



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

COOS BAY DISTRICT OFFICE

1300 AIRPORT LANE, NORTH BEND, OR 97459

Web Address: <http://www.blm.gov/or/districts/coosbay> E-mail: [OR\\_CoosBay\\_Mail@blm.gov](mailto:OR_CoosBay_Mail@blm.gov)

Telephone: (541) 756-0100 Toll Free: (888) 809-0839 Fax: (541) 751-4303



### **In Reply Refer To:**

1972 (ORC040)

DOI-BLM-OR-040-2009-0008-DNA

FY 2010 Culvert Replacements

***June 3, 2009***

Dear Concerned Citizen:

We have signed the Decision Record for the FY 2010 Culvert Replacements Determination of NEPA Adequacy (DOI-BLM-OR-040-2009-0008-DNA). The Proposed Action of this EA includes replacing 3 culverts to accommodate fish passage or to improve water quality. These documents have been posted on the District Internet site: <http://www.blm.gov/or/districts/coosbay/index.php>.

The decision to implement this forest management project may be protested under 43 CFR 5003 – Administrative Remedies. As outlined in 43 CFR 5003 (a) and (b), protests of a forest management decision may be made within 15 days of the publication date of the decision notice and shall contain a written statement of reasons for protesting the decision. In accordance with the regulations, this notice constitutes the decision document for the purpose of protests which must be filed by close of business (4:30 p.m.) on June 18, 2009 with the Myrtlewood Field Manager, Paul T. Flanagan, at the Coos Bay District Office, 1300 Airport Lane, North Bend Oregon, 97459. As interpreted by BLM, the regulations do not authorize acceptance by the BLM of protests in any form other than a signed, paper document that is delivered to the physical address of the BLM office within the 15-day period. Therefore, e-mail, verbal, or facsimile protests will not be accepted.

For further information, contact Aimee E.B. Hoefs, Team Lead, at 1300 Airport Lane, North Bend, OR. 97459 or (541) 756-0100, or e-mail at [OR\\_CoosBay\\_Mail@blm.gov](mailto:OR_CoosBay_Mail@blm.gov), ATTN: Aimee E.B. Hoefs.

Sincerely,

***/s/ Paul T. Flanagan***

Paul T. Flanagan  
Myrtlewood Field Manager



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FY 2010 Culvert Replacements

## DECISION RECORD for FY 2010 Culvert Replacements

### Background

The Bureau of Land Management (BLM) previously prepared an Environmental Assessment (EA OR120-02-12; Coos Bay District Culvert and Stream Crossing Environmental Assessment) and Finding of No Significant Impact (FONSI) which evaluated the effects of replacing, removing or modifying existing culverts at several locations within the boundaries of the Coos Bay District. As was the case with the projects in the original EA, the primary goals of the projects in this Determination of NEPA Adequacy are to restore, enhance and maintain ecological functions by improving passage of aquatic organisms or through improving water quality by reducing erosion and sediment delivery to streams.

### Decision

It is my decision to authorize the replacement of the three culverts identified in the FY 2010 Culvert Replacements DNA (DOI-BLM-OR-040-2009-0008-DNA). The design features and environmental consequences from this type of project were fully analyzed in the original Environmental Assessment.

These are the culverts considered under this DNA:

Tributary to Upper Rock Creek – T. 29 S., R. 10 W., section 35

Smith Creek – T. 29 S., R. 11 W., section 17

Tributary to Weekly Creek – T. 29 S., R. 10 W., section 31

The EA contained a complete list of Project Design Features (pp. 11-13) designed to avoid, minimize or rectify impacts on resources and are included as part of the Proposed Action. These and additional descriptions of the Proposed Action are hereby incorporated by reference. The following is a brief summary of some of these design features:

- During construction, techniques designed to minimize sediment delivery and turbidity will be used.
- Instream work will occur during instream work periods designated by the Oregon Department of Fish and Wildlife.
- Upon completion of construction activities, all exposed soils and waste areas will be stabilized with a mixture of weed-free straw mulch and seed.

These culverts are located within the Riparian Management Area under the 2008 RMP and the Riparian Reserve under the 1995 RMP.

## Conformance and Compliance

This proposal conform to the Coos Bay District's 2008 Record of Decision and Resource Management Plan (USDI 2008). Culvert replacements to improve fish passage and water quality comply with the Management Objectives and Direction of the 2008 Resource Management Plan. These are:

**Maintain and restore water quality (p. 34)**

**Maintain and restore access to stream channels for all life stages of fish (p. 34)**

**Remove or modify constructed fish passage barriers to restore access to stream channels for all life stages of fish species (p. 35)**

**Implement road improvement, storm-proofing, maintenance or decommissioning to reduce chronic inputs to stream channels (p. 58)**

In addition, this project fully complies with the management objectives, actions and direction of the resource management in place prior to December 30, 2008, which was the 1995 RMP, as amended (USDI 1995). These include:

**Design and implement fish habitat restoration and enhancement activities in a manner that contributes to attainment of Aquatic Conservation Strategy objectives (p. 30).**

**Minimize sediment delivery to streams from roads (p. 69).**

The design of this project would not have differed under either the 2008 or the 1995 plans. This project also complies with the Oregon and California Lands Act (O&C Act) and the Federal Land Policy and Management Act (FLPMA), the Endangered Species Act, the Clean Water Act, the Magnuson-Stevens Fishery Conservation Act and the BLM Special Status Species Program. The EA and FONSI analyzed the selected alternative and found no significant impacts that would require the development of an EIS.

## Public Involvement

The public was informed of the EA and FONSI through a direct notification June 3, 2002 and via a published Legal Notice in *The World* newspaper (June 10, 2002). The BLM received one public comment that dealt with O&C plowback funds and decommissioning of roads. However, no substantive comments required a change to the EA or the FONSI determination. None of the subsequent 12 DNAs received public comments.

## Decision Rationale

The Proposed Action has been reviewed by Field Office staff. I have determined that this project meets the criteria for a Determination of NEPA adequacy (DNA) and that no additional environmental analysis is required. The supporting analysis and NEPA documentation fully covered the proposed action and constitutes BLM's compliance with the requirements of NEPA.

I am choosing to implement the *FY 2010 Culvert Replacements* for the following reasons:

- Implementation of the Proposed Alternative best meets the Purpose and Need described in the Coos Bay District Culvert and Stream Crossing Environmental Assessment.
- It is consistent with both the *2008 Record of Decision and Resource Management Plan* and the *1995 Record of Decision and Resource Management Plan* for the Coos Bay District Bureau of Land Management.
- It works towards the recovery of fish species currently listed under the ESA.
- It complies with other major applicable laws, regulations and Bureau policies.

## **Administrative Remedies**

The decision described in this document is a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer *Paul T. Flanagan* within 15 days of the publication date of the notice of this decision advertisement in *The World* newspaper, Coos Bay Oregon.

43 CFR § 5003.3 subsection (b) states: “Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision.” This precludes the acceptance of electronic mail (e-mail) or facsimile (fax) protests. Only written and signed hard copies of protests that are delivered to the Coos Bay district office will be accepted. The protests must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

43 CFR § 5003.3 subsection (c) states: “Protests received more than 15 days after the publication of the notice of decision or notice of sale are not timely filed and shall not be considered.” Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by the regulations at 5003.3(f).

If not protest is received by the close of business (4:30 p.m.) within 15 days after publication of the decision notice, this decision becomes final. If a timely protest is received, the protest decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Coos Bay district will issue a protest decision.

For further information, contact Aimee E.B. Hoefs, Team Lead, at 1300 Airport Lane, North Bend OR., 97459 or (541) 756-0100.

*/s/ Paul T. Flanagan*

*June 1, 2009*

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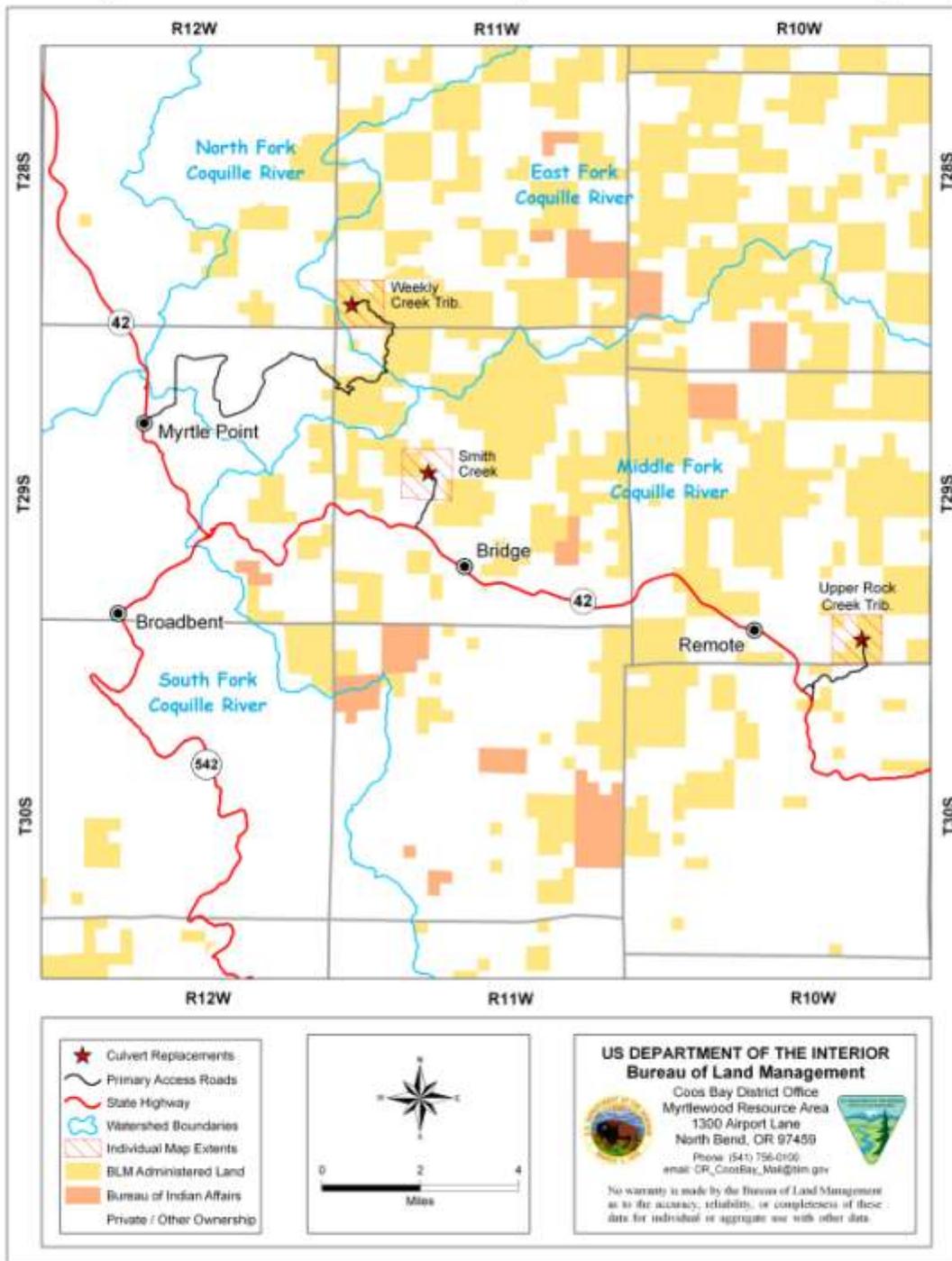
Paul T. Flanagan  
Myrtlewood Field Manager

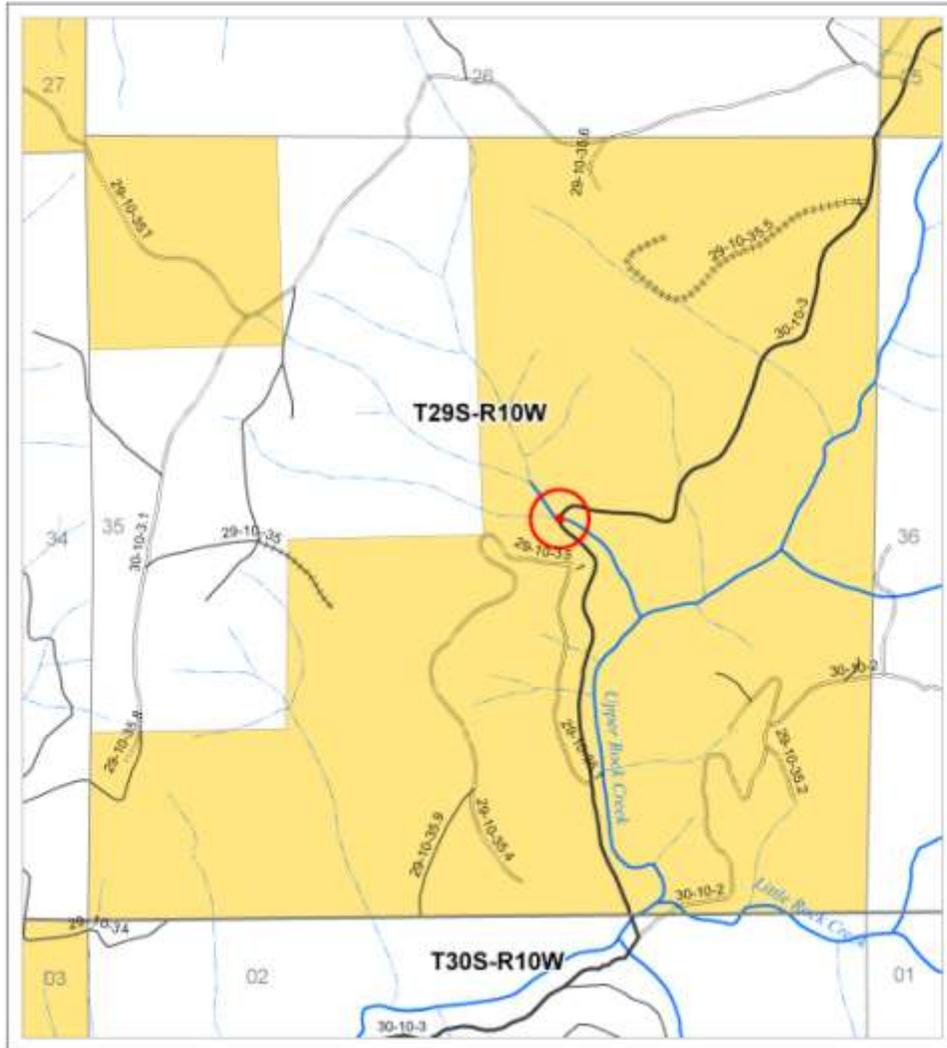
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Date

# 2010 Myrtlewood Field Office Culvert Replacements

# Vicinity Map

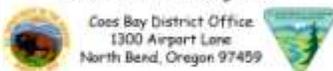




**Culvert Location:** Upper Rock Creek Tributary

**Legal:** T29S R10W Sec 35

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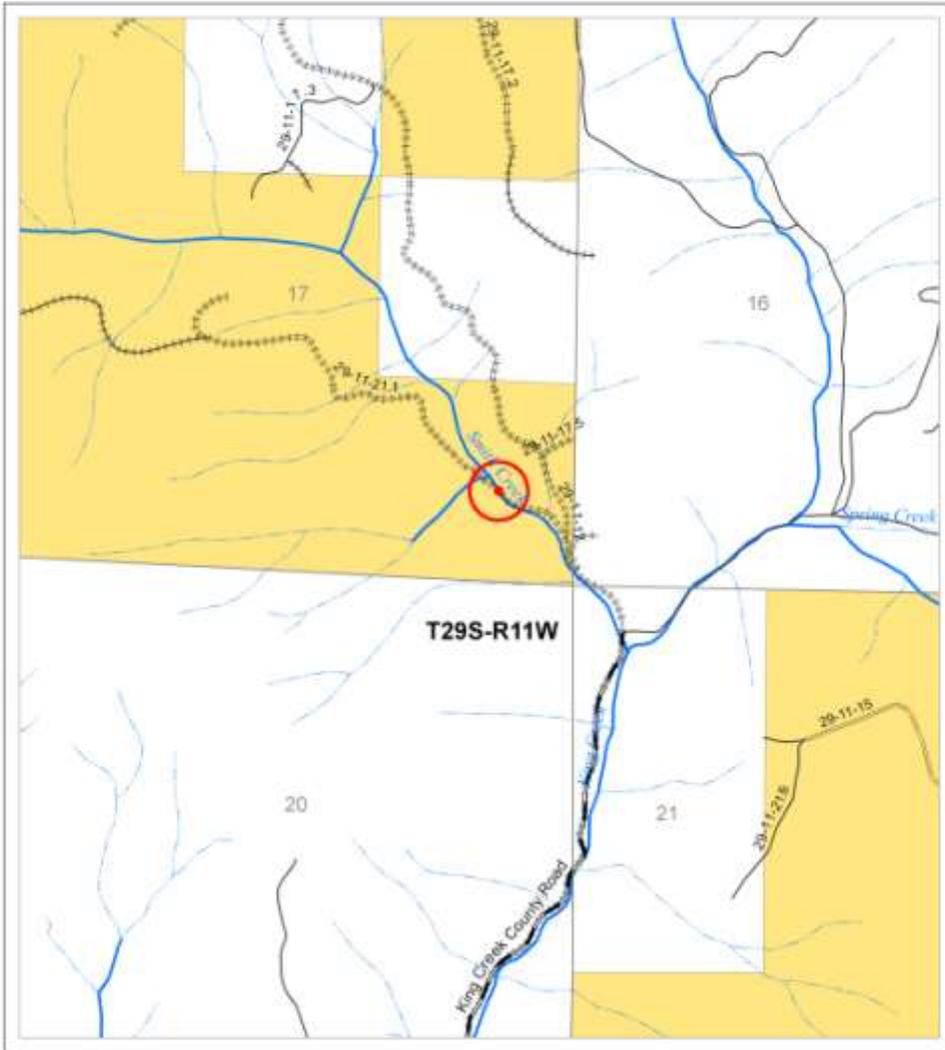
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data.



**Legend** (Not all items shown in legend will appear on every map)

- Culvert to be Replaced
- Perennial Stream
- Intermittent Stream
- BLM Administered Land
- Private or Other Lands
- County Road
- Paved Road
- Gravel Road
- Natural/Unk Surface
- Closed Road

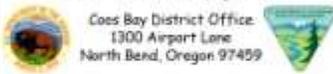
**FY2010 Myrtlewood Field Office Culvert Replacements**



**Culvert Location:** Smith Creek

**Legal:** T29S R11W Sec 17

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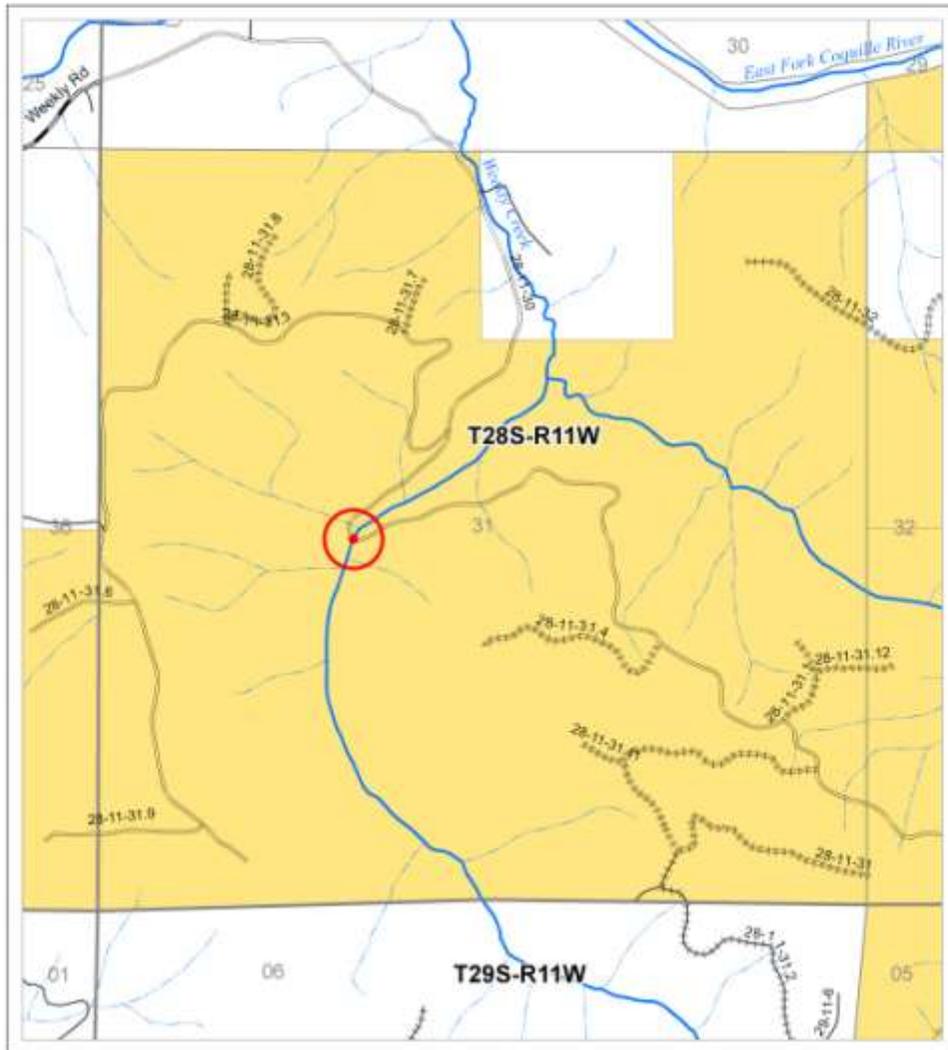
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data.



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- BLM Administered Land
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- Gravel Road
- Natural/Unk Surface
- Closed Road

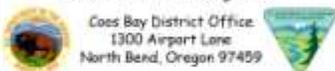
**FY2010 Myrtlewood Field Office Culvert Replacements**



**Culvert Location:** Weekly Creek Tributary

**Legal:** T28S R11W Sec 31

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**Legend** (Not all items shown in legend will appear on every map)

- Culvert to be Replaced
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**FY2010 Myrtlewood Field Office Culvert Replacements**