

Marys Peak Resource Area Fiscal Years 2010/2011 Legacy Tree Release Finding of No Significant Impact

Environmental Assessment Number DOI-BLM-OR-S050-2010-0006-EA

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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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BLM



Abstract: This environmental assessment (EA) discloses the predicted environmental effects of one project on BLM managed land located in multiple sections within the Lower Alsea River, Upper Alsea River, Five Rivers and Deadwood Creek Watersheds located in Benton and Lane Counties, Willamette Meridian. The project is a proposal for older forest legacy tree release within approximately 578 acres of LSR (Late Successional Reserve) and RR (Riparian Reserves) LUAs (land use allocations). Of the 578 total acres, approximately 33 percent would be treated resulting in 190 acres of actual treatment.

As the Nation's principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

FINDING OF NO SIGNIFICANT IMPACT

Introduction

The Bureau of Land Management (BLM) has conducted an environmental analysis (Environmental Assessment Number DOI-BLM-OR-S050-2010-0006-EA) for a proposal to implement one project as follows: conduct legacy tree release within approximately 578 acres of 40 to 90 year-old stands in Late-Successional Reserve (LSR), and Riparian Reserve (RR) Land Use Allocations (LUAs) to increase structural diversity. Of the 578 total project acres, approximately 33 percent would be treated resulting in 190 net acres of actual treatment.

The project is on BLM-managed lands within the Five Rivers, Deadwood Creek, Lower Alsea River and Upper Alsea River Watersheds located in Benton and Lane Counties, Willamette Meridian.

Implementation of the proposed action will conform to management actions and direction contained in the attached *Marys Peak Resource Area Fiscal Years 2010 to 2011 Legacy Tree Release Environmental Assessment* (Marys Peak Resource Area Fiscal Years 2010/2011 Legacy Tree Release EA). The Marys Peak Resource Area Fiscal Years 2010/2011 Legacy Tree Release EA is attached to and incorporated by reference in this Finding of No Significant Impact (FONSI) determination. 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) (EA p. 3).

The Marys Peak Resource Area Fiscal Years 2010/2011 Legacy Tree Release project has been designed to conform to 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-managed lands within Marys Peak Resource Area (EA pp. 4-5). Consultation with U.S. Fish and Wildlife Service and National Marine Fisheries Service is described in Section 7.0 of the EA.

The EA and FONSI will be made available for public review June 30, 2010 to July 14, 2010. The notice for public comment will be published in a legal notice by the *Gazette Times* newspaper. Comments received by the Marys Peak Resource Area of the Salem District Office, 1717 Fabry Road SE, Salem, Oregon 97306, on or before July 14, 2010 will be considered in making the decision for this project.

Finding of No Significant Impact

Based upon review of the Marys Peak Resource Area Fiscal Years 2010/2011 Legacy Tree Release EA and supporting documents, I have determined that the proposed action is not a major federal action and would not 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 the implementation of the proposed action have been analyzed within the context of the Five Rivers, Deadwood Creek, Lower Alsea River and Upper Alsea River 5th-field Watersheds and the project area boundaries. The proposed action would occur on approximately 191 acres of BLM LSR and RR LUA land, encompassing less than 0.02 percent of the forest cover within the Upper Alsea River, Lower Alsea River, Deadwood Creek and Five Rivers Watersheds [40 CFR 1508.27(a)].

Intensity:

1. *The Project* is unlikely to have any significant adverse impacts on the affected elements of the environment (EA sections 3.1 - vegetation, wildlife, soils, water, fisheries/aquatic habitat, and fuels/air quality resources).

The effects of legacy tree release is unlikely to have significant adverse impacts on these resources [40 CFR 1508.27(b) (1)] for the following reasons:

- Vegetation and Forest Stand Characteristics (*EA section 3.2.1*): 1/ Any known special status species sites located would be protected as described in the design features. The removal of some of the competing conifer trees around legacy trees may provide additional habitat for species requiring older forest conditions. This would be accomplished by allowing for an increase in sunlight into the lower forest and lower canopy of the legacy trees.

Noxious Weeds - The implementation of this project would disrupt very little mineral soil and possibly only a small area of less than one foot square where the butt of the severed conifer hits the ground. It is unlikely this small amount of disturbed mineral soil would lead to any sustainable infestation of noxious weeds. The risk rating for the long-term establishment of noxious weeds and consequences of adverse effects on this project area is low because;

- the amount of disturbance is localized and minimal,
 - the project areas are generally located in the middle of a coniferous stand away from local noxious weed sites,
 - the implementation of the Marys Peak integrated non-native plant management plan allows for early detection of non-native plant species which allows for rapid control,
 - the known noxious weeds species which occur in the project area are regionally abundant throughout the Oregon Coast Range Physiographic Province, and control measures generally consist of biological control,
 - generally these species often persist for several years after becoming established in mineral soil and soon decline as native vegetation increases within the project areas,
- Soils, Hydrology, and Fisheries (*EA sections 3.2.3 to 3.2.5*):

The felling, girdling, removal, or topping of trees as scattered individuals or in gaps up to one acre in size would have no visible or detectable effect on soil physical properties such as bulk density. Over time the material left on site would breakdown and add to the organic matter content of the soil and this could slightly alter some soil chemical properties (i.e., increased supplies of soil carbon and organic acids). Small disturbances to the soil surface (compaction/displacement) from foot traffic and repositioning of some material would occur during project operations. These effects would be dispersed across the treatment area and would not result in a loss of soil productivity or function.

There would be no direct alteration of the physical features of the project area stream channels or wetlands under this proposal. There is no new road construction or maintenance proposed. The proposed action is unlikely to affect stream flow in a measurable manner because of the low amount of crown reduction and therefore any indirect effects to stream channels as a result of increases in peak flows is unlikely. Thus, the proposed action would be unlikely to result in any measurable effects, such as increases in bank erosion, channel incision, loss of floodplain connectivity or alteration of local wetland hydrology that could result from augmented peak flows

or altered watershed hydrology. As no discernable changes in peak and base flows within the treatment area are anticipated no alternations to fish habitat would be anticipated.

The proposed SPZ of 55 feet is anticipated to retain critical shade at more than 80 percent in the primary shade zone, primarily based on the limited nature of proposed actions.

Based on the anticipated protection of stream shade, the hydrology report water quality analysis, and the project design features, the proposed actions are unlikely to impact fish habitat both at the treatment site and downstream.

The dispersed nature of the proposed actions, 20 units spread amongst six drainages, indicates that short term or long term impacts to LWD recruitment would likely be undetectable at the site scale.

- Wildlife (*EA section 3.2.2*): 1/ Existing snags and coarse woody debris (CWD) would be retained.

The proposed legacy tree release units would treat about 8.7 percent of the mid-seral forest stands on BLM managed lands within the Five Rivers watershed. All proposed treatments would result in no discernable loss of function or connectivity of the mid-seral forest stands at the landscape scale. The slight reduction of small snag recruitment would only occur in patch cut areas (less than 33 percent of treatment area), and this reduction would largely be offset by the immediate creation of larger (greater than 15 inches) snags and down logs that have greater wildlife value. The special habitat component of CWD would increase in quality and quantity as a result of proposed action. The current rate of density dependent mortality would be unaffected in the portion of the treatment units that are outside of patch cuts (about 67 percent of treatment area).

- Air Quality and Fire Hazard/Risk (*EA section 3.2.6*): The fuel loading would increase 10 to 25 tons per acre of dead fuel in the 0 to 9 inch size class not counting the felled boles that are left for CWD recruitment.

Risk of a fire start in the untreated slash would be greatest during the first season following cutting, the period when needles dry out but remain attached. The highly flammable needles generally fall off within one year and risk of a fire start greatly diminishes.

Burning approximately 100 to 250 tons of dry, cured, piled fuels under favorable atmospheric conditions in the Oregon Coast Range is not expected to result in any long-term negative effects to air quality in the air shed.

With the implementation of the project design features described in EA section 2.2.2, 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 standard and guidelines, modified by subsequent direction (EA section 1.4); and the effects of this project would not exceed those effects described in the RMP/FEIS [40 CFR 1508.27(b) (1), EA sections 3.0].

2. *The Project would not affect:*

- Public health or safety [40 CFR 1508.27(b)(2)];
- Unique characteristics of the geographic area [40 CFR 1508.27(b)(3)] because there are no historic or cultural resources, parklands, prime farmlands, wild and scenic rivers, wilderness, or ecologically critical areas located within the project area (EA section 3.0);
- Districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor would the proposed action cause loss or

destruction of significant scientific, cultural, or historical resources [40 CFR 1508.27(b)(8)] (EA section 3.0).

3. The *Project* is not unique or unusual. The BLM has experience implementing similar actions in similar areas without highly controversial [40 CFR 1508.27(b)(4)], highly uncertain, or unique or unknown risks [40 CFR 1508.27(b)(5)].
4. The *Project* does not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration [40 CFR 1508.27(b)(6)]. The BLM has experience implementing similar actions in similar areas without setting a precedent for future actions.
5. The interdisciplinary team evaluated the *Project* in context of past, present and reasonably foreseeable actions [40 CFR 1508.27(b)(7)]. Potential cumulative effects are described in the attached EA. These effects are not likely to be significant because of the project's scope (effects are likely to be too small to be measurable), scale (project area of 578 acres, encompassing less than 0.02 percent of the forest cover within the Upper Alsea River, Lower Alsea River, Deadwood Creek and Five Rivers Watersheds and duration [direct effects would occur over a maximum period of four to six years (EA section 3.1)]).
6. The *Project* is not expected to adversely affect endangered or threatened species or habitat under the Endangered Species Act (ESA) of 1973 [40 CFR 1508.27(b)(9)].

U. S. Fish and Wildlife Service (USFWS)

Due to potential affects to habitat for both spotted owls and marbled murrelets as outlined in Table 3, Section 7(a) of the Endangered Species Act requires that this proposed action receive consultation with the U.S. Fish and Wildlife Service. Consultation has been addressed by inclusion of the proposed action a batched Biological Assessment (BA) that analyzed projects that may modify the habitat of listed wildlife species on federal lands within the Northern Oregon Coast Range during fiscal years 2009 and 2010. This proposed action has been designed to incorporate all appropriate design standards included in the BA. A Letter of Concurrence (LOC, #13420-2008-I-0125) has been received from the Service which concludes that the proposed action is not likely to adversely affect these listed species or their designated critical habitat. The LOC did not require any changes or additions to be incorporated into the proposed project design standards.

National Marine Fisheries Service

On February 11, 2008, the NMFS listed the Oregon Coast Coho salmon Evolutionarily Significant Unit as threatened under the Endangered Species Act (ESA). The project is not expected to adversely affect Endangered or Threatened Species listed under the Endangered Species Act (ESA) of 1973 [40 CFR 1508.27(b) (9)].

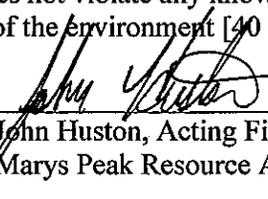
Consultation with NMFS is required for all actions which may affect listed fish species and critical habitat under the ESA [40 CFR 1508.27 (b)(9)].

Proposed actions which may affect will comply with existing programmatic consultation and relevant design criteria, and no additional consultation will be necessary. The proposed action is covered under NMFS *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.

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

7. *The Project* does not violate any known federal, state, or local law or requirement imposed for the protection of the environment [40 CFR 1508.27(b)(10)].

Approved by: 
John Huston, Acting Field Manager
Marys Peak Resource Area

7/16/2010
Date