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:
1792/6700 ORC030
West Fork Smith River Instream Habitat Restoration Project
DOI-BLM-OR-C030-2009-0003-DNA
Middle Creek and Cherry Creek Instream Habitat Restoration Project
DOI-BLM-OR-C030-2009-0004-DNA
Lutsinger Creek Instream Habitat Restoration Project
DOI-BLM-OR-C030-2009-0005-DNA
South Sisters and Jeff Creek Instream Habitat Restoration Project
DOI-BLM-OR-C030-2009-0006-DNA

August 31, 2009

Dear Concerned Citizen:

We have signed the Decision Records for the following instream habitat restoration projects:

- West Fork Smith River Instream Habitat Restoration Project, DOI-BLM-OR-C030-2009-0003-DNA
- Middle Creek and Cherry Creek Instream Habitat Restoration Project, DOI-BLM-OR-C030-2009-0004-DNA
- Lutsinger Creek Instream Habitat Restoration Project, DOI-BLM-OR-C030-2009-0005-DNA
- South Sisters and Jeff Creek Instream Habitat Restoration Project, DOI-BLM-OR-C030-2009-0006-DNA

The Proposed Action of these DNA's will implement projects that will enhance habitat conditions for aquatic species. This decision is consistent and in conformance with the Coos Bay District Record of Decision and Resource Management Plan of 1995. 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 September 15, 2009 with the Umpqua Field

Manager, A. Dennis Turowski, 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 Dan VanSlyke, Team Lead, at 1300 Airport Lane, North Bend, OR. 97459 or (541) 756-0100, or e-mail at OR_CoosBay_Mail@blm.gov, ATTN: Dan VanSlyke.

Sincerely,

Bill Hudson for

A. Dennis Turowski
Umpqua Field Manager

1972(ORC030)
DOI-BLM-OR-C030-2009-0003-DNA
West Fork Smith River Instream Habitat Restoration Project

United States Department of Interior
Bureau of Land Management
Coos Bay District

Decision Record for DOI-BLM-OR-C030-2009-0003-DNA

Background

The Bureau of Land Management (BLM) previously prepared an Environmental Assessment (EA OR125-05-06; Paradise Creek Watershed Restoration) and Finding of No Significant Impact (FONSI) which evaluated the effects of placing wood habitat structures within the stream channel. As was the case with the project in the original EA, the primary goal of the projects in this Determination of NEPA Adequacy are to improve the quality of aquatic habitats by adding complexity and cover as well as enhancing pool quality and quantity.

Decision

It is my decision to implement the West Fork Smith River Instream Habitat Restoration Project identified in DOI-BLM-OR-C030-2009-0003-DNA. The design features and environmental consequences were fully analyzed in the original Environmental Assessment and are included as part of this project.

Conformance and Compliance

On July 16, 2009 the U.S. department of Interior withdrew the Records of Decision (2008 ROD) for the Western Oregon Plan Revision and directed the BLM to implement actions in conformance with the Resource Management Plans for western Oregon that were in place prior to December 30, 2008.

Although project planning and preparation of National Environmental Policy act documentation for this project began after the effective date of the 2008 ROD, this project was designed to comply with the land use allocations, management direction, and objectives of the 1995 Resource Management Plan (1995 RMP).

This DNA in conformance with the *Coos Bay District Resource Management Plan/Final Environmental Impact Statement* (USDI 1994) and its *Record of Decision* (USDI 1995). The analysis supporting this EA is also tiered to the *Final Supplemental Environmental Impact Statement (EIS) on Management of Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan)* (USDA and USDI 1994a) and its *Record of Decision* (USDA and USDI 1994b) as supplemented and amended by:

- The Final Supplement to The 2004 Environmental Impact Statement to Remove or Modify The Survey and Manage Mitigation Measure Standards and Guidelines (USDA and USDI 2007) and its Record of Decision (USDI 2007d)

- The following are the applicable Management Objective and Direction from the 1995 Resource Management Plan (ROD/RMPp.30):

- Promote the rehabilitation and protection of at-risk fish stocks and their habitat.

- Maintain or enhance the fisheries potential of streams and other waters consistent with BLM's Fish and Wildlife 2000 Plan, the Bring back the Natives Initiative, and other nationwide initiatives.

- Rehabilitate streams and other waters to enhance natural populations of anadromous and resident fish. Possible rehabilitation measures would include, but not be limited to:

    - Instream structures using boulders and log placement to create spawning and rearing habitat.

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

Scoping occurred from January 26, 2005 through March 1, 2005. The public was informed of the EA and FONSI through a direct notification and via a published Legal Notice in *The World* newspaper (June 16, 2005). The BLM did not receive any comments in either public notice period.

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 West Fork Smith River Instream Habitat Restoration Project for the following reasons:

- Implementation of the Proposed Alternative best meets the Purpose and Need described in the Paradise Creek Watershed Restoration EA.

- It is consistent with 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 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 Dan Van Slyke, Project Lead, at 1300 Airport Lane, North Bend OR. 97459 or (541) 756-0100.

Dennis Turowski
Umpqua Field Manager

Date: August 19, 2009