

## Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior  
Bureau of Land Management

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Office: **Glendale Resource Area**

Tracking Number:

Casefile/Project Number: DOI-BLM-OR-M080-2009-0007-DNA

Proposed Action Title/Type: Benton Mine Reclamation

Location/Legal Description: T33S-R8W-22 and 27 WM.

Applicant (if any): Dutch Gold

### **A. Description of the Proposed Action and any applicable mitigation measures**

#### Road to Benton Adit

Starting just below the road spur to the Texas Portal, water diversions in the form of broad shallow dips will be angled across the Benton portal access road at intervals of 200 feet or less, as needed, to direct storm water from the road. Where the outside of the road is bermed, short drain pipes will be installed through the berm to allow drainage. The diverted water will initially be discharged onto coarse rock to prevent gulying, and thence be allowed to drain into the hillside in a land application.

#### Texas Portal Access Road

The Texas portal road will be reclaimed in a similar manner from the portal to the point where a BLM access road branches uphill from the Texas adit road:

- 1) Any rock or colluvial material associated with road-building and reachable by an excavator will be placed by an excavator onto the inside of the access road. The excavator will be able to reach and remove the material from the road cut for a distance of approximately 15 to 20 feet down the hillside. Caution will be taken to protect and preserve standing live trees to the extent practically possible. The downslope re-exposed original hillside surface will be left intact.
- 2) After the cut material has been placed and smoothed into the inside of the road cut, some of the topsoil and alluvium from the uphill lip of the cut will be dragged down across the smoothed fill. This will provide a better reclamation contour and will provide some topsoil material to aid in plant growth.
- 3) Any dead trees or brush associated with the road building and practically reachable by the excavator will be placed across the reclaimed surface.
- 4) The reclaimed surface will be reseeded with a BLM-approved seed mix.

### Switchback Hillside

Loose rock and colluvial have been pushed into the switchback area creating a potentially unstable mass overlying the steep rock hillside. Runoff water during storms channels down the road and into this mass of loose material.

The switchback area will be corrected in the following manner:

- 1) Storm water drainage will be directed away starting from a point uphill of the switchback. The water will be directed across the road from above the switchback to the inside edge of the road below the switchback. From here, it will be channeled downhill to the drop box at the base of the slope.
- 2) As much of the material that was pushed onto the hillside at the switchback as can be safely removed will be removed by an excavator and either used to backfill the hillside cut to create a more stable natural slope at the switchback or it will be removed from the site and deposited in a stable location that will not reach a waterbody
- 3) Along the steep hillside below the switchback, excess material that can be safely reached with an excavator will be removed from the hillside, to get the hillside as close to its original surface as can be safely and practically accomplished.
- 4) Approved native seed mix will be applied to the disturbed areas.

### Drain Creek Culvert

- 1) Remove the rock from the top of the culverts, other than culvert that underlies the portal road, and place the rock onto nearby privately owned rock storage area downhill, which is out of the channel of Drain Creek. Rock would be removed down to the approximate level of the original contour, restoring the natural drainage segment.
- 2) After the rock is removed, culverts would be removed other than the culvert under the portal access road. Culverts will be placed onto private land temporarily then onto an appropriate disposal location.
- 3) For the part of the channel within the 25 foot setback being restored: pull non-native material out (rock/fill, man-made debris, old drainage pipes, etc), properly re-contour side slopes, seed and mulch, and plant with native vegetation.
- 4) For the portal access road culvert, if necessary, align with the natural grade of the channel, aligning with the proper flow of the channel (i.e. don't have water flow discharging into the bank), insure the culvert properly sized (diameter) for flow/drainage area.
- 5) Dutch Gold would accomplish the work during In-Water Work Timing Guidelines (June 15<sup>th</sup>-September 15<sup>th</sup>).

### General Road Drainage

1. Place water diversions between the first existing culvert (closest to the 33-8-26 Whiskey Creek Rd.) and the Texas portal access road. Drainage would be located where slopes are naturally draining (e.g. stream channels and draws).

2. Along the first existing culvert in the access road (one closest to the 33-8-26/Whiskey Cr rd) stabilize the upstream and downstream fill material by applying native seed, planting or mulching.

### Settling Ponds

- 1) All of the settling ponds except the first one closest to Benton Mine will be eliminated and recontoured to stable slopes.
- 2) The surviving settling pond will be cleaned out and left in place. If needed, a new initial settling sump will be built inside the portal to ensure that the adit water flowing into the surviving settling pond is as clean as can be practically managed. Clean discharge water from the surviving settling pond will flow into a rock-lined channel. It is expected that this clean discharge water will percolate into the ground, from where it will filter back into the stream.
- 3) The disturbed areas will be spread with an approved seed mix.

### **B. Land Use Plan (LUP) Conformance**

LUP Name\*: Medford District Resource Management Plan      Date Approved: August 1995

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions).

The Revised Environmental Assessment for Aquatic and Riparian Habitat Enhancement EA# DOI-BLM-OR-M000-2009-0004-EA (June 2009) conforms to and is consistent with the Medford District's 2008 Western Oregon Plan Revision Record of Decision (2008 ROD) and Resource Management Plan (2008 RMP). This project meets the requirements designated in the 2008 ROD for such transition projects and would also be in compliance with the 1995 RMP.

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 (Public scoping was initiated in June of 2008.).
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.

Because the 2008 ROD allows for this project to be implemented under the 1995 RMP, the Aquatic and Riparian Habitat Enhancement EA was reviewed for consistency with the

management direction and objectives contained in the 1995 ROD/RMP. Based upon the review and EA conclusions, I find the actions identified in this decision are consistent with the 1995 ROD/RMP. Watershed restoration is addressed in the Medford District *Record of Decision and Resource Management Plan* (USDI, BLM 1995 (ROD/RMP)) as one of the four components of the Northwest Forest Plan's Aquatic Conservation Strategy (ACS). The primary objective of the ACS is to restore and maintain the ecological health of watersheds and aquatic ecosystems contained within them on public lands. Proposed actions in the EA are identified in the 1995 RMP as actions necessary to restore and maintain ecological health. Specifically the 1995 RMP/ROD directs: restoring the conditions of riparian stands (RMP/ROD, pp. 22, 27); enhance natural populations of fish (RMP/ROD, pp. 49-50); increase in-stream habitat, channel stability, complexity and passage (ROD/RMP pp. 23, 28); minimize sediment delivery to streams through road drainage improvements, outsloping and closing/stabilizing roads (RMP/ROD, pp. 28-29); and restore and maintain water quality to protect designated beneficial uses (ROD/RMP, p. 41). 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.

**C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

Revised Environmental Assessment for Aquatic and Riparian Habitat Enhancement  
EA# DOI-BLM-OR-M000-2009-0004-EA (June 2009).

Wild Rogue North Watershed Analysis (December 1999).

Water Quality Restoration Plan, Rogue Basin Lower Rogue Sub-basin Rogue River Horseshoe Bend, Bureau of Land Management (BLM), Medford District Office (2003).

Pursuant with the Endangered Species Act, BLM consulted on all actions authorized by the decision with the US Fish and Wildlife Service and National Marine Fisheries Service. All proposed projects would be consistent with actions identified by the NMFS (Fisheries BO 2008/03506) and the USFWS (Wildlife BO #13420-2007-F-0055, LOC #13420-2008-1-0045 and Plant LOC #13420-2008-1-0136) for Programmatic Consultation on Fish Habitat Restoration Activities in Oregon and Washington. Section 7 Programmatic Consultation Biological Opinion And Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation Fish Habitat Restoration Activities in Oregon and Washington, CY2007-CY2012 (June 2008).

**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?**

The proposed project is very similar to the proposed action, Alternative Two, which lists road decommissioning, culvert replacement, and stream enhancement projects which include activities intended to improve hydrologic function of floodplains and stabilize channel banks. Benton Mine Restoration Projects are fully analyzed under the Aquatic and Riparian Habitat Enhancement EA.

**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 range of alternatives analyzed in the Aquatic and Riparian Habitat Enhancement EA is appropriate because Glendale Resource Area has not received or aware of any new environmental concerns or interests since the Decision was signed in 2009.

**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 analysis in the Aquatic and Riparian Habitat Enhancement EA is appropriate because Glendale Resource Area has not received or aware of any new information and new circumstances since the Decision was signed in 2009.

**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 proposed project is very similar to the proposed action, Alternative 2, page 6 through 9, which lists road decommissioning, culvert replacement, and stream enhancement projects which include activities intended to improve hydrologic function of floodplains and stabilize channel banks. Benton Mine Restoration Projects are fully analyzed under the Aquatic and Riparian Habitat Enhancement EA.

Spotted owl surveys are conducted for the historical spotted owl sites adjacent to the Benton Mine action. The spotted owls have not nested adjacent to the action within potential disturbance distances set forth in Biological Opinions and Letters of Concurrence by the USFWS. There is no disturbance effect to spotted owls from the Benton Mine action.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Public involvement and interagency review for the EA were adequate. The EA was available for public comment for 21 days beginning on April 15, 2009. BLM received one comment and was reviewed and responded to on page 5 and 6 of the Aquatic and Riparian

Enhancement Decision Record. The comment did not merit changes to the EA.

**E. Persons/Agencies /BLM Staff Consulted**

| Name           | Title               | Resource/Agency Represented |
|----------------|---------------------|-----------------------------|
| Dustin Wharton | Engineer            | Roads                       |
| Rose Hanrahan  | Hydrologist         | Soils/Hydrology/Riparian    |
| Mike Crawford  | Fisheries Biologist | Fisheries                   |
| Marlin Pose    | Wildlife Biologist  | Wildlife                    |

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

**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 constitutes BLM's compliance with the requirements of the NEPA.

*Michael W. Crawford* 7-10-09  
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 Signature of Project Lead

*[Signature]* 7/10/09  
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 Signature of NEPA Coordinator

*[Signature]* 7/10/09  
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 Signature of the Responsible Official Date

**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.