



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
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## WEST FORK ILLINOIS BRIDGE REPLACEMENT DECISION RECORD and FINDING OF NO SIGNIFICANT IMPACT

### I. Introduction

In 2006, Josephine County submitted a project proposal for Title II funding consideration under the Secure Rural Schools and Community Self Determination Act of 2000 (SRSCSDA). The project proposed to replace a railroad car bridge on private land across the West Fork Illinois River, which due to deterioration of the base has lost structural integrity. Additionally, the bridge does not meet the 100-year flood event design standards. Josephine County requested the bridge be replaced to provide safe passage over the river, accommodate a 100 year flood, and to improve fire suppression access. The original project proposal was to be designed and implemented by Josephine County under an easement from the private landowner.

The BLM reviewed the project submission for compliance with the SRSCSDA under Title II, and in 2005 submitted it for 2006 funding consideration to the Medford District Resource Advisory Council. The project is on private land in the West Fork Illinois watershed, T41S, R9W, Section 16. During project planning, the BLM provided technical support and project management while developing the environmental analyses for the project. As a federal undertaking utilizing federal funds BLM analyzed the potential impacts of project implementation.

The purpose of the environmental assessment (EA) was to assess the environmental and human effects resulting from implementation of the proposed project. The decision to be made, as stated in the EA, was whether to replace the bridge. Therefore, two alternatives were prepared—the action alternative (to replace the bridge) and the no action (not to replace the bridge).

The existing bridge on private land currently provides access to BLM, Josephine County and private land. A gate south of the bridge in section 9 prevents public access onto private property and the bridge.

## **II. Decision**

**This decision affects only the action proposed by Josephine County to replace the existing bridge on private land.**

Based on recommendations from the planning team, public comments, and careful consideration of the objectives of the laws, regulations, and planning documents and NEPA analysis governing these lands, it is my decision to implement the bridge replacement (Alternative 2) as requested by Josephine County and presented in the West Fork Illinois Bridge Replacement EA, August 2006. All project design features (PDFs) are integral to the selected alternative and will be implemented.

With the decision a 55' railroad flat car bridge will be replaced with a 14' x 70' pre-engineered bridge. Bridge abutments would be constructed outside the stream channel, so dewatering would not be necessary. BLM will manage the project and contract the work, utilizing Title II funds, providing job opportunities in the region.

Currently, a private landowner controls access across the bridge. Non-Exclusive easements have been granted by the landowner to other landowners upstream for their access. To protect the investment of public funds, BLM will acquire an exclusive easement for and across the bridge and on road 41-9-9 that crosses the aforementioned private property. With the exclusive easement BLM would control road use. However, there will be no change in road use authorization as the landowners and agencies with existing rights would maintain their existing access. The gate would also remain closed and locked, restricting access to the public, and for management of Port-Orford Cedar (POC).

This decision makes no determination on timber sale units previously deferred under the West Fork Landscape Management Plan. Any decision regarding the potential timber sale units identified in the West Fork Landscape Management Plan, are deferred until some undetermined future date. They were analyzed under that EA, but they were not, and are not, included in the West Fork Timber Sale. Josephine County has expressly stated they have no plans to harvest timber beyond this bridge. Idaho Mining Co. has not indicated any change in the foreseeable future with their existing operations beyond this bridge. This action is limited to the action proposed by Josephine County to replace the bridge.

## **III. Rationale**

Alternative 1, the No Action Alternative, is rejected because it will not meet the purpose and need of this project which is to increase safety and design for the 100 year flood event. The existing bridge is deteriorating, and has exceeded its usable safe lifespan. Deteriorating log piers lie within the active channel and interfere with flood water conveyance. Erosion around the piers and on the banks would continue if not replaced.

The bridge will continue to deteriorate and eventually will not function to provide passage over the West Fork Illinois River to public, County, and private lands beyond.

Alternative 2 will replace wooden piers with concrete abutments. The abutments will lie outside the channel, replacing those which are in-channel and obstruct flood water. Concrete abutments would be built on stable underlying rock and parent material. Slopes would be re-graded to a shallower slope and armored with rip rap to prevent scour during peak flows. The new bridge will also provide safer passage for vehicle use and improve fire suppression response.

The exclusive easement to BLM will ensure road and bridge maintenance. The gate to the south on BLM land leading to the bridge and private property will remain, maintaining current access authorization.

## **VI. PUBLIC INVOLVEMENT**

Public scoping for the West Fork Illinois Bridge was initiated in February 2006 when the BLM announced that an Environmental Assessment would be prepared for the project. BLM mailed out over 40 letters. In response to scoping, 2 comments were received. Both letters were concerned that the bridge would lead to logging old growth units identified in the West Fork Illinois Landscape Management Plan. Risk of Port-Orford cedar disease and OHV use were also concerns.

On August 12<sup>th</sup>, 2006 a 15 day EA comment period was initiated. Over 70 letters were received. These letters expressed concern for perceived or alleged connected logging action as well as soil and water concerns, risk of Port-Orford cedar disease, cumulative effects, and sensitive serpentine soils. The majority of letters received took the form of identical letters, pre-printed. Several comment letters were signed with a statement indicating that the signatory had read the letter and agreed. However, it was unclear if they had actually read the EA or knew the specifics of the project and its potential impacts as identified by the BLM. Other comments objected to the short comment period, lack of wide-spread notification, lack of clarity regarding how the project meets the requirements of the SRSCSDA, management of POC, alleged inadequacies in the analysis, and the tiering to other environmental analyses/impact statements already in effect. Commenters appear to be speculating regarding other actions that they consider being “reasonably foreseeable”.

While this project does occur on private lands, the BLM has determined that public lands and their management will benefit from the implementation of this project through improved safety, reduced impacts to the aquatic resources, maintenance or improvement of access for management of fire suppression, and fuels reduction activities.

This project is consistent with the SRSCSDA Sec. 203(b) (1) and (2) in that it improves infrastructure, and restores and improves the health of the land. This project, and the expenditure of Title II funds to complete it, is consistent with the SRSCSD Act, sections

202, 204(a)(1), (b), (e) and (f).

The BLM takes these comments and issues seriously and each are addressed in Appendix A — Public comment and responses.

## **V. CONSULTATION AND COORDINATION**

The project will not remove spotted owl habitat or remove any primary constituent elements of critical habitat. There are no threatened, endangered, sensitive or survey and manage botanical species at the project location. Therefore, there is a no effect to owls or botanical species and consultation is not required.

The proposed work on the bridge is consistent with the activities included in the programmatic actions already consulted on and covered by the Southwest Province Programmatic Biological Opinion (NMFS, Northwest Region, Aug. 8, 2001, as amended Oct. 18, 2002 and May 21, 2003) and Letter of Concurrence (BO/LOC). No additional consultation is required.

The project will not adversely impact cultural or historical sites. The State Historic Preservation Office (SHPO) was informed of the BLM's finding in accordance with 36 CFR 800.5(b).

The Confederated Tribes of the Siletz and the Grande Ronde were notified of this project during scoping and the EA's public comment period. Josephine County Commissioners and the Josephine County forestry department were also contacted. No responses were received.

## **VII. CONCLUSION AND FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

### **A. Plan Consistency**

Based on the information in the West Fork Illinois Bridge Replacement EA and record, and from the letters and comments received from the public about the project, I conclude that this decision is consistent with the *Medford District RMP (1995)*; *Evaluation of the Medford RMP Relative to the Four Northern Spotted Owl Reports (August 24, 2005)*; *ROD for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* and its Attachment A *Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (1994)*; *ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001)*; *ROD Amending Resource Management Plans for Seven Bureau of Land Management Districts and Land and Resource Management Plans for Nineteen National Forests Within the Range of the Northern Spotted Owl: Decision to Clarify Provisions Relating to the Aquatic Conservation Strategy (2004)*; *ROD and Resource Plan Amendment for Management of Port-Orford-Cedar in Southwest Oregon, Coos Bay, Medford, and Roseburg Districts (2003)*. *Medford District Noxious Weed Environmental Assessment (1998)*;

This decision is also consistent with the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

### **B. Finding of No Significant Impact**

Based on information in the EA and comments received from the public, it is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of effects addressed by the Medford District RMP and the Northwest Forest Plan (NFP). Therefore, the bridge replacement does not constitute a major federal action, and an EIS is not necessary and will not be prepared.

This conclusion is based on my consideration of the CEQ's criteria for significance (40 CFR §1508.27), regarding context and intensity of the impacts described in the EA and on my understanding of the project. I have considered the intensity of the impacts anticipated from West Fork Illinois bridge replacement decision relative to each of the ten areas suggested by the CEQ, including:

- 1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.* The assessment has considered both beneficial and adverse impacts. None of the individual or cumulative effects have been identified as being significant.
- 2) The degree of the impact on public health or safety.* The project has not been identified as having the potential to significantly and adversely impact public health or safety.
- 3) Unique characteristics of the geographic area.* The analysis does not show that this action will involve any risks to unique landscapes.
- 4) The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.* The Interdisciplinary Team did not identify any effects that are likely to be highly controversial that have not been identified in the RMP and NFP.
- 5) The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that this action will involve any unique or unknown risks.
- 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 action and the decision will not set any precedents for future actions with significant effects. It is one of many similar projects designed to implement the RMP and NFP.

Bridge and culvert replacements to improve and maintain fish habitat conditions, infrastructure, safety, access for fire-fighting or fuels reduction, as well as other activities is a common practice on BLM administered lands. This action is limited to this bridge replacement only.

*7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* This is an action to replace an existing bridge at the same site in response to an action proposed by a third party. No incremental effects leading to significant cumulative impacts have been identified as a result of the implementation of this project. The project is consistent with the actions and impacts anticipated in the RMP. The West Fork Landscape Management Plan EA, and Addendums in 2004 and 2005, analyzed the potential effects of logging, fuels reduction, and other activities in the watershed. A decision regarding the West Fork Timber Sale was made in 2005, which did not include timber harvest in the units beyond this bridge. Decisions regarding these timber harvest units on public lands are deferred until some undetermined future date. Other landowners have not expressed any plans for additional activity beyond existing use.

*8) The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* The project area does not contain sites that are listed or eligible for listing on the National Register of Historic Places.

*9) The degree to which the action may adversely affect ESA listed species or critical habitat.* There are no activities that would adversely affect ESA species or habitats. The project proposes to replace an existing structure. All construction would occur within an existing road prism. There would be no effect on spawning, incubation, rearing or migration of any fish. Salmonid production and survival would be maintained.

There are no known wildlife or plant species listed under the Endangered Species Act or special status invertebrate species in the project area. The project would not remove critical habitat or any constituents of critical habitat as the project will occur within an existing road prism.

*10) Whether the action threatens a violation of environmental protection law or requirements.* There is no indication that this decision will result in actions that will threaten a violation.

## **IX. ADMINISTRATIVE REMEDIES**

Administrative remedies are available to those who believe that they will be adversely affected by this decision. Administrative recourse is available in accordance with BLM regulations and must follow the procedures and requirements described in 43 CFR § 5003 - Administrative Remedies.

In accordance with the BLM Forest Management Regulation 43 CFR § 5003.2 (a&c), the

effective date of this decision will be the date of notice of decision appearing in the Grants Pass Daily Courier. Publication of this notice establishes the date initiating the protest period provided for in accordance with 43 CFR § 5003.3. While similar notices may be published in other newspapers, the Grants Pass Daily Courier publication date will prevail as the effective date of this decision.

Any contest of this decision should state specifically which part of the decision is being protested and cite the applicable CFR regulations.

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Abbie Jossie  
Field Manager, Grants Pass Resource Area  
Medford District, Bureau of Land Management

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Date

## APPENDIX A. PUBLIC COMMENT SUMMARY AND RESPONSE

### Comment and Response Summary

*Comment:* The bridge is connected to and would facilitate old growth logging in units identified in the West Fork Illinois River (WF) timber sale.

*Response:* The West Fork Timber Sale *did not* include any of the units beyond the bridge. Those units were indefinitely deferred in the West Fork Landscape Management Plan DR and the West Fork TS. The bridge replacement does not change the deferred status.

The forest units referenced in the scoping comments and repeated in the EA comments are erroneously labeled “old growth”. Many EA commenters were misinformed regarding stand conditions in the pre-written comment letter they signed.

The EA (p. 4) acknowledged and addressed this connected action issue received during scoping stating, “*While the bridge replacement would improve access to these lands, no additional degradation beyond what was disclosed and analyzed under the West Fork Illinois project would occur as a result of this project.*” The bridge neither facilitates nor is interrelated or interconnected with anticipated logging activity. Further, as the project applicants of the Title II funding, Josephine County has stated they have no intention of logging their lands in the foreseeable future. Rather, Josephine County requested funding to improve vehicle safety, improve hydrologic function, and to improve fire suppression access as described in the purpose and need statement.

The bridge replacement itself offers no additional cumulative effects to the existing condition, which is a combination of the past and present actions, and in consideration of reasonably foreseeable future actions (those that are actually proposed or decided, versus those that may be possible at some undetermined future time).

*Comment:* Length of comment period was too short and commenters on the West Fork Illinois Land Management Plan did not receive copies of the EA.

*Response:* 40 CFR § 1506.6 directs BLM to provide public notice of NEPA projects to those individuals who may be interested or affected by project implementation, and to citizens who have requested the information. During scoping, over 40 notices were mailed to local residents and organizations requesting notices. Two comments during scoping were received. A copy of the EA was provided to those who requested it.

Citizens who commented on past projects are not automatically added to mailing lists for other projects in the same vicinity. In fact, the majority of comments received on the West Fork LMP did not include a request to be further informed of activities. Unless specifically requested, copies of EAs are not sent to all commenters. This is consistent with the regulations and guidance governing NEPA, and EAs in particular.

Since road use and access to and from the bridge remains unchanged, and environmental consequences are site specific, no individuals were identified as being adversely affected by the project. Those who are affected (project area landowners, agencies) by the project or requested the information received copies of the EA.

The time allocated for comment response is consistent with the Council of Environmental Qualities (40 CFR § 1501.8) direction to set time limits appropriate to the action and to consider the following factors (among others) in establishing time limits:

- Potential environmental harm
- Size of the proposed action
- Degree for public need of project
- Number of persons/agencies affected
- Degree of controversy

While the 15 day comment period is not as long as some would prefer, the BLM did receive over 70 comment letters during that time frame. This project was limited in scope and effect to the site of the action. The action is in response to a request from Josephine County. As Title II funds expire in 2007, delay is also a factor in determining the amount of time an EA may be out for comment. While this EA did not receive a more typical 30 day comment period (like landscape management plan project EAs), it has received public review.

In contrast to BLM's landscape management plans, a bridge replacement is an infrastructural improvement. The scale of the project is site specific, encompassing approximately an acre. The scope of the project is a single action occurring during a short time frame. Therefore, the potential for environmental harm is minimal. To the benefit, a bridge replacement reduces sediment input over the long term, and improves safety and reliable access to BLM, Josephine County and private lands.

*Comment:* There is an inadequate range of alternatives.

*Response:* The proposal from Josephine County requested that a new bridge be built over the West Fork Illinois River. As Title II funds constitute a federal expenditure, NEPA analysis was necessary. The purpose of the EA was to analyze and disclose the environmental consequences of the bridge replacement for an informed decision. The decision to be made (EA p. 1) is whether or not to replace the bridge. Hence, the range of alternatives includes the no action (not to replace the bridge) and the action alternative (to replace the bridge). NEPA does not require the analysis of all possible alternatives to an action.

One comment on the EA suggested a foot bridge. A foot bridge would neither meet the purpose and need of the project nor appropriate for required vehicle access.

*Comment:* Title II funds are not appropriate for bridge replacement.

*Response:* SRSCSDA's prime purpose is to restore payments to counties for the benefit

of public schools, roads and other purposes. It also provided for the expenditure of funds on both private and public lands where projects met certain criteria for consideration. Among those kinds of projects specifically targeted for Title II funds are roads and road maintenance in the interest of maintaining the infrastructure. Expenditure of Title II funds on non-public lands is specifically provided for under the Act in Title II, Sec. 202 – where it states that these funds may be used on non-federal lands where the project will benefit resources on federal lands. This project, and the expenditure of Title II funds to complete it, is consistent with the SRSCSD Act, sections 202, 204(a)(1), (b), (e) and (f).

*Comment:* Cumulative impacts of connected old growth logging, county logging, road maintenance and mining were not disclosed.

*Response:* As explained above, replacement of the bridge is not a connected action to logging. Timber units in the West Fork Timber Sale do not include the public lands beyond the bridge. This allegation is simply not true. No harvesting or hauling connected with this road has been decided upon, other than to defer that decision indefinitely in the West Fork LMP DR of 2005.

The EA (p. 4) addresses these perceived connected actions. While the bridge replacement would improve access to these lands, no additional degradation beyond what was disclosed and analyzed under the West Fork Illinois LMP EA would occur as a result of this project. Further, road maintenance was addressed and analyzed in the WF LMP EA. Again no additional degradation beyond what was disclosed in the WF EA would occur as a result of the project. Similarly, private mining operations that currently use the bridge for access would continue to do so following project completion. As a result, no additions to current effects from private mining operations would be expected as a result of this project. Josephine County has no current plans to harvest timber following bridge replacement. These facts were disclosed in the EA as well.

Resource specific cumulative effects were also discussed (hydrology p. 6; Botany p. 8; fisheries p. 9; wildlife p. 10; Recreation/cultural/visuals p. 11). Each concluded based on the very small scale of the project, short duration and a replacement rather than a new development that effects were minimal and negligible. Therefore, there would be no additional cumulative effects to the current condition. By comparison, a lack of action could result in continued sediment delivery to the stream system.

*Comment:* Heavy equipment operation may increase risk of POC disease spread.

*Response:* The issue is recognized, addressed, and PDFs designed to minimize/eliminate POC infection risk. “Whenever possible, the operations would be limited to the dry season. If operations extend into the wet season or during summer rain events which create standing puddles, vehicles and heavy equipment would be washed according to Management Guidelines provided by the Port-Orford Rangewide Assessment (USDA, USDI 2003) prior to entering a POC area or leaving a *Phytophthora lateralis* (PL) area.” (EA p. 4)

Scheduling bridge replacement during the dry season, as well as washing project equipment prior to entering the area will reduce the risk to the point it is no longer

appreciable. The risk of spreading infection is minimized once equipment is on site since this area is currently uninfected. If work extends into the wet season, project equipment shall remain clean of infected material by washing equipment and managing ingress, egress and parking areas to minimize moving from infected areas to uninfected areas. The POC risk key does not require management practices which eliminate the risk of infection, only to where it is no longer appreciable. The gate, washing and scheduling practices will serve this purpose.

*Comment:* Water quality could be compromised.

*Response:* As disclosed in the EA, due to construction adjacent to the river potential inputs of sediment exists. Due to PDFs of silt fences, bank armoring, and mulching and seeding, the very small scale and short duration, both the magnitude and duration of inputs are minimal. Therefore, the assessment concluded there may be negligible effects to water quality and thus, fisheries. In the long term, due to bank stability improvements such as reducing the angle of repose and armoring and replacement of failing piers, sediment inputs would be less than under the No Action Alternative (EA p. 6).

The chances of a spill are always possible, thus, the reason for onsite spill containment equipment. During high water, or when river levels rise, which typically occurs after October 15 equipment and machinery will be outside the channel. Therefore, aquatic spills during high flows are very unlikely.

*Comment:* With improved access OHV use and weed spread may increase.

*Response:* The EA (p.7) discusses and explains that vehicle/equipment washing prior to entry into the project area would prevent weed seeds from being carried to the project area. Additionally, native planting along with mulching reduces the opportunities for weed establishment. These PDFs would reduce the risk of weed spread to an inconsequential level that is indistinguishable from existing levels of spread through such sources as wind, water, animals, vehicles and land development.

Due to the existing locked gate on the road, which will remain after bridge construction, it is unclear what additional OHV use the commenter is anticipating. There will be no change in access to the bridge and beyond. Therefore, potential OHV use will be unchanged.

*Comment:* Low water crossing will require significant bank alteration.

*Response:* The contractor will have the option of either crossing the bridge or the stream during low water. Should the low water crossing prove to be the route, significant bank alteration will not be necessary. As disclosed in the EA (p.3) some boulders may need to be moved to facilitate the crossing.

*Comment:* Replanting may prove difficult given serpentine soils.

*Response:* Planting will consist of vegetation appropriate and adapted to the site and serpentine soil conditions. With these adapted species, planting success will be optimized.

*Comment:* BLM relies on the illegal 2004 ACS ROD and 2004 POC ROD.

*Response:* Sec. 1502.20 of the CEQ Regulations speaks to “Tiering”.

“Agencies are encouraged to tier their environmental impact statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review (Sec. 1508.28). Whenever a broad environmental impact statement has been prepared (such as a program or policy statement) and a subsequent statement or environmental assessment is then prepared on an action included within the entire program or policy (such as a site specific action) the subsequent statement or environmental assessment need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action. The subsequent document shall state where the earlier document is available. Tiering may also be appropriate for different stages of actions. (Section 1508.28).”

Since neither of the referenced RODs in this comment have been overturned by a court, tiering to both of them is proper and appropriate.