

DECISION RECORD #2
FOR
SPENCER CREEK RESTORATION TREATMENTS EA #OR-014-04-08
PROJECT: SPENCER CREEK HELICOPTER LOG PLACEMENT

INTRODUCTION

This Decision Record (DR) is the second to authorize work on actions proposed and analyzed in the Spencer Creek Restoration Treatments Environmental Assessment (EA) #OR-014-04-08. This DR addresses only the placement of wood in Spencer Creek using helicopters and associated equipment in stream restoration areas located on Bureau of Land Management (BLM) lands in T38S, R6E, Sec 34, 27, 28, 21 and on JWTR lands in T38S, R6E, Sec 34, 27, 28, 20 (see map). The log stockpile sites are located on BLM land in T38S R6E sec 21, SW ¼ and on JWTR land in T38S R6E sec 28, SE ¼, both southwest of Spencer Creek within the project area (see map). The US Fish and Wildlife Service (USFWS) Partners Program will be funding the part of the project on JWTR land and has a Cooperative Agreement with JWTR to perform restoration work on private lands. For projects where BLM contributes to work or expends federal funds on private land, the BLM has the responsibility to perform the analysis and make decisions on those proposed actions. In 2004, the Klamath Falls Resource Area (KFRA) interdisciplinary team prepared the Spencer Creek Restoration Treatments EA based on current resource conditions in the project area to meet the objectives and direction of the Klamath Falls Resource Area Resource Management Plan, 1995 (RMP) and the Northwest Forest Plan.

The intent of the proposed action is to improve instream aquatic habitat and subsequently increase populations and distribution of aquatic species. Specific habitat objectives are to: increase channel roughness to provide for a diversity of aquatic habitats, retain/increase spawning habitat for native fish, create low-velocity holding and rearing habitat for juvenile salmonids, and enhance pool complexity and cover.

Under the 1995 RMP, Spencer Creek is a tier one key watershed where watershed restoration is a priority, including stream restoration (KFRA RMP, 1995). The Spencer Creek Watershed Analysis (April 1995) identified several sections of Spencer Creek as being in need of large woody debris (LWD) (Appendix A- Figure 2 in EA #OR-014-04-08). The lack of LWD available to trap gravels and create quality pools limits the stream potential for fish spawning, rearing, and holding. More recent surveys of Spencer Creek habitat have identified specific stream reaches that would be improved through introduction of large woody debris. BLM and Oregon Department of Fish and Wildlife (ODFW) have conducted stream surveys and population surveys, downstream of the project reach, and have identified Spencer Creek as a critical spawning area for Klamath River Redband trout (*Onchorynchus mykiss*) (Hemmingsen et al, 1991; Smith R. - personal communication, 2004). Spawning surveys above Spencer Creek Hookup Road culvert indicate that trout spawn in the low gradient reaches upstream of the culvert. Habitat improvements such as LWD installation would improve structural diversity and local hydraulics in the stream channel which is conducive to providing trout spawning, resting, and rearing habitat.

In 2005, Decision Record #1 was implemented and logs were placed in Spencer Creek with ground based equipment in sections 20 and 34 which were owned by Inland Fiber Group LLC (currently owned by JWTR). Monitoring in 2008 following the 2005 BLM log placement in Spencer Creek showed a considerable increase (~ 200%) in redband presence for young age classes (BLM

unpublished data 2008). The Pacific giant salamander (*Dicamptodon tenebrosus*) is an indicator of overall aquatic ecosystem health and its presence increased from 0 to 21 individuals for the monitored reach from 2004 to 2008 (Hartwell et al., 1998). The 2005 ground-based log placement project (1.5 miles) demonstrated the high potential to provide immediate and measurable benefits to Klamath redband spawning and rearing habitat as well as overall ecosystem health through large wood placement.

DECISION

Based on site-specific analysis and the supporting project record, I have decided to implement watershed restoration treatments and associated Project Design Features analyzed in the Spencer Creek Restoration Treatments EA, as described in the proposed action (Alternative 1). Specifically, this decision will result in:

- Placement of approximately 170 logs (LWD) via helicopter into a 3.1-mile section of the Spencer Creek stream channel to: dissipate stream energy, create localized sediment deposition, and increase habitat diversity (as discussed on pages 4 and 7 of EA #OR-014-04-08). The location of the treatment reaches are shown on the attached map.

Surveys

Required NHPA Section 106 surveys for cultural resources were completed on BLM lands under existing previous inventory data for this project. No cultural resources were located. All required surveys for wildlife and botanical resources, including Special Status Species, have been completed. One bald eagle nest is located within the project boundary.

Mitigations

The Project Design Features / Best Management Practices described in the EA shall be implemented (Appendix B of EA #OR-014-04-08).

- A bald eagle nest is located near project activities. This nest is located approximately 400 feet from the nearest project activities. In order to protect the nesting eagles, protect the nest tree and to comply with the National Bald Eagle Management Guidelines (2007), a 300-foot radius no-fly zone as depicted on map shall not be entered.
- Snags are a valuable resource in and around the project area. Snags shall be protected and/or avoided if possible. If snags must be fallen for safety reasons and are near the stream, they shall be fallen toward the stream.

DECISION RATIONALE

Impacts Not Significant

The decision to implement this portion of Alternative 1, as proposed, meets the purpose and need identified in the EA and furthers the intent established in the Northwest Forest Plan Aquatic Conservation Strategy and the Klamath Falls Resource Area Resource Management Plan (RMP) to implement restoration projects within Key Watersheds. I conclude that none of the alternatives analyzed constitutes a significant impact affecting the quality of the human environment greater than those addressed in the Final Klamath Falls Resource Area Management Plan and Environmental Impact Statement (EIS), September 1994, and other analysis documents. The cumulative effect of this decision combined with other actions for vegetation treatments fall within

the range of effects analyzed in the RMP EIS. It was determined that implementation of the proposed action would not result in significant impacts. (A Finding of No Significant Impact was signed on September 17, 2004.) I concur with this determination.

Alternative 2, the No Action Alternative, is rejected because it does not meet the resource management objectives for the Aquatic Conservation Strategy identified in the Klamath Falls RMP. It would not address or alter many of the existing conditions and trends relative to watershed restoration that were identified both in the EA and in the Spencer Creek Watershed Analysis. With No Action, these conditions would not be improved or mitigated and certain undesirable ecological trends would continue.

Consultation and Coordination

The project coordinator has conducted meetings with USFWS, JWTR, and the Oregon Department of Fish and Wildlife to address concerns regarding potential effects to stream channels and adjacent riparian stands. Since the USFWS will be funding the work on private lands, the USFWS Partners Program has a Cooperative Agreement with JWTR to perform restoration work on private lands. The USFWS also has permission from the JWTR resource specialist to conduct log placement activities within Spencer Creek on JWTR land holdings in T38S, R6E, Sections 20, 27, 28, and 34. Both ODFW and JWTR have concurred with the appropriateness of the project activities at this time. Oregon Department of Fish and Wildlife, District Fisheries Biologist has reviewed the EA and project work site and made recommendations for implementing project activities including instream work timing guidance. The Fremont-Winema National Forest, Zone Fisheries Biologist has also reviewed the EA and has provided valuable recommendations for project implementation. This Decision does not address treatments on Forest Service lands.

The BLM lead wildlife biologist determined that the project will have “No Effect” on all listed terrestrial species and Designated Critical Habitat. The lead fisheries biologist determined that proposed project will have “No Effect” on listed suckers which could occupy habitat approximately 7.5 stream miles downstream of the project. Spencer Creek is not described as being within a proposed critical habitat unit for listed suckers.

Tribal consultation occurred with Les Anderson, Cultural Protection Specialist for The Klamath Tribes, on May 25, 2009, the tribe was also contacted in the initial phase of the project in 2004 to discuss the project. Mr. Anderson had no issues with the current phase of this project as it is currently proposed. The project area has been previously inventoried and no known cultural sites were located within the BLM project area, therefore, there will be no adverse effects to cultural properties. There was no need to consult the Oregon State Historic Preservation Office (SHPO) on this project as outlined in the protocol agreement between Oregon SHPO and Oregon/Washington BLM.

Public Involvement

One public comment was received following the 30-day public comment period for the Spencer Creek Restoration Treatments EA. This comment was positive in nature and recommended implementation of the proposed project.

Plan Conformance

The analysis in the Environmental Assessment (EA) supporting the decision is tiered to the Final Environmental Impact Statement for the Revision of the Resource Management Plans of the

Western Oregon Bureau of Land Management (2008 Final EIS), including the Klamath Falls Resource Area.

Revision of a resource management plan necessarily involves a transition from the application of the old resource management plan to the application of the new resource management plan. This transition avoids disruption of the management of BLM-administered lands and allows the BLM to utilize work already begun 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, as amended (1995 RMP), or the 2008 RMP, at the discretion of the decision maker.

This project is in compliance with the 1995 RMP, and 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.
2. Preparation of National Environmental Policy Act documentation began prior to the effective date of the 2008 ROD.
3. A decision on the project will be signed within two years of the effective date of the 2008 ROD.
4. Regeneration harvest would not occur in a Late-Successional Management Area or in a Deferred Timber Management Area.
5. There would be no destruction or adverse modification of critical habitat designated for species listed as endangered or threatened under the Endangered Species Act.

Since the planning and design for this project was initiated prior to the 2008 ROD, it contains certain project design features that are not consistent with the management direction contained in the 2008 RMP, including the width of the riparian area buffers. Under the 2008 RMP, riparian management areas were established that include buffer areas around water bodies for conservation of special status fish and aquatic species, to supply stream channels with shade, sediment filtering, leaf litter and large wood, and streambank stability, to maintain and restore water quality, and to maintain and restore access to stream channels for all life stages of fish species. The 2008 ROD anticipated these inconsistencies and projected they would not alter the analysis of effects in the associated final environmental impact statement.

This proposal conforms to the Klamath Falls Resource Area's 2008 Record of Decision and Resource Management Plan because the activities comply with the Management Objectives and Direction of that 2008 Resource Management Plan. In addition, this project fully complies with the Management Objectives, Actions, and Direction of the resource management plan in place prior to December 30, 2008, which was the 1995 RMP, as amended (USDI 1995). The design of this project would not have differed under either the 2008 or the 1995 Plans.

CONCLUSION

Based on the information in the EA and project record, I conclude that this Decision Record is consistent with the Final Environmental Impact Statement for the Revision of the Resource Management Plans of the Western Oregon Bureau of Land Management (2008 Final EIS) and the conforms to both the 1995 and 2008 Klamath Falls Resource Area Record of Decision and Resource Management Plans.

This decision is consistent with the Endangered Species Act, The Native American Religious Freedom Act, and cultural resource management laws and regulations. It is also consistent with Executive Order 12898 on Environmental Justice and will not have any adverse impacts to energy development, production, supply and/or distribution per Executive Order 13212.

The implementation of this project will not have significant environmental effects beyond those already identified in the 2008 Final EIS/Proposed RMP. The proposed action does not constitute a major federal action having significant effects on the human environment; therefore, an environmental impact statement will not be prepared.

ADMINISTRATIVE REMEDIES

Any party adversely affected by this decision may appeal within 30 days after notice of the decision (Legal Notice in *The Klamath Falls Herald and News*, Klamath Falls, Oregon) in accordance with the provisions of 43 CFR Part 4. The notice of appeal must include a statement of reasons or file a separate statement of reasons within 30 days of filing the notice of appeal. It is suggested that any notice of appeal be sent certified mail, return receipt requested. The notice of appeal must state if a stay of the decision is being requested and must be filed with:

Manager, Klamath Falls Resource Area
Bureau of Land Management
2795 Anderson Ave, Building 25
Klamath Falls, OR 97603

A copy of the notice of appeal, statement of reasons, and other documents should be sent to the:

Regional Solicitor, Pacific Northwest Region
U.S. Department of the Interior
Office of the Regional Solicitor
805 SW Broadway, Suite 600
Portland, OR 97205

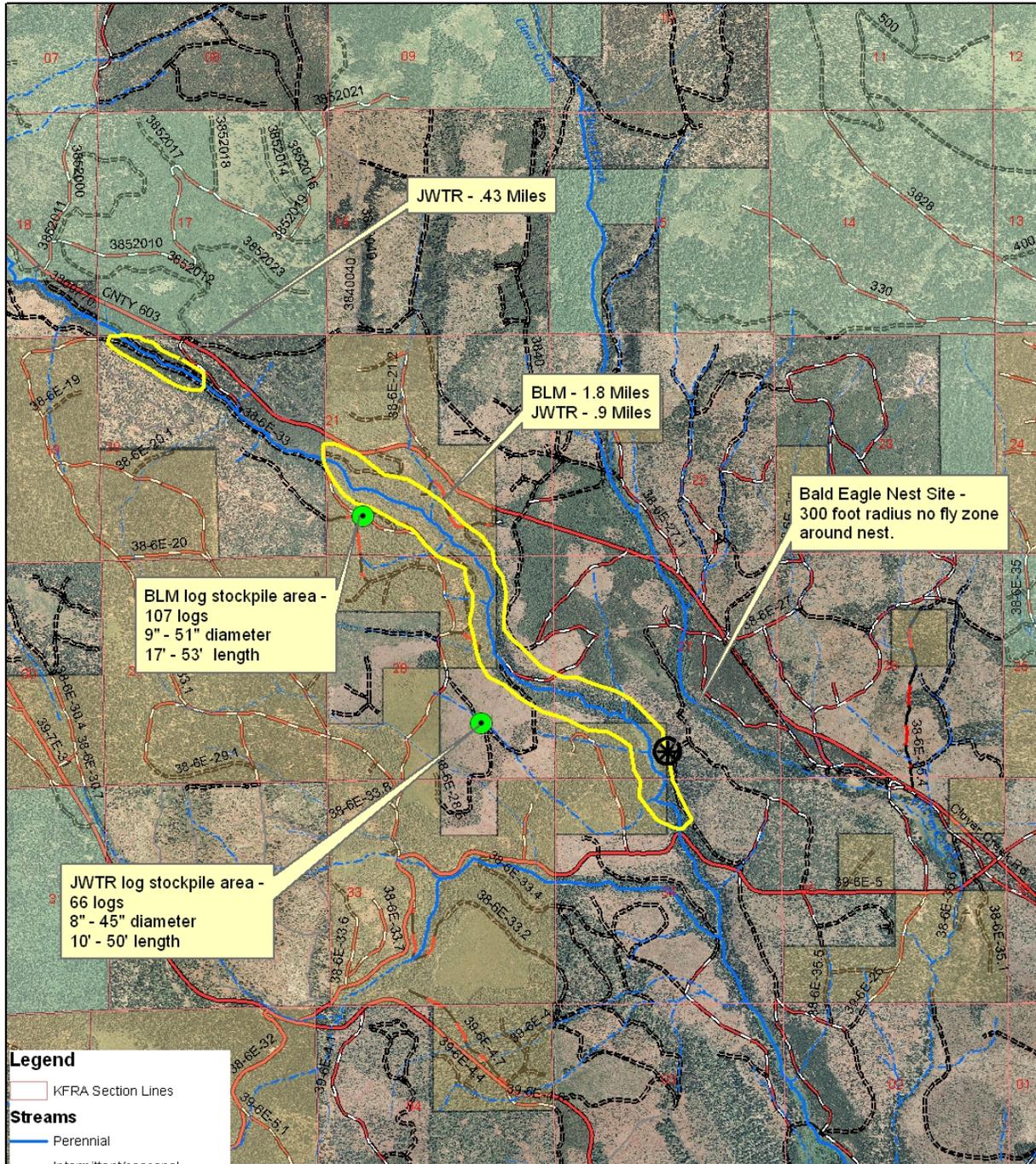
If the statement of reasons is filed separately is must be sent to the:

Board of Land Appeals, Office of Hearing and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

Before deciding to file an appeal, I encourage you to contact me to determine if your concerns might be met in some other way, or to assist you in the appeal process if it is appropriate. Thank you for your continued interest in the multiple use management of your public lands.

/s/ Donald J. Holmstrom
Donald J. Holmstrom
Manager, Klamath Falls Resource Area

7/09/2009
Date



Legend

- KFRA Section Lines

Streams

- Perennial
- Intermittent/seasonal
- Ephemeral
- Unknown/unclassified

Ownership

- Bureau of Land Management
- State Lands
- U.S. Forest Service

Spencer Creek Large Wood Placement Project

BLM - 1.8 Miles / JWTR - 1.3 Miles

All accuracy is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with this data. Copyright was compiled from various sources and may be updated with future information.

0 0.25 0.5 1 Miles