



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
COOS BAY DISTRICT OFFICE

1300 AIRPORT LANE, NORTH BEND, OR 97459

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In Reply Refer To:

1613/1792/6700 (ORC040)
DOI-BLM-OR-C040-2009-0006-DNA
New River Meadow Restoration
EA OR120-04-07
Historic Community Habitat Restoration

April 7, 2010

Dear Concerned Citizen,

We have signed the Decision Record for the New River Habitat Restoration Determination of NEPA Adequacy (DOI-BLM-OR-C040-2009-0006-DNA). The Proposed Action of this DNA is to maintain unique meadow habitats by removing encroaching conifers that would have normally been suppressed by fire. The project is located in the New River Area of Critical Environmental Concern. These documents have been posted on the District Internet site:

<http://www.blm.gov/or/districts/coosbay/plans/index.php>.

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed at the Myrtlewood Field Office, Coos Bay BLM, 1300 Airport Lane, North Bend, OR, 97459. The appellant has the burden of showing that the decision being appealed is in error.

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, Attn: Aimee E.B. Hoefs.

/s/ Kathy Westenskow

Kathy Westenskow
Myrtlewood Field Manager



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DECISION RECORD for

New River Meadow Restoration

Background

The Bureau of Land Management (BLM) previously prepared an Environmental Assessment (EA OR120-04-07 Historic Community Habitat Restoration Environmental Assessment) and Finding of No Significant Impact (FONSI) which contained analysis of the effects of restoring and maintaining unique habitats such as meadows and oak woodlands from encroaching conifers. As was the case with the projects in the original EA, the primary goals of the projects in this Determination of NEPA Adequacy (DNA) are to restore and protect unique habitats such as bog blueberry marshlands, open sand meadows and manzanita chaparral from encroaching conifers. This also includes re-establishing a disturbance regime for each site that would provide conditions favoring the reproduction and maintenance of desired plants and habitat conditions.

Decision

It is my decision to authorize the meadow restoration activities as described in the New River Meadow Restoration DNA (DOI-BLM-OR-C040-2009-0006-DNA). The design features and environmental consequences from this type of project were fully analyzed in the original Environmental Assessment. The meadows are found in the following locations within the New River Area of Critical Environmental Concern (ACEC): T. 29 S., R. 15 W., Sections 35 and 36; T. 30 S., R. 15 W., Sections 2, 3, 10 and 11; and T. 31 S., R 15 W., Section 8.

The EA contained a complete list of Project Design Features (pp. 12-17) 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:

- Enhancement and restoration activities on each project site would be based on field surveys to assess condition and relative abundance of native species.
- Slash piles would be located to prevent damage to soil and adjacent trees from burning effects.
- Prescribed fire would be conducted in accordance with site specific plans that conform to guidelines and plans.
- Re-establish a regime of frequent light burns.

Conformance and Compliance

This project was developed 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 Environmental Impact Statement on Management of 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).

This project fully complies with the management objectives, actions and direction of the 1995 RMP, as amended. These include:

Maintain, protect or restore relevant and important values of areas of critical environmental concern (p. 38).

Enhance and maintain biological diversity and ecosystem health to contribute to healthy wildlife populations (p. 27).

Use management practices – including fire – to obtain desired vegetation conditions in special habitats (p. 28).

This project also complies with the Oregon and California Lands Act (O&C Act), 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 contained analysis that supported the findings in the FONSI that there would not be any 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 on March 31, 2005 and via a published Legal Notice in *The World* newspaper. The BLM received one public comment that dealt with some aspects of the project design. However, no substantive comments required a change to the EA or FONSI determination.

Decision Rationale

Field Office staff has reviewed the Proposed Action. 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 *New River Meadow Restoration* for the following reasons:

- Implementation of the Proposed Alternative best meets the Purpose and Need described in the Historic Community Habitat Restoration Environmental Assessment.
- It is consistent with the 1995 *Record of Decision and Resource Management Plan* for the Coos Bay District of the Bureau of Land Management.
- It works towards the protection and maintenance of unique habitats and the values for which the ACEC was designated.
- It complies with other major applicable laws, regulations and Bureau policies.

The New River Meadow Restoration project is consistent with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, as incorporated into the Coos Bay District Resource Management Plan.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey et al.*, No 08-1067 (W.D. Wash.) (Coughenour, J.) granting Plaintiffs' motion for partial summary judgment and finding of a variety of NEPA violations in the BLM and USFS Record of Decision eliminating the Survey and Manage mitigation measure.

Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects.

The project may proceed even if the District court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. This is because the New River Meadow Restoration project meets the provisions of the last valid Record of Decision, specifically the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (not including subsequent Annual Species Reviews).

This project does not contain habitats for the wildlife and botany species that require pre-disturbance surveys. Nor are there any species present that require protection buffers.

This project also complies with the Coastal Zone Management Act, and I have determined that there would be no adverse effects to Coastal Zone Resources from implementing this project.

Administrative Remedies

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 CFR Part 4. If an appeal is taken, your notice of appeal must be filed with the Myrtlewood Field Office, Coos Bay BLM, 1300 Airport Lane, North Bend OR, 97459. The appellant has the burden of showing that the decision being appealed is in error.

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/s/ Kathy Westenskow

April 7, 2010

Kathy Westenskow
Myrtlewood Field Manager

Date