

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

**DETERMINATION OF NEPA ADEQUACY (DNA) WORKSHEET**

OFFICE: Upper Willamette Resource Area

TRACKING NUMBER: DOI-BLM-OR-E060-2014-004-DNA

PROJECT NAME: Lost Creek/Eagle Creek Restoration Project

LOCATION/LEGAL DESCRIPTION: T19S R1W Section 31 and T20S R1W Section 11

**A. Description of Proposed Action and any applicable mitigation measures**

The project would be conducted in two phases during one season. Phase I, "Lost Creek LWD Harvest", would harvest, transport, and stockpile approximately 100 trees with attached rootwads and their tops to selected locations on Lost Creek approximately 7.6 miles from the harvest site. Phase II, "Lost Creek LWD Instream", would skid large woody debris (LWD) from stockpile sites to stream treatment sites where LWD would be used to create functionally stable log jams. Phase II would treat approximately 4,000 feet of stream channel. Project Design Features (PDFs) are included for this project in Appendix A of this DNA. This Project was approved for RAC funding for 2014.

**Phase I**

Approximately 100 trees immediately adjacent to roads 19-1-31.0, 19-1-31.2, and 19-1-31.3 (all in T19S, R1W Section 31) ranging from 18 inches to 28 inches diameter at breast height (DBH) would be harvested with root wads intact using heavy equipment. Trees would be cut into 80-60 foot lengths. Harvested trees with rootwads, tops with limbs would then be transported (retaining as much of the tree as possible) to T20S, R1W Section 11 to marked stockpile sites on road 20-1-10.3. Preservation of root system and tree integrity is crucial. Loose soil still attached to rootwads would be mechanically removed at the site of harvest. Heavy equipment must be capable lifting whole trees for transport that would fully contain rootwads. Tree tops would be transported via standard log haul equipment. The numbers of rootwad trees per access point would be predetermined for each stockpile site. Rootwad trees and logs would be stockpiled adjacent to the access routes for later instream placement by Phase II instream contractors. The haul route from T19S, R1W Section 31 would use roads 19-1-21.0 (Guistina) to Lost Valley Lane and onto Lost Creek Road (County Road) which leads to 20-1-10.3 (BLM). The haul route is approximately 7.6 miles. After all the trees are removed and hauled from any given BLM road, the road would be inspected. Identified disturbed areas would be smoothed over and ditchlines cleared of debris. Areas of exposed soil would be grass seeded and mulched with native materials for erosion control to be supplied by the government. All appropriate State permits for transport of oversized material and transportation laws would be the responsibility of the contractor. Total time estimated for obtaining, transporting and stockpiling of the trees and maintaining roads is 3-5 days. Harvest and stockpile activities would be completed by July 31, 2014.

**Phase II**

Stockpiled LWD from Phase I would be transported to Eagle/Lost Creek stream channel. LWD would then be transported to marked treatment sites located upstream and downstream of access routes (see map). Up to six designated access routes would be used to supply LWD to approximately 22 instream treatment sites to restore approximately 4,000 feet of stream. Stream width is approximately 25-30 feet. Preservation of root system and tree integrity during both Phases is crucial. Access routes that cross

active floodplain back channels would be corduroyed<sup>1</sup> and trails slashed as needed to support heavy machinery. Disturbance to floodplain, riparian trees, and stream banks would be minimized. Heavy machine operators would minimize number of equipment passes across the floodplain to minimize compaction. Some LWD would be trenched into gravel bars to provide stability. Most treatment sites would place or weave LWD together into log jams. A sawyer may be needed to cut LWD to specific lengths. BLM staff overseeing the project would specify placement of LWD and cutting for each treatment site to create functionally stable log jams designed to enhance fish habitat, protect unstable banks and floodplains, and encourage off channel habitat development. After LWD have been placed for a given access route, heavy equipment would be used to rehabilitate the access routes by scarifying compacted soils and placing slash and other forest material on the access routes to prevent erosion and block vehicle access. Other disturbed soils would be smoothed over and areas of exposed soil would be grass seeded and mulched with native materials for erosion control to be supplied by the government. Heavy machinery working in-stream would use vegetable-based hydraulic fluid. All fueling would occur on drivable road surface or other method or location to be approved by BLM staff. Total time estimated for transporting and placing the rootwad trees and tops into Eagle Creek and Lost Creek, and rehabilitating access routes would be 4-7 days. All work must be completed by the State mandated fish work window designated for the Lost Creek watershed of August 31, 2014. Work would be conducted in both phases after July 15 to avoid potential disruption to nesting raptors.

Surveys for aquatic special status lichens and bryophytes in Lost Creek would be done prior to project implementation when water levels allow. If additional sites are found within the project area appropriate actions would be taken to mitigate effects to the sites.

#### **B. Land Use Plan (LUP) Conformance**

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

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

Watershed Restoration is identified as one of the three components of the Aquatic Conservation Strategy. As stated in the Eugene District ROD, "watershed restoration will be an integral part of a program to aid recovery of fish habitat, riparian habitat, and water quality. The most important components are riparian and prevention of road-related runoff and sediment production, restoration of the condition of riparian vegetation, and restoration of instream habitat complexity (Eugene District ROD 1995, pg. 20)."

The Project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Eugene 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 a variety of NEPA violations in the BLM and USFS 2007 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. Plaintiffs and Defendants entered into settlement negotiations that resulted in the 2011 Survey and Manage Settlement Agreement, adopted by the District Court on July 6, 2011.

The Ninth Circuit Court of Appeals issued an opinion on April 25, 2013, that reversed the District Court for the Western District of Washington's approval of the 2011 Survey and Manage Settlement Agreement. The case is now remanded back to the District Court for further proceedings. This

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<sup>1</sup> A corduroy trail (road) is a type of trail (road) made by placing logs perpendicular to the direction of the trail (road) over a low or swampy area.

means that the December 17, 2009, District Court order which found National Environmental Policy (NEPA) inadequacies in the 2007 analysis and records of decision removing Survey and Manage is still valid.

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 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 District Court's December 17, 2009, ruling, the Pechman exemptions still remained in place. The Project has been reviewed in consideration of both the December 17, 2009, partial summary judgment and Judge Pechman's October 11, 2006, order. The project meets Exemption C of the Pechman Exemptions (October 11, 2006, Order).

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

Environmental Assessment for Eugene District Aquatic and Riparian Restoration Activities (Aquatic Restoration EA) EA # DOI-BLM-OR-090-2009-0009-EA

National Marine Fisheries Service Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington Biological Opinion (2008/03506) (ARBO I)

Reinitiation of Aquatic Restoration Activities in States of Oregon and Washington NMFS Consultation Number: NWR-2013-9664 (ARBO II)

**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?**

The Proposed Project was analyzed in the Aquatic Restoration EA to occur anywhere on the District.

- 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 for this project.

- 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?**

The existing Aquatic Restoration EA analyzed these types of projects and no new information, circumstances, or recent listings would alter the analysis that was conducted. There are no new 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?**

Yes. The effects analyzed in the Aquatic Restoration EA were programmatic in nature. The Interdisciplinary Team reviewed this individual Project to ensure all applicable Project Design Features (PDF (from the Aquatic Restoration EA and ARBO II) would be used to minimize and avoid effects to individual resources. Further site specific PDFs are listed in Appendix A. The Interdisciplinary Team determined no unique site conditions exist which were not considered in the original EA.

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

Yes. 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 FONSI were mailed to interested individuals on the Eugene District mailing list. The Aquatic Restoration EA and FONSI are also available on the Eugene District Planning website.

**E. Persons/Agencies/BLM Staff Consulted**

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Signature</b>
Kristine Struck	NEPA Coordinator	NEPA	/s/ Kristine Struck
Steve Liebhardt	Fish Biologist	Fish	/s/ Steve Liebhardt
Cheshire Mayrsohn	Botanist	Vegetation	/s/ Cheshire Mayrsohn
Rudy Wiedenbeck	Soil Scientist	Soil	/s/ Rudy Wiedenbeck
Chris Langdon	Wildlife Biologist	Wildlife	/s/ Chris Langdon
Brian Barr	Hydrological Tech.	Hydrology	/s/ Brian Barr
Janet Zentner	Forester	Timber	/s/ Janet Zentner
Jessica Le Roy	Civil Engineer Tech.	Roads	/s/ Jessica Le Roy
Heather Ulrich	Archaeologist	Archaeology	/s/ Heather Ulrich

**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 constitute BLM's compliance with the requirements of the NEPA.

Signature of Project Lead:

/s/ Steve Liebhardt  
Steve Liebhardt, Fish Biologist

Date: 05/07/2014

Signature of NEPA Coordinator:

/s/ Kristine M. Struck  
Kristine M. Struck, P&EC

Date: 05/08/2014

Signature of the Responsible Official:

/s/ William O'Sullivan  
William O'Sullivan, Field Manager

Date: 05/08/2014

**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.

## Appendix A

### **Project Design Features from Aquatic Restoration EA:**

#### **To prevent the introduction or spread of invasive plants:**

- Seed all disturbed ground using Government provided seed
- Wash all equipment and vehicles prior to entering the project area. It should be clean of all plant material(s), mud, or material that could transport seeds or plant material.
- No equipment, vehicles, and materials are to be staged in known invasive plant populations (behind gravel pile).
- All equipment brought into the project area (clean fill, straw, gravel, large wood) should be free of invasive plant material(s).
- Minimize soil disturbance as part of restoration project(s) and retain native vegetation to the extent practical.
- Surveys for aquatic special status lichens and bryophytes in Lost Creek will be done prior to project implementation when water levels allow. If additional sites are found within the project area appropriate actions would be taken to mitigate effects to the sites.

#### **To reduce impacts to Soils/Aquatics Resources:**

##### ***Placement Sites***

- To minimize loss of soil productivity and reduce the potential for surface runoff, erosion, and subsequent degradation due to surface disturbance and compaction.
  - Restrict machine operations to designated access trails only, and limit operations to periods of low soil moisture when soils have the most resistance to compaction.
  - Decompact/till access routes immediately after project completion, then seed and mulch with BLM-supplied native species. To improve and accelerate soil/site productivity and hydrological process recovery, logs, woody debris and brush would be scattered across the tilled surfaces. Barricade all entry points with logs, woody debris, and brush to block vehicular access.
- Designated access routes have been planned to minimize damage to all standing hardwood and conifer trees.
- All operations are planned during the in-water work window as defined by Oregon Department of Fish and Wildlife (ODFW). Any work outside of this period would require waivers from ODFW and National Marine Fisheries Service (NMFS). The instream work window for the Lost Creek Watershed is July 1 through August 31.
- To minimize damage to sensitive riparian vegetation and soils heavy equipment would travel from site to site within the well armored stream channel.

##### ***Harvest Sites***

- Machinery will stay on the roadbed at all times.

##### ***Placement and Harvest Sites***

- Removal, notification, transport and disposal of any diesel, hydraulic fluid, or other petroleum product released into soil and/or water to be accomplished in accordance with all applicable laws and regulations.
- Keep a Spill Contamination Kit (SCK) on-site during any operation within the project area. Prior to starting work each day, check all machinery for leaks and make necessary repairs.
- Operators would be responsible for the clean-up, removal and proper disposal of contaminated materials from the site.
- Refuel equipment, including chainsaws and other hand power tools, at least 100 feet from water bodies to prevent direct delivery of contaminants into streams and wetlands.

**To reduce impacts to aquatic resources:**

- Use waterbars, barricades, seeding, and mulching to stabilize bare soil areas along project access routes prior to the wet season.
- Rehabilitate and stabilize disturbed areas where soil will support seed growth by seeding and planting with native seeds mixes or plants.
- Do not store equipment in stream channels when not in use.
- Minimize damage of hardwoods within 50 feet of stream bank.

**To minimize the risk of placed logs and boulders moving downstream during flood events:**

- Use key logs that are 1.5 times the active channel width and at least 24" in diameter.
- Key logs would be wedged between trees on banks to prevent movement in high flow events.

**To protect objects of cultural value:**

- If any cultural and/or paleontological resource (historic or prehistoric site or object) is discovered during project activities all operations in the immediate area of such discovery shall be suspended until an evaluation of the discovery can be made by a professional archaeologist to determine appropriate actions to prevent the loss of significant cultural or scientific values.

**To reduce impacts to wildlife species:**

- Project activities will not occur between March 1 and July 15, both days inclusive.
- Project activities may be stopped at any time to avoid impacts to T&E, BLM Special Status Species, or Bald/Golden eagles.
- Snags shall be reserved except as necessary for human safety. Activities shall be relocated away from snags occupied by sensitive species, if feasible. Snags occupied by sensitive species that must be felled shall not be felled when in active use. All felled snags shall be left on site as coarse woody debris.
- Existing coarse woody debris and rootwads shall be reserved and protected from damage to the extent possible. Coarse woody debris may be moved around project sites to facilitate operations.

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**DECISION RECORD**

DOI-BLM-OR-E060-2014-004-DNA  
Lost Creek/Eagle Creek Restoration Project

**DECISION**

It is my decision to implement this action as described in the Determination of NEPA Adequacy documentation DOI-BLM-OR-E060-2014-004-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.

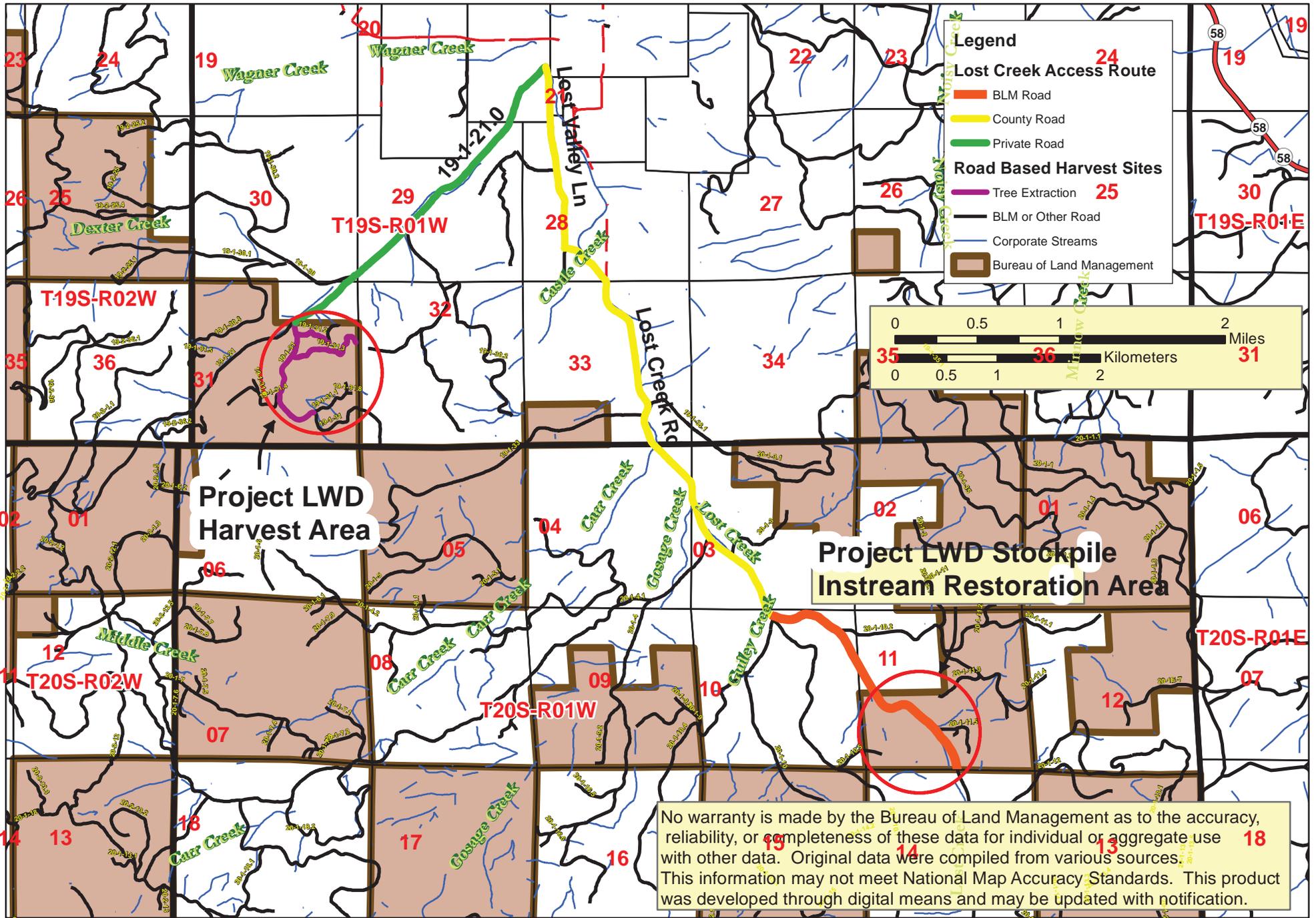
**ADMINISTRATIVE REMEDIES**

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:

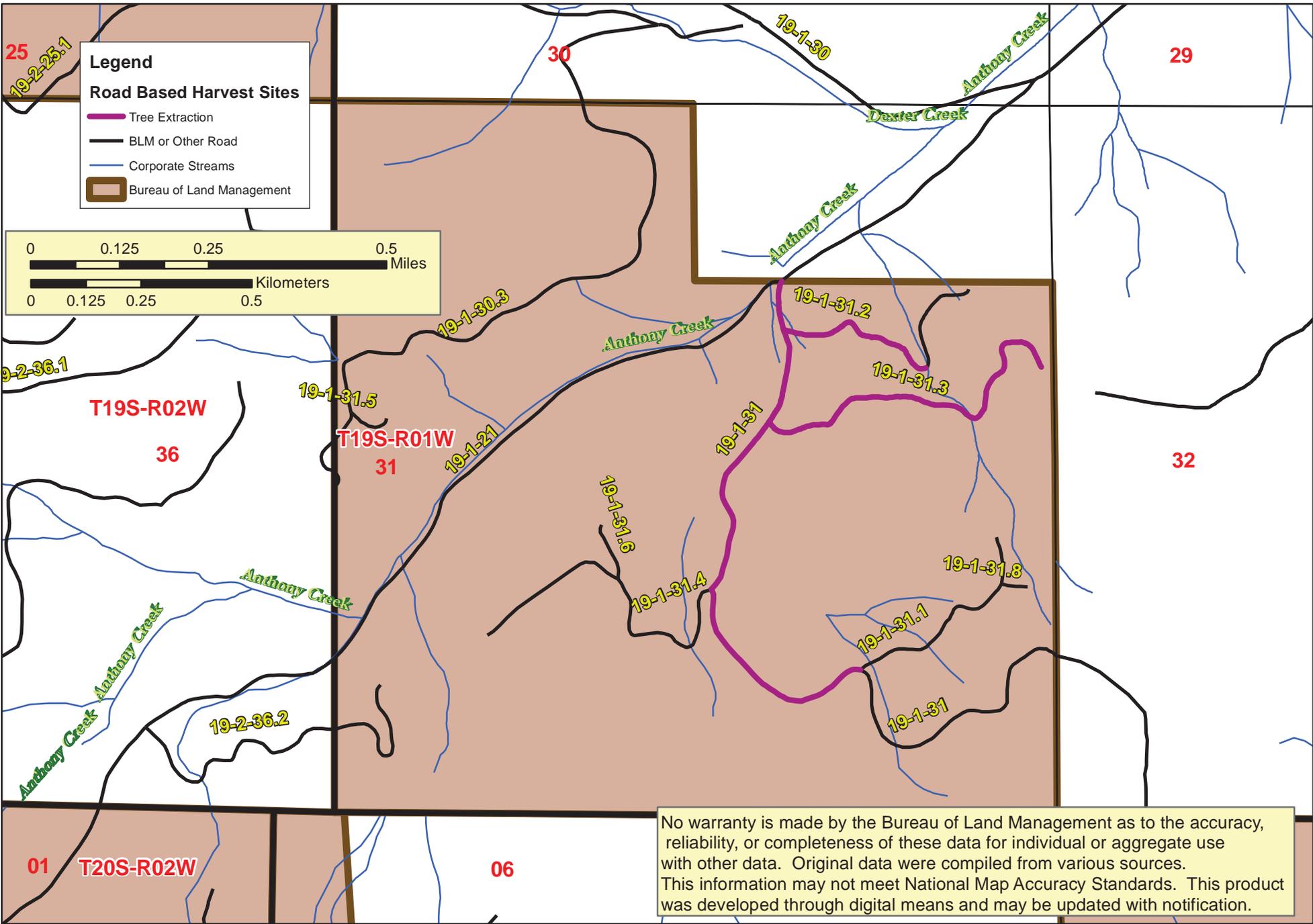
/s/ William O'Sullivan  
William O'Sullivan  
Upper Willamette Field Manager  
Eugene District Office

05/08/2014  
Date:

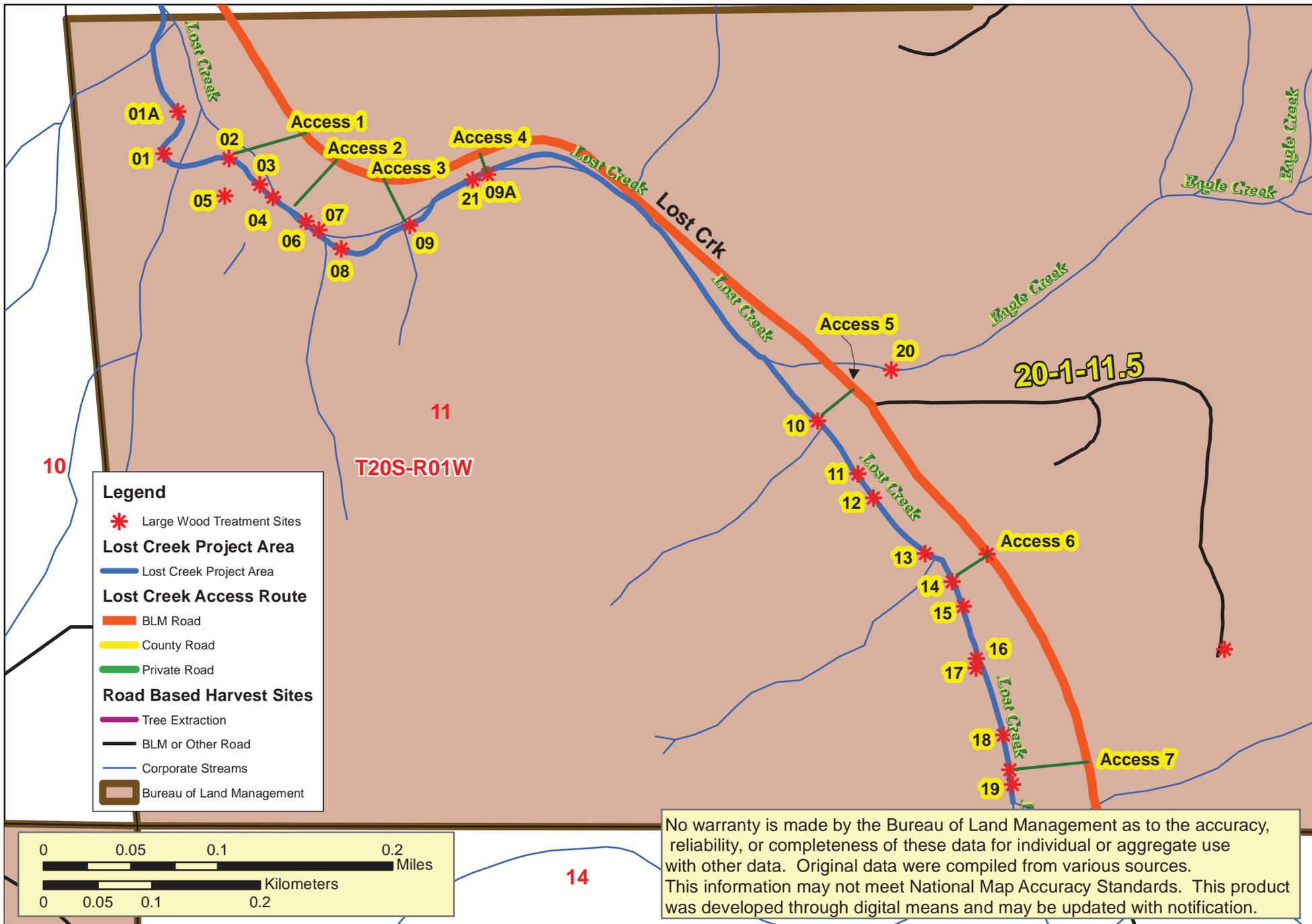


### Lost Creek Restoration Harvest Site and Stockpile Sites

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### Lost Creek Restoration Harvest Site



**Lost Creek Restoration Stockpile and Treatment Site Locations**