

**Determination of NEPA Adequacy (DNA)  
for the  
Ashland Resource Area  
Griffin Creek and Conde Creek Non-System Road Obliteration Project  
DOI-BLM-OR-M060-2015-0021-DNA**

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**A. Describe the Proposed Action:**

The Ashland Resource Area of the Medford District Bureau of Land Management (BLM) plans to implement the Griffin Creek and Conde Creek Non-System Road Project to improve water quality by reducing road-related sediment, restore hydrologic processes modified by water routing and compaction, and reduce impacts to aquatic, wildlife, and botanical resources (USDI 2014, *Environmental Assessment for Aquatic and Riparian Habitat Enhancement*, p. 10). The proposed project is located in the Riparian Reserve and Matrix land use allocations of BLM-administered land.

The location of the project is within the Griffin Creek drainage (HUC# 17100308011103), Bear Creek Watershed, Middle Rogue Sub-basin and Conde Creek drainage (HUC# 17100307080518), Little Butte Creek Watershed, Upper Rogue Sub-basin of southwest Oregon, Jackson County. The Public Land Survey System description is: T. 38 S., R. 2 W., in the southeastern portion of Section 26 and northeastern portions of Section 35 and in the southwestern portions of T. 38 S., R. 3 E., in Section 9 (see attached maps).

In the Griffin Creek portion of this project, two segments of non-system roads are proposed for decommissioning off of BLM Road 38-2-26.1. The first road segment is approximately 0.66 miles in length and is located adjacent to Griffin Creek Gulch, a non-fishbearing intermittent stream and entirely within the Riparian Reserve. Griffin Creek is a tributary of the Bear Creek 5<sup>th</sup> field Watershed. The road originates on BLM-administered land and terminates on private property. It is considered a non-system road, which means it was likely not constructed by the BLM, nor is it currently maintained to protect resources or provide for public safety. The road is currently used by off-highway vehicles (OHVs). The road receives relatively light traffic but is severely eroded, with deep rutting in places. Active erosion has resulted in sediment deposition to the stream, adversely affecting water quality and aquatic species. Since the road receives no maintenance and lacks effective drainage, these effects are expected to persist without intervention. Because of its location within a Riparian Reserve, along with a lack of connectivity to other routes and private property, the road is unsuitable for designation for other uses and is not needed for other land management activities. The second non-system road segment proposed for obliteration in the Griffin Creek Area is approximately 0.38 miles in length and is outside of the Riparian Reserve. Currently, OHVs are using this route to connect to a loop including the road described above.

In the Conde Creek portion of this project, 0.66 miles of non-system road is proposed for decommissioning between BLM Roads 38-3E-15.1 and 38-3E-9.5. The road crosses the mainstem of Conde Creek, connecting two system roads. Conde Creek is a fish-bearing tributary of South Fork Little Butte Creek, which is a Tier 1 Key Watershed. Tier 1 Key Watersheds contribute directly to conservation of at-risk anadromous salmonids and have a high potential of being restored through implementation of watershed restoration projects, such as road obliteration (USDI 1995). The route is located within a Riparian Reserve (perennial stream). Currently OHVs are using this route to travel between two system roads. The route crosses both Conde Creek and its associated meadow system. Dispersed vehicle use, particularly during wet conditions has resulted in damage to soil and vegetation. Vehicle ruts along the route intercept and route surface flow, resulting in accelerated erosion and adverse impacts to riparian habitat, including increased sediment transport to streams. The entrance to this route would be scarified and blocked using boulders, slash, logs and other native materials. The route itself would be scarified and drained so that runoff is dispersed into adjacent vegetation. Where necessary, native seed and straw

mulch will be applied to disturbed ground. Trees and shrubs may also be planted. The BLM intends to start and complete the road decommissioning work along Conde Creek during the in-stream work period of 2015, between June 15 and September 15 unless otherwise authorized with a waiver from the Oregon Department of Fish and Wildlife (ODFW).

No heavy equipment would leave the road prism for this project. No trees would be cut for this project, but some trees will be limbed by the excavator arm movements. Woody debris created will be scattered across the disturbed areas. The roads would be obliterated with an excavator by completely or partially pulling up the fill-slope and re-contouring to allow for dispersion of water. Slash, rocks and other material would be placed on the former roads surface to discourage motorized use, and mulched/seeded with native species to stabilize and re-vegetate the soil. In an effort to reduce riparian resource damage, the BLM proposes to restrict vehicle access by blocking access points with boulders, logs and other suitable material.

This reach of Conde Creek is fish-bearing, but there are no Threatened or Endangered fish species listed under the Endangered Species Act or designated Coho Critical and Essential Fish Habitat in Conde Creek. This project is covered under the *Aquatic Restoration Biological Opinion* released by the National Marine Fisheries Service 2013 and U.S. Fish and Wildlife Service 2013 (wildlife) and 2014 (botany) hence meets Section 7 consultation requirements of the Endangered Species Act.

This project would have a long-term benefit, as it would preclude future vehicle crossing. Any site level impacts would be limited to the first pool or two downstream of the crossing, would be short-duration in nature, and would have no meaningful impact to aquatic habitat. The *Aquatic and Riparian Habitat Enhancement EA* (USDI 2014) anticipated that road decommissioning “may result in short-term, construction-related increases in sediment” (p. 39). Sediment would be minimized through the application of Project Design Features such as mulching and planting bare soil and installing silt fences, straw bales or waddles, or coconut fiber bales. The EA (p. 39 and p. 40) acknowledges “ground cover and perimeter containment BMPs prevent and capture soil erosion thereby greatly reducing or eliminating sedimentation...Decommissioning roads in riparian areas would decrease delivery of fine sediment to streams. Eliminating sediment sources would help to increase the diversity and density of aquatic macro-invertebrates, maintain or increase the amount of interstitial cover available, reduce or eliminate suffocation of fry and entombment, and improve feeding abilities through increased light penetration”. NOAA Fisheries/ National Marine Fisheries Service identified these programmatic activities because they have predictable effects to species and habitat.

Aquatic habitat in the Griffin Creek and Conde Creek drainages were analyzed in the West Bear Creek Watershed Analysis and the Little Butte Creek Watershed Analysis, as required by the Northwest Forest Plan as part of the Aquatic Conservation Strategy (ACS). The ACS objectives address restoration activities to enhance watershed function. This project is the type of restoration envisioned to help meet ACS objectives, and would benefit aquatic habitat conditions within the watershed.

The proposed action will incorporate all appropriate Project Design Features (PDFs) included in the Environmental Assessment (EA) for *Aquatic and Riparian Habitat Enhancement* (USDI 2014).

### **Project Design Features**

- The road decommissioning work along Griffin Creek could occur between May 15<sup>th</sup> to October 15<sup>th</sup> or as approved by the Authorized Officer. Variations in these dates would be permitted dependent upon weather and soil moisture conditions and with a specific erosion control plan (e.g., rocking, waterbarring, seeding, mulching, barricading) as determined by the Contract Administrator in consultation with aquatic and/or soils scientists. All construction activities would be stopped during a rain event of 0.2 inches or more within a 24-hour period or if

determined by the Administrative Officer that resource damage would occur if restoration work is not halted. If on-site information is inadequate, measurements from the nearest Remote Automated Weather Station (RAWS) would be used. Restoration activities would not resume until determination is made by the Contract Administrator that resource damage would not occur.

- The obliterated road surface (travelway) would be decompacted so that the former compacted surface would be rendered loose and friable to a depth of 12 to 18 inches or to a point where 10-inch diameter stones are the dominant substrate (whichever is shallower). Blockage at the entrance would consist of placing logs, slash, boulders, berms, and other material so the entrance is camouflaged for a minimum distance of 100 feet and vehicle access is precluded. Trees and shrubs may also be planted. Seeding with approved native seed species and mulching with weed-free straw or approved native materials would occur within Riparian Reserves and within 100 feet of the road's entrance. Where fill occurs in Riparian Reserves, the affected area would be re-contoured to mimic the natural floodplain contours and gradient to the extent possible and out-sloping the travelway to disperse runoff would occur. Both methods would include the removal of all drainage structures. Treatments described may be modified by the Authorized Officer in coordination with appropriate earth scientists or aquatic specialists.
- Sediment and erosion control techniques would be used which may include, but are not limited to, silt fences, straw bales or wattles, or coconut fiber bales. Sediment and erosion controls would be placed immediately (within 10 feet) downstream of the in-stream work to reduce sediment movement downstream from the project site.
- Waste stockpile and borrow sites would not be located within Riparian Reserves.
- Fill or other unconsolidated fine sediment material over or adjacent to stream crossings would be stabilized as soon as possible after obliteration has been completed, or before October 15<sup>th</sup>. Exposed soils would be seeded and mulched prior to fall rains.
- Hydraulic fluid and fuel lines on heavy mechanized equipment must be in proper working condition in order to avoid leakage into streams.
- Waste diesel, oil, hydraulic fluid and other hazardous materials and contaminated soil would be removed from the site and disposed of in accordance with Department of Environmental Quality (DEQ) regulations. Areas that have been saturated with toxic materials would be excavated to a depth of 12 inches beyond the contaminated material or as required by DEQ.
- Equipment refueling would be conducted within a confined area outside Riparian Reserves.
- Spill containment booms or other equipment would be used as required by DEQ.
- Equipment containing toxic fluids would not be stored in or near (within 300 feet) a stream channel anytime.
- During operations described in the Proposed Action, the operator would be required to have a BLM-approved spill plan or other applicable contingency plan. In the event of any release of oil or hazardous substance, as defined in Oregon Administrative Rules (OAR) 340-142-0005 (9)(d) and (15), into the soil, water, or air, the operator would immediately implement the site's plan. As part of the plan, the operator would be required to have spill containment kits present on the site during operations. The operator would be required to be in compliance with OAR 629-605-0130 of the Forest Practices Act, Compliance with the Rules and Regulations of the DEQ. Notification, removal, transport, and disposal of oil, hazardous substances, and hazardous wastes would be accomplished in accordance with OAR 340-142, Oil and Hazardous Materials Emergency Response Requirements, contained in Oregon DEQ regulations.

- Noxious weeds within areas of proposed heavy equipment operation including road maintenance and ingress and egress routes would be treated prior to operation with methods analyzed in the Medford District Integrated Weed Management Plan and Environmental Assessment (USDI 1998). Treatments would primarily consist of herbicide application, hand pulling, and mechanical cutting.
- Roads to be decommissioned would be treated for noxious weeds prior to decommissioning and re-vegetated, as necessary.
- Seed and straw used for restoration, replanting of bare soil, and post treatment throughout the project area would be native species and weed free to prevent the further spread of noxious weeds.
- All heavy equipment would be inspected and pressure washed to remove oil, grease, noxious weeds, dirt, and debris prior to entering BLM lands, before moving between the Conde and Griffin sites, and when moving from infested to non-infested areas within the project area.
- If during project implementation the contractor encounters or becomes aware of any objects or sites of paleontological or cultural value on federal lands, such as fossils, historical or pre-historical ruins, graves, grave markers, or artifacts, the contractor shall immediately suspend all operations in the vicinity of the cultural value and notify the Authorized Officer of the findings. The project may be redesigned to protect the cultural resource values present, or evaluation and mitigation procedures would be implemented based on recommendations from the Resource Area Archaeologist with concurrence by the Ashland Field Manager and State Historic Preservation Office.

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

This watershed restoration project conforms to and is consistent with the Medford District Record of Decision and Resource Management Plan (RMP) (USDI 1995). Watershed restoration is addressed in the Medford District 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 *Aquatic and Riparian Habitat Enhancement EA* (USDI 2014) are identified in the 1995 RMP such as emphasizing the reduction of minor collector and local road densities where those problems exist (p.84); improve soil and water conditions by closing selected areas to off-highway vehicle use (p.42); and design and implement fish habitat restoration and enhancement activities in a manner that contributes to attainment of Aquatic Conservation Strategy and Riparian Reserve objectives (p.49).

The 1995 Medford District RMP incorporated the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl and 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* (USDA and USDI 1994).

The Griffin Creek and Conde Creek Non-System Road Obliteration Project is consistent with the Medford District RMP as amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001 ROD); the *BLM Vegetation Treatments Using Herbicides Final Programmatic EIS Record of Decision* (USDI 2007); Record of Decision (BLM): *Vegetation Treatments Using Herbicides on BLM Lands in Oregon* (USDI 2010); *Medford District Integrated Weed Management Plan Environmental Assessment* (USDI 1998) and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, USDI 1985). This project utilizes the December 2003 Survey and Manage species list. This list incorporates species changes and removals made as a result of the 2001, 2002, and 2003 Annual Species Reviews (ASRs) with the exception of the red tree vole. For the red tree vole, the Ninth Circuit Court of Appeals vacated the category changes and removal of the red tree vole in the mesic zone, and

returned the red tree vole to its status as existed in the 2001 ROD Standards and Guidelines, which make the species Category C throughout its range.

This proposal is also in compliance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act of 1973 (ESA), the Clean Water Act of 1987 (CWA), Safe Drinking Water Act of 1974 (as amended 1986 and 1996) (SDWA), Clean Air Act of 1990, and the Archaeological Resources Protection Act of 1979 (ARPA).

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

The following documents cover the proposed action:

- *The Environmental Assessment for Aquatic and Riparian Habitat Enhancement* (USDI 2014)
- *Aquatic and Riparian Habitat Enhancement Finding of No Significant Impact* (FONSI) and *Decision Record* (DR) (April 16, 2014)
- *The Decision Record for the Integrated Weed Management Plan* with the associated FONSI and Medford District Integrated Weed Management Plan (USDI 1998)
- Little Butte Creek Watershed Analysis (USDI and USDA 1997)
- West Bear Creek Watershed Analysis (USDI 2001)

Pursuant with the Endangered Species Act, BLM consulted on all actions authorized by the decision with the U.S. 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 2013/9664) and the USFWS (Wildlife BO #01EOFW00-2013-F-0090 and Plant LOC #01EOFW00-2014-I-0013) for Programmatic Consultation on Fish Habitat Restoration Activities in Oregon and Washington.

### **D. NEPA Adequacy Criteria**

#### **1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action within the same analysis area of the previously analyzed project?**

The *Aquatic and Riparian Habitat Enhancement* EA, listed above, analyzed programmatically a suite of activities for maintaining and restoring watershed conditions, including road decommissioning/road obliteration across the Medford District BLM. This site-specific project is implementing road obliteration to improve water quality by reducing road-related sediment, restore hydrologic processes modified by water routing and compaction, and reduce impacts to aquatic, wildlife, and botanical resources. The Project Design Features and Project Design Criteria required under the above referenced EA (USDI 2014, pp. 11-14) and BOs are included in this project.

#### **2. Is the range of alternatives analyzed in the existing NEPA documents appropriate with respect to the current 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 with respect to the current proposed action because it meets the specific purposes discussed, which includes road obliteration/decommissioning (USDI 2014, pp. 10-11). The Ashland Resource Area has not received any new environmental concerns or interest since the decision was signed in April 2014.

**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 Griffin Creek and Conde Creek Non-System Road Obliteration Project is consistent with the 2001 Survey and Manage Record of Decision of the Northwest Forest Plan, as incorporated into the Medford District RMP.

Since the issuing of the *Environmental Assessment for Aquatic and Riparian Habitat Enhancement*, the status of the fisher has changed. Specifically, USFWS issued a proposal to list the West Coast Distinct Population Segment (DPS) of fisher (*Pekania pennanti*) as a threatened species under the Endangered Species Act in the Federal Register (Federal Register/Vol.79, No. 194/Tuesday, October 7, 2014/Proposed Rules, pages 60419-60425). The Griffin Creek and Conde Creek Non-system Road Obliteration Project falls within the range of the West Coast DPS of the fisher. The *Aquatic and Riparian Habitat Enhancement* EA analyzed the effects of road obliteration on fisher (EA, pp. 47-48). The Griffin Creek and Conde Creek Non-System Road Obliteration Project would not result in habitat changes and no habitat would be removed. The project is consistent with the effects already considered and analyzed in the *Aquatic and Riparian Habitat Enhancement* EA.

This project is consistent with the suite of activities analyzed in the above referenced EA (p. 5-10). The interdisciplinary team planning and overseeing the implementation of this site-specific project reviewed the anticipated effects of this project against those documented in the above referenced EA and found the existing analysis to be valid for this proposed action.

### **Survey clearances**

#### Botanical

The project area was surveyed in June 2015 for federally-listed, Bureau Special Status (BSS) and Survey and Manage (S&M) plants, and noxious weeds. No BSS or S&M plants were detected during surveys. There will be no effect on Threatened, Endangered, BSS or S&M plants as a result of implementing the Proposed Action.

*Griffin Creek:* Sulphur cinquefoil, bull thistle, and an historical infestation of meadow knapweed occur along the roads proposed for obliteration. The infestations have been treated and will be monitored for at least 3 years with accompanying treatments as necessary to control or eradicate the infestations.

*Conde Creek:* Bull thistle occurs near the intersection with BLM Road 38-3E-15.1 at the south end of the project area. This infestation will be treated before implementation. Monitoring and treatments will occur for at least 3 years or as necessary to control or eradicate the infestation.

#### Wildlife

The road to be decommissioned along Griffin Creek is within northern spotted owl (NSO) critical habitat. The roads near Griffin Creek to be obliterated are in the home range of three NSO sites. The nearest NSO nest is approximately 0.5 miles to the south of this location. There will be no tree removal associated with this project; therefore there will be no impact on NSO habitat.

The road to be decommissioned along Conde Creek is outside of NSO critical habitat and known historic NSO home ranges. It is 0.5 miles from a great gray owl historic nest site. Both of these road locations pass through habitat used by the Pacific fisher, a species proposed for federal listing. No

den sites are known in these areas. The obliteration of these non-system roads would have no effect to federally-listed, S&M, or BSS wildlife species or their habitat.

Due to the project being completed in the fall of 2015, there is no need for a seasonal noise restriction for these species.

#### Cultural

All required cultural surveys have been completed for the project. Any sites within the Area of Potential Effects (APE) will be flagged for avoidance; therefore, there are no effects to cultural resources in the project area.

#### **4. Do the methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the current proposed action?**

The interdisciplinary team approach was used in evaluating the proposed action. The present methodology continues to be appropriate, because the action is the same.

#### **5. Are the direct, indirect, and cumulative effects of the current proposed action similar to those identified in the existing NEPA documents?**

The Griffin Creek and Conde Creek Non-System Road Obliteration Project is fully analyzed under the *Aquatic and Riparian Habitat Enhancement* EA. The interdisciplinary team planning and overseeing the implementation of this site-specific project reviewed the anticipated direct, indirect, and cumulative effects of this project against those documented in the *Aquatic and Riparian Habitat Enhancement* EA and the effects disclosed are the same as those identified and analyzed. No new information or circumstances would affect the predicted environmental impacts as stated in the above referenced EA.

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

Public involvement for the above referenced 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.

The EA was made available for public comment for 30 days beginning on March 11, 2014. The BLM received three comment letters which included support for maximizing road decommissioning in Riparian Reserves and disconnecting roads from stream networks but cautioned the use of heavy equipment in this land use allocation (Decision Record, p.7 and Appendix B). No heavy equipment would leave the road prism for this project. Any applicable Project Design Features from the 2014 EA (p.11-14) and Project Design Criteria of the above referenced BOs will be incorporated such as applying native mulch and weed-free straw to any areas with ground disturbance to hydrologically disconnect upland soil movement from entering streams.

#### **E. BLM Interdisciplinary Team**

This document, which includes a detailed description of the project, was distributed to the appropriate Ashland Resource Area resource specialists for review. The following interdisciplinary team members have reviewed this Proposed Action and have determined this action is adequately covered in the *Aquatic and Riparian Enhancement* EA.

Name	Resource
Tim Montfort	Hydrology
Mike Derrig	Hydrology
Chris Volpe	Fisheries
Armand Rebischke	Botany/Noxious Weeds
Lisa Rice	Archaeology/Cultural
John McNeel	Engineering
Ginelle O'Connor	Wildlife
Amy Meredith	Soils
Zach Million	Recreation
Michelle Calvert	NEPA Compliance
Kathy Minor	NEPA Compliance (Lead)

**F. Mitigation Measures:** Project Design Features (PDFs), discussed in Section A above, are included as part of the Proposed Action for the purpose of reducing or eliminating anticipated adverse environmental impacts.

**CONCLUSION**

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.



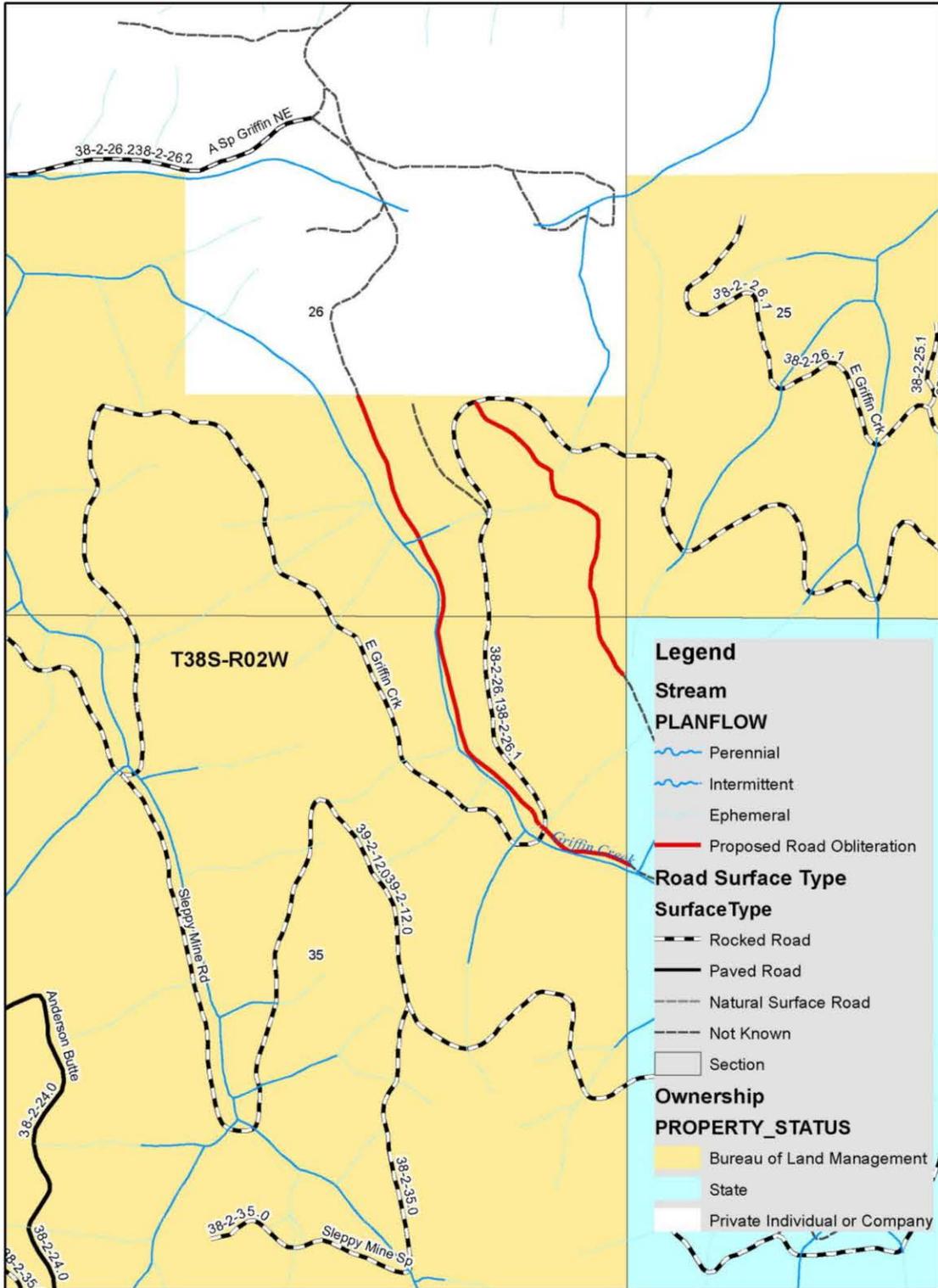
Kristi Mastrofini  
Acting Field Manager  
Ashland Resource Area

7/27/15

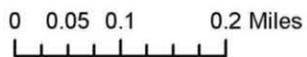
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**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

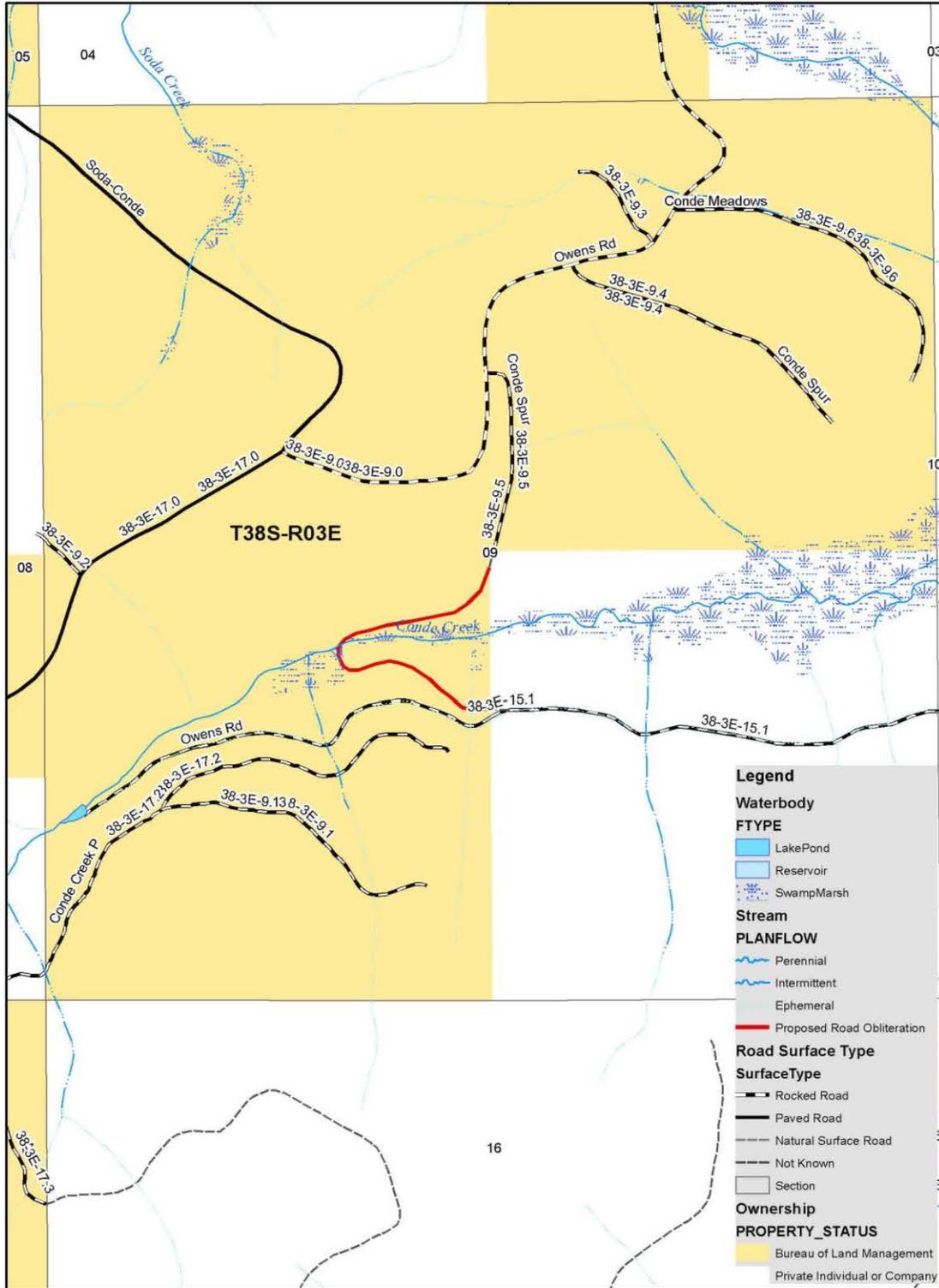
# Griffin Creek Non-System Road Obliteration



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