

# Determination of NEPA Adequacy (DNA)

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

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**Office:** Grants Pass Resource Area

**Tracking Number:** DOI-BLM-OR-M070-2012-020-DNA

**Environmental Assessment:** DOI-BLM-OR-M080-2009-0004-EA

**Proposed Action Title/Type:** Brushy Gulch Creek Slide Removal and Bank Stabilization

**Location/Legal Description:** T34S-R6W-Section 32SW (34-6-6 Road)

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

During January of 2012, heavy rains caused road failure along BLM road #34-6-6, which precipitated road fill downhill into Brushy Gulch Creek. The BLM proposes to repair 350 ft of this road and its drainage network as well as restore the adjacent riparian/aquatic habitat by removing the landslide material. The existing road would be repaired and stabilized by excavating this road (20 ft) down to the elevation of the creek. Slide material would be removed from the cut bank and embankment failure with heavy equipment operating in the existing road prism. The road would be repaired by layer placement of imported weed-free granular fill material. Layers would be placed in 6-8 inch compacted lifts. If a Mechanically Stabilized Earthen (MSE) wall is used, the layers would also be wrapped with a geo-grid type system in 1 ft intervals. The excavation area would include 40 ft of existing roadway in both directions for access to the repair area. The existing 18 inch by 36 ft aluminum culvert with a 20 ft down spout would be removed during excavation and replaced with a new aluminized steel corrugated metal pipe. Brushy Gulch Creek would be dewatered during the Oregon Department of Fish and Wildlife (ODFW) In-Water Work period unless authorized with a waiver from ODFW.

Currently the road is unusable. The BLM proposes to temporarily close the road with a concrete barrier until October 1, 2013 for public safety and to ensure prevention of further resource damage during the upcoming wet season. A sign would be installed stating that off-road vehicle use is prohibited and that the area is closed for safety reasons until repairs are completed.

The road is within an existing easement on private land. Since the work would be completed with federal funding, evaluation of this project by the National Environmental Policy Act is required.

All in-stream work would be accomplished during the In-Water Work period (June 15-September 15). Specific Best Management Practices and Project Design Features identified in the Revised Environmental Assessment for Aquatic and Riparian Habitat Enhancement (DOI-BLM-OR-M080-2009-0004-EA) on pages 10 and 11 have been incorporated into the design of

this project. The BLM will comply with the Clean Water Act to the extent required. Through the use of Best Management Practices (BMPs), this project will minimize sediment delivery to streams to the maximum extent practicable. Specific features include:

- Plantings, mulch or organic debris, and other sediment trapping material (e.g. straw bales) would be placed on ingress and egress access routes, staging areas, and other disturbed areas prior to the onset of winter rains, thus preventing/minimizing sediment input.
- Actions would occur during low flow or dry conditions when the probability of soil detachment and transport are low (EA, p.28).

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

This project conforms and is consistent with the Medford District's 1995 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: restore the conditions of riparian stands (RMP/ROD, p. 22, 27); enhance natural populations of fish (RMP/ROD, p. 49-50); increase in-stream habitat, channel stability, complexity and passage (ROD/RMP p. 23, 28); minimize sediment delivery to streams through road drainage improvements, out sloping and closing/stabilizing roads (RMP/ROD, p. 28-29); and restore and maintain water quality to protect designated beneficial uses (ROD/RMP, p. 41).

## **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).
- *Grave Creek Watershed Analysis* (August 1999).
- *Water Quality Restoration Plan Rogue River Basin Lower Rogue River Subbasin Grave Creek Bureau of Land Management* (BLM), Medford District Office (2001).

Pursuant with the Endangered Species Act, BLM consulted on all actions authorized by the decision with the US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). 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. The in-Water Work period from June 15- September 15 is expected to have no affect to northern spotted owl sites.

#### **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 2, which lists road improvement projects. The Brushy Gulch Road Improvement Project is fully analyzed under the Revised 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 Revised Aquatic and Riparian Habitat Enhancement EA is appropriate because Grants Pass Resource Area has not received or aware of any new environmental concerns or interest 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?**

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in Conservation Northwest, et al. v. Rey, et al., No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure.

Following the Court's December 17, 2009 ruling, the Pechman exemptions are still in place. Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. The Brushy Gulch Road Improvement Project meets Exemption C of the Pechman Exemptions (October 11, 2006 Order), and therefore may still proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. Exemption C allows riparian and stream improvement projects where the stream riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions.

The analysis in the Revised Aquatic and Riparian Habitat Enhancement EA is appropriate because Grants Pass Resource Area has not received or aware of any other 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, (Revised Aquatic and Riparian Habitat Enhancement EA, p.8), which lists road improvement projects. The Brushy Gulch Road Improvement Project is fully analyzed under the Revised Aquatic and Riparian Habitat Enhancement EA.

**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 but determined (Decision Record, p. 6) that their specific concerns were not affected by this project.

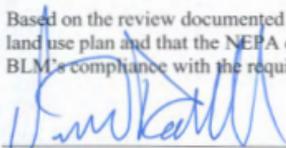
**E. Persons/Agencies /BLM Staff Consulted**

Name	Title	Resource/Agency Represented
Mike Crawford	Fisheries Biologist	Fisheries
Marlin Pose	Wildlife Biologist	Wildlife
Merry Haydon	Archaeologist	Cultural
Rachel Showalter	Botanist	Botany/Weeds
Brent D' Angelo	Engineer	Roads
Jim Roper	Engineer	Roads
Colleen Dulin	Hydrologist	Soils/hydrology/riparian

Note: Refer to the Revised Aquatic and Riparian Habitat Enhancement EA 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.

For  11/16/12  
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Jim Roper  
Signature of Project Lead

Michelle Calvert

Michelle Calvert  
Signature of NEPA Coordinator

11/16/12

[Signature]

Alex Bollschweiler  
Signature of the Responsible Official

11/16/12

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.