

Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

OFFICE: Siuslaw Resource Area, Eugene District

TRACKING NUMBER: DOI-BLM-OR-E050-2014-008-DNA

CASEFILE/PROJECT NUMBER: 1790A

PROPOSED ACTION TITLE/TITLE: Siuslaw Resource Area Restoration Projects

LOCATION/LEGAL DESCRIPTION: **Instream Materials Placement** – Bear Creek (Coyote Creek

drainage): T19S R5W Sec. 21 SE ¼; Fish Cr. unnamed tributary: T16S R7W Sec.27 NE ¼. **New**

Culvert Installs - Unnamed Tributary of Wolf Cr.: T19S R5W Sec.19 NE ¼; Dogwood Cr.: T19S R6W

Sec.28 SE ¼; Bear Creek (Coyote Creek drainage): T19S R5W Sec. 21 SE ¼; Little Siuslaw River: T20S

R5W Section 18 SW ¼. **Fish Ladder Modification** – Triangle Lake (lower ladder): T16S R7W Sec. 20

SW ¼.

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

Fish friendly culvert installations (4): The proposed action is to remove failed or damaged aquatic species barrier culverts and install fish passage culverts in the same location.

Fish ladder modification: To improve salmon passage above the lower denil ladder by further jack hammer work in bedrock, creating resting pools.

Fish culvert mitigation: A previously installed fish passage culvert for cutthroat trout on an unnamed tributary of Fish Cr. was installed at its' confluence with Fish Creek. The pool below the culvert requires an increase in elevation to allow for access to fish.

Instream channel modification: a natural 6 foot drop in the stream channel of Bear Creek will be graded and mitigated with placed cobbles, rubble and boulders to provide all season passage for fish species.

Instream channel wood placements: Trees will be pulled from the ground or cut with a saw and placed in Bear Creek stream reaches within Section 27 to augment instream structure and complexity.

A. 1 Design features to protect T and E Wildlife Species

Use of power tools and heavy equipment is only allowed between August 6th and March 31st at Bear Creek instream materials placement (Coyote Creek drainage): T19S R5W Sec. 21 SE ¼ and Unnamed Tributary of Wolf Cr. Located at T19S R5W Sec.19 NE ¼.

Power tools and heavy equipment are only allowed between 2 hours after sunrise and two hours before sunset at Bear Creek instream materials placement (Coyote Creek drainage): T19S R5W Sec. 21 SE ¼, Unnamed Tributary of Wolf Cr.: T19S R5W Sec.19 NE ¼; Triangle Lake (lower ladder): T16S R7W Sec. 20 SW ¼.

B. Land Use Plan (LUP) Conformance

LUP Name: Eugene District Record of Decision and Resource Management Plan (RMP)

Date Approved: June 1995; as amended.

LUP Name: Upper Siuslaw River Aquatic Habitat Management Plan (EA)

Date Approved: March, 1998

LUP Name: Lake Creek Aquatic Habitat Management Plan and Environmental Assessment

Date Approved: May, 2000

LUP Name: Record of Decision for the Upper Siuslaw Late-Successional Reserve Restoration Plan (EIS).

Date Approved: July 2004.

LUP Name: Upper Siuslaw Landscape Plan Environmental Assessment

Date Approved: December, 2008

LUP Name: Record of Decision for the Eugene District Aquatic and Riparian Restoration Activities Environmental Assessment

Date Approved: August, 2010

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

As stated in the RMP: Maintain or enhance the fisheries habitat potential of streams and other waters consistent with the SEIS/ROD (page 44). As stated in ACS objective 2: Maintain and restore spatial and temporal connectivity (RMP, page 18).

The ROD for the Upper Siuslaw Late-Successional Reserve Restoration Plan: Watershed Restoration Actions, July 2004 states “Increasing stream structure will provide stream shading, trap sediments and improve water quality by creating deeper pools and replenishing groundwater reservoirs that are vital for water storage, water purification and temperature regulation (EIS, pp 90, 135).”

The 2007 Upper Siuslaw Landscape Plan states that “within the riparian LUA ...actions be undertaken to attain ACS Objectives (page 2).”

As stated in the Siuslaw HMP: The purpose of this restoration plan is to improve the quality and quantity of suitable habitat ... to benefit anadromous and resident fish and other aquatic species.

The Lake Creek HMP, which is fully consistent with the objectives and management recommendations in the Eugene District RMP and ROD, and the Aquatic Conservation Strategy in the Northwest Forest Plan, was prepared as part of an effort to increase potential for production of anadromous salmonids and improve associated habitats (from purpose and need).

The 2010 Environmental Assessment for Aquatic and Riparian Restoration Activities (pages 5-6) provides for the removal of fish barriers (ACS Objective 2), placing materials instream to provide complexity (All ACS Objectives), and managing riparian plant species for the betterment of aquatic habitats (ACS Objective 1, 3, 4, 8, 9).

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

See list of NEPA documents in section B, Land Use Conformance

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Biological Opinion and Letter of Concurrence, USDA Forest Service, USDI Bureau of Land Management and the Coquille Indian Tribe for Programmatic Aquatic Habitat Restoration Activities in Oregon and Washington That Affect ESA-listed Fish, Wildlife, and Plant Species and their Critical Habitats – June, 2007 (USFWS).

National Marine Fisheries Service Biological Opinion for Fish Habitat Restoration Activities in Oregon and Washington” (NMFS No.: NWP 2013-9664), Reinitiation of the Endangered Species Act Section 7 Formal Programmatic Conference and Biological Opinion and Magnuson-Stevens Conservation and Management Act Essential Fish habitat Consultation for Aquatic Restoration Activities in the States of Oregon and Washington (ABRO II)

Oregon Dept. of State Lands/U.S. Army Corps of Engineers Programmatic Fill Permit Coverage. NOAA ARBO/DSL GP42104-RF/ACE RGP4 (2009).

Oregon Dept. of State Lands/U.S. Army Corps of Engineers Joint Fill Permit extension of RGP – Through December 31, 2014.

2010 4D Take Permit #15013. Authorized by ODFW and NMFS via extension and associated letter dated December 23, 2013.

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?

Yes. The 1995 ROD for the RMP dictates the need for watershed and habitat restoration (pages 28-31). The ROD (Watershed Restoration Actions) for the Upper Siuslaw Late-Successional Reserve Plan EIS (all alternatives) stated that the construction of in-stream structures would be used to improve aquatic habitats and related complexity. In addition, instream culvert barrier removal would open habitat to aquatic species. Chapter Two (alternatives) of the Eugene District Aquatic and Riparian Restoration Activities (EDARRA) Environmental Assessment provides a description of the covered activities which are the same actions proposed in this restoration plan. The proposed action was analyzed in the Upper Siuslaw Landscape Plan (USLP) Environmental Assessment under the effects to Aquatic Conservation Strategy number two. The Watershed Restoration Actions for the Upper Siuslaw River and Lake Creek Aquatic Habitat Restoration Plans stated that the construction of in-stream structures would be used to increase aquatic and riparian connectivity and associated habitats. The proposed action has not changed from that which was identified in 1998 and 2000.

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?

All NEPA documents mentioned in D.1 analyzed an appropriate range of alternatives (see these documents for specific alternative analysis). No unexpected changes to the existing environment or resource values have occurred that would trigger the initialization of new NEPA analysis here.

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?

Yes. The existing analysis is adequate for the proposed action and no new circumstances, standards or guidelines have been identified since the signing of the FONSI (May 1998) for the Siuslaw River HMP/EA, the Lake Creek FONSI (August 2000), the ROD for the Upper Siuslaw Late-Successional Reserve Restoration Plan (July 2004) and the ROD for the Siuslaw Landscape Plan (December 2008). There have been no negative resource changes since the completion of these NEPA analyses.

The Upper Siuslaw Habitat Management Plan and Environmental Assessment address the ACS as follows: The Proposed Action (Aquatic Restoration) is in compliance with the Aquatic Conservation Strategy in the Record of Decision for the Supplemental Environmental Impact Statement for the Northern Spotted Owl, 1994, and for the Eugene District Record of Decision and Resource Management Plan, 1995.

Oregon Coast coho salmon have been removed from and added to the threatened species list several times since the mid 1990's and currently are listed as "threatened" under federal ESA (February 2008).

Recent consultation has been completed as related to the proposed actions and their effects on listed OC coho salmon and Essential Fish Habitat (NMFS No.: NWP 2013-9664).

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 direct and indirect impacts of the current proposed action are the same as those denoted in Siuslaw HMP/EA, page 30-32 and the Lake Creek HMP/EA, page 25. The benefits from this action will assist in the attainment and or maintenance of all ACS Objectives.

The direct and indirect impacts of the current proposed action are the same as those denoted in LSR 267 EIS, pages 135-136. The benefits from this action will assist in the attainment of all ACS Objectives.

The EDARRA effects analysis addresses the same short term adverse and long term positive effects as other supporting NEPA documents (Chapter 4). In addition, this document analyzes (by fifth field) the effects of spreading invasive weeds as associated with aquatic restoration activities.

The Upper Siuslaw Landscape Plan analyzes the effects of proposed restoration activities by issues and alternatives (pages 27-29). Like the LSR 267 EIS, the actions are analyzed by how they would contribute toward the attainment of ACS objectives. The impacts analyzed under the USLP are the same as those that might result from the implementation of the proposed actions.

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

Public involvement and interagency review associated with the Upper Siuslaw and Lake Creek HMP/EAs was adequate for the proposed action. Both these HMP/EAs and corresponding, preliminary FONSI were advertised in the Eugene Register-Guard as being available for a 30-day public review period. Copies of these EAs and preliminary FONSI were mailed to interested individuals on the Eugene District mailing list. No comments were received.

With regard to the LSR 267 EIS, scoping was conducted for two years (beginning in 2000) prior to publishing the Notice of Intent to prepare said EIS. During the comment period, adjustments were made to this NEPA document in reference to public comments received.

The public comment period for the USLP EA began in December of 2008. Like other project related NEPA, scoping letters were sent to interested individuals on the District mailing list.

BLM continues to notify the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, and the Confederated Tribes of the Grand Ronde of the Upper Siuslaw LSR Restoration Plan as projects are implemented. The BLM also provides pre-project notification to various state and federal agencies, private companies and tribes as required under the programmatic coverage's for fill/removal permits and reporting for aquatic biological opinion restoration activities (NMFS No. 2008/03506).

E. Persons/Agencies /BLM Staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource/Agency Represented</u>
Stacy Polkowske	Fisheries Biologist	Oregon Dept. Fish and Wildlife (Siuslaw R.)
Elise Kelley	Fisheries Biologist	Oregon Dept. Fish and Wildlife (Calapooya R.)
Doug Baer	Environmental Coordinator	Oregon State Marine Board
Carol Franson	Regulatory Support Assistant	US Army Corps of Engineers, Portland Dist.

Sarah Kelly	Reviewing Agent	Oregon Dept. State Lands
Orin Schumackher	Planner	Lane County Planning
Dave Cramsey	Forester	Roseburg Timber Resources, Veneta, OR
Stacy Scott	Archeologist	Confederated Tribes of Coos, Lower Umpqua, Siuslaw
Jessie Plueard	Archeologist	Cow Cr. Band of Umpqua Tribe of Indians
Robert Kentta	Cultural Resources Director	Confederated Tribes of the Siletz Indians
Eirik Thorsgard	Cultural Protections Specialist	Grand Ronde Tribe
Liz Volmer Buhl	Coordinator	Siuslaw Watershed Council
Jed Kaul	Restoration Technician	Long Tom Watershed Council
Randy Miller	Wildlife Biologist	BLM
Molly Widmer	Botanist	BLM
Peter O'Toole	Forester	BLM
Steve Steiner	Hydrologist	BLM
Heather Ulrich	Archeologist	BLM
Karin Baitis	Soil Scientist	BLM
	Engineering Staff	BLM
	Road Maintenance Staff	BLM

Note: Refer to the previously mentioned EA/EIS for a complete list of the team members participating in the preparation of the original environmental analyses or planning documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan(s) 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/ Leo Poole

Leo Poole, Fish Biologist

Date: 07/16/14

Signature of NEPA Coordinator:

/S/ Sharmila Premdas

Sharmila Premdas, NEPA Planner

Date: 07/16/14

Signature of the Responsible Official:

/S/ Michael J. Korn

Michael J. Korn,
Siuslaw Resource Area Field Manager

Date: 07/14/14

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

DECISION RECORD
DOI-BLM-OR-E050-2014-0008-DNA
Siuslaw Fisheries Restoration

DECISION

It is my decision to implement this action as described in the Determination of NEPA Adequacy documentation DOI-BLM-OR-E050-2014-0008 -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.

SURVEY AND MANAGE

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.

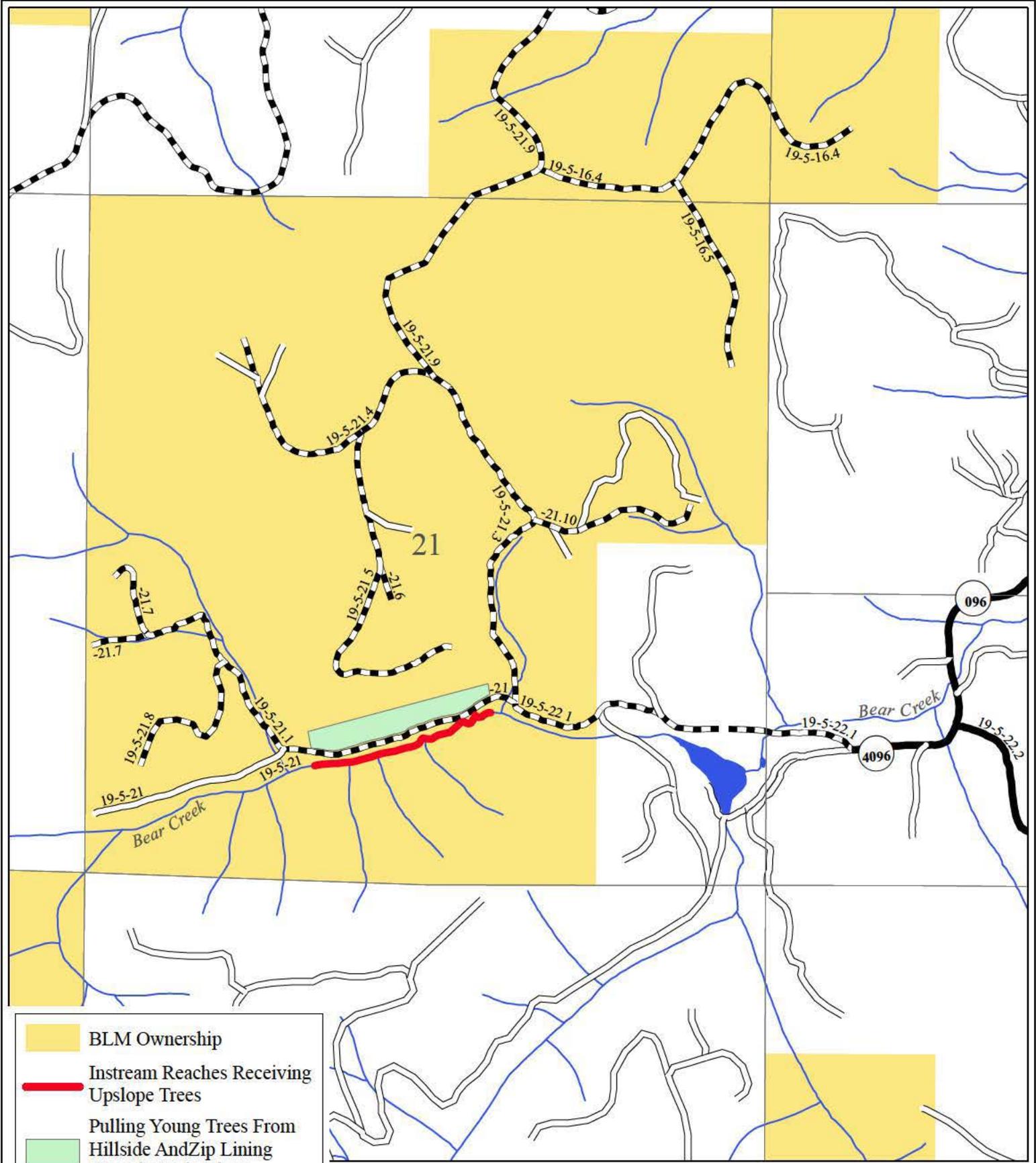
On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the 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 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").

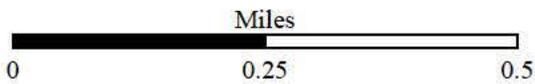
Judge Pechman's Order from October 11, 2006 directs: "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

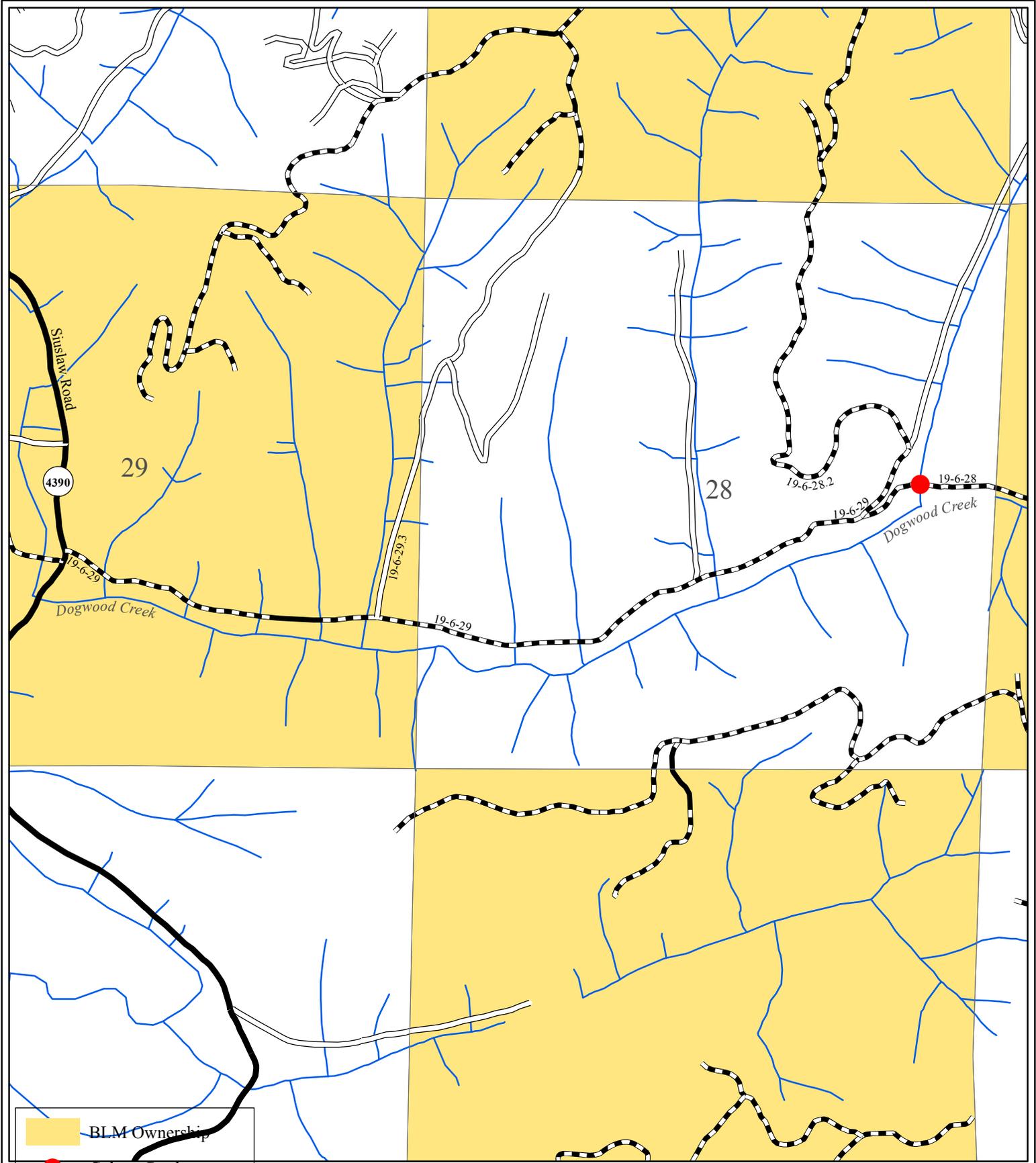
- A. Thinning projects in stands younger than 80 years old (emphasis added);
- B. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary, or to be, decommissioned;



- BLM Ownership
- Instream Reaches Receiving Upslope Trees
- Pulling Young Trees From Hillside And Zip Lining Into Channel Below
- Road - Paved Surface
- Road - Rock Surface
- Road - Other Surface
- Stream

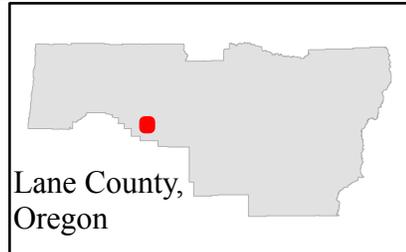
Bear Creek Restoration
T. 19 S., R. 5 W., Sec. 21, Will. Mer.

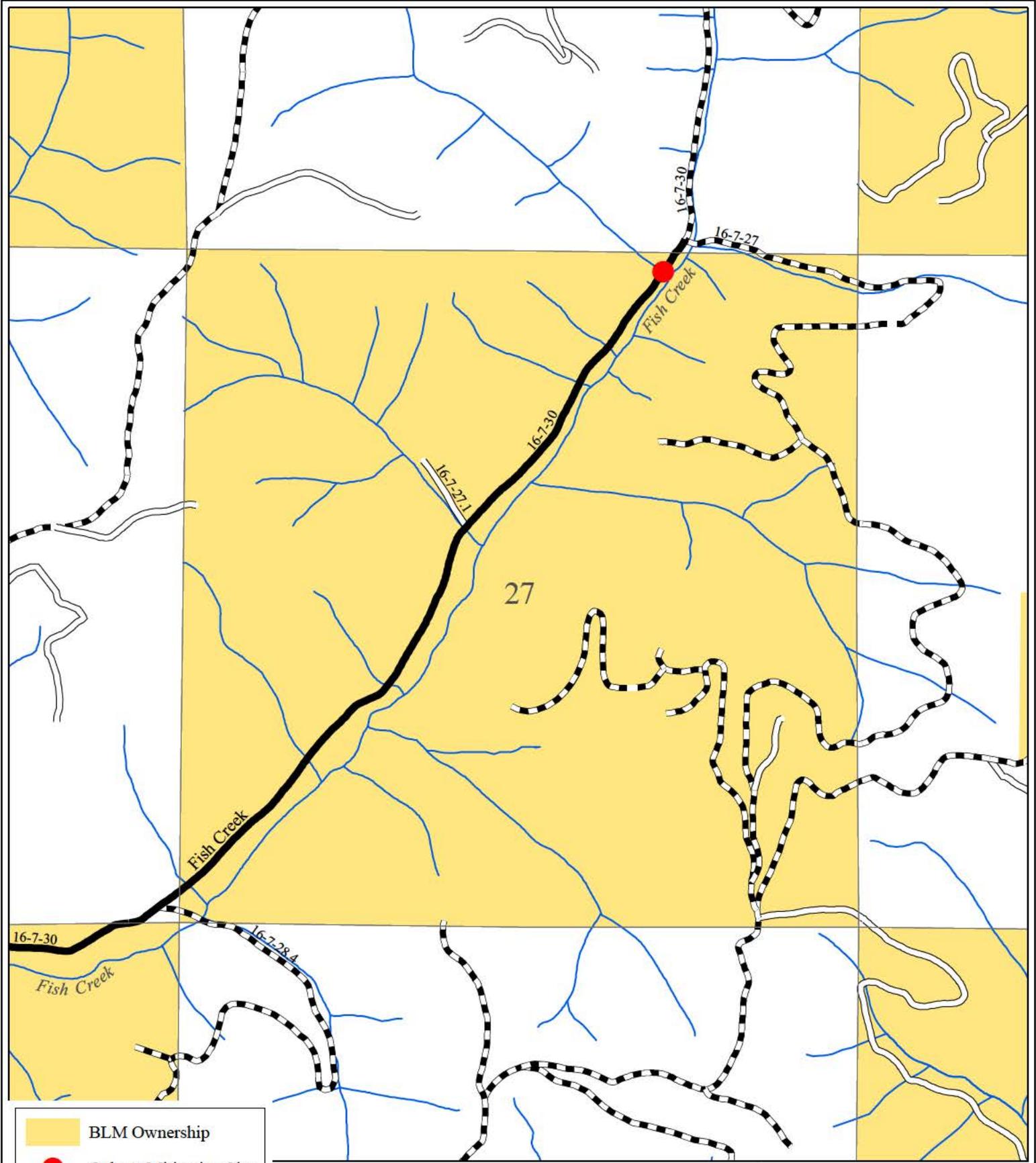




- BLM Ownership
- Culvert Replacement
- Road - Paved Surface
- Road - Rock Surface
- Road - Other Surface
- Stream

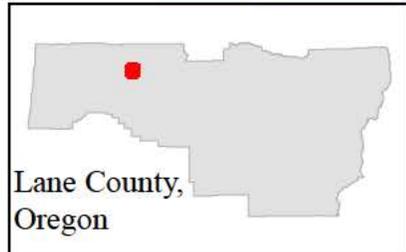
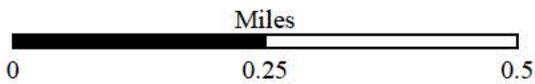
Dogwood Cr.
Culvert Replacement Site
 T. 19 S., R. 6 W., Sec. 28, Will. Mer.

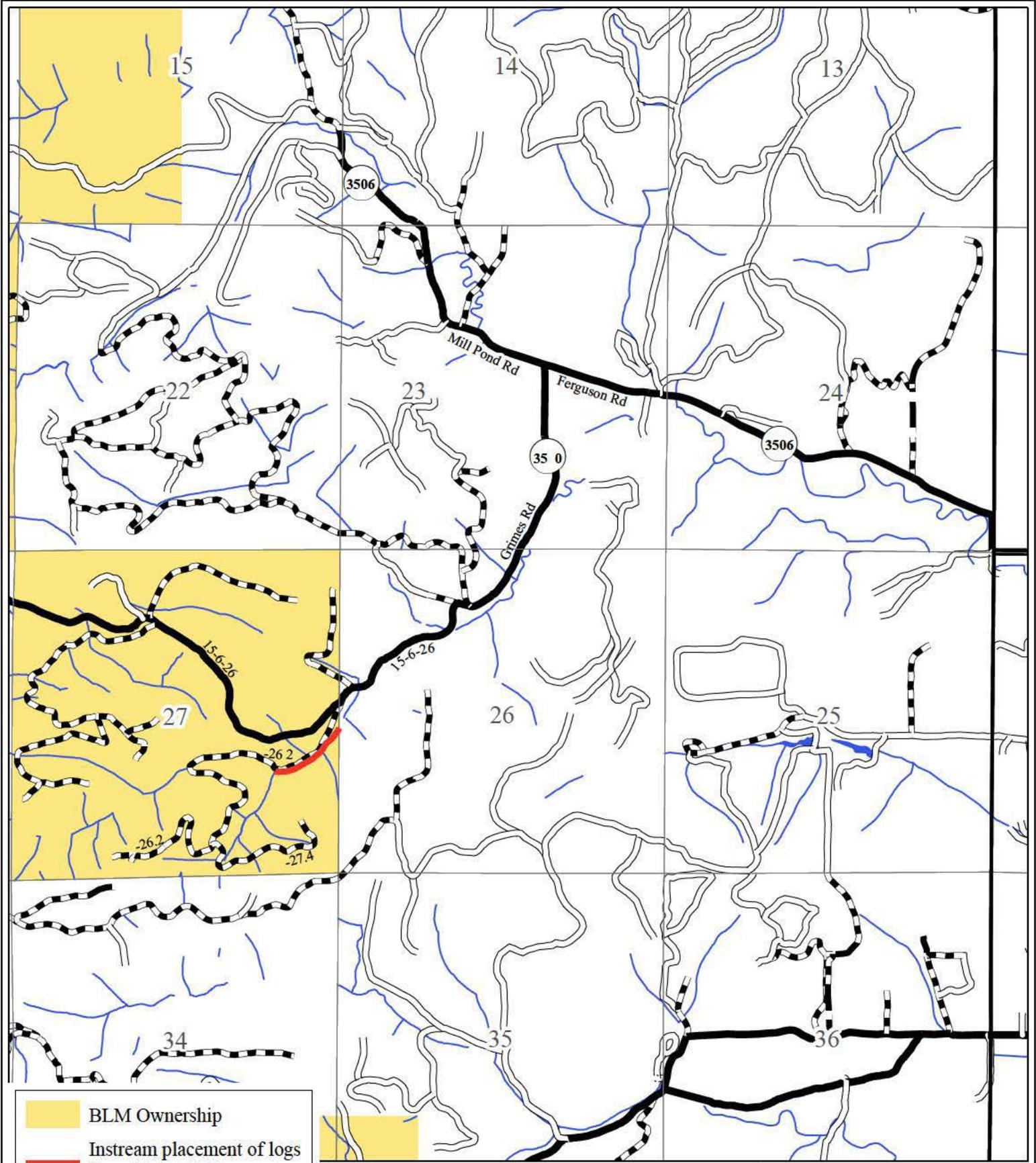




- BLM Ownership
- Culvert Mitigation Site
- Road - Paved Surface
- Road - Rock Surface
- Road - Other Surface
- Stream

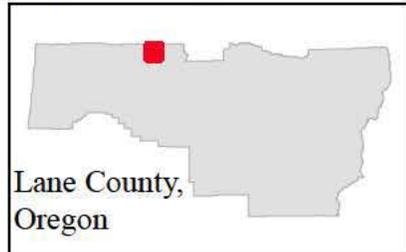
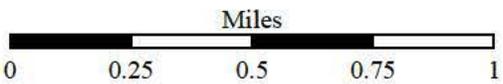
Fish Cr. Mitigation Site 2014
 T. 16 S., R. 7 W., Sec. 27, Will. Mer.

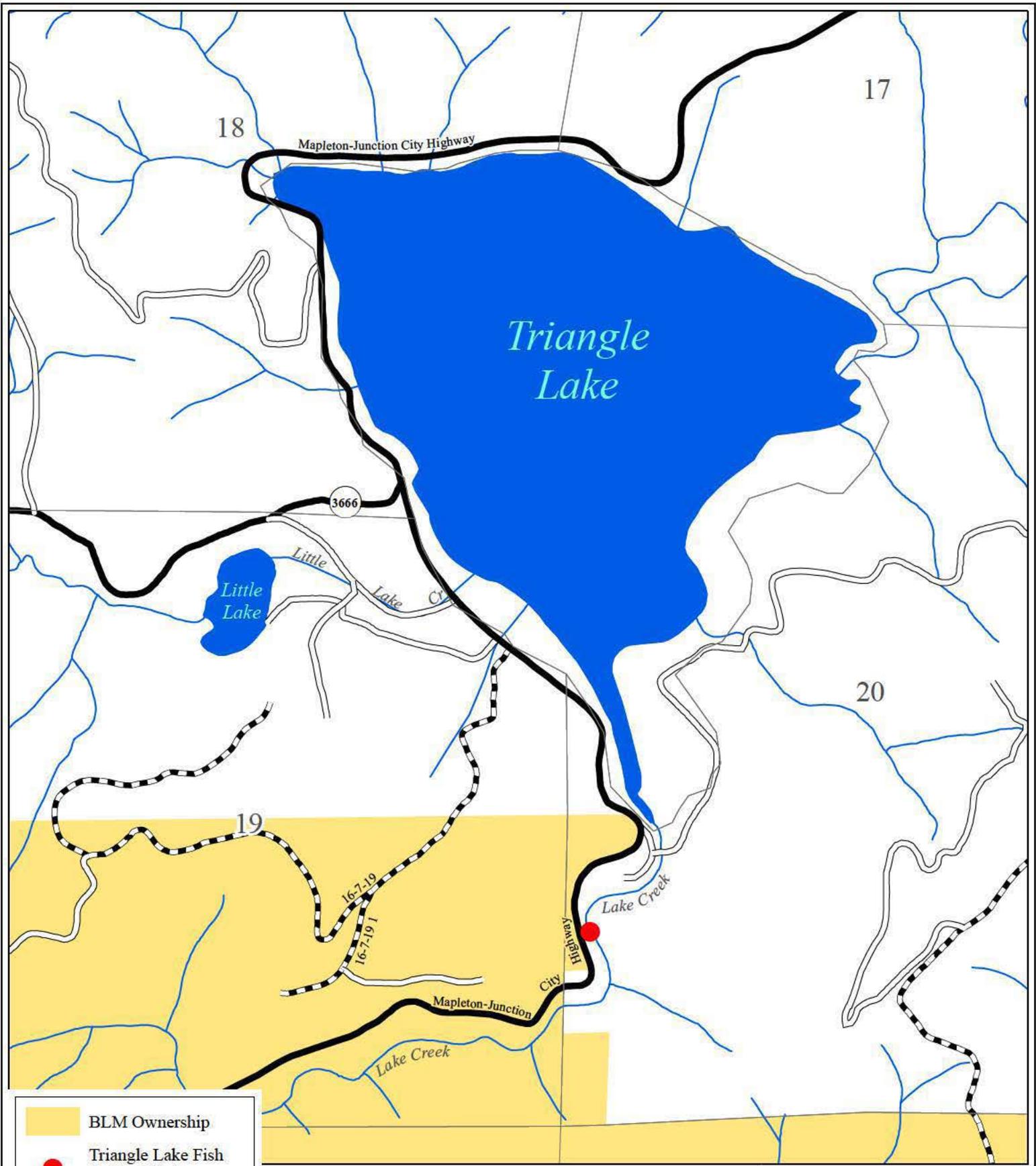




- BLM Ownership
- Instream placement of logs from Finley Refuge
- Road - Paved Surface
- Road - Rock Surface
- Road - Other Surface
- Stream

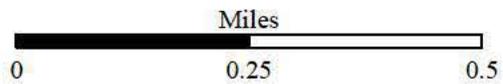
SF Ferguson Restoration
 T. 15 S., R. 6 W. Sec. 27, Will. Mer.





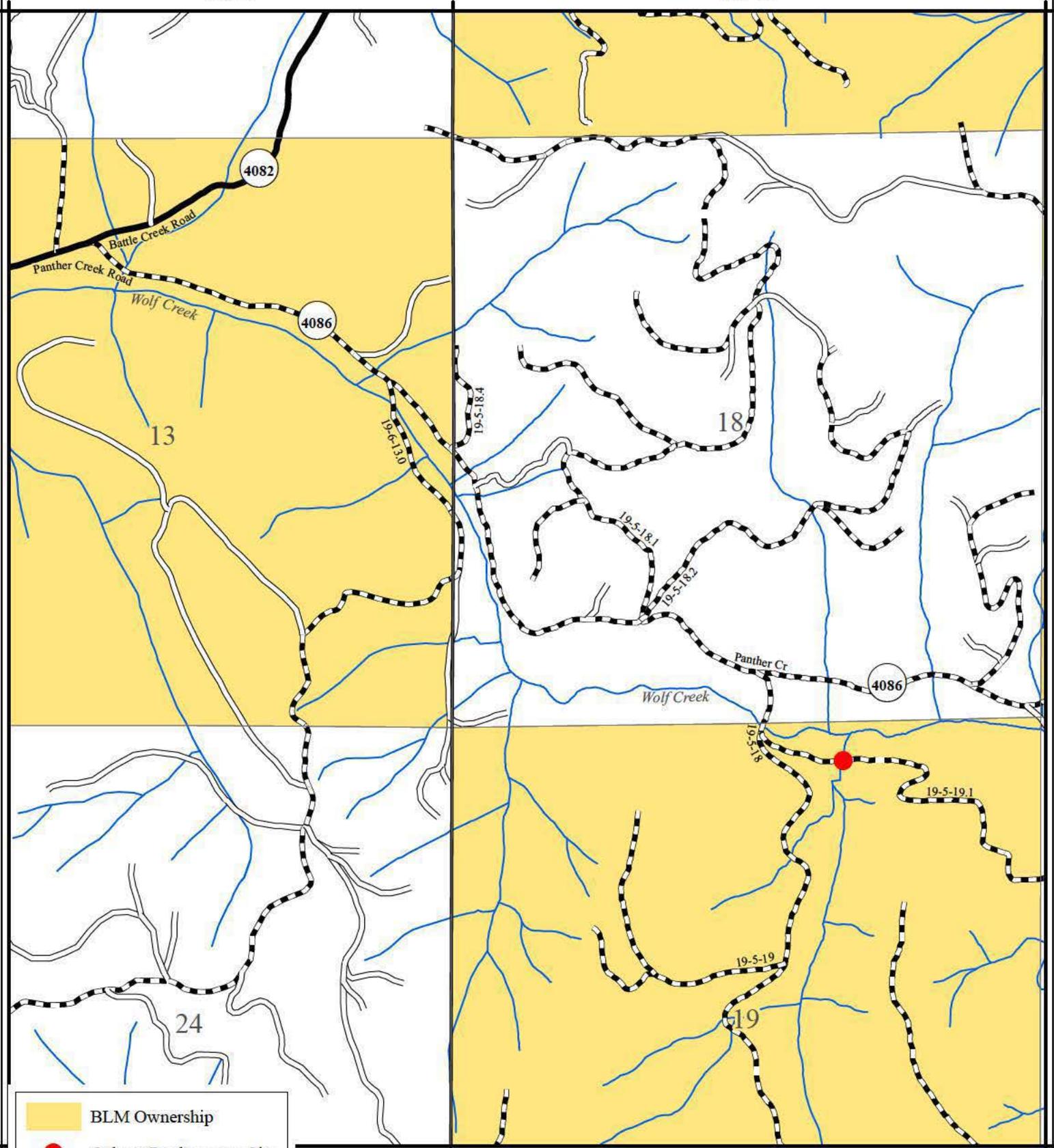
- BLM Ownership
- Triangle Lake Fish Ladder Work
- Road - Paved Surface
- Road - Rock Surface
- Road - Other Surface
- Stream

Triangle Lake Ladder Area
 T. 16 S., R. 7 W., Sec. 20, Will. Mer.



R.6 W.

R.5 W.



-  BLM Ownership
-  Culvert Replacement Site
-  Road - Paved Surface
-  Road - Rock Surface
-  Road - Other Surface
-  Stream

**Upper Wolf Creek
Culvert Replacement 2014**
T. 19 S., R. 5 W., Sec. 19, Will. Mer.

