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

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

Yaquina Head Outstanding Natural Area Native Plant Restoration and Roadside Thinning
DOI-BLM-OR-S050-2013-0003-DNA

A. Background and Description of the Proposed Action

The Marys Peak Resource Area, Salem District Bureau of Land Management (BLM) prepared a categorical exclusion on February 24, 2011 to implement two projects at the Yaquina Head Outstanding Natural Area (YHONA). Project one is a native plant restoration project. Project two is a conifer density management project. The project two descriptions within the categorical exclusion included the following:

> Conifer (*Pinus contorta* only) density management through thinning is proposed only along right-of-ways (cutbanks, fill slopes) and would involve removing many of the conifers less than 2 inches in diameter. This project would eliminate many of the small diameter suppressed conifers and allow for an increase in sunlight for the development of the shrub/forb layers within a conifer plant association. Also, some conifers generally less than five feet in height in the same roadside locations would be targeted for removal where conifers are directly competing with other desirable native shrubs such as black twin-berry (Lonicera involucrata) or California wax-myrtle (Myrica californica). In addition, conifer saplings impeding vehicular access to Communication Hill would be removed to maintain access to the towers located at the summit.
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> This DNA includes the removal of conifer trees larger than two inches in diameter and located adjacent pathways and paved right-of-ways that are leaning into the access roads/trails or have branches protruding into the access roads and are considered hazards to visitor safety or restricts maintenance activities. The majority, but not all of these hazardous trees are less than six inches in diameter measured at breast height. All exposed freshly cut wood on remaining stumps would be covered with duff or branches to minimize visibility.

Location: Yaquina Head Outstanding Natural Area located a few miles north of Newport, Oregon situated on the eastern shores of the Pacific Ocean.

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

The analysis documented in Marys Peak Resource Area YHONA Native Plant Restoration and Roadside Thinning, Categorical Exclusion Number DOI-BLM-OR-S050-2011-0006-CX is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994

(RMP/FEIS) and Resource Management Plan as amended by 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* (2001 ROD), as modified by the 2011 Settlement Agreement (*Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) July 2011, IM-OR-2011-063) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District. All of these documents may be reviewed at the Salem District office.

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

- The Salem RMP directs the Salem BLM to remove hazard trees along utility rights-of-way and in other developed areas (RMP p.56)
- Manage timber within developed recreation sites for purposes of removing hazard trees…(RMP p.43)
- Remove hazard trees along trails and in developed recreation areas. (RMP p.42)

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

Applicable NEPA Documents:

The Marys Peak Resource Area YHONA Native Plant Restoration and Roadside Thinning, Categorical Exclusion Number DOI-BLM-OR-S050-2011-0006-CX.

Other NEPA documents and other related documents that are relevant to the proposed action include:

- Salem District RMP/EIS – November 1994 and Record of Decision – May 1995
- 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 (2001 ROD).

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 proposed action is substantially the same action as the one previously analyzed under the YHONA Roadside Thinning project. Both projects involve the removal of conifers adjacent roadways or trails. However, this project provides for conifers larger than two inches to be cut and removed that are considered a safety concern or a restriction maintenance activities. These additional trees are scattered along the roadway and no negative effects beyond what was initially analyzed are anticipated. Beyond the freshly cut stumps, which are scheduled to be covered with vegetative debris, most visitors to the area would not notice any effects to the area through the implementation of this project. The positive effects of implementing this project is the reduction of hazardous conditions located along a major recreation access

way. YHONA has frequent high winds and the removal of these additional trees would increase the safety along the roadways. The removal of these additional hazard trees would not change or modify the existing habitat adjacent the right-of-ways.

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 simplicity of this project lends a manager to decide to implement the project or not. There are no other feasible alternatives given the small size of this project and the modification to remove hazardous trees located within a major recreational roadway.

3. **Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?**

   Yes. The existing analysis for this project is fully adequate to the proposal. Any new information or new circumstances are irrelevant with regard to the complete analysis contained within the categorical exclusion. The proposed project is fully in compliance with the existing NEPA documentation.

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

   Yes. The analytical approach utilized in the preparation of the existing NEPA documents is fully appropriate. All items contained within the categorical exclusion which includes tables one and two are valid and apply to this DNA which includes the proposed modifications to the project.

5. **Are the direct, indirect, and cumulative effects of the current proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document(s)?**

   Yes. With the minor changes to the original project, the scope of the project remains the same. The direct, indirect, and cumulative effects of the project (including the modification to remove slightly larger hazardous trees within the project area) are very similar to the project analyzed in the categorical exclusion. All items contained in table one of the categorical exclusion remain "no" with the modification of this project.

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

   Yes. The original categorical exclusion was advertised in the Newport Times on March 2, 2011. Only one person provided comments and these comments pertained primarily to project one.

Consultation:

Wildlife: Wildlife Biologist reviews each year's project locations for consistency with existing laws and policies concerning wildlife management. The proposed treatments would have no effect on federally listed wildlife species and therefore this action done not require ESA consultation.

Fish: On February 11, 2008, the NMFS listed the Oregon Coast Coho salmon Evolutionarily Significant Unit as threatened under the Endangered Species Act (ESA). The proposed categorical exclusion and modifications contained in this DNA are not expected to adversely affect Endangered or Threatened Species listed under the Endangered Species Act (ESA) of 1973 [40 CFR 1508.27(b) (9)].

Consultation with NMFS is required for all actions which may affect listed fish species and critical habitat under the ESA [40 CFR 1508.27 (b)(9)].

Proposed actions which may affect listed fish would comply with the existing programmatic consultation Endangered Species Act Section 7 Programmatic Consultation Biological and Conference Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington, CY2007-CY2012 and relevant design criteria. Consultation with NMFS has been reinitiated by the BLM in 2012 to update the existing consultation package for actions occurring beyond 2012. Any alterations in terms and conditions in the updated consultation would be incorporated as needed.

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 or coho salmon in the action area. The proposed action, with the incorporation of project design features, is not expected to adversely affect EFH. Thus, no consultation with NMFS on EFH is required for this project. Actions and effects beyond the scope of the analysis provided will require additional review and potentially result in the need to consult with NMFS.

E. Interdisciplinary Analysis

Name	Specialty
Ron Exeter	Botany
Scott Hopkins	Wildlife Biologist
Stefanie Larew	NEPA Coordinator
Scott Snedaker	Fisheries Biologist
Heather Ulrich	Cultural Resources
Steve Wegner	Hydrology/Soils
Timothy Fisher	Recreation

Prepared and Reviewed By

/s/ Stefanie Larew — 2/7/2013

Stefanie Larew — Date
NEPA Coordinator

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.

/s/ Rich Hatfield — 2/8/2013

Rich Hatfield — Date
Marys Peak Field Manager