UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

DETERMINATION OF NEPA ADEQUACY (DNA) WORKSHEET

OFFICE: Eugene District BLM

TRACKING NUMBER: DOI-BLM-OR-E060-2013-0022-DNA

CASEFILE/PROJECT NUMBER (if any):

PROJECT NAME: 15-1-32 Road Closure

LOCATION/LEGAL DESCRIPTION: T 15 S, R2 W, sec. 36 (Road 15-1-32).

A. Description of Proposed Action and any applicable mitigation measures

This project will pull out two old, undersized culverts that are creating chronic sediment conditions on the area stream. In addition water bars would be added to the road bed to gain proper drainage of the road. Non-drivable berms and/or slash would be placed on the road to prevent the public from driving on this portion of road. The road segment is currently not passable even by high-clearance 4X4. All disturbed soils would be grass seeded and mulched. The work would take less than one day to complete and occur in November 2013 to prevent accelerated erosion and sedimentation during the rainy season.

B. Land Use Plan (LUP) Conformance

LUP Name: Eugene District Record of Decision and Resource Management Plan (RMP), as amended. Date Approved: June 1995 and amended in 2005.

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

The Eugene District Record of Decision and Resource Management Plan calls for designing and implementing watershed restoration projects in a manner that promotes long-term ecological integrity of native species, and attains Aquatic Conservation Strategy objectives.

The 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 Manage 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 Court's 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 large wood, channel and floodplain reconstruction, or removal of channel diversions; and
d. The portions of project 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 management requirements except for thinning of 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. The project meets Exemption B.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

This action is covered in the Environmental Assessment for Eugene District Aquatic and Riparian Restoration Activities Environmental Assessment # DOI-BLM-OR-090-2009-0009-EA as Fish Passage Culverts and Bridge Projects.

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?**

   This action (Road treatments) is specifically cited and analyzed in the Aquatic Restoration EA. "Selected roads would be decommissioned or obliterated. Activities include simple closures and stormproofing (hydrologically disconnecting roads) to full de-compaction and sub-soiling." (USDI 2010).

2. **Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

   The Aquatic Restoration EA analyzed a reasonable number of alternatives, including no action that showed differences in the effects in each alternative. No unexpected changes to the existing environment or resource values have occurred that would trigger the initialization of new NEPA analysis.

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?**

   There are no new listings, circumstances, or new information that would change the original analysis conducted in the Aquatic Restoration EA.

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?**

The direct, indirect, and cumulative effects are specifically addressed in the Aquatic Restoration EA. "Several of the proposed actions, including in stream restoration, culvert and bridge projects, road decommissioning, stream bank restoration, and head-cut stabilization, require the operation of heavy equipment in the riparian area and stream channel. These activities would increase the amount of fine sediment delivered to stream channels and would increase turbidity, though the effects would be short-term and localized in nature" (USDI, 2010 pg 42).

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

The BLM completed the NEPA process for the Aquatic Restoration EA and responded to all comments and questions associated with the EA. Copies of the Aquatic Restoration EA and preliminary FONSIs were mailed to interested individuals on the Eugene District mailing list and posted on the Eugene District website.

E. Persons/Agencies/BLM Staff Consulted

Name	Title	Resource	Signature
Kira Christensen	Civil Engineer	Engineering	/s/ Kira Christensen
Steve Liebhardt	Fish Biologist	Fish	/s/ Steve Liebhardt
Todd Bush	Hydrologist	Hydrology	/s/ Todd Bush
Kristine Struck	NEPA Coordinator	NEPA	/s/ Kristine Struck
Rudy Wiedenbeck	Soil Scientist	Soil	/s/ Rudy Wiedenbeck
Cheshire Mayrsohn	Botanist	Vegetation	/s/ Cheshire Mayrsohn
Chris Langdon	Wildlife Biologist	Wildlife	/s/ Chris Langdon

Conclusion
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/ Steve Liebhardt Date: 10/30/2013
Steve Liebhardt
Fish Biologist

Signature of NEPA Coordinator:

/s/ Kristine Struck Date: 10/30/2013
Kristine Struck
NEPA Coordinator

Signature of the Responsible Official:

/s/ William O'Sullivan Date: 11/1/2013
William O'Sullivan
Upper Willamette Field Manager

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program specific regulations.

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DECISION RECORD

DOI-BLM-OR-E060-2013-023-DNA
15-1-32 Road Closure

DECISION

It is my decision to implement this action as described in the Determination of NEPA Adequacy documentation DOI-BLM-OR-E060-2013-023-DNA.

DECISION RATIONALE

The proposed action has been reviewed by BLM staff. The Proposed Action is in conformance with the 1995 Eugene District Record of Decision and Resource Management Plan (as amended). Based on the Determination of NEPA Adequacy, I have determined that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

The undersized and failing culverts combined with drainage patterns and mudbogging has created a safety hazard for anyone attempting to utilize the road due to the abrupt edge, depth of the mud bog, and the short sight-distance for drivers to stop. Fall rains could cause catastrophic failure and/or washout resulting in a serious influx of sediment to the stream system.

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 a variety of NEPA violations in the BLM and USFS 2007 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 would not apply to:

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> D. The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging would remain subject to the survey and management requirements except for thinning of 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. The project meets Exemption B.

ADMINISTRATIVE REMEDIES

Any person adversely affected by this decision may appeal it to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, a notice of appeal must be filed in this office within 30 days of this decision for transmittal to the Board. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed. A copy of a notice of appeal and any statement of reasons, written arguments, or briefs, must also be served upon the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, OR 97205.

Signature of the Responsible Official:

/s/ William O'Sullivan
William O'Sullivan
Upper Willamette Field Manager
Eugene District Office

11/1/2013
Date: