



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: BLM_OR_CB_Mail@blm.gov

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In Reply Refer To:

1792/6763 (ORC030)

DOI-BLM-OR-C030-2011-0009-DNA

Wren Smith Creek Title II Large Wood Placement Project

EA OR125-05-06

Paradise Creek Watershed Restoration EA

DOI-BLM-OR-C030-2011-0008-DNA

Wren Smith Creek Fish Passage and Sediment Reduction Project

EA-OR125-02-12

Coos Bay District Culvert and Stream Crossing Environmental Assessment

July 25, 2011

Dear Concerned Citizen,

We have signed Decision Records for the Wren Smith Creek Large Wood Placement Project Determination of NEPA Adequacy (DOI-BLM-OR-C030-2011-0011-DNA) and the Wren Smith Creek Fish Passage and Sediment Reduction Project Determination of NEPA Adequacy (DOI-BLM-OR-C030-2011-0008-DNA). The Proposed Action of the Wren Smith Creek Large Wood Placement Project is to restore fish habitat through increasing stream channel complexity by adding large diameter logs to 0.8 miles of the stream and planting willows along the banks. The Proposed Action of the Wren Smith Creek Fish Passage and Sediment Reduction Project is to reduce sedimentation and restore fish passage through replacing failing and install additional culverts along 1.8 miles of Wren Smith Road no. 26-12-10.0. 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 with the Umpqua Field Office, Coos Bay BLM, 1300 Airport Lane, North Bend OR, 97459 (43 CFR 4.411 and 4.413). A copy of the Notice of Appeal must also be sent to the BLM Regional Solicitor, Pacific Northwest Region, 500 NE Multnomah St. Suite 607, Portland, OR 97232. 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; therefore, e-mail, verbal, or facsimile protests will not be accepted.

The appellant has the burden of showing that the decision being appealed is in error.

For further information, contact Steven Fowler, Team Lead, at 1300 Airport Lane, North Bend OR 97459 or (541) 756-0100, or e-mail at blm_or_cb_mail@blm.gov Attn: Steven Fowler.

Respectfully,

/s/ A. Dennis Turowski

A. Dennis Turowski
Umpqua Field Manager



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Wren Smith Creek Title II Large Wood Placement Project

EA-OR125-05-06

Paradise Creek Watershed Restoration Project

DECISION RECORD for

Wren Smith Creek Large Wood Placement Project - Title II -

Background

The Wren Smith Large Wood Placement Project is funded by Title II of the Secure Rural Schools and Community Self Determination Act of 2000 as reauthorized by the Economic Stabilization Act of 2008 and implemented by the Coos Watershed Association, a Bureau of Land Management (BLM) partner. The project proposes to treat a section of Wren Smith Creek located on both private and BLM managed lands.

The Bureau of Land Management (BLM) previously prepared an Environmental Assessment (EA OR125-05-06 Environmental Assessment for the Paradise Creek Watershed Restoration Project) and Finding of No Significant Impact (FONSI) that contained analysis of the effects of placing large wood in stream channels to increase stream channel complexity. As was the case with the project in the original EA, the primary goal of the project in this Determination of NEPA Adequacy (DNA) is to “aid in the restoration of instream and riparian habitats by the placement of large wood in selected fish-bearing stream channels” (EA p. 1).

Decision

It is my decision to authorize the stream restoration activities as described in the Wren Smith Creek Large Wood Placement Project DNA (DOI-BLM-OR-C030-2011-0011-DNA). The environmental consequences from this type of project were fully analyzed in the original Environmental Assessment. The stream reach to be treated on BLM managed lands are located in T. 26 S., R. 12 W., Sections 11 and 13.

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 this Proposed Action. These and additional descriptions of the Proposed Action are hereby incorporated by reference. The following is a brief summary of these design features:

- During construction, techniques designed to minimize sediment delivery and turbidity will be utilized.
- Instream work will occur during instream work periods designated by the Oregon Department of Fish and Wildlife.

- Equipment access points will be kept to the minimum necessary to accomplish the work in a safe and efficient manner, and existing down wood and riparian vegetation would be protected to the extent practicable.
- Timing restrictions for all structure placements will be established to minimize impacts to marbled murrelets and northern spotted owls where possible.
- Upon completion of construction activities, all exposed soils and waste areas will be stabilized with a mixture of weed-free straw mulch and seed.

Conformance and Compliance

The Coos Watershed Association initiated planning under and designed this project to be consistent with the Coos Bay District's 1995 Resource Management Plan (RMP). 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 both the 1995 RMP and the 2008 ROD and RMP. We have determined it is consistent with both plans.

2008 Resource Management Plan (RMP) Objectives:

“Implement instream and riparian restoration activities, such as placement of boulders and large wood in streams.....” (p. 35).

1995 Resource Management Plan (RMP) Objectives:

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

Instream structures using boulders and log placement to create spawning and rearing habitat.” (p. 30)

Public Involvement

Scoping was conducted from January 30-March 1, 2006. One question was asked from an adjoining landowner that was answered to their satisfaction. The public was informed of the EA and FONSI through a direct notification on June 13, 2006 and via a published Legal Notice in *The World* newspaper. No comments were received. There was no appeal of the Decision to implement the project.

Decision Rationale

Field Office staff has reviewed the Proposed Action. Based on the Documentation of NEPA Adequacy, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required. The supporting analysis and NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

I am choosing to implement the *Wren Smith Large Wood Placement* for the following reasons:

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

- 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.

Instream restoration treatments are covered for Endangered Species Act consultation for listed fish by the Aquatic Restoration Biological Opinion, Fiscal Year 2008-2012 Programmatic Biological Opinion (National Marine Fisheries Service, June 27, 2008, No. 2008/03506).

The BLM would implement seasonal restrictions during spotted owl and marbled murrelet critical breeding periods as well as daily operating restrictions during the later murrelet breeding periods. This project complies with the Aquatic Restoration Biological Opinion from the U.S. Fish and Wildlife Service concerning these two wildlife species (U.S. Fish and Wildlife Service, No. 13420-2007-F-0055, June 14, 2007).

The *Wren Smith Large Wood Placement* 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. Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation had entered into a stipulation exempting certain categories of activities from the Survey and Manage standard (hereinafter "Pechman exemptions").

Judge Pechman'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."

Following the Court's December 17, 2009 ruling, the Pechman exemptions are still in place.

Special status species botanical surveys are complete; the BLM did not identify any lichens, bryophytes and vascular plant species of concern. This project does not contain habitats for any wildlife species that require pre-disturbance surveys. Nor are there any species present that require protection of known sites. The BLM has designed this project to work towards the recovery of listed fish species, thus special status fish species would also benefit from implementation of the project. Therefore, the *Wren Smith Large Wood Placement* project will not increase the likelihood of and need for listing any Special Status Species as identified in BLM Manual 6840 and BLM OR/WA 6840 policy.

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 Umpqua Field Office, Coos Bay BLM, 1300 Airport Lane, North Bend OR, 97459 (43 CFR 4.411 and 4.413). A copy of the Notice of Appeal must also be sent to the BLM Regional Solicitor, Pacific Northwest Region, 500 NE Multnomah St. Suite 607, Portland, OR 97232.

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Decision issued by:

A. Dennis Turowski

July 22, 2011

A. Dennis Turowski
Umpqua Field Manager

Date