

**National Environmental Policy Act (NEPA)
Finding of No Significant Impact (FONSI)**

Background

Proposed Action:

The proposed action is to issue an incidental take permit under the Endangered Species Act (ESA) section 10(a)(1)(B) to Port Blakely, for a period of 50 years authorizing their forest management activities associated with Port Blakely's Habitat Conservation Plan for the John Franklin Eddy Forestlands (HCP). The ITP would authorize the incidental take of five threatened anadromous fish species: Lower Columbia River (LCR) Chinook salmon (*Oncorhynchus tshawytscha*), Upper Willamette River (UWR) Chinook salmon, LCR coho salmon (*Oncorhynchus kisutch*), LCR steelhead (*Oncorhynchus mykiss*), and UWR steelhead DPS. The ITP would require implementation of the HCP, which contains measures to conserve, monitor, mitigate, and minimize potential effects of Port Blakely's forest management activities on the covered species for the term of the permit.

This FONSI and EA are being prepared using the 1978 CEQ NEPA Regulations. NEPA reviews initiated prior to the effective date of the 2020 CEQ regulations may be conducted using the 1978 version of the regulations. The effective date of the 2020 CEQ NEPA Regulations was September 14, 2020. This review began on June 10, 2020 and the agency has decided to proceed under the 1978 regulations.

Alternatives Evaluated in the Environmental Assessment:

Alternative 1: Do not issue the ITP, do not approve Port Blakely's Habitat Conservation Plan for the John Franklin Eddy Forestlands (No-Action Alternative).

Alternative 2: Issue ITP and approve Port Blakely's Habitat Conservation Plan for the John Franklin Eddy Forestlands.

Selected Alternative:

Alternative 2: Issue ITP and approve Port Blakely's Habitat Conservation Plan for the John Franklin Eddy Forestlands.

Related Consultations:

The National Marine Fisheries Service completed an ESA Section 7(a)(2) Biological Opinion and Essential Fish Habitat Consultation (Refer to WCRO-2022-01763) on the issuance of an ESA Section 10(a)(1)(B) incidental take permit for Port Blakely's Habitat Conservation Plan for the John Franklin Eddy Forestlands. The National Historic Preservation Act (NHPA) review was completed by U.S. Fish and Wildlife Service (USFWS) on behalf of USFWS and NMFS on October 26, 2021. The USFWS determined that the issuance of the ITP and implementation of the associated HCP is an undertaking that is of the type that has no potential to cause effects on historic properties (36 CFR 800.3(a)(1)).



Significance Review

The Council on Environmental Quality (CEQ) Regulations state that the determination of significance using an analysis of effects requires examination of both context and intensity, and lists ten criteria for intensity (40 C.F.R. § 1508.27 (1978)). In addition, the Companion Manual for National Oceanic and Atmospheric Administration Administrative Order 216-6A provides sixteen criteria, the same ten as the CEQ Regulations and six additional, for determining whether the impacts of a proposed action are significant. Each criterion is discussed below with respect to the proposed action. Each criterion is discussed below with respect to the proposed action and any measures to reduce impacts and considered individually as well as in combination with the others.

1. Can the proposed action reasonably be expected to cause both beneficial and adverse impacts that overall may result in a significant effect, even if the effect will be beneficial?

No. The proposed action is not reasonably expected to cause both beneficial and adverse impacts that overall may result in a significant effect. The proposed action would allow for continued forestland management activities following the Oregon Forest Practice Rules (OFPs) and implementation of specific measures and mitigation for the conservation of the Covered Species. Both beneficial and adverse impacts may occur as a result of Port Blakely's continued forestland management and implementation of the proposed Conservation Program, which is expected to provide proactive improvements outside the OFP's framework, but these do not rise to the level of being significant. NMFS expects some short-term indirect adverse effects associated with forest management activities, such as increased sediment delivery, increased stream temperatures and decreased wood loading. However, implementation of Port Blakely's Conservation Program is expected to offset those adverse effects, through habitat restoration, large wood placement and measures to minimize and route sediment delivery away from streams.

2. Can the proposed action reasonably be expected to significantly affect public health or safety?

No. The proposed action is not reasonably expected to significantly affect public health or safety. Fire fuels management may benefit public health and safety through a reduction in the frequency of forest wildfires. Development in the HCP Plan Area is limited to forest roads, and use includes timberland management. There are no human residential or urban properties within the HCP Plan Area. Much of the land owned by Port Blakely is uninhabited and the likelihood of impacts to public health and safety is low.

3. ***Can the proposed action reasonably be expected to result in significant impacts to 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?***

No. The proposed action is not reasonably expected to result in significant impacts to unique characteristics of the geographic area. Port Blakely owns land near the Molalla River, which is designated as a wild and scenic river. The proposed action could result in minor, short-term turbidity/sedimentation impacts due to timber harvest activities and roadway construction and maintenance. However, these impacts are not likely to be significant or over current baseline conditions and are expected to be minimized over time through implementation of the proposed conservation strategies.

Timber harvest and forestland management activities will occur throughout the HCP Plan Area, following applicable rules and regulations (i.e., OFPs). Direct and indirect effects to cultural and historic resources are analyzed and regulated by the OFPs for each harvest plan. The implementation of required measures during harvest planning development results in less than significant direct and indirect effects to cultural resources during timber harvesting and associated activities. Port Blakely will continue to implement ownership-wide mitigation, management, and monitoring measures for protection of cultural resources.

In the Section 106 review memo, USFWS (on behalf of USFWS and NMFS) determined that issuance of the ITP has "no potential to cause effects" pursuant to 36 CFR 800.3(a)(1), to properties either included in or eligible for inclusion in the National Register of Historic Places, because of the limited nature of the federal undertaking to authorize incidental take, rather than the underlying non-federal actions that do not require federal authorization (i.e., timber harvesting).

4. ***Are the proposed action's effects on the quality of the human environment likely to be highly controversial?***

No. The proposed action's effects on the quality of the human environment are not likely to be highly controversial. NMFS has carefully considered the effects of the proposed project activities to the human environment. The conclusion from the evaluation of the EA is that the Proposed Action will not result in any significant adverse direct, indirect, or cumulative impacts to the human environment. Only 2 comments were received during the public comment period, and have been addressed in the final EA. Neither comment indicated a high risk of controversy to the human environment. Additionally, much of the project area is uninhabited, reducing overall likelihood of impacts to the human environment. Therefore, the level of controversy associated with this proposed action is expected to be low.

5. *Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?*

No. The proposed action's effects on the human environment are not likely to be highly uncertain or involve unique or unknown risks. Climate change does present some uncertainty given the longer proposed permit term (50 years). Uncertainty will be minimized through adaptive management, necessary permit modifications and/or new information leading to reinitiation of the ESA Section 7 Consultation.

6. *Can the proposed action reasonably be expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?*

No. The proposed action is not reasonably expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. We analyze each proposed action individually based on the criteria set forth in the ESA (whether Section 7, Section 10(a)(1)(A), or Section 10(a)(1)(B)). Furthermore, NMFS has previously issued ESA Section 10(a)(1)(B) ITPs for timber harvest activities in California and Washington. Therefore, the proposed action is not expected to establish any precedent for future actions.

7. *Is the proposed action related to other actions that when considered together will have individually insignificant but cumulatively significant impacts?*

No. The proposed action is not related to other actions that when considered together will have individually insignificant but cumulatively significant impacts. While there are impacts to the environment and to aquatic species that have occurred from past Federal and non-Federal actions in the Clackamas and Molalla River basins in Oregon, the proposed action is not likely to contribute to significant cumulative impacts. Potential cumulative impacts considered include hatchery programs, urban development, private forestry, habitat restoration, climate change, and other habitat conservation planning. cumulative impacts are not anticipated to occur as a result of the Proposed Action when considering the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. Port Blakely's operations have limited impacts and the conservation program will offset those affects, which cannot be avoided.

8. *Can the proposed action reasonably be expected to 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?*

No. The proposed action is not reasonably expected to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources. Port Blakely will avoid impacts to these resources.

9. *Can the proposed action reasonably be expected to have a significant impact on endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973?*

No. The proposed action is not reasonably expected to have a significant impact on endangered or threatened species, or their designated critical habitat as defined under the ESA of 1973, as amended. NMFS completed an ESA Section 7 consultation on the issuance of an ESA section 10(a)(1)(B) permit for covered activities proposed in Port Blakely's Habitat Conservation Plan for the John Franklin Eddy Forestlands for species under NMFS' jurisdiction. The consultation concluded that the effects of the HCP would not jeopardize the continued existence of LCR coho salmon, LCR Chinook salmon, UWR Chinook salmon, LCR steelhead, or UWR steelhead. There will be some level of impacts in the form of incidental take; however, it will not rise to the level of significant because a conservation program will be implemented as described in Section 6 of the HCP. This conservation program consists of biological goals and objectives, as well as corresponding conservation strategies, which would be implemented to avoid and minimize take. The measures also ensure that covered activities will not significantly impact LCR coho salmon, LCR Chinook salmon, UWR Chinook salmon, LCR steelhead and UWR steelhead.

10. *Can the proposed action reasonably be expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection?*

No. The proposed action is not reasonably expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection. The EA evaluated the Proposed Action and determined that the HCP would not violate federal, state, or local law or requirements imposed for the protection of the environment. The review of the proposed HCP pursuant to section 10(a)(1)(B), is designed to ensure compliance with the ESA and to protect the covered species and their habitat, which is part of the purpose and need for the Proposed Action.

11. *Can the proposed action reasonably be expected to significantly adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act?*

No. The proposed action is not reasonably expected to significantly adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act. Marine mammal species overlap in time and space with a portion of the life cycle of the five anadromous covered species (salmon and steelhead) but are not expected to be adversely affected by NMFS issuance of the ITP.

12. *Can the proposed action reasonably be expected to significantly adversely affect managed fish species?*

No. The proposed action is not reasonably expected to significantly adversely affect managed fish species. Coho salmon, Chinook salmon and steelhead are targets of the federal ocean salmon fishery and state in-river fishery. Covered species that migrate from the Clackamas and Molalla River watersheds could be incidentally harvested in the ocean

salmon fishery. Benefits of habitat improvements of the proposed action may therefore benefit ocean fisheries during the 50-year permit of the HCP; any potential impacts would benefit managed species. The proposed action is therefore not expected to adversely affect managed species.

13. Can the proposed action reasonably be expected to significantly adversely affect essential fish habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act?

No. The proposed action is not expected to significantly adversely affect essential fish habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act. The proposed action will cause small-scale, long-term adverse effects on EFH for Pacific salmon through direct or indirect physical alteration of the water and substrate. It would also alter habitat conditions at the sites in a manner that slightly alters migratory behaviors and reduces natural cover and forage resources for juvenile salmonids. However, the HCP includes conservation strategies that would minimize and/or offset impacts to EFH, including 1) variable width no-cut buffers along fish and non-fish perennial streams; 2) road maintenance measures that route sediment away from streams; and 3) large wood placement in streams following adjacent harvest.

14. Can the proposed action reasonably be expected to significantly adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems?

No. NMFS does not reasonably expect the proposed action to significantly adversely affect vulnerable marine, coastal ecosystems, or deep coral ecosystems because the proposed action does not occur in these areas.

15. Can the proposed action reasonably be expected to significantly adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)?

No. The proposed action is not reasonably expected to significantly adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.). Impacts to biodiversity and ecosystem functions are not expected to be significant. Minor and temporary increases in turbidity and removal of riparian vegetation may occur. However, these impacts are not expected to result in changes to predator-prey relations, especially as compared to baseline conditions. Furthermore, implementation of the proposed conservation strategies is expected to minimize these impacts


16. Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

No. The proposed action is not reasonably expected to result in the introduction or spread of a nonindigenous species. The proposed action does not involve the introduction, removal, or movement of any non-indigenous species into or out of the HCP Action

Area. Implementation of the proposed conservation strategies by Port Blakely should reduce the likelihood of the spread or introduction of nonindigenous species. Therefore, spread or introduction of nonindigenous species is not reasonably likely to occur.

Determination

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for Port Blakely's Habitat Conservation Plan for the John Franklin Eddy Forestlands, NMFS hereby determined that the approval of the HCP and the issuance of the ESA Section 10(a)(1)(B) ITP for the 50-year period will not significantly impact the quality of the human environment as described above and in the supporting Environmental Assessment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an environmental impact statement for this action is not necessary.


Jennifer Quan
for Regional Administrator
West Coast Region
National Marine Fisheries Service

August 9, 2023

Date