U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Coos Bay District

Worksheet
Documentation of NEPA Adequacy (DNA)

BLM Office: Coos Bay District, Myrtlewood Field Office
Tracking No.: DOI-BLM-OR-C040-2012-0001-DNA

A. Description of the Proposed Action: The proposed action is to replace two fish-barrier culverts to allow access to fish habitat for all juvenile and adult fish species present.

Proposed Action Title/Type: **Myrtlewood Culverts FY2012**
Location / Legal Description: **Sandy Creek Tributary** – T. 29 S., R. 10 W., Section 3
Lausch Creek – T. 28S., R. 9W., Section 13

Proposed Action: The BLM would replace a culvert on a tributary to Sandy Creek. The culvert is located on BLM road 29-10-3.1 within the Middle Fork Coquille 5th field watershed. The current culvert is at risk of failure because it is undersized, the bottom is rusted through, and water is flowing under the culvert. The culvert is a partial barrier to juvenile and adult fish during winter flows and a complete barrier to juvenile fish during low flows. The new culvert would be sized to pass a 100 year flow event and would provide unobstructed access to approximately 0.25 miles of habitat for cutthroat and potentially coho and steelhead.

The BLM would also replace a culvert on Lausch Creek. The culvert is located on BLM road 28-9-12.0 within the East Fork Coquille 5th field watershed. The current culvert is at risk of failure because it is undersized, the bottom is rusted through, and water is flowing under the culvert. The culvert is a complete barrier to juvenile and adult fish. The new culvert would be sized to pass a 100 year flow event and would provide unobstructed access to approximately 0.5 miles of habitat for cutthroat.

B. Land Use Plan (LUP) Conformance
The BLM developed this project under the management direction of the *1995 Coos Bay District Record of Decision and Resource Management Plan* (1995 ROD/RMP). The analysis supporting this decision tiers to the *Final Coos Bay District Proposed Resource Management Plan/Environmental Impact Statement* (USDI 1994). This 1995 *Record of Decision* is also supported by, and consistent with, the *1994 Final Supplemental Environmental Impact Statement (FSEIS) on Management of Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl* and its associated *Record of Decision* (USDA/USDI 1994).

- The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:
  Design and implement fish habitat restoration and enhancement activities in a manner that contributes to attainment of Aquatic Conservation Strategy objectives (p.30).
  As identified through watershed analysis, rehabilitate streams and other waters to enhance natural populations of anadromous and resident fish. Possible rehabilitation measures would include...fish passage improvements (p.30).
  Reconstruct roads and associated drainage features that pose a substantial risk (p.69).

Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators *et al.* v. Salazar, which vacated and remanded the administrative withdrawal of the Coos Bay District's 2008 ROD and RMP, we evaluated this project for consistency with the 1995 ROD/RMP and the 2008 ROD/RMP. This project is consistent with the Coos Bay District's 1995 ROD/RMP and the 2008 ROD/RMP.

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

List by name and date all applicable NEPA documents that cover the proposed action.

Coos Bay District Culvert and Stream Crossing Environmental Assessment. EA#OR125-02-12. (Stream Crossing EA)

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, project management plans, water quality restoration and monitoring report).

Endangered Species Act Section 7 Programmatic Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington, CY2007-2012. June 27, 2008. National Marine Fisheries Service #P/NWR/2006/06532.

Biological Opinion and Letter of Concurrence USDA Forest Service, USDI Bureau of Land Management and the Coquille Indian Tribe for Programmatic Aquatic Habitat Restoration Activities in Oregon and Washington that Affect ESA-listed Fish, Wildlife, and Plant Species and their Critical Habitats. June 14, 2007. U.S. Fish and Wildlife Service. TAILS Number 13420-2007-F-0055.

Middle Fork Coquille Watershed Analysis (USDI 2007)
East Fork Coquille Watershed Analysis (USDI 2000)

D. NEPA Adequacy Criteria.

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The proposed actions are not located at sites specifically identified in the Stream Crossing EA. However, the design features and anticipated environmental consequences of the projects are essentially the same as those analyzed in the existing NEPA document. The EA contained analysis of the replacement of culverts at various locations across the District and a broad range of affected environments and environmental consequences were analyzed. The ground-disturbing activities, impacts to water and project timing (restricted to low-flow periods during summer months) involved in these projects are essentially the same.

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, and resource values?

The range of alternatives analyzed was appropriate with respect to the *Myrtlewood Culverts FY 2012* project. There were a range of alternatives considered. The current environmental concerns, interests and resource values have not changed.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Since the development of the Stream Crossing EA, there are legal changes that have resulted in the re-instatement of portions of the Survey & Manage program. The *Myrtlewood Culverts FY2012* project applies a 2006 exemption from a stipulation entered by the court in litigation regarding Survey and Manage species and the 2004 Record of Decision related to Survey and Mitigation Measure in *Northwest Ecosystem Alliance v. Rey*, No. 04-844-MJP (W.D. Wash., Oct. 10, 2006). Previously, in 2006, the District Court (judge Pechman) invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Courts' 2006 ruling, parties to the litigation entered into a stipulation exempting certain categories of activities from the Survey and Manage standards and guidelines, including both pre-disturbance surveys and known site management. Also known as the Pechman exemptions, the Court's Order from October 11, 2006 directs:

"Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

A. Thinning projects in stands younger than 80 years old;
B. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;
C. Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement of large wood, channel and floodplain reconstruction, or removal of channel diversions; and
D. The portions of projects involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and manage requirements except for thinning in stands younger than 80 years old under subparagraph a. of this paragraph."

Per the 2011 Settlement Agreement, the 2006 Pechman Exemptions remain in force:

"The provisions stipulated to by the parties and ordered by the court in *Northwest Ecosystem Alliance v. Rey*, No. 04-844-MJP (W.D. Wash. Oct. 10, 2006), shall remain in force. None of the following terms or conditions in this Settlement Agreement modifies in any way the October 2006 provisions stipulated to by the parties and ordered by the court in *Northwest Ecosystem Alliance v. Rey*, No. 04-844-MJP (W.D. Wash. Oct. 10, 2006)."

The *Myrtlewood Culverts FY2012* project meets Exemption B because it consists of "replacing culverts on roads that are in use and part of the existing road system."

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Based on review by an interdisciplinary team (listed below), the anticipated direct and indirect effects of the proposed *Myrtlewood Culverts FY 2012* project are essentially the same as identified in the Stream Crossing EA. The cumulative effects of implementing this action have been broadly discussed, particularly in regards to salmon recovery.

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

The original EA had a 30-day comment period on the appropriateness of the FONSI, the one comment dealt with O&C plowback funds and decommissioning of roads. The previous 15 DNAs on culvert replacements did not receive any comments. This project will undergo a 15-day protest period.

E. Persons/Agencies/BLM Staff Consulted

Name	Title	Agency/Resource Represented
Aimee Hoefs	Team Lead	NEPA compliance
Stephanie Messerle	Fish Biologist	T&E, SSS fisheries
Dan Carpenter	Hydrologist	Hydrology, Water Quality, Soils
Jim Heaney	Wildlife Biologist	T&E, SSS wildlife
Tim Rodenkirk	Botanist	T&E, SSS plants
Stephan Samuels	Archaeologist	Cultural Values
Julia Jackson	Environmental Pro. Specialist	Hazardous Materials

Note: Refer to the EA for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion: *(Note: If you found that one or more of these criteria is not met, you will not be able to check this box.*)

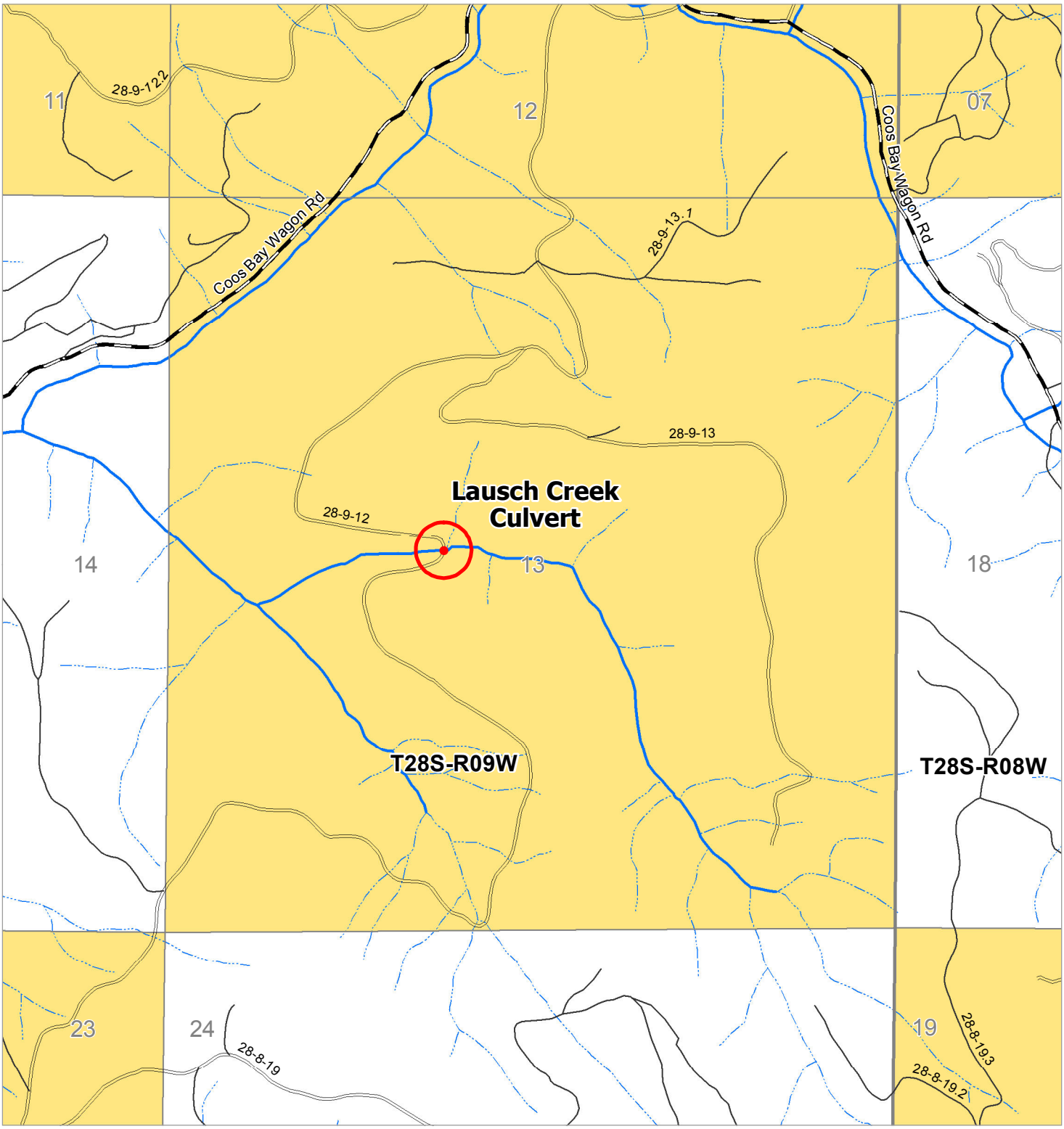
Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and

that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

Signature of Project Lead *\/s\/ Stephanie Messerle*

Signature of NEPA Coordinator *\/s\/ Aimee Hoefs*

Signature of the Responsible Official: *\/s\/ Kathy Hoffine* Date: *2/27/2012*



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Coos Bay District Office
1300 Airport Lane
North Bend, Oregon 97459

0 500 1,000 1,500
Feet

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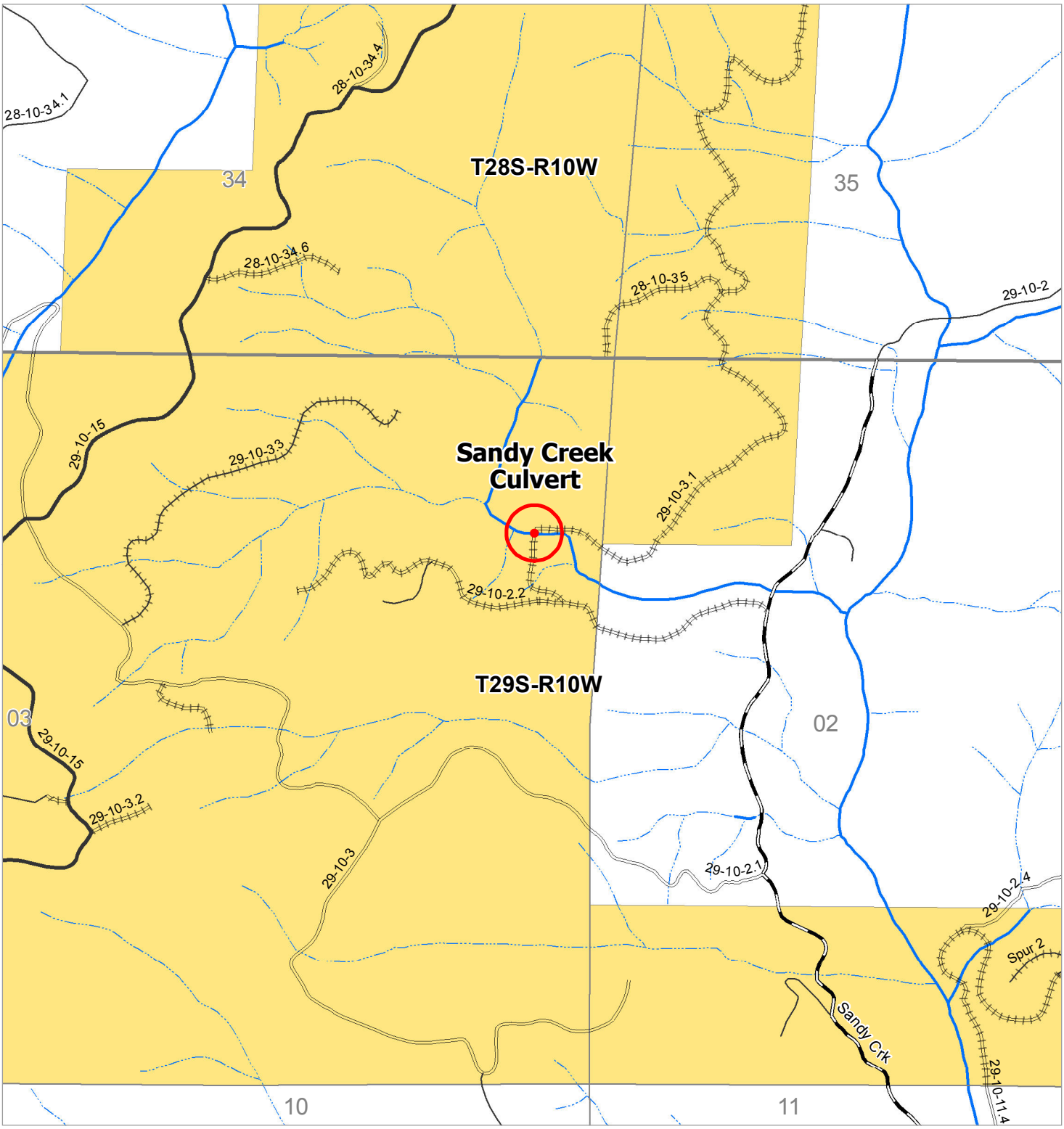
- Map 1 of 2 -
Lausch Creek

Map Features

- 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



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- Map 2 of 2 -
Sandy Creek

Map Features

- 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