Use Plan (LUP) Conformance and Legislative Authority for Action**

The proposed actions that would occur on BLM lands are in conformance with the applicable LUP's because it is specifically provided for in the following LUP decisions: Salem District Record of Decision and Resource Management Plan (RMP). May 1995

- *Maintain and restore the species composition and structural diversity of plant communities in riparian zones and wetlands to provide adequate summer and winter thermal regulations, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability* (1995 RMP, p. 6).

Actions that would occur on private lands are authorized and in conformance with *Public Law 104-208, Section 124 as amended by Public Law 105-277, Section 136 (16 U.S.C. 1011(a))* also known as “The Wyden Amendment” which provides “...for the purpose of entering into Cooperative Agreements with the heads of other Federal agencies, tribal, State and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land, and the reduction of risk from natural disaster where public safety is threatened, that benefit these resources on public lands within the watershed.”

**C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

- *Salem District Aquatic and Riparian Habitat Restoration Environmental Assessment and Finding of No Significant Impact* Environmental Assessment Number OR-S0000-2012-0001-EA, March 2012.
- *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*. September 1994 (RMP/FEIS). The RMP/FEIS incorporates the analysis from the Final Supplemental Environmental Impact Statement on Management of Habitat for Late Successional and Old Growth Forest Related Species within the Range of the Northern Spotted Owl, February 1994 (NWFP/FSEIS).
- *Programmatic Biological Opinion for Aquatic Restoration Activities in the States of Oregon, Washington, and portions of California, Idaho, and Nevada*. (ARBO II) [FWS reference: 01EOFW00-2013-F-0090]
- *Reinitiating of the Endangered Species Act Section 7 Formal Programmatic Conference and Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Aquatic Restoration Activities in the States of Oregon and Washington* (ARBO II) [NMFS reference No. NWP-2013-9664].

**Other Related Documents:**

- *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents with the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late Successional and Old Growth Forest Related Species within the Range of the Northern Spotted Owl*. April 1994 (the Northwest Forest Plan, or NWFP).

- *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage Protection Buffer, and other Mitigation Measures Standards and Guidelines* (January 2001). Applies only to actions on Federal lands within the range of the northern spotted owl.
- *The Omnibus Consolidated Appropriations Act of 1997, Wyden Amendment - Public Law 104-208, Section 124 as amended by Public Law 105-277, Section 136 (16 U.S.C. 1011(a))* provides authority for the Secretary of Interior to enter into cooperative agreements with other federal agencies, tribal, state, and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land.

All of these documents (except for the “Wyden Amendment” which can be found on the internet) are available for review in the BLM Tillamook Resource Area Field Office located at 4610 3<sup>rd</sup> Street, Tillamook, Oregon.

### **Survey and Manage Review**

The Survey and Manage mitigation measure (S&M) applies only to USDA Forest Service and USDI BLM administered lands within the range of the northern spotted owl (2001 S&M ROD p. 5) and has been the subject of numerous legal proceedings since the signing of the Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, in January 2001. Court rulings have invalidated the 2007 S&M ROD and returned the decision for the Survey and Manage program back to the 2001 S&M ROD. Streamside planting that may occur on BLM administered lands, planned for the next two to three years on the Tillamook Resource Area are consistent with the 2001 S&M ROD as amended by the 2001-2003 Annual Species Reviews (not including red tree vole ASR), which is consistent with the February 18, 2014 Remedy Order confirming the 2001 ROD with Annual Species Review as amended.

Planting the may occur on non-federal lands is authorized by Public Law 104-208, Section 124 as amended by Public Law 105-277, Section 136, not the Resource Management Plan for the Salem District BLM or the 2001 S&M ROD and is therefore not subject to the Survey and Manage mitigation measures.

### **D. NEPA Adequacy Criteria**

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

Yes, the Salem District Aquatic and Riparian Habitat Restoration EA considered the implementation of riparian planting throughout the Salem District BLM. The project is within the same analysis area and the geographic and resource conditions are similar to those analyzed

in the existing EA. The proposed projects are located in a portion of the analyzed project area (see map and location description).

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

Yes. The Environmental Assessment analyzed and disclosed the predicted environmental effects of two alternatives to the Salem District Aquatic and Riparian Habitat Restoration; Alternative 1 (No Action) and Alternative 2 (Proposed Action) which was an appropriate range given the purpose and need for the project.

Alternative 1 – was the “No Action” Alternative which describes the baseline against which the effects of the proposed action can be compared, i.e. the existing conditions in the project area and the continuing trends in those conditions if there is no implementation of any habitat enhancement projects.

Alternative 2 – Under this alternative, a range of watershed restoration actions would be undertaken, grouped into the categories described (in stream habitat, roads and culverts, and riparian treatments). All proposed projects would be consistent with actions identified by National Marine Fisheries Services (NMFS) (Fisheries BO No. 2008/03506), the United States Fish and Wildlife Service (USFWS) (Wildlife BO#13420-2007-F-0055 and Plant LOC 13420-2008-1-0136) for Programmatic Consultation on Fish Habitat Restoration Activities in Oregon and Washington, or, when appropriate, the NMFS Biological Opinion for Programmatic Activities of USDA Forest Service, USDI Bureau of Land Management, and Coquille Indian Tribe in Western Oregon.

Both Alternatives are described in detail in EA OR-S0000-2012-0001 sections 2.2.2 and 2.2.3. The selected alternative is Alternative 2. No new environmental concerns, interests, resource values, or circumstances have been revealed since the EA was published in March, 2012 that would indicate a need for additional alternatives. The riparian planting identified in this DNA are consistent with the scope and effects found in this programmatic alternative.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes. Several changes have occurred and new information has accrued since the EA was published in March, 2012, but none has affected the adequacy of the analysis. Notable changes are:

- 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. A portion of this project would occur in spotted owl critical habitat

but would not alter elements of critical habitat therefore would not have any effect on the function of spotted owl critical habitat.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

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; there is a revised recovery plan for the Northern Spotted Owl which this proposed action is in full compliance with. (2) There are no changes in resource conditions since the EA was published in 2012, (3) There are no changes in resource related plans, policies or programs or other governmental agencies. (4) There are no new land designations in the project planning area. (5) There are no changes in statute, case law or regulations that would affect the implementation of the Salem District Aquatic and Riparian Habitat Restoration EA.

The EA adequately addressed the impacts (direct, indirect, and cumulative) of the proposed action on the relevant elements of the environment. The EA described impacts to air quality, Endangered Species Act (ESA) listed wildlife species and habitat, water quality and quantity, invasive and non-native plant species, soil resources, Bureau Sensitive and Special Attention plant and animal species and habitats, and other resources. Impacts from implementing the proposed action would fall within those analyzed in the EA, and were anticipated in the EA.

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.

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

Yes. There have been opportunities for public involvement and interagency review associated with the Project EA. In compliance with NEPA, a scoping letter was sent to 41 federal, state and municipal government agencies, tribal authorities, and other interested parties that were potentially affected and /or interested in management activities in the resource areas as a whole on May 13, 2011. As a result of this scoping effort one letter providing supportive comments was received.

The EA and FONSI were made available for public review from March 6, 2012 to March 20, 2012 (refer to Decision Record section 6.0). No comments were received.

**E. BLM Staff Consulted**

<u>Name</u>	<u>Title/Resource</u>
Andy Pampush	Environmental Coordinator
Matt Walker	Fisheries Resources
Steve Bahe	Wildlife Resources
Kurt Heckerorth	Botanical Resources

**Conclusion**

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

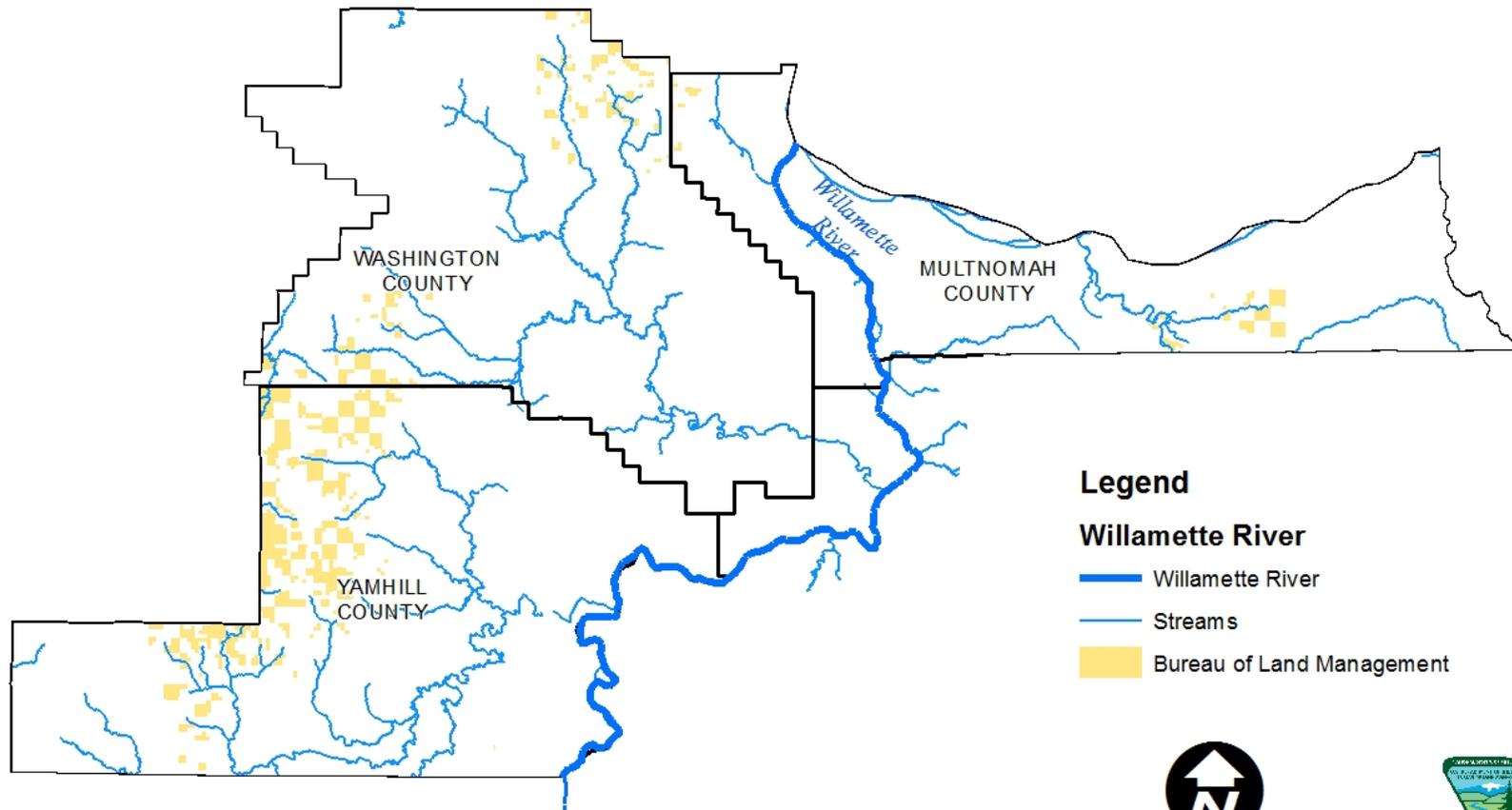
  
\_\_\_\_\_  
Signature of NEPA Coordinator

  
\_\_\_\_\_  
Signature of Karen M. Schank, Tillamook Field Manager:

9/3/14  
Date

Note: The Decision associated with the Salem District Aquatic and Riparian Habitat Restoration Environmental Assessment which includes the supporting documentation for OR-S0000-2012-0001-EA was made in March of 2012 and is no longer appealable. The signed Conclusion on this Worksheet is a step in the BLM’s internal process that documents that the analysis for this project is still valid and that no new NEPA analysis is needed.

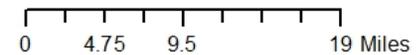
United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
**2014-2016 RIPARIAN RESTORATION IN WASHINGTON, YAMHILL AND MULTNOMAH COUNTIES**  
SALEM DISTRICT-Tillamook Resource Area - OREGON



**Legend**

**Willamette River**

-  Willamette River
-  Streams
-  Bureau of Land Management



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.  
csween Date: 8/20/2014