



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Medford District Office
3040 Biddle Road
Medford, Oregon 97504
email address: BLM_OR_MD_Mail@blm.gov

IN REPLY REFER TO:
1792 (ORM010)

APR 16 2014

Dear Neighbor and Interested Citizen:

The Decision Record and Finding of No Significant Impact (FONSI) for the Aquatic and Riparian Habitat Enhancement Project have been signed. The authorized activities were analyzed under the Aquatic and Riparian Habitat Enhancement Environmental Assessment (DOI-BLM-OR-M000-2013-0004-EA) prepared by the Medford District Bureau of Land Management (BLM). The EA was released for a 30 day comment period on March 11, 2014.

Project activities would include the following:

- Improving the condition of riparian vegetation stands through silvicultural and fuel treatments
- Increasing instream habitat and channel stability and complexity, including activities designed to provide or improve unobstructed access to aquatic species
- Controlling and preventing road-related runoff and sediment production through road improvements, and renovation including culvert replacement / removal, and road decommissioning (EA pp. 6-11)

The vast majority of projects will occur within the Riparian Reserve land use allocation on public lands under the Medford District's 1995 Resource Management Plan (RMP).

Site-specific restoration needs will be identified by project teams, watershed analysis, or public input. Proposals will be evaluated and those consistent with the stipulations in the EA will be implemented under a Determination of NEPA Adequacy (DNA). DNAs would be posted on the Medford District BLM website

The DR and FONSI are available for review in the Medford District Interagency Office, 3040 Biddle Road, Medford, OR 97504. Office hours are Monday through Friday, 8:00 A.M. to 4:30 P.M., closed on holidays. The documents may also be accessed on the Medford District's internet site at <http://www.blm.gov/or/districts/medford/plans/index.php>. For further information or paper copies of these documents, please contact Tony Kerwin, Medford District Environmental Planner, at (541) 618-2402.

This decision is a forest management decision. Administrative remedies are available to persons who believe they will be adversely affected by this decision. In accordance with the BLM Forest Management Regulations (43 CFR § 5003.2(1)), the effective date of this decision is the date of publication of the notice in the Medford Mail Tribune. Publication of this notice establishes the date initiating the protest period provided for in accordance with 43 § CFR 5003.3. While similar

notices may be published in other newspapers, the date of publication in the Medford Mail Tribune will prevail as the effective date of this decision.

43 CFR § 5003.3 subsection (c) states: "Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered." Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to her. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 5003.3(f).

Thank you for your interest in management of BLM lands.

Sincerely,



Dayne Barron
Medford District Manager



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
3040 BIDDLE ROAD MEDFORD, OREGON 97504

AQUATIC AND RIPARIAN HABITAT ENHANCEMENT
NEPA# DOI-BLM-OR-M000-2013-0004-EA

DECISION RECORD

I. INTRODUCTION

The Aquatic and Riparian Habitat Enhancement EA was prepared under the 1995 Medford District Resource Management Plan and the Northwest Forest Plan. The Medford District RMP identified watershed restoration as a key component of the Aquatic Conservation Strategy. This programmatic EA was developed to expedite implementation of a suite of activities to maintain and restore watershed conditions, establishes the scope and sideboards of the activities, and provides an analysis of the environmental consequences of the typical projects. Pursuant to the Endangered Species Act (ESA), BLM completed consultation with the U.S. Fish and Wildlife Service and NOAA / National Marine Fisheries Service for the activities addressed in this decision. Project activities would include the following:

- Improving the condition of riparian vegetation stands through silvicultural and fuel treatments, including treatments to expedite large conifer development
- Increasing instream habitat and channel stability and complexity, including activities designed to provide or improve unobstructed access to aquatic species
- Controlling and preventing road-related runoff and sediment production through road improvements, and renovation including culvert replacement/removal, and road decommissioning (EA pp. 6-11)

The USFWS, NMFS and BLM identified these programmatic activities because they have predictable effects to species and habitat regardless of their location of treatment. Restoration activities that did not have predictable effects (*e.g.*, channel reconstruction projects) or which had uncertainty were not included. The RMP identified restoration of poorly functioning riparian conditions, control and prevention of road sediment production, and increasing in-stream habitat complexity as priority restoration activities.

While some restoration activities are occurring on the District, the Medford BLM identified a need to increase the number and distribution of projects throughout the District and on adjacent private lands. This programmatic approach will allow projects to be completed in a more timely and efficient manner.

The proposals presented and evaluated in the Aquatic and Riparian Enhancement EA reflect what the planning team believes to be the best balance of resource conditions, resource potential and competing management objectives. Planning involved extensive public involvement and outreach during project development including inviting interested local and regional

communities and other state and federal agencies, private organizations and individuals to develop issues and resources important to local, state, national, and international economies (EA p.52).

As site-specific restoration needs are identified by project teams, watershed analysis, or public input, the projects will be evaluated against the activities and effects identified and assessed in the programmatic EA. The EA covers projects located on both private and federal lands within the Medford District Area (Appendix A, District map). Specific projects consistent with the stipulations in the EA would then be implemented under a Determination of NEPA Adequacy (DNA). DNAs would be posted on the Medford District BLM website:

((<http://www.blm.gov/or/districts/medford/index.php>). If a proposed project is not consistent with the EA, the project would either be modified or would require additional National Environmental Policy Act (NEPA) analysis prior to implementation.

Site-specific projects would be prioritized on each Resource Area by resource specialists (e.g., hydrologists, fish biologists) based on their knowledge of sites needing work, and availability of partners and funding.

Project Design Features (PDFs) are included in the Proposed Action for the purpose of reducing adverse environmental effects that might stem from project implementation. PDFs would be selected and implemented in conjunction with actions to avoid or minimize identified impacts to the environment and those appropriate to the location and activity would be incorporated into project design (EA p.6).

Instream projects require a removal and fill permit from the Army Corps of Engineers and Division of State lands. The Medford District has programmatic permits. Any additional required permits would be obtained as necessary prior to project implementation.

All projects would include an experienced fish biologist and/or hydrologist, and other resource specialists as needed in the design of the project.

The following outlines the pre-project surveys required for site specific projects.

- Botany—S&M/Special Status Species (EA p.12-13)
 - Unless otherwise noted, conduct one year pre-disturbance clearance surveys in designated critical habitat or in suitable habitat within the known ranges of listed plant species.
 - Conduct a second year of surveys for pile burning where vegetative fritillaria leaves were located in year-one surveys or if there is documented Gentner's fritillaria occurrence within 1,500 feet of the pile-burn area.
 - Projects involving heavy equipment in Cook's desert parsley critical habitat must be evaluated by a hydrologist prior to implementation.
 - For all projects involving the use of heavy equipment, protect plant sites with a 100-foot radius no-entry buffer.
- Noxious Weeds—project areas would be surveyed for noxious weed populations prior to implementation (EA p.13)
- Wildlife—Habitat Assessment (EA p.12)

- The Resource Area or District wildlife biologist would be notified prior to implementation to ensure raptors would be protected from disturbance. If reasonable, seasonal restrictions would be implemented to avoid disturbance.
- Cultural Resources—Surveys (EA p.13-14)
 - Prior to any project implementation under this programmatic EA, a cultural resource survey would be completed if necessary. If required, site-specific protection measures would be implemented to preserve the integrity of all recorded cultural sites.

II. PLAN CONSISTENCY

Based on the information in the Aquatic and Riparian Habitat Enhancement EA and project record, and comments received from the public regarding this project, the decisions documented in this Decision Record are consistent with the following:

1. *Final EIS and ROD for the 1995 Medford District Resource Management Plan (RMP) (1995)*
2. *Final Supplemental EIS on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (1994)*
3. *ROD for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and its attachment A entitled the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (NWFP) (1994)*
4. *Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2000), and the ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001)*
5. *Medford District Noxious Weed Environmental Assessment (1998)*
6. *ROD for Management of Port-Orford Cedar in Southwest Oregon (2004)*

They are also consistent with the Endangered Species Act, Native American Religious Freedom Act, cultural resource management laws and regulations, and Executive Order 12898 regarding Environmental Justice. They will not, per Executive Order 13212, impact energy development, production, supply and/or distribution.

BLM's Strategic Plan Context—Decision Rationale

The decision will implement a range of activities that will promote a number of the goals of the Oregon/Washington BLM's 2015 Strategic Plan:

Strategic Theme Area 2: Healthy Land—Aquatic and Riparian

- Through BLM's active management, aquatic and riparian habitats are resilient, listed species and their habitats are conserved, and water quality and availability are maintained for beneficial uses.

Strategic Theme Area 3: Healthy Land—Forests

- Where forest health is an issue, use ecological health information to identify priority landscapes and to support land use planning and decision-making

III. DECISION

It is my decision to implement Alternative 2 (Proposed Action), as described in the *Aquatic and Riparian Habitat Enhancement EA* (DOI-BLM-OR-M000-2013-0004-EA).

In addition to Alternative 2, the Alternative 1 (No Action) was analyzed in the EA. Alternative 1 was not selected because it does not meet the stated purpose and need of the project, which is to implement projects that would maintain or aid recovery of aquatic habitat, and water quality where a tangible benefit would accrue to resources on public lands (EA p. 2).

Below is a summary of the three main types of projects analyzed in the EA:

- **Riparian vegetation treatments to restore plant composition and structure (EA p.7)**
 - Silvicultural treatments in riparian areas would include:
 - Fuel reduction activities including: thinning of small diameter vegetation, handpile and burning, underburning, lop and scatter
 - Tree girdling to create small snags and coarse down wood
 - Tree and shrub planting
 - Limited fencing to exclude grazing
- **In-stream enhancement to increased habitat complexity and improve passage (EA p.7)**
 - In-stream structure placement including log structures and boulders to create instream habitat to benefit fish and other aquatic fauna
 - Small dams and legacy structure removal of structures interfering with natural stream function and creating undesirable habitat conditions
 - Streambank restoration to stabilize banks delivering fine sediment or that threaten infrastructure using boulders, large wood, or erosion control fabric
 - Off-and side-channel habitat restoration to improve floodplain function and off channel habitat
- **Road improvements to reduce erosion from existing roads (EA p.10)**
 - Road surface improvement such as placing rock that is resistant to erosion on natural surfaced and rock roads
 - Road decommissioning and obliteration Culvert replacement where culverts currently restrict aquatic connectivity of resident and anadromous fish and other aquatic fauna

IV. DECISION RATIONALE

It is my decision to implement Alternative 2 (the Proposed Action) as described in the *Aquatic and Riparian Habitat Enhancement EA*. This project meets the objective for Riparian Reserves and the Aquatic Conservation Strategy in the Medford District ROD/RMP to design and implement habitat restoration and enhancement activities in a manner that contributes to attainment of Aquatic Conservation Strategy and Riparian Reserve objectives (ROD/RMP, p.46 and 49).

All applicable PDFs would be incorporated into project design as necessary.

Riparian vegetation treatments to restore plant composition and structure

Decision: Vegetation treatments to be implemented in the Riparian Reserves under this decision includes small diameter thinning, handpile and burning, underburning, lop and scatter, tree

girdling for small snag and coarse down wood creation, tree and shrub planting, and limited fencing to exclude grazing (EA p. 7).

Rationale: The riparian vegetation treatments would restore plant species composition and structure that would occur under natural fire regimes in dry forest types. Specifically, thinning small diameter material would reduce fuel loads and protect legacy trees and aid in subsequent reintroduction of low to moderate severity fire. Improved riparian conditions would increase species diversity and protect legacy trees that would provide habitat and structure to the stream channels (EA p. 6). Thinning dense conifer or alder stands would promote the development of large trees through reduced competition. This activity would reduce small tree density for fuels hazard reduction and to facilitate growth of large diameter conifers (EA p. 32).

Riparian vegetation treatments would target priority streams that provide habitat for anadromous fish or in streams occupied by native, resident fish species, or anywhere that aquatic habitat objectives (e.g., Aquatic Conservation Strategy objectives) are not being met (EA p.8).

Tree and shrub planting would increase shade, hiding cover, future potential woody debris, streambank stability, species diversity, and habitat complexity. Planting riparian vegetation decreases areas of bare soil and provides a sediment filtering buffer. As plantings and riparian vegetation matures, width-to-depth ratios of disturbed channels and fine sediment delivery would decrease (EA p.33-34).

Fencing would be installed where there is evidence of disturbance from dispersed camping, off-highway vehicles, and livestock to increase diversity and abundance of riparian vegetation, and decrease sediment entering streams (EA p. 34).

In-stream enhancement to increased habitat complexity and improve passage

Decision: The decision is to place log structures and boulders in streams to improve fish and aquatic fauna habitat; remove legacy structures interfering with natural stream function and habitat conditions; stabilize streambanks delivering sediment or threatening infrastructure; and reconnect side channels or floodplains.

The Oregon Department of Fish and Wildlife's Guide to Placement of Wood, Boulders and Gravel for Habitat Restoration (2010) and Oregon Aquatic Habitat Restoration and Enhancement Guide (1999) would guide project designs and construction. Construction could involve use of heavy equipment, such as excavators, backhoes, front-end loaders, dump trucks, and bulldozers.

Rationale: Increasing channel complexity and long-term stability would increase spawning and rearing habitat, pool formation, spawning gravel deposition, hiding cover, winter refugia, and low velocity areas. Project activities would also improve hydrologic function of floodplains and stabilize channel banks. Migration barriers would be removed to facilitate and improve passage of fish and other aquatic organisms. (EA p. 7).

Road improvements to reduce erosion from existing roads

Decision: The decision is to implement road surface improvement and road decommissioning to reduce chronic sedimentation, and culvert replacement where culvert restrict aquatic connectivity.

Rationale: Road surface improvement, road decommissioning, and culvert replacement would control and prevent road-related runoff, sediment production, and improve aquatic connectivity for migrating anadromous and resident fish (EA pp. 2, 11). These objectives support the purpose

of the Aquatic and Riparian Habitat Enhancement EA to maintain or aid recovery of aquatic habitat, riparian habitat, and water quality where a tangible benefit would accrue to resources on public lands (EA p. 2).

Based on the referenced National Environmental Policy Act (NEPA) Programmatic Environmental Assessment Review, I have determined the Proposed Action involves no significant impact to the human environment and no further environmental analysis is required.

V. CONSULTATION AND COORDINATION

Pursuant to the Endangered Species Act (ESA), BLM completed consultation with the U.S. Fish and Wildlife Service and NOAA / National Marine Fisheries Service for the activities addressed in this decision. In 2014, BLM prepared a Biological Assessment (BA) to evaluate impacts to the endangered *Lomatium cookii* and its critical habitat, and the endangered *Fritillaria gentneri*. In January 2014 the USFWS gave BLM a Letter of Concurrence (LOC) regarding forest management activities (Tails # 01EOFW00-2014-I-0013). The LOC reflects the Service's determination that implementation of the proposed action, as proposed by the District, is not likely to adversely affect *Lomatium cookii* or *Fritillaria gentneri* nor will the projects destroy or adversely modify critical habitat for *Lomatium cookii*.

In 2013, BLM prepared a BA to evaluate impacts to threatened and endangered wildlife and their critical habitat. In July 2013 the USFWS gave BLM a Biological Opinion (BiOp) regarding forest management activities (Tails # 01EOFW00-2013-F-0090). The BiOp reflects the Service's determination that implementation of the proposed action, as proposed by the District, is not likely to adversely affect 24 species or their critical habitat.

In 2013, BLM prepared a BA to evaluate impacts to threatened and endangered fish species. In April 2013 NOAA/National Marine Fisheries Service gave BLM a BiOp regarding aquatic restoration actions (NWR 2013 9664). The BiOp reflects the NOAA/NMFS determination that implementation of the proposed action, as proposed by the District, is not likely to jeopardize the continued existence of fish species listed as threatened or endangered under the ESA, or result in the destruction or adverse modification of their proposed or designated critical habitats.

The project will not adversely impact any sites of cultural or historical significance.

VI. PUBLIC INVOLVEMENT

Public involvement for the Aquatic and Riparian Habitat Enhancement EA began on January 29, 2013 with the mailing of a scoping letter to approximately 100 residents and landowners near or adjacent to BLM parcels within the planning area; federal, state, and county agencies; Tribes; private organizations; and individuals that requested information concerning projects of this type.

BLM mailed letters to the Confederate tribes of Siletz and Grand Ronde as well as the Cow Creek Band of Umpqua Tribe of Indians. One comment was received from the Cow Creek Band of Umpqua Tribe of Indians requesting consideration of Pacific lamprey. Pacific lamprey are not addressed directly, but riparian enhancement projects that benefit other fish species are expected to provide similar effects to lamprey.

Letters in response to scoping solicited the following general input that is relevant to, and incorporated into this project:

- Maintain integrity of riparian zones
- Maintain stream health (temperature, sediment regimes, water quality)
- Maximize road decommissioning within Riparian Reserves
- Coho salmon are a priority for stream enhancement activities
- Pacific lamprey are a priority for stream enhancement activities
- Disconnect roads from stream networks
- Encourage Partnerships
- Use an interdisciplinary approach to project development, particularly for vegetation treatments in Riparian Reserves
- Encourage fish passage improvements

A formal 30-day public comment period was provided for the EA from March 11 to April 11, 2014. The public was notified of this via a newspaper notice and letters to individuals, Tribes, organizations, and government entities who expressed a wish to continue to be informed about the project. We received three comments on the EA, generally in support of the project, but voicing some concerns. Responses to substantive comments are included in Appendix B.

The Decision Record will be posted on the Medford District BLM web site (<http://www.blm.gov/or/districts/medford/index.php>).

VII. ADMINISTRATIVE REMEDIES

This Decision Record is a forest management decision and is subject to protest under 43 CFR 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.

The decision described in this document is a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer, Dayne Barron, Medford BLM District Manager, within 15 days of the publication date of the Notice of Decision in the *Medford Mail Tribune*, Medford, Oregon. While similar notices may be published in other newspapers (e.g. *Grants Pass Daily Courier*), the date of publication in the *Medford Mail Tribune* will prevail as the effective date of this decision.

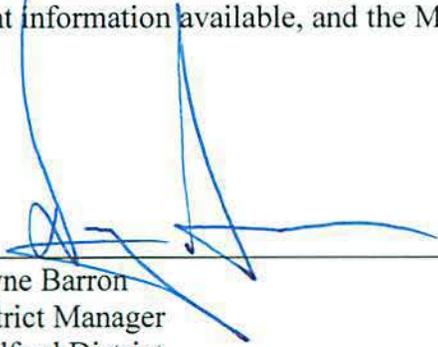
In accordance with BLM Forest Management Regulation 43 CFR § 5003.2 (a and c), the effective date of this decision will be the publication date of the Notice of Decision and FONSI in the *Medford Mail Tribune*. Publication of this notice establishes the date initiating the protest period provided in accordance with 43 CFR § 5003.3. While similar notices may be published in other newspapers, the date of publication in the *Medford Mail Tribune* will prevail as the effective date of this decision.

43 CFR § 5003.3 subsection (b) states: “Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision.” This precludes the acceptance of electronic mail (email) or facsimile (fax) protests. Only written and signed hard copies of protests delivered to the Medford District Office will be accepted. The Medford District Office is located at 3040 Biddle Road, Medford, Oregon. The protest must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

43 CFR § 5003.3 subsection (c) states: "Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered." Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 5003.3(f).

A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

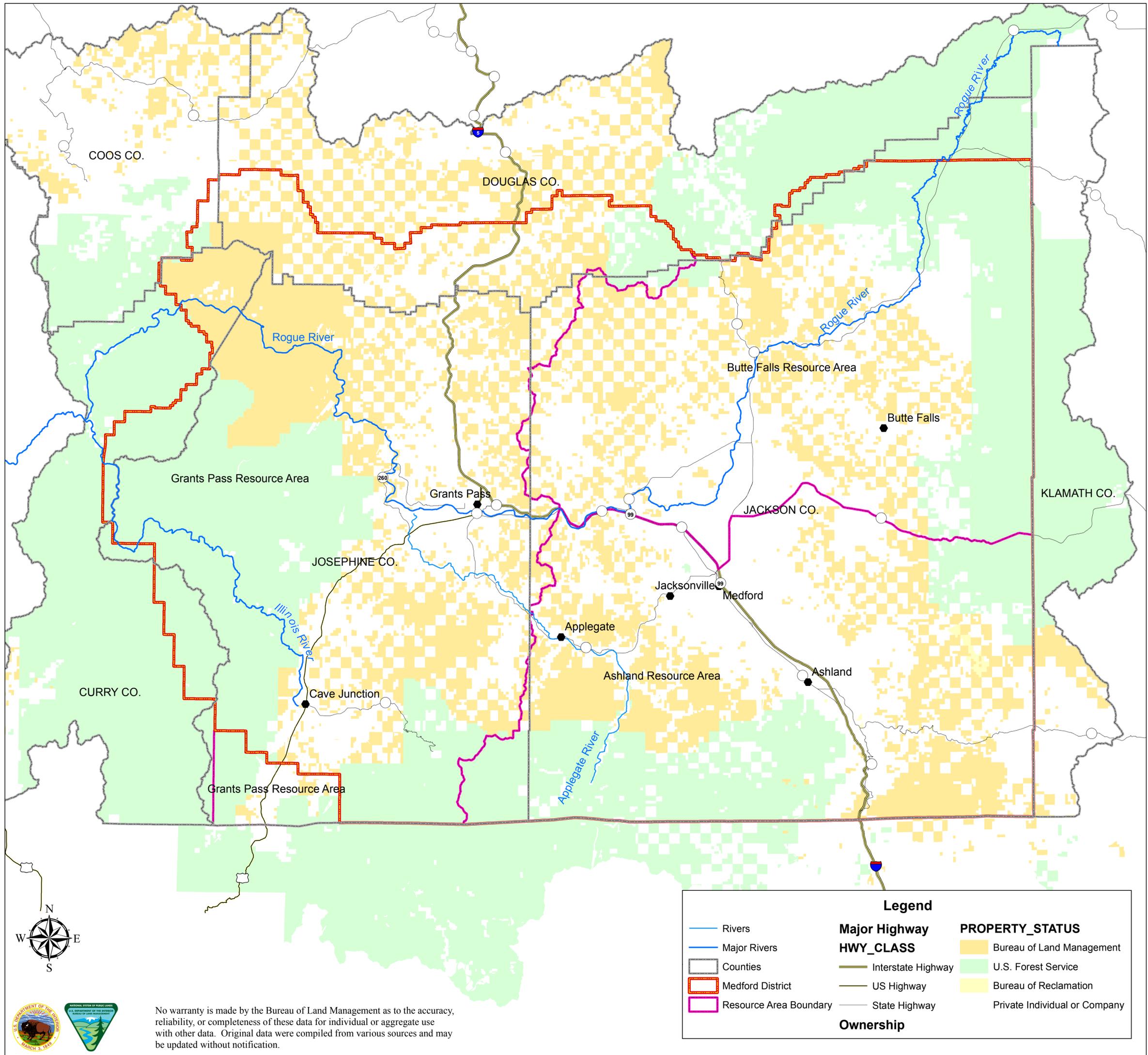
If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of the decision notice, this decision will become final. If a timely protest is received, the project decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Medford District will issue a protest decision.



Dayne Barron
District Manager
Medford District

04/16/14
Date

Aquatic and Riparian Habitat Restoration EA



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.



Legend			
	Rivers	PROPERTY_STATUS	
	Major Rivers		
	Counties		Bureau of Land Management
	Medford District		U.S. Forest Service
	Resource Area Boundary		Bureau of Reclamation
			Private Individual or Company
Major Highway			
HWY_CLASS			
	Interstate Highway		
	US Highway		
	State Highway		
Ownership			

Appendix B. Response to Comments

Comment 1: Comments requested a process to propose projects and assist with prioritizing work. Prioritize treatments on private lands for landowners with conservation easements.

Response: District and Resource Area staff are available to accept proposals. As stated in the EA, projects will be prioritized based on available partners and funding (EA p. 6). The more expertise and funding those partners come in with, the higher on the priority list those projects become.

Comment 2: Prioritize roads and trails for decommissioning especially along riparian areas.

Response: Under the previous Aquatic and Riparian Habitat Enhancement EA, the District implemented six road decommissioning projects, totaling over 20 miles of roads and trails. We expect a similar effort under this project

Comment 3: Update Best Management Practices (BMP) to minimize sediment transport to streams. Disconnect roads hydrologically from stream networks.

Response: The District reviewed and updated BMPs to provide direction regarding road maintenance practices and road-related actions with the intention to minimize or prevent sediment delivery to waters of the United States in compliance with the Clean Water Act of 1972. The District incorporated the updated BMPs into the 1995 RMP in July 2012.

There are a wide variety of options in the EA for disconnecting roads from stream networks. These include surfacing or resurfacing roads with aggregate; seeding of exposed cut banks and fill slopes; reshaping road crowns, out-sloping road surfaces, and installing cross-drain structures to disperse runoff across the landscape; and repairing or replacing culverts to provide for fish and other aquatic species passage, as well as other actions (EA p. 10).

Comment 4: The Aquatic and Riparian Habitat Enhancement EA should be used sparingly for vegetation treatment. Restrict thinning to vegetation <12 inches dbh or implement thinning under the Integrated Vegetation Management (IVM) EA. Support EA's proposal to limit thinning to < 8" dbh. No commercial removal. Retain hardwoods and broad-leafed species. Retain no-treatment buffers along streams. Do not burn in riparian reserves.

Response: In five years implementing projects under the previous EA, there were only two fuel hazard reduction / thinning projects. If it is appropriate to incorporate thinning and/or fuel hazard reduction in a restoration project that includes other actions, it is more reasonable to include all actions in one project rather than splitting the project under two different EAs and decision mechanisms. Thinning is also restricted to noncommercial, understory vegetation < 8 inches dbh (EA p.7). No-treatment buffers, based on site-specific conditions, will be incorporated into project design (EA p. 7). Only low-intensity burns would occur in riparian reserves; underburns would be ignited outside the no-treatment buffer and allowed to back into these areas (EA p. 7). It is not expected that there will be extensive vegetation treatments under this EA.

Comment 5: Prioritize watershed and stream enhancement activities on coho salmon habitat and for Pacific lamprey. Incorporate recovery actions from the draft Coho Salmon Recovery Plan.

Response: Projects are prioritized on each Resource Area by resource specialists (e.g., Hydrologists, Fish Biologists) based on their knowledge of sites, and availability of partners and funding (EA p. 6). These resource specialists prioritize limited funding on priority habitats based on their knowledge of impacted sites in need of restoration using established, effective actions to enhance habitat. Projects are expected to enhance habitat for all aquatic organisms including invertebrates and Pacific lamprey. Under the previous EA, the District implemented a variety of projects, approximately:

- 18 large wood placement / stream restoration projects
- five culvert replacement projects, some with multiple replacements
- six road decommissioning projects (over 20 miles of roads and trails)
- eight illegal water diversion removal projects
- two road drainage repair projects
- two riparian planting projects
- two fuel hazard reduction / thinning projects

It is expected that a similar mix of actions would be implemented under this project

Comment 6: Projects should restore riparian vegetation, restore side channels and large wood, and reduce road sediment; these actions can be implemented for mining reclamation projects.

Response: The EA purposefully excluded mining reclamation projects because of the unknown scope and extent of such projects. The intent was to exclude large reclamation projects with uncertainty regarding environmental effects (EA p. 4). This would not exclude these types of small project to restore damage from historic mining operations; if proposed, each project will be assessed on a site-specific basis to determine if it fits within the constraints of the EA or if it requires additional NEPA analysis.

Comment 7: Do not implement large scale removal of blackberries. Do not use herbicides.

Response: Large scale removal of blackberries is not a priority for this project and weed control is not a purpose of the project; these actions are not part of the proposed action (See EA pp. 5-11). However, noxious weeds would be treated when associated with riparian enhancement projects and projects will incorporate PDFs to prevent spread of noxious weeds (EA p. 13).

Herbicides will only be used in limited circumstances and are authorized under the District Integrated Weed Management Plan and EA (EA p. 13).

Comment 8: Be cautious in implementing projects, especially with use of heavy equipment in riparian areas.

Response: Many projects require the use of heavy equipment in riparian areas (e.g., culvert replacement or removal, road decommissioning, moving large rocks or logs). Projects will incorporate a number of PDFs to minimize the potential for fuel or oil spills, or other damage to riparian areas (e.g., sedimentation, weed spread) (EA pp. 11-14). Additionally, BLM staff has

been implementing these types of projects under the previous EA for 5 years, and most staff have many more years of experience implementing these types of projects. Projects are monitored for effectiveness and the EA was developed in close cooperation with these resource specialists. Individual projects development will be coordinated with specialists (e.g., fisheries and wildlife biologists, soil scientists, botanists, engineers) as appropriate for each project. The BLM has good relationships with contractors and have found them to be careful in implementation of BLM projects. Each project is monitored during implementation to assure stipulations for each project are followed.

Comment 9: The Aquatic Restoration and Enhancement EA duplicates the IVM EA with vegetation and fuels treatments. A Decision Record process should be used for each project.

Response: While there may be minimal overlap between the projects regarding fuel hazard reduction and thinning, vegetation management in this EA will generally be done only in conjunction with other riparian restoration projects. Vegetation management activities are not expected to be a large part of projects implemented under this EA; two out of approximately 40 projects involved fuel hazard reduction and thinning under the previous EA. Additionally, it is more reasonable to do these actions in one project rather than splitting the project, using two different EAs and two different decision processes for one project. While we understand the desire for public review, the intent of the programmatic approach under this project is to avoid duplicating NEPA, creating an efficient method for implementing projects. We feel this process worked well under the previous aquatic restoration EA and that it will work well under this EA also. Each project-specific DNA will be posted on the District's web site.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT
3040 BIDDLE ROAD
MEDFORD, OR 97504

AQUATIC AND RIPARIAN HABITAT ENHANCEMENT FINDING OF NO SIGNIFICANT IMPACT NEPA# DOI-BLM-OR-M000-2013-0004-EA

I. INTRODUCTION

The Medford District Bureau of Land Management (BLM) has analyzed the effects of a suite of watershed enhancement activities needed to improve aquatic habitat located across the Medford District. The broad purpose of the EA is to expedite watershed restoration and improve aquatic habitat. The Medford District RMP identified watershed restoration as a key component to the Aquatic Conservation Strategy (ACS). Specifically, the RMP identified restoration of poorly functioning riparian conditions, control and prevention of road sediment production, and increasing in-stream habitat complexity as priority restoration activities (RMP/ROD p. 23).

Project activities proposed in the EA will:

- Control and prevent road-related runoff and sediment production through road improvements, and renovation including culvert replacement or removal, and road decommissioning
- Improve the condition of riparian vegetation stands through silvicultural and fuel treatments, including treatments to expedite large conifer development
- Increase instream habitat and channel stability and complexity, including activities designed to provide or improve unobstructed access to aquatic species

As specific restoration needs are identified by project teams or public input, or a recommended in a Watershed Analysis. The projects will be evaluated against the activities and effects identified and assessed in the programmatic EA. The Decision Record (DR) signed on April 16, 2014 authorizes the Proposed Action (Alternative 2). Projects consistent with the stipulations in the EA will be documented and implemented under a Determination of NEPA Adequacy (DNA).

II. BACKGROUND

The Bureau of Land Management (BLM), Medford District, plays a key role in aquatic and riparian enhancement activities presently underway in the Rogue, Umpqua and Klamath River Systems. Because of the interspersed, checkerboard ownership pattern of the revested Oregon & California Railroad lands, the District works closely with public and private partners to plan aquatic and riparian enhancement projects that benefit resources across ownership boundaries. The EA and the DR cover projects located on both private and federal lands within the Medford District. The vast majority of projects will occur within the Riparian Reserve land use allocation on public lands.

The BLM began public outreach for this project on January 29, 2013 by sending a scoping letter to approximately 100 residents and landowners, federal, state, and county agencies, tribal governments, private organizations, and individuals that requested information concerning projects of this type. All public input was considered by the planning and interdisciplinary team in developing the proposals and in preparing the EA.

The EA analyzed the variety of activities proposed to address the purpose and need for the project: riparian vegetation treatments to restore plant composition and structure; in-stream enhancement to increased habitat complexity and improve fish passage; and road improvements to reduce erosion from existing roads.

The Aquatic and Riparian Habitat Enhancement EA was available for public review from March 11 through April 11, 2014. It incorporated analysis of the proposed actions and addressed issues raised in public scoping comments. During the public review period, the BLM received three comment letters, mainly in support of the project, but expressing several concerns. For a summary of public comments, see Appendix A, Public Comment Summary and Response.

The BLM interdisciplinary team (IDT) addressed current riparian resource conditions in the Aquatic and Riparian Habitat Enhancement EA. The IDT was aware of and sensitive to the public's range of views and values while complying with a variety of resource management mandates. As a result, the Aquatic and Riparian Habitat Enhancement EA is an integrated and multi-faceted plan that balances these factors and objectives.

III. CONSULTATION AND COORDINATION

Pursuant to the Endangered Species Act (ESA), BLM completed consultation with the U.S. Fish and Wildlife Service and NOAA / National Marine Fisheries Service for the activities addressed in this decision. In 2014, BLM prepared a Biological Assessment (BA) to evaluate impacts to the endangered *Lomatium cookii* and its critical habitat, and the endangered *Fritillaria gentneri*. In January 2014 the USFWS gave BLM a Letter of Concurrence (LOC) regarding forest management activities (Tails # 01EOFW00-2014-I-0013). The LOC reflects the Service's determination that implementation of the proposed action, as proposed by the District, is not likely to adversely affect *Lomatium cookii* or *Fritillaria gentneri* nor will the projects destroy or adversely modify critical habitat for *Lomatium cookii*.

In 2013, BLM prepared a Biological Assessment (BA) to evaluate impacts to threatened and endangered wildlife and their critical habitat. In July 2013 the USFWS gave BLM a Biological Opinion (BiOp) regarding forest management activities (Tails # 01EOFW00-2013-F-0090). The BiOp reflects the Service's determination that implementation of the proposed action, as proposed by the District, is not likely to adversely affect 24 species or their critical habitat.

In 2013, BLM prepared a BA to evaluate impacts to threatened and endangered fish species. In April 2013 NOAA/National Marine Fisheries Service gave BLM a BiOp regarding aquatic restoration actions (NWR 2013 9664). The BiOp reflects the NOAA/NMFS determination that implementation of the proposed action, as proposed by the District, is not likely to jeopardize the continued existence of the following fish species listed as threatened or endangered under the ESA, or result in the destruction or adverse modification of their proposed or designated critical habitats.

The project will not adversely impact any sites of cultural or historical significance. If any sites are located that could be potentially affected by project activities, the BLM will consult with the State Historic Preservation Office (SHPO) in accordance with 36 CFR 800.5(b).

The Cow Creek Band of Umpqua Tribe of Indians, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Grande Ronde, Affiliated Tribes of Northwest Indians, Burns Paiute Tribe, Klamath Tribes, and Coquille Indian Tribe were notified of this project during scoping. The Josephine County Commissioners and Josephine County Forestry, Commissioners, and Public Works were also contacted. The BLM received comments from the Cow Creek Band of Umpqua Tribe of Indians. We did not receive responses from any of the other groups.

Plan Conformance

Based on the information in the Aquatic and Riparian Habitat Enhancement EA and project record, and from the letters and comments received from the public about the project, I conclude that this project is in conformance with the 1995 Medford District RMP and subsequent plan amendments that include:

1. Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl(Northwest Forest Plan FSEIS, 1994 and ROD,1994)
2. Final Medford District Proposed Resource Management Plan/Environmental Impact Statement, and Record of Decision and Resource Management Plan (EIS, 1994 and RMP/ROD, 1995)
3. Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon(FSEIS 2004) and ROD(2004)
4. Medford District Integrated Weed Management Plan Environmental Assessment (1998) and tiered to the Northwest Area Noxious Weed Control Program (EIS, 1985)*
5. Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan (2008) and PRMP/FEIS (2005)
6. Rogue National Wild and Scenic River: Hellgate Recreation Area, Recreation Area Management Plan (2004) and PRMP/FEIS (2003)
7. Final Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (FEIS,2000 and ROD,2001)

* An EA, tiering to the Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS/ROD (2010), is being prepared. If it becomes available for use during the life of this EA, it will replace the 1998 EA. Treatment of invasive weeds will use the methods and design features detailed in the forthcoming District EA if it is finalized during the life of this EA.

The ACS Consistency Review found that the project is in compliance with the Aquatic Conservation Strategy as originally developed under the Northwest Forest Plan.

This decision is also consistent with the Endangered Species Act; Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898

regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply, and/or distribution.

IV. FINDING OF NO SIGNIFICANT IMPACT (FONSI)

I have considered the intensity of the impacts anticipated from the projects analyzed under Alternative 2 in the Aquatic and Riparian Habitat Enhancement EA relative to each of the 10 areas suggested by the Council on Environmental Quality (CEQ).

1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.

The environmental assessment (EA) considered both beneficial and adverse impacts. The EA analysis found none of the individual or cumulative effects as being significant. The BLM included PDFs for the Proposed Action for the purpose of reducing anticipated adverse environmental impacts that might otherwise stem from project implementation (EA p. 11-14).

The following is a synopsis of the effects expected from implementation of activities analyzed under Alternative 2.

The EA analyzed the variety of activities proposed to address the purpose and need for the project: riparian vegetation treatments to restore plant composition and structure; in-stream enhancement to increased habitat complexity and improve passage; and road improvements to reduce erosion from existing roads.

Projects will have minimal to no effects to soils resources and sedimentation due to the incorporation of NOAA-Fisheries Project Design Criteria, PDFs, and Best Management Practices (BMPs). Disturbed soils will rarely move off-site as soil infiltration will be retained and areas of disturbance will be isolated and surrounded by undisturbed soil and vegetation. Proposed riparian vegetation planting will decrease areas of bare soil. Riparian thinning activity will not create a soil or water-routing mechanism to the channel network. Therefore, neither soil productivity nor water quality will be affected by riparian thinning activities (EA p. 33).

Project duration, in almost all cases will be less than 2 weeks. Inputs of fine sediment will typically be limited to the time of activity and will not be expected to be measureable beyond a few hundred feet downstream from a project site. It is expected that any introduced fine sediment will be transported, sorted and/or deposited in the first high flow of the season and will become a small, immeasurable percentage of the stream's sediment load. Expected long-term benefits of improved channel complexity, aquatic connectivity, and bank stabilization to aquatic habitat and species will far outweigh potential short-term adverse effects (EA p. 35).

There are some short-term adverse effects to fisheries; however, the expected long-term benefits for aquatic habitat will far outweigh potential short-term adverse effects. A no-thinning buffer and adequate retention of canopy closures will protect water quality and will prevent alteration of peak flows.

In the long term, increased stream shade and large wood debris recruitment potential will result in increased stand health and vigor, and development of large tree structure. Increased large wood and boulder installation will increase shade, hiding cover, pool and gravel bar formation, and stabilized banks, thus improving habitat for fish (EA pp. 32-34).

Immediate beneficial effects of floodplain connectivity include periodic delivery of water, nutrients, and sediment to floodplains; flood attenuation; and reduced stream energy. Ultimately, floodplain reconnection will result in more functional fish habitat. Removal of poorly constructed legacy structures and small diversion dams will directly benefit aquatic species by removing migration barriers, thus increasing available habitat. In the long term, spawning habitat and fish distribution will increase. Increasing access to all habitat types is likely to increase fish populations (EA p. 38).

In stands dominated by single species, diversity is expected to increase from non-commercial thinning as increased light and growing space will facilitate hardwood and shade intolerant species development (EA p. 32).

Activities that treat and maintain northern spotted owl habitat are addressed and allowed due to appropriate consultation with the US Fish and Wildlife Service (See section III, Consultation and Coordination).

Project activities are not expected to affect the long-term population viability of any bird species known to be in the area or lead to the need to list these species as Threatened or Endangered (EA p. 51).

Project activities will not contribute to the need to list the Pacific fisher as Threatened or Endangered because suitable habitat will not be removed. The proposed projects will not affect persistence of fishers in the watersheds where the projects occur (EA p. 48).

Overall, impacts on sensitive wildlife species and to land birds will be minimal because PDFs will be implemented and the resultant high level of habitat variability will remain across the project area and surrounding landscape. The proposed actions, along with other future foreseeable projects expected to occur across the project area, are not expected to affect the long-term population viability of any species known to be in the area or lead to the need to list these species as Threatened or Endangered because only a small percentage of habitat will be treated and sufficient habitat will be retained throughout the District. Treatments will be separated spatially and temporally, precluding major effects to species habitats or disturbance during breeding seasons. Vegetation treatments will be designed to promote habitat development (EA pp. 47-51).

Because the habitat enhancement activities proposed in this EA were designed to improve riparian plant community health and resiliency, the treatments will also improve habitat conditions for most rare plants and their habitats. While the ultimate outcome will be beneficial to populations in the long term, some treatment methods create risks to specific plant species and populations and there may be short-term negative effects. To avoid negative impacts, the project botanist will evaluate the proposed treatments for each project to determine what surveys are needed and what protection measures would be implemented for any species occurring in the treatment areas (EA p. 42).

While some project activities may disturb soils and reduce native plant cover to promote the invasion or encourage the persistence of non-native plants, there are also several activities that will reduce the probability of weed invasion or long-term weed persistence within these sites such as soil stabilization and improved riparian plant communities' resiliency. The implementation of PDFs, including washing equipment that travels off system roads, treating noxious weeds before some project activities, and seeding disturbed areas as needed with native species, will minimize the risk of weeds being introduced or persisting in the project area. Proposed treatment areas will be surveyed for noxious weeds during the project planning stage. Populations detected during surveys

will be targeted for treatment before aquatic restoration treatments are implemented. PDFs and other actions will be implemented to minimize the risk that the proposed treatments will result in an increase in noxious weeds in the project area (EA pp. 43-44).

PDFs will prevent any direct and indirect effects to identified cultural resources (EA pp. 13-14). One comment was received from the Cow Creek Band of Umpqua Tribe of Indians requesting consideration of Pacific lamprey. Pacific lamprey are not addressed directly, but riparian enhancement projects that benefit other fish species are expected to provide similar effects to lamprey (EA p. 52).

2) The degree of the impact on public health or safety.

The project has not been identified as having the potential to significantly and adversely impact public health or safety. Improvements to public safety include replacement of failing or blocked culverts that are creating a threat to public safety or to infrastructure loss (EA p. 11). During implementation there may be temporary closures of roads, campgrounds, dispersed campsites and other recreational areas to insure public safety (EA p. 8).

3) Unique characteristics of the geographic area.

The vast majority of projects will occur within the Riparian Reserve land use allocation on public lands. Private lands that contribute to the health of public lands, typically adjacent to BLM, are also included within the planning area. Site-specific PDFs tailored to the characteristics of the site and incorporated into project activities will preclude adverse effects to these areas. While projects may occur in Research Natural Areas, Areas of Critical Environmental Concern, unique plant communities, or other areas with unique characteristics, treatments will improve or restore plant composition and structure through riparian vegetation treatments, increased habitat complexity and improve passage through in-stream enhancement, and reduce erosion from existing roads through road improvements (EA pp. 6-11 & 31).

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.

Under the previous Aquatic and Riparian Habitat Enhancement EA (DOI-BLM-OR-M0000-2009-0004-EA), over 30 projects were implemented on BLM and private lands. Effects of these projects were within the scope of the EA; similar outcomes are expected under this EA. No controversial effects were identified by the public during scoping or during the EA comment period.

Public comments received were in support of this project; no controversial effects were identified.

5) The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.

The analysis does not show that this action will involve any unique or unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The action and the decision will not set any precedents for future actions with significant effects. While the programmatic approach is different from many projects, the EA authorizes projects that are similar to other projects designed to implement the RMP and NWFP.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

No significant cumulative impacts have been identified. Since this is a programmatic EA, individual interdisciplinary teams will assess proposed projects in light of other projects in the area to assure that no significant cumulative effects will occur from implementation.

8) The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.

The project areas could contain sites that are listed or eligible for listing on the National Register of Historic Places. Site-specific protection measures (EA pp. 13-14, PDFs) will be implemented for each project to prevent loss or destruction of any significant scientific, cultural, or historical resources. The State Historic Preservation Office would be consulted if necessary.

9) The degree to which the action may adversely affect ESA listed species or critical habitat.

The BLM completed ESA consultation with USFWS with the determination that the actions authorized in this decision are Not Likely to Adversely Affect northern spotted owls or any other T&E species (plant or animal). PDFs will reduce potential adverse impacts on ESA-listed species and effects will not exceed those authorized under consultation with the regulatory agencies. No effects to designated critical habitat for botanical species will occur (see Section III, Consultation).

No downgrading or removal of suitable spotted owl habitat will occur. Additionally, since no known nest trees or suitable nest trees will be removed, no direct effects to individuals are expected. Therefore, northern spotted owl sites are not expected to be negatively affected from the Proposed Action. No project activities will modify or remove key habitat elements for marbled murrelet. Therefore, there will be no effects to habitat. Additionally, no direct impacts to marbled murrelets are expected because there is a low likelihood of murrelets occurring within the project area (EA pp. 45-46). Projects will be consistent with mandatory terms and conditions set forth by the regulatory agencies.

The Proposed Action will not contribute to the need to federally list the fisher as threatened or endangered because suitable habitat will not be removed. Cumulatively, the Proposed Action will not preclude fishers from dispersing through or reproducing within the District. Anticipated benefits to forest health have the potential to contribute to the persistence and recovery of the fisher population (EA pp. 47-48).

The proposed actions are not likely to impact the Oregon spotted frog because the actions will not be proposed at the one Oregon spotted frog site on the District. Potential treatments needed to improve riparian habitat at this location would be beyond the scope of this EA; any proposals for this area would be addressed in site-specific NEPA (EA p. 48).

The BLM completed ESA consultation with NOAA-NMFS with the determination that the actions authorized in this decision are not likely to jeopardize the continued existence of the following fish species listed as threatened or endangered under the ESA, or result in the destruction or adverse modification of their proposed or designated critical habitats. All riparian vegetation treatments will be designed to be No Effect to Coho, Coho Critical Habitat and Essential Fish Habitat (EA p.

6). PDFs will reduce potential adverse impacts on ESA-listed species and effects will not exceed those authorized under consultation with the regulatory agencies.

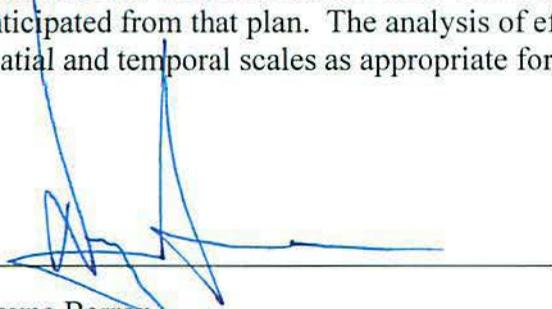
10) *Whether the action threatens a violation of environmental protection law or requirements.*

There is no indication this project will result in actions that will threaten a violation of any environmental laws.

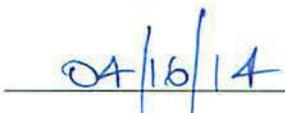
V. CONCLUSION

Based on information in the EA and comments received from the public, it is my determination that Alternative 2, the selected alternative, will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of effects addressed by the Environmental Impact Statements for the Medford District RMP (1995) and the NWFP or are otherwise not significant. Thus, the Aquatic and Riparian Habitat Enhancement EA does not constitute a major federal action having a significant effect on the human environment and an EIS is not necessary and will not be prepared.

This conclusion is based on my consideration of the CEQ's criteria for significance (40 CFR §1508.27) regarding context and intensity of the impacts described in the EA and on my understanding of the project. As noted above, the analysis of effects has been completed within the context of the Medford District RMP and it is consistent with that plan and the scope of effects anticipated from that plan. The analysis of effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts.



Dayne Barron
District Manager
Medford District, Bureau of Land Management



04/16/14
Date