

Worksheet
Documentation of Land Use Plan Conformance
and NEPA Adequacy (DNA)
DOI-BLM-OR-E050-2010-0002-DNA
U.S. Department of the Interior
Bureau of Land Management (BLM)

A. BLM Office: Siuslaw Resource Area

Proposed Action Title/Type: Esmond Creek, Hawley Creek and Buck Creek culverts

Location of Proposed Action: T19S-R8W-Sec 21, 28; T19S-R4W- Sec 33; T20S-R6W-Sec 15, 21.

Description of the Proposed Action: The proposed action is to replace undersized and aging culverts with new culverts that allow passage for all organisms upstream and downstream of the culvert location. The new culverts are designed to provide adequate flow if a 100 year magnitude flood event were to occur.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

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

Date Approved: June 1995; as amended.

Subordinate implementation plan: -Record of Decision for the Upper Siuslaw Late-Successional Reserve Restoration Plan, EIS: Watershed Restoration Actions - July 2004.

Decision Record for the Upper Siuslaw Landscape Plan Environmental Assessment – 2009.

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

Rehabilitate streams and other waters to enhance natural populations of anadromous and resident fish by improving fish passage..... (page, 45 1995 Eugene District ROD).

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

The LSR Restoration Plan will restore spatial and temporal connectivity within and between watersheds. The LSR Restoration Plan will open 7.0 miles of new coho salmon habitat by removing or replacing fish-barrier culverts - LSR 267 EIS/ROD (page 8).

Spatial and temporal connectivity would be restored where barrier culverts are removed and/or replaced with passage friendly culverts, bridges or crossings - Upper Siuslaw Landscape (USLP)

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action as previously analyzed?)

Yes. The ROD (Watershed Restoration Actions) for the Upper Siuslaw Late-Successional Reserve Restoration Plan EIS (all alternatives) stated that the construction of in-stream structures would be used to increase aquatic and riparian connectivity and associated habitats. Yes the action was specifically analyzed in the USLP EA under the effects to Aquatic Conservation Strategy number two.

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

Yes. The EIS analyzed an appropriate range of alternatives with respect to the proposed action. The alternatives analyzed were: (1) Alternative A, No Action; (2) Alternative B, designed for plantation and road management with no timber harvest; (3) Alternative C, designed to continue the current management approach which included restoration activities associated upland density management thinnings, minimal riparian conversion actions as tied to stream rehabilitation efforts, limited road decommissionings and some road construction; (4) Alternative D (preferred alternative), designed for Threatened and Endangered Species recovery; (5) Alternative E, designed to reduce stand densities as quickly as possible; and (6) Alternative F, designed to accomplish multi-entry and multi-trajectory thinnings in stand age classes of • 80 years old. No new environmental concerns, interests, resource values, or circumstances have been revealed since the EIS was published in 2004 that would indicate a need for additional alternatives. Yes, the USLP EA did incorporate the culvert replacement activities in all of the alternatives. The analysis compared the action alternatives with the No action alternative revealing the benefits of the restoration treatments.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the 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 ROD (July 13, 2004) for the EIS and the signing of the Decision Record for USLP EA (July 2009). There have been no resource changes since the completion of the NEPA analysis. Coho salmon were not listed as threatened under the Endangered Species Act when the EIS ROD was signed but are listed threatened at this time. Consultation was to be completed during project implementation under the EIS and the USLP EA. The effects determination for the culvert replacements may affect, likely to adversely affect coho salmon. Consultation under the Endangered Species Act and the

Magnuson-Stevens Act for Essential Fish Habitat has been completed, for this action, under the Biological Opinion for Fish Habitat Restoration Activities in Oregon and Washington issued by the National Marine Fisheries Services in 2008.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes. (1) There are no new standards or goals for managing resources. No new recovery plans for listed species have been developed. This LSR aquatics project is consistent with the National Marine Fisheries Service's 2008 biological opinion for Fish Habitat Restoration Activities in Oregon and Washington for essential fish habitat (EFH) and ESA. (2) There are no changes in resource conditions from when the EIS or EA was analyzed. (3) There are no changes in resource-related plans, policies or programs of other government agencies, Indian tribes. (4) There are no new designations in the EIS or USLP EA planning area. (5) There are no changes in statute, case law, or regulation that would affect the implementation of the proposed project.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Yes. The direct and indirect impacts of the current proposed action are the same as those denoted in LSR 267 EIS, page 135-136. The Record of Decision for the Upper Siuslaw Late-Successional Reserve Restoration Plan: Watershed Restoration Actions. July 2004 has a Water Quality Restoration Plan that lists the benefits to the each of the ACS objectives. The benefits from this action will assist in the attainment of ACS objectives 2 and 3 by restoring spatial and temporal connectivity within and between the watersheds and remove obstructions for the completion of life history traits that are essential for anadromous fish. The physical integrity of the aquatic system will also be restored by the proposed action. The culvert replacements *may affect, likely to adversely affect* Oregon Coastal Coho and have undergone consultation with NMFS under the Aquatic Restoration Biological Opinion dated June 27, 2008. The work will be accomplished during the summer low flow period between July 1st to September 15th to keep sediment pulses that may be created from flowing downstream.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes. Cumulative effects considered in the EIS and EA included those from past and future restoration activities on public and private land. No unanticipated actions or events have occurred in the LSR 267 planning area or the USLP EA planning area that would have additional cumulative effects with the proposed project areas.

7. 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 LSR EIS are adequate for the current proposed action. BLM conducted informal scoping for two years prior to publishing a Notice of Intent to prepare an EIS in the Federal Register beginning the formal scoping period. During the public comment period for the draft EIS, BLM received 11 comment letters during the comment period and one letter after the comment period. None of the comments suggested development of additional alternatives or pointed out flaws or deficiencies in analysis (Upper Siuslaw LSR EIS, p. 288; Upper Siuslaw Thinning ROD, pp. 9-10). BLM did not receive any comments following publication of the final EIS, and did not receive any protests following publication of the Record of Decision.

BLM notified 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 and the Upper Siuslaw Landscape Plan during the scoping process, requesting information regarding tribal issues or concerns relative to the project. BLM also sent the tribes copies of the draft and final EIS. We received no responses (Upper Siuslaw Thinning ROD, p. 10) (USLP EA p. 44).

The current proposed action is consistent with the description of the action in the Biological Opinion issued by the National Marine Fisheries Service and the USFWS. No effect on botanical Special Status plants listed and Threatened or Endangered species under the ESA is expected.

BLM prepared a Water Quality Restoration Plan (WQRP) for the Upper Siuslaw LSR Restoration Plan and provided the WQRP to the Oregon Department of Environmental Quality for review (Upper Siuslaw Thinning ROD, p. 7; Appendix B).

A scoping letter for the Upper Siuslaw Landscape Plan EA was sent to 69 recipients and the EA was released for public comment in December 2008. The EA was mailed out to 72 recipients for public comment, three comments were received. There were no concerns regarding culvert replacements.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

Name	Title	Resource Represented
Leo Poole		Fisheries
Sharmila Premdas		NEPA Coordinator
Doug Goldenberg		Botany
Dan Crannell		Wildlife

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

Best Management Practices would be utilized as is standard practice with culvert replacements. The BLM may direct the work under a contract. The in-stream work will take place during the ODFW recommended guideline typically between July 1 and September 15. Mitigation standards from the Biological Opinion will be incorporated into the design of the project and are the following:

a. Minimize Site Preparation Impacts

- i. Establish staging areas (used for construction equipment storage, vehicle storage, fueling, servicing, hazardous material storage, *etc.*) beyond the 100-year floodplain in a location and manner that will preclude erosion into or contamination of the stream or floodplain.
- ii. Minimize clearing and grubbing activities when preparing staging, project, and or stockpile areas. Stockpile large wood, trees, vegetation, sand, topsoil and other excavated material, that is removed when establishing area(s) for site restoration.
- iii. Materials used for implementation of aquatic restoration categories (*e.g.* large wood, boulders, fencing material *etc.*) may be staged within the 100-year floodplain.
- iv. Prior to construction, flag critical riparian vegetation areas, wetlands, and other sensitive sites to prevent ground disturbance in these areas.
- v. Place sediment barriers as needed around sites where significant levels of erosion may enter the stream.
- vi. Where appropriate, include hazard tree removal (according to OSHA standards) in project design. If possible, fell trees towards the stream. Keep felled trees on site when needed to meet coarse woody debris objectives.

b. Minimize Heavy Equipment Impacts

- i. The size and capability of heavy equipment will be commensurate with the project.
- ii. All equipment used for instream work shall be cleaned and leaks repaired prior to entering the project area. Remove external oil and grease, along with dirt and mud prior to

construction. Thereafter, inspect equipment daily for leaks or accumulations of grease, and fix any identified problems before entering streams or areas that drain directly to streams or wetlands.

iii. All equipment shall be cleaned of all dirt and weeds before entering the project area to prevent the spread of noxious weeds.

iv. Equipment used for instream or riparian work shall be fueled and serviced in an established staging area (approved by the authorized officer). When not in use, vehicles shall be stored in the staging area.

vi. Existing roadways or travel paths will be used whenever reasonable to minimize impacts to riparian vegetation.

c. Site Restoration

i. Upon project completion, remove project related waste such as old culverts based on contract specifications.

ii. Initiate rehabilitation of all disturbed areas in a manner that results in similar or better than pre-work conditions through spreading of stockpiled materials, seeding, and/or planting with local native seed mixes or plants. Planting shall be completed no later than spring planting season of the year following construction.

iii. Short-term stabilization measures may include the use of native seeds when available, weed-free certified straw, jute matting, and other similar techniques. Short-term stabilization measures will be maintained until permanent erosion control measures are effective.

v. When necessary, loosen compacted areas, such as access roads, stream crossings, staging, and stockpile areas.

Four of the eleven culvert locations have been surveyed for Special Status plants, and no Special Status plants were found. The remaining culvert locations will be surveyed for Special Status plant sites before implementation. The probability of finding a Special Status vascular plant, lichen or bryophyte site is low on any individual culvert. If a Special Status plant site is found, the site will be avoided if possible. Otherwise, the plants, lichens or bryophytes may be moved. No effect on Special Status plants listed and Threatened or Endangered species under the ESA is expected.

As analyzed under the NEPA documents this DNA tiers to, the project may contribute to an increase in noxious and invasive weeds. Project design features to mitigate weed increase will be implemented, including washing of equipment before arrival, and sowing of native grass seed on disturbed ground.

The northern most and southern most culverts in section 21 of Buck creek and the culvert being replaced on Esmond creek located in section 21 fall within the 100 yard disruption distance of marbled murrelet un-surveyed suitable nesting habitat and therefore utilization of power machinery may not commence until two hours after sunrise and must cease two hours prior to sunset from April 1 through September 15 inclusive of both days for these three culverts. See the attached maps; the culvert locations within a red square will receive the above timing restrictions.

These standards are from the FY 2010-2013 programmatic Letter of Concurrence for restoration activities.

Reviewed By:

/s/ Sharmila Premdas

Sharmila Premdas, NEPA Coordinator, Siuslaw Resource Area

3/20/2010

Date

Conclusion:

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

/s/ William E. Hatton

Bill Hatton, Field Manager, Siuslaw Resource Area

3/31/2010

Date

DECISION RECORD

ARRA Projects

I have reviewed this Documentation of Land Use Plan Conformance and NEPA Adequacy **DOI-BLM-OR-E050-2010-0002-DNA** and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

The proposed action has been reviewed by Resource Area Staff and appropriate project Design Features as specified in the Upper Siuslaw Late Successional Reserve restoration plan 267 EIS and the Upper Siuslaw Landscape Plan EA which analyzed these actions will be incorporated into the proposal. 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 Proposed Action is in conformance with the 1995 Eugene District Record of Decision and Resource Management Plan.

Survey and Manage

The ARRA culvert replacement 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. 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;
- 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. 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. Nevertheless, I have reviewed the Project in consideration of both the December 17, 2009 and October 11, 2006 order. Because the ARRA culvert replacement project entails replacing culverts on roads that are in use and part of the road system, I have made the determination that this project meets Exemption B of the Pechman Exemptions (October 11, 2006 Order), and therefore may be awarded for replacement by contract even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision since the Pechman exemptions would remain valid in such case. The first solicitation for bid will occur in May 2010.

It is my decision to implement the project, as described, with the mitigation measures identified in the DNA Worksheet.

Administrative Remedies

Any person adversely affected by this decision may appeal it to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4.

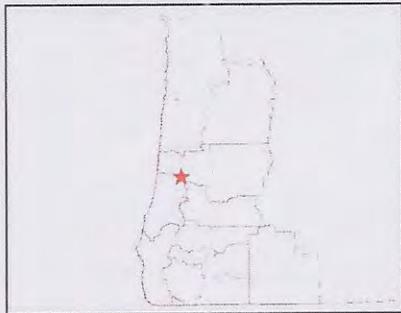
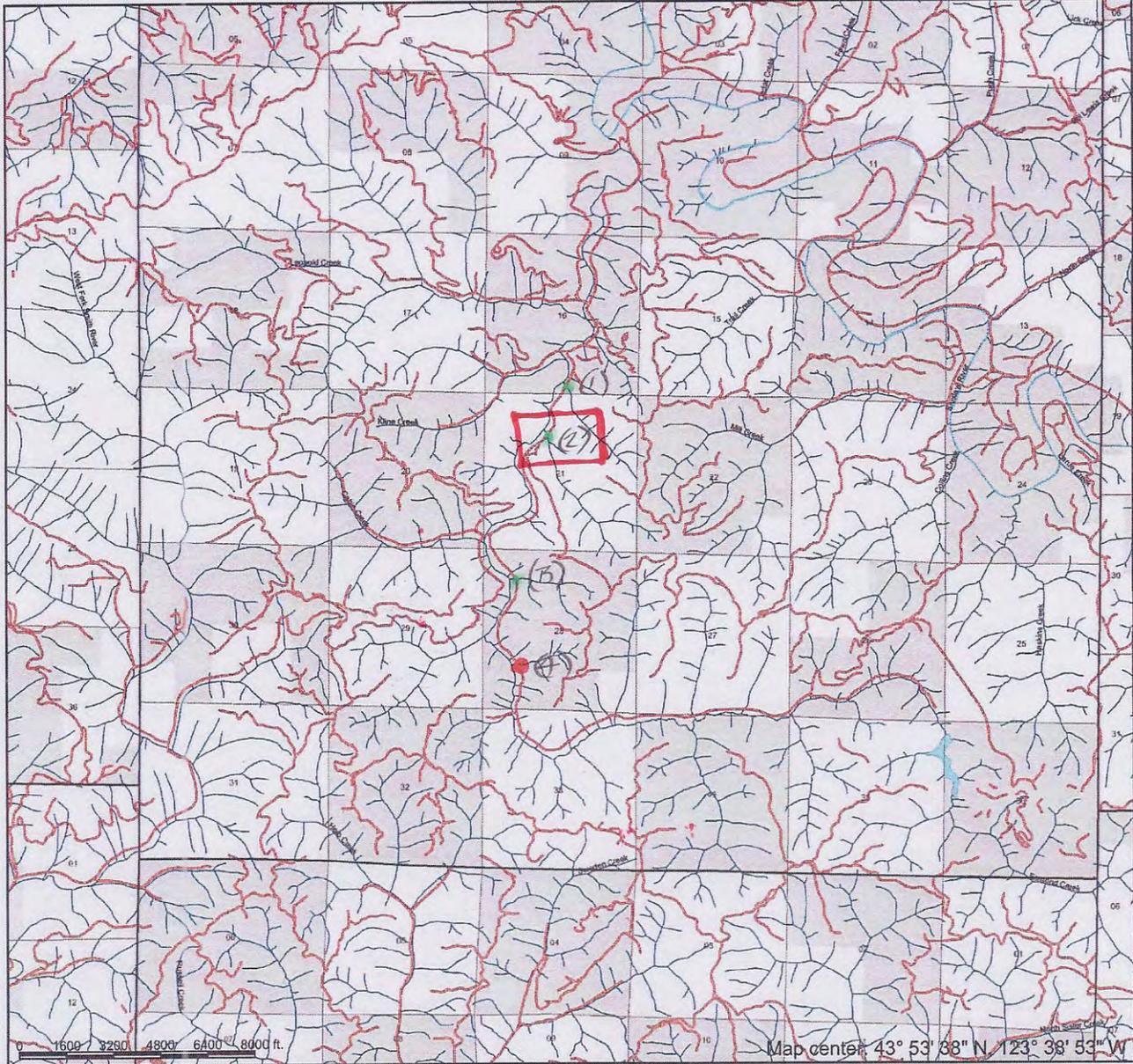
Authorized Official: /s/ William E. Hatton

Bill Hatton, Field Manager, Siuslaw Resource Area

Date: 3/31/2010

Esmond Cr. Culverts

T19S - R8W



- | | | |
|-----------------------------|----------|----------|
| Forest Operations Inventory | Non BLM | Highways |
| TPCC | Lakes | Roads |
| Township and Range | Streams | Trails |
| Sections | Wetlands | |



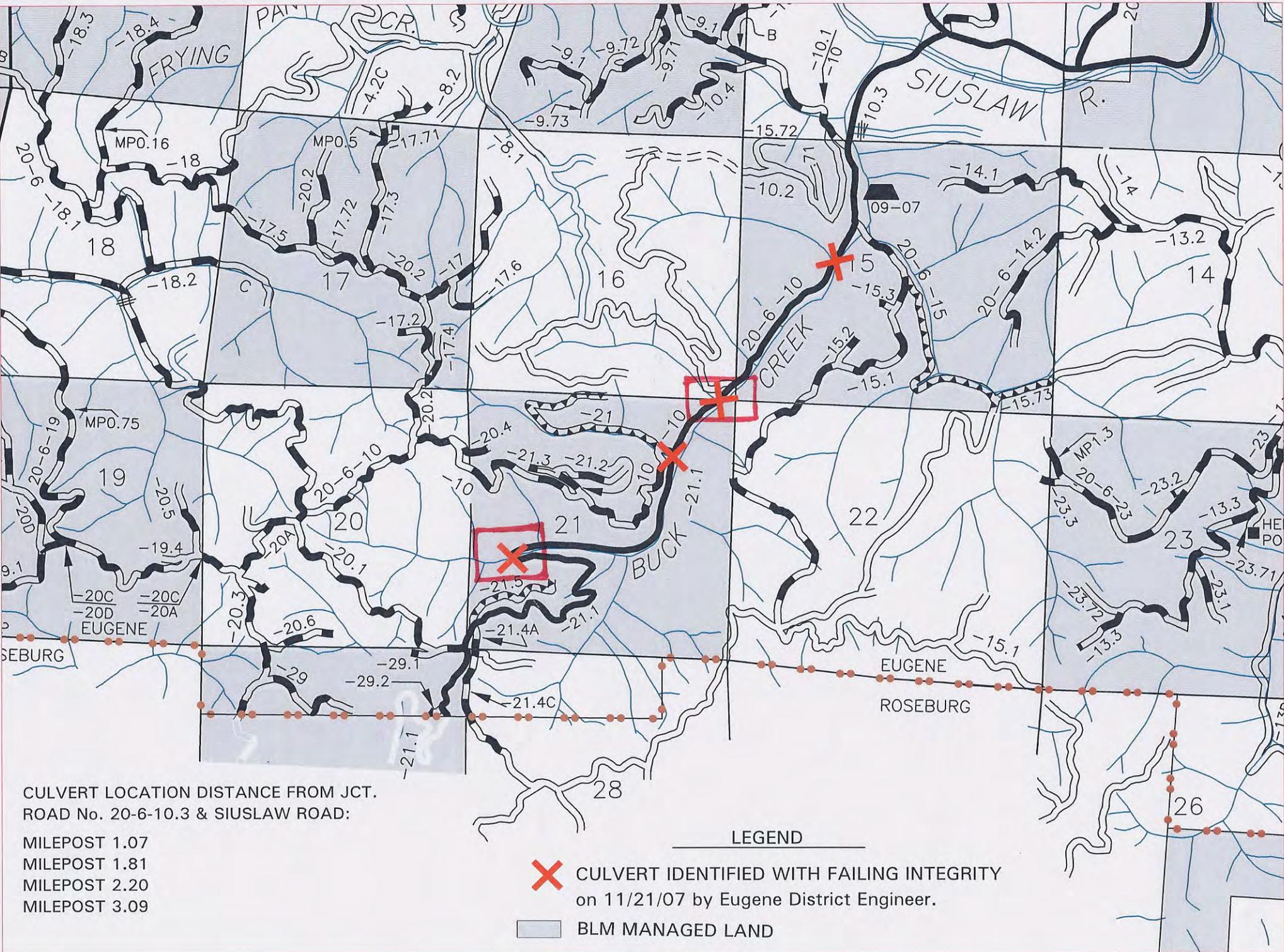
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 Bureau of Land Management
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http://web.maps.or.blm.gov/foi_section

Scale 1:31,680
 Universal Transverse Mercator
 Zone 10, North American Datum of 1983



CULVERT LOCATION DISTANCE FROM JCT.
ROAD No. 20-6-10.3 & SIUSLAW ROAD:

- MILEPOST 1.07
- MILEPOST 1.81
- MILEPOST 2.20
- MILEPOST 3.09

LEGEND

-  CULVERT IDENTIFIED WITH FAILING INTEGRITY on 11/21/07 by Eugene District Engineer.
-  BLM MANAGED LAND