

**Documentation of Land Use Plan Conformance  
and  
NEPA Adequacy (DNA)  
for the  
Ashland Resource Area  
Ninemile Creek Large Wood Placement Project  
DOI-BLM-OR-M060-2015-0020-DNA**

---

**A. Describe the Proposed Action:**

The Ashland Resource Area of the Medford District Bureau of Land Management (BLM) plans to implement the Ninemile Creek Large Wood Placement Project to improve habitat in Ninemile Creek by placing woody material in the stream. The project involves placing approximately 30 pieces of wood and no more than five downed snags or blowdown pieces with rootwads into the stream channel. The trees have been previously cut for another restoration project on Thompson Creek and are stored on private land.

At the installation site, chainsaws may be used to cut the wood for proper fixing and placement. Trees range in size from 18 to greater than 40 inches at diameter at breast height (dbh), and intact bole lengths, as measured from the root mass, range from 40 to 140 feet in length. All work would be conducted from established roads located from 60 to 500 feet from the channel, and would utilize a cable yarder with block and tackle to drag the trees into the wetted channel of Ninemile Creek. Heavy equipment would not leave the road prism. Pieces would be placed parallel to stream flow, or incorporated into existing debris jams. Pieces not incorporated into existing jams would be anchored into bank side trees, which are large mature conifers. The proposed restoration project is entirely on BLM lands.

The location of the project is within the Ninemile Creek drainage (HUC# 1710030904), Middle Applegate River fifth field Watershed, Applegate River sub-basin of southwest Oregon, Jackson County. The Public Land Survey System description is: T. 39 S., R. 4 W., in the western portion of Section 19 (see attached map). The BLM intends to start and complete the project during the in-stream work period of 2015, between July and October.

The lower two miles of Ninemile Creek supports populations of coho salmon, steelhead, and cutthroat trout. This reach is designated Coho Critical and Essential Fish Habitat for coho, which are listed as “Threatened under the Endangered Species Act.” 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.

Aquatic habitat in the Ninemile Creek drainage was analyzed in the Middle Applegate 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).

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

This watershed restoration project conforms to and is consistent with the 1995 Medford District Record of Decision and Resource Management Plan (RMP) (USDI).

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 as actions necessary to restore the conditions of riparian stands (pp.22 and 27); enhance natural populations of fish (pp.49-50); increase instream habitat, channel stability, complexity and passage (pp. 23-28); minimize sediment delivery to streams through road drainage improvements, out sloping and closing/stabilizing roads (p.28-29); and restore and maintain water quality to protect designated beneficial uses (p.41).

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 Ninemile Large Wood Placement 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 NEPA documents and other related documents that cover the proposed action.**

The following documents cover the proposed action:

- The *Environmental Assessment for the Aquatic and Riparian Habitat Enhancement*, (USDI 2014).
- The Decision Record and Finding of No Significant Impact (FONSI) (April 16, 2014) for the *Aquatic and Riparian Habitat Enhancement Environmental Assessment* (USDI 2014).
- The Oregon Department of Fish and Wildlife' *Guide to Placing Large Wood in Streams* (ODFW 1995) and *Habitat Restoration Guide* (ODFW 1999).
- The Decision Record for the *Integrated Weed Management Plan* with the associated FONSI and Medford District Integrated Weed Management Plan (USDI 1998).
- Middle Applegate Watershed Analysis (USDI 1995).

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 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 large wood placement for stream enhancement, across the Medford District BLM. This site-specific project is implementing wood placement for stream enhancement. 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 (2013) is appropriate with respect to the current proposed action because it meets the specific purposes discussed, which includes increasing instream habitat, channel stability, complexity (USDI 2014, pp. 23-28). 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 Ninemile Creek Large Wood Placement 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 (EA) 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 Ninemile Creek Large Wood Placement Project falls within the range of the West Coast DPS of the fisher. The *Aquatic and Riparian Habitat Enhancement* EA analyzed the effects of instream wood placement on fisher (EA, pp. 47-48). The Ninemile Creek project would not result in habitat changes and no habitat would be removed, and 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. 6-7). 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

Botanical surveys were completed for this project in 2015. There are no federally-listed threatened or endangered, bureau sensitive, or survey and manage species anywhere near the project area. Therefore, there would be no effect on botanical species. The project area was also surveyed for noxious weeds. There are a few patches of English Ivy in the vicinity of the project that have been dug and hand-pulled the last couple years. This project will not contribute to the spread of Ivy.

### Wildlife

The southern-most locations of the wood placement are within a northern spotted owl (NSO) home range (Upper Ninemile); however, there are no known owl nest sites. The project will begin implementation in early July; therefore, no seasonal restriction for noise disturbance for nesting NSO is required. Since no trees are being removed within the proposed project area, there is no NSO habitat modifications associated with this project.

In the Ashland Resource Area wildlife sightings database, there is one location recorded for a single western pond turtle (a Bureau Sensitive Species) which is approximately 1/4 mile northwest of the project area. Adult turtles are known to nest up to 1/4 mile from a water source. If they are using the project area, the adults will move away from the disturbance. There are no known turtle nests located within the project area. Heavy equipment use will be limited to existing roads, therefore there will be no effects on western pond turtles in the area. The proposed stream habitat improvement project is a benefit to this species as they prefer slow moving waterways.

There would be no direct, indirect or cumulative effects to federally listed wildlife species, Bureau sensitive, or survey and manage species.

### Cultural

All required cultural surveys will be completed prior to implementation of 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 Ninemile Creek Large Wood Placement 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 that were in favor of large woody material restoration projects but cautioned about use of heavy equipment in riparian areas (Decision Record, Appendix B, p.10). 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 the stream.

**E. Interdisciplinary Analysis:** This worksheet was distributed to the appropriate members of the Ashland Resource Area interdisciplinary team for review and input.

**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.

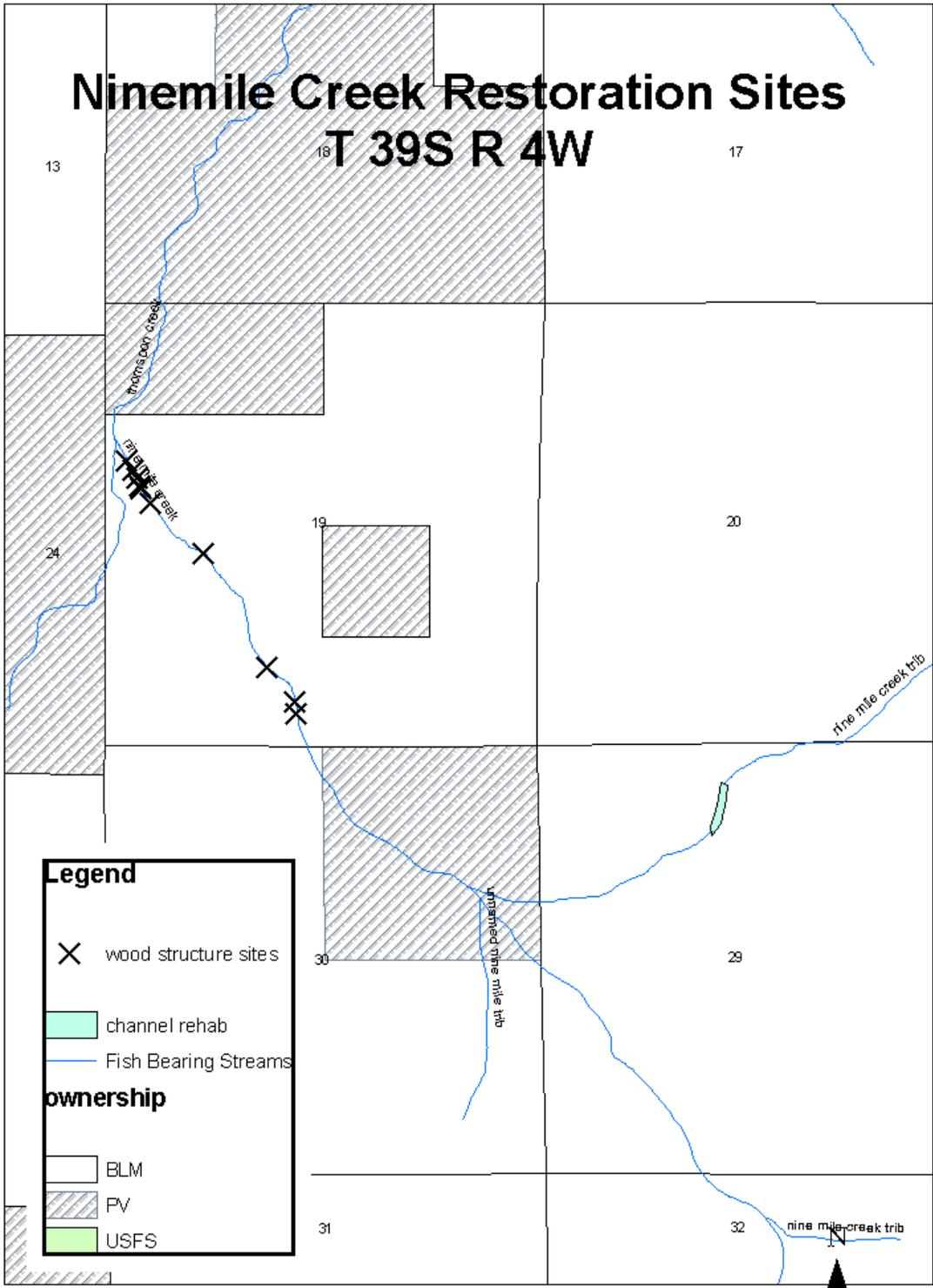
  
\_\_\_\_\_  
Signature of the Responsible Official

2/6/15  
\_\_\_\_\_  
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.

# Ninemile Creek Restoration Sites

## T 39S R 4W



**Legend**

- ✕ wood structure sites
- channel rehab
- Fish Bearing Streams

**ownership**

- BLM
- PV
- USFS

