



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

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



In Reply Refer To:

1792 (ORC030)

EA#OR-125-08-05

June 5, 2009

Dear Concerned Citizen:

We have signed the FONSI and the Decision Record for the Spruce Reach Island Culvert Project, Environmental Assessment (EA#OR-125-08-05). The Proposed Action of this EA is to install a culvert to provide safe access to Spruce Reach Island for Bureau of Land Management (BLM) staff, volunteers, contractors and visitors. These documents and a map have been posted on the District Internet site: <http://www.blm.gov/or/district/coosbay/index.php>.

The Decision Record is open to Appeal procedures as detailed at 43 CFR, Part 4 Subpart E-Special Rules Applicable to Public Land Hearings and Appeals (Administrative Remedies). Appeals of this action must be filed within 15 days after publication of the Notice of Availability for this Decision. Please direct requests for copies, questions, or comments to Coos Bay District BLM, 1300 Airport Lane, North Bend, OR 97459-2000, Attention: Nancy Zepf; call (541) 756-0100; FAX (541) 751-4303; or e-mail to OR_CoosBay_Mail@blm.gov, Attention: Nancy Zepf.

Sincerely,

/s/ A. Dennis Turowski

A. Dennis Turowski
Umpqua Field Manager



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1792 (ORC030)

EA#OR125-08-05

Spruce Reach Island Culvert EA

DECISION RECORD for Spruce Reach Island Culvert Environmental Assessment EA No. OR125-05-08

I. DECISION

Decision

It is my decision to authorize the implementation of the Proposed Action Alternative as described in the Spruce Reach Island Culvert Environmental Assessment (EA No. OR125-05-08). The Proposed Action will provide safe access to the gardens on the island for maintenance and tours.

Site specific Project Design Features that will be implemented as part of the Action Alternative are described on page nine of the Spruce Reach Island Culvert EA.

Compliance and Conformance

This decision is in conformance with the Coos Bay District's *2008 Record of Decision and Resource Management Plan* (2008 ROD/RMP). The analysis supporting this decision is tiered to the *2008 Final Environmental Impact Statement for the Revision of the Resource Management Plan of the Western Oregon Bureau of Land Management* (2008 Final EIS).

This project complies with the Management Direction of the 2008 RMP as follows:

- Conserve scientific, traditional use, heritage, educational, public, and recreational values of cultural and paleontological resource sites (2008 RMP p. 41).
- Provide a road transportation system that serves resource management needs (2008 RMP p. 45).
- Provide a diversity of developed and dispersed outdoor recreational opportunities that contribute to meeting recreational demand and quality visitor experiences. (2008 RMP p. 48).

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

- Identify cultural resources localities and manage them for public, scientific and cultural heritage purposes (1995 RMP p. 40).
- Conserve and protect designated cultural resources for future generations (1995 RMP p. 40).
- Manage scenic, natural and cultural resources to enhance visitor recreation experience expectations and to satisfy public land users (1995 RMP p. 46).
- Develop and maintain a transportation system that serves the need of users in an environmentally sound manner 1995 RMP (p. 69).

Revision of a resource management plan necessarily involves a transition from the application of the old resource management plan to the application of the new resource management plan. A transition from the old resource management plan to the new resource management plan avoids disruption of the management of BLM-administered lands and allows the BLM to utilize work already begun on the planning and analysis of projects.

The 2008 ROD allowed for such projects to be implemented consistent with the management direction of either the 1995 resource management plan, as amended (1995 RMP) or the 2008 RMP, at the discretion of the decision maker.

This project is in compliance with the 1995 RMP, and meets the requirements designated in the 2008 ROD for such transition projects:

1. A decision was not signed prior to the effective date of the 2008 ROD.
2. Preparation of National Environmental Policy Act documentation began prior to the effective date of the 2008 ROD as a result of initiating public scoping on August 29, 2008.
3. A decision on the project will be signed within two years of the effective date of the 2008 ROD.
4. There would be no destruction or adverse modification of critical habitat designated for species listed as endangered or threatened under the Endangered Species Act.

The implementation of this project will not have significant environmental effects beyond those already identified in the Final EIS/Proposed RMP. The proposed action does not constitute a major federal action having significant effects on the human environment; therefore, an environmental impact statement will not be prepared.

Endangered Species Consultation

The National Marine Fisheries Service concluded the Spruce Reach Island Culvert Project will have a “not likely to adversely affect” on Oregon Coast Coho Salmon, which is listed as threatened under the Endangered Species Act. The Spruce Reach Island Culvert Project will have no adverse effect on Essential Fish Habitat as designated by the Magnuson-Stevens Act. The project will have a “not likely to adversely affect” on the North American green sturgeon and its’ habitat and will “not likely adversely affect” habitat for Pacific salmon, coastal pelagic and ground fish species.

Projects such as the proposed project are also included in the current programmatic consultation with the US Fish and Wildlife Service for Northern Spotted Owls, Marbled Murrelets and their Designated or Proposed Critical Habitats on Public Lands Administered by the Coos Bay District of the Bureau of Land Management and the Coquille Tribe (BO #13420-2008-F-0118) completed in 2008 for Fiscal Years 2008-2013.

Analysis has also concluded that implementation of the proposed action would minimize the likelihood of and need for listing any Special Status Species as identified in BLM Manual 6840 and BLM OR/WA 6840 policy. Botanical Special Status Species surveys have been completed in the project area for which surveys are practical or those species included in the 2007 State Director's Special Status Species List. These surveys did not identify any Special Status botanical species.

The Spruce Reach Island Culvert Project is in compliance with the Clean Water Act, the National Historic Preservation Act, and the Clean Air Act. The project area does not contain any Areas of Critical Environmental Concern, designated Wilderness, Wild & Scenic Rivers, or prime and unique farmlands. There were no concerns identified regarding Cultural Resource Values, Native American Religious Concerns, or Environmental Justice issues.

The Spruce Reach Island Culvert Project EA OR125-08-05 resulted in a Finding of No Significant Impact (FONSI) signed on January 9, 2009, thus development of an Environmental Impact Statement (EIS) is not required.

II. DECISION RATIONALE

Rationale for Decision

I am choosing the Proposed Action for the following reasons:

- Implementation of the Proposed Action best meets the Purpose and Need described in the Spruce Reach Island Culvert Project EA (p. 7); the No Action Alternative does not meet the Purpose and Need.
- It is consistent with the RMP management objective to "Conserve scientific, traditional use, heritage, educational, public, and recreational values of cultural and paleontological resources sites" (p. 41 in the *2008 Coos Bay District Resource Management Plan*).
- It complies with other major applicable laws, regulations, and Bureau policies.

III. PUBLIC INVOLVEMENT

The general public was informed of the planned EA through a letter on August 29, 2008 to those on the Field Office's mailing list, which included adjacent landowners and others who had requested scoping notices for projects of this type or in this location. An announcement was also posted on the District's Internet site, <http://www.blm.gov/or/districts/coosbay/index.php> and in a Legal Notice in *The World* newspaper requesting comments for scoping, published on September 3, 10, 17, and 24, 2008. The public was informed of the EA and FONSI through a direct notification and via a published Legal Notice in *The World* newspaper January 16, 2009. There were no comments and no substantive issues raised therefore, the FONSI is still appropriate.

IV. ADMINISTRATIVE REMEDIES

This management decision is subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR § 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer within 15 days of the publication date of the Decision Record in *The World*, Coos Bay, Oregon.

43 CFR § 5003.3 subsection (b) states that: “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 or facsimile protests. Only written and signed hard copies of protests that are delivered to the Coos Bay District Office will be accepted. The protest must clearly and concisely state the reasons why the decision is believed to be in error.

As set forth in 43 CFR § 5003.3 subsection (c), protests received more than 15 days after the publication of the Decision Record are not timely filed and would not be considered. Upon timely filing of a protest, the authorized officer shall reconsider the decision to be implemented in light of the statement of reasons for the protest and other pertinent information available. The authorized officer shall, at the conclusion of their review, serve their decision in writing to the protesting party. Upon denial of a protest the authorized officer may proceed with the implementation of the decision.

Decision Approved by:

/s/ A. Dennis Turowski

June 4, 2009

A. Dennis Turowski
Umpqua Field Manager

Date