

Appeals of this decision may be made as described in the Administrative Remedies section of the Decision Record within 30 days of the date that the decision was signed.

For the purposes of filing an appeal, the physical address of the Eugene District BLM Office is:

Delivery to site address (Note: DO NOT send mail to this address):

3106 Pierce Parkway, Suite E

Springfield Oregon

By mail:

Bureau of Land Management

P.O. Box 10226

Eugene, Oregon 97440

The address of the Regional Solicitor is:

Office of the Regional Solicitor

U.S. Department of the Interior

805 SW Broadway, Suite 600

Portland, Oregon 97205

If you have any questions concerning this proposal, please call Christie Hardenbrook at (541) 683-6110 or William O'Sullivan at (541) 683-6287.

DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT EUGENE DISTRICT OFFICE
DECISION RECORD Documentation of NEPA Adequacy
Seeley Creek Culvert Replacement Project
DOI-BLM-OR-E060-2012-006-DNA

Decision:

It is my decision to implement the Seeley Creek Culvert Replacement Project as described in the Documentation of NEPA Adequacy **DOI-BLM-OR-E060-2012-006-DNA** and in the attached implementation prescription.

The proposed action has been reviewed by Resource Area Staff and appropriate project Design Features specified in the EAs, 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 standards and guidelines of the 1995 Eugene District Record of Decision and Resource Management Plan.

Survey and Manage

The Seeley Creek 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 2010 Siuslaw Restoration Project entails replacing culverts on roads that are in use and part of the road system; and consists of stream improvement projects, I have made the determination that this project meets Exemption B and C 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.

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 to the Interior board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4.

Authorizing Official:

/S/ William O' Sullivan
William O' Sullivan
Field Manager
Upper Willamette Resource Area

Date: 3/15/2012

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

OFFICE: Eugene District BLM

TRACKING NUMBER: DOI-BLM-OR-E060-2012-006-DNA

PROPOSED ACTION TITLE/TYPE: Seeley Creek Culvert Replacement Project

LOCATION/LEGAL DESCRIPTION: T 15S, R1W, Section 18 and 7

A. Description of Proposed Action

Culverts (5) would be replaced on Road 15-1-19.1 that are currently restricting fish, or are undersized and at risk of failure. These culvert replacements would be designed to allow for the passage of aquatic species, accommodate 100 year flood waters, reduce chronic sediment sources and improve water quality.

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 LUPs 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. Replacement of these culverts would improve water quality and allow for aquatic species to pass up and downstream of the road crossing.

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 Culvert and bridge replacements.

Activities would include the removal and replacement of existing road stream crossings (culverts) that restrict fish passage and flow with structures that allow for passage or alleviate the risk of failure on non- fish bearing streams.

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 (culvert replacement) is specifically cited and analyzed in the Aquatic Restoration EA for projects like this within the Eugene District BLM. "Activities would include the removal and replacement of existing road stream crossings (culverts and bridges) that restrict fish passage and flow with structures that allow for passage. (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 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 analysis covers this project 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? The direct, indirect, and cumulative effects are specifically addressed in the Aquatic Restoration EA:

Several of the proposed actions, including instream restoration, culvert and bridge projects, road decommissioning, streambank 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.

E. Persons/Agencies /BLM Staff Consulted

Name Title Resource/Agency Represented:

| | | |
|-----------------|---|---------------------------------|
| Richard Hardt | District Forest Ecologist | Interdisciplinary Team Lead |
| Nikki Moore | District Fisheries Biologist/Hydrologist | EA Writer, Fisheries, Hydrology |
| Nancy Sawtelle | District Botanist | Invasive Plants |
| Eric Greenquist | District Wildlife Biologist | Wildlife |
| Chris Langdon | Upper Willamette Wildlife Biologist | Wildlife |
| Jay Ruegger | District GIS Specialist | GIS |
| Dale Gough | Upper Willamette GIS Specialist | GIS |
| Heather Ulrich | District Archeologist | Cultural Resources |

The list above refers to the EA of the team members participating in the preparation of the original environmental analysis or planning document.

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

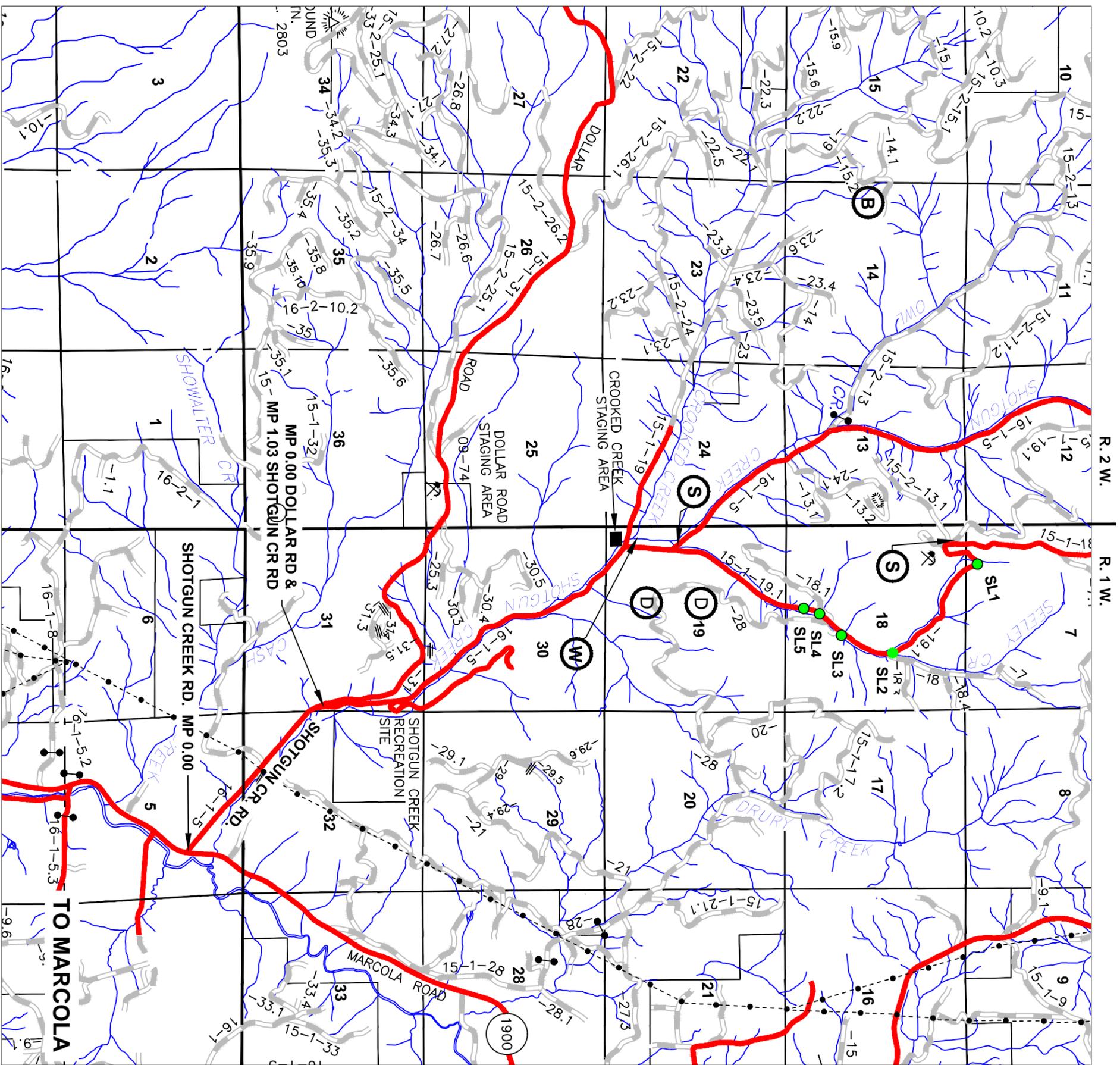
Signature of NEPA Coordinator

/S/ Christie Hardenbrook

Signature of the Responsible Official: Date 3/15/2012

/S/ William O' Sullivan

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.



DETAILS

- 16-1-5 RD (SHOTGUN CREEK ROAD)
- MP 0.00 - JCT. W/ SHOTGUN CREEK RD. & MARCOLA RD.
- MP 3.11 - WATER SOURCE & JCT. W/ CROOKED CREEK RD.
- MP 4.20 - JCT. W/ SEELEY CREEK ROAD

- 16-1-19.1 RD (SEELEY CREEK ROAD)
- MP 0.00 - JUNCTION OF ROAD 16-1-5
- MP 0.80 - SL5
- MP 1.00 - SL4
- MP 1.05 - JUNCTION OF ROAD 15-1-28
- MP 1.10 - SL3
- MP 1.60 - SL2
- MP 2.20 - SL1

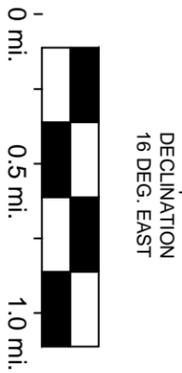
- 15-1-28 RD
- MP 0.00 - JUNCTION OF ROAD 16-1-19.1
- MP 1.02 - DISPOSAL SITE 1
- MP 1.35 - DISPOSAL SITE 2

LEGEND

- : PAVED ROAD
- : AGGREGATE SURFACED ROAD
- : CULVERT SITE LOCATION
- : DISPOSAL SITE
- : WATER SOURCE
- : BORROW SOURCE
- : INSTALLED CONTRACTOR ROAD CLOSURE SIGNS
- : GATE
- : QUARRY

NOTES

- ACCESS ROAD INTO DISPOSAL SITE MUST BE RESTORED TO ITS ORIGINAL CONDITION AND APPROVED BY THE CONTRACTING OFFICER BEFORE FINAL CONTRACT APPROVAL



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| UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT EUGENE DISTRICT EUGENE, OREGON | |
| PROJECT MAP SEELEY CREEK CULVERT REPLACEMENTS | |
| DESIGNED/DRAWN: /S/ GARY CAIRNS | APPROVED: |
| REVIEWED: /S/ GARY CAIRNS | APPROVED: /S/ WALT HISLOP |
| DRAWN: G. C. | SCALE: AS SHOWN |
| DATE: APRIL 12, 2012 | SHEET 2 OF 10 |