

**UNITED STATES
DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE
DECISION RECORD**

**SEELEY CREEK: AQUATIC HABITAT RESTORATION
OR090-EA-08-04**

Background:

An Environmental Assessment (EA) and Finding of No Significant Impacts (FONSI) for the proposed Seeley Creek Project (EA-OR090-08-04) were prepared by the Upper Willamette Resource Area, Eugene District of the Bureau of Land Management (BLM). This project encompasses approximately 760 acres in the Mohawk watershed located in T. 15S., R. 01W., sections 7, and 19 and T. 15S., R. 02W., sections 13 and 24. Land use allocations are Timber Management and Riparian Management Areas. Actions may include timber harvest, aquatic habitat restoration, and road construction, improvements and decommissioning. Converting roads (constructed for the purpose of harvest) to designated off-highway vehicle (OHV) trails may also be considered.

This decision record would cover the aquatic habitat restoration activities analyzed as part of that project.

Purpose and Objectives:

The purpose of the aquatic habitat restoration actions is to aid in the recovery of aquatic species habitat, riparian habitat, and water quality. Some of the important components of aquatic restoration are the control and prevention of road/trail-related sediment runoff and fine sediment production to the stream network; restore aquatic habitat complexity and spawning and rearing habitat for anadromous and resident fish populations; and reestablishing connectivity within the watershed by eliminating passage barriers to fish and other aquatic-associated species (1995 ROD/RMP, pg.44, 45).

Decision:

Based on the analysis documented in the Environmental Assessment No. 0R090-EA-08-04 and the Finding of No Significant Impact (FONSI), it is my decision to implement the aquatic habitat restoration activities outlined within the EA.

This project proposes to:

- Enhance aquatic and riparian habitat conditions by pulling and/or felling from the adjacent riparian area approximately 35 trees ranging from 20-32 inches in diameter into mainstem Shotgun and Seeley Creeks. These sites would be supplemented with 30-60 logs that would be brought in from outside of the project area. Approximately 1.6 miles of Shotgun Creek and 1 mile of Seeley Creek would be treated.
- Decommission non-designated off-highway vehicle (OHV) trails that are impacting water quality and aquatic and riparian habitat conditions. Trails would be tilled, slashed with brush and large wood to discourage use, and blocked from future access. Stream crossings would be restored to a natural condition and re-vegetated and mulched with native material.

- Remove OHV trail crossings on Stream 1 and 11 (Unit 7) and restore stream banks to a natural condition. OHV trail bridges would be constructed at these sites to accommodate existing and future trail expansion.
- Fully decommission road 15-1-7, which is approximately 0.31 miles in length. This includes pulling existing stream culverts on streams 1 and 2, tillage of roadbed, and barricading the junction to OHV Trail 18. In addition, the south portion of Road 15-1-30 (outside of road to trail conversion) would be fully decommissioned upon completion of harvest operations.
- Replace road and/or fish passage barrier culverts which have been identified within the project area as deteriorating/deteriorated.

I did not select Alternative 1, the no action alternative, because it would not meet the purpose and need of the project.

Compliance:

On the basis of the information contained in the attached Environmental Assessment, and all other information available to me, it is my determination that this decision is in conformance with the Eugene District's 2008 Western Oregon Plan Revision Record of Decision (2008 ROD) and Resource Management Plan (2008 RMP).

Revision of a resource management plan necessarily involves a transition from the application of the old resource management to the application of the new resource management plan. A transition from the old resource management plan avoids disruption of the management of BLM-administered lands and allows the BLM to utilize work already begun or completed on the planning and analysis of projects.

The 2008 ROD allowed for such projects to be implemented consistent with the management direction of either the 1995 Resource Management Plan or the approved Resource Management Plan attached to the Record of Decision, at the discretion of the decision maker. This project is consistent with the 1995 RMP and the management objectives of the 2008 RMP.

This project meets the requirements designated in the 2008 ROD for such transition projects:

1. A decision was not signed prior to the effective date of the 2008 ROD, but will be signed within two years of the effective date of the 2008 ROD. (For the purpose of establishing the date of the decision for such transition projects, the decision is considered signed for a timber sale upon the publication of a notice of sale in a newspaper, consistent with 43 CFR 5003.2).
2. Preparation of the NEPA document was advertised in the Eugene District's scoping letter in June 2007, which was prior to the effective date of the 2008 ROD.
3. The action would not employ regeneration harvest in a late-successional management area allocated by the 2008 ROD.
4. The action would not employ timber harvest in a deferred timber management area allocated by the 2008 ROD.
5. There would be no destruction or adverse modifications of critical habitat designated for species listed as endangered or threatened under the Endangered Species Act.

Consultation:

The following proposed treatments: 1) replacement of fish bearing and non-fish bearing stream culverts, 2) road decommissioning, 3) placement of instream log structures, 4) OHV trail closure,

and 5) riparian area planting were addressed and are covered under the following ESA Section 7 programmatic consultations: “Ten Categories of Forest service and Bureau of Land Management Programmatic Activities in the Northwest Oregon, October 2002”, and “Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington, CY2007-CY2012”. The aquatic habitat restoration proposed within the Seeley Creek project are consistent with the effects determination reached under these programmatic consultations and will be implemented according to the project design criteria’s (PDC’s) stipulated in the biological opinions (BO).

The Magnuson-Stevens Fisheries Management and Conservation Act (MSA) requires consultation with the National Marine Fisheries Service for actions which “May Adversely Affect” Essential Fish Habitat (EFH) for spring Chinook salmon. A similar affects determination was reached for Essential Fish Habitat and as with ESA, that Proposed Action may adversely affect EFH for spring Chinook salmon. Actions affecting EFH are covered under the same programmatic consultation documents as described in the ESA affects determination/rationale. The Proposed Action would be consistent with all project design criteria’ stipulated in the biological opinions.

Administrative Review Opportunities:

The decision to implement this project may be protested under 43 CFR 5003 - Administrative Remedies. In accordance with 43 CFR 5003.2, the decision for this project will not be subject to protest until the notice of sale is first published in the Eugene Register-Guard. This published notice of sale will constitute the decision document for the purpose of protests of this project (43 CFR 5003.2b). Protests of this decision must be filed with this office within fifteen (15) days after first publication of the notice of sale.

As interpreted by BLM, the regulations do not authorize the acceptance of protests in any form other than a signed, written hard copy that is delivered to the physical address of the BLM Eugene District Office.

Approved by:

William O’ Sullivan

William O’ Sullivan,
Upper Willamette Resource Area Manager

April 13,

Date: _____, 2009