

**Documentation of Land Use Plan Conformance
and
NEPA Adequacy (DNA)
for
Ashland Resource Area
Little Applegate Fish Screen Project**

DOI-BLM-OR-M060-2011-0012-DNA

A. Describe the Proposed Action:

The Medford District Bureau of Land Management (BLM) plans to implement the Little Applegate Fish Screen project. The fish screen is located in an irrigation ditch on BLM land but is owned and maintained by Oregon Department of Fish and Wildlife (ODFW). ODFW has requested access to their fish screen location to upgrade the existing structure. This project involves accessing the fish screen site from County Road 682 by driving equipment across a short section of the Little Applegate floodplain, across the Little Applegate River, and along an existing ditch side road located parallel to the Little Applegate River. Driving equipment off the county road will require widening of an existing foot path for approximately 40 feet. Once on the floodplain, equipment will be routed over top blackberry brambles, so as to decrease disturbance and then the equipment will cross the Little Applegate River to access the ditch intake and screen location. A new and improved water and fish return pipe will be installed from the fish screen to the Little Applegate River providing a safe stream fish that enter the ditch. The proposed project is entirely on BLM lands.

The location of the project is within the Upper Little Applegate River 6th Field Sub-Watershed, Little Applegate River 5th field Watershed, Middle Rogue River Basin of southwest Oregon, Jackson County. The Public Land Survey System description is: T39S R2W, SW of the SE quarter/quarter of Section 23. ODFW intends to complete the project during the spring of 2011.

The Little Applegate River supports populations of Klamath Mountain Province (KMP) steelhead, resident rainbow and cutthroat trout, and Pacific lamprey. The Little Applegate River approximately 5 miles downstream of the project area is designated Coho Critical and Essential Fish habitat for coho, which are listed as “threatened”. This project is covered under the Aquatic Restoration Biological Opinion released by the National Marine Fisheries Service in 2008, and hence meets section 7 consultation requirements of the Endangered Species Act.

The proposed action will incorporate all appropriate project design features included in the Environmental Assessment for the *Aquatic and Riparian Habitat Enhancement* (April 2009) and the Aquatic Restoration Biological Opinion (2008).

B. Land Use Plan (LUP) Conformance

The proposed action is in compliance with the 1995 Medford District Record of Decision and Resource Management Plan (RMP). The 1995 Medford District Resource Management Plan 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 (Northwest Forest Plan) (USDA and USDI 1994). The 1995 Medford District Resource Management Plan was later 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*. On July 25, 2007, the *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* amended the 1995 Medford District Resource Management Plan by removing the Survey and Manage Mitigation Measure Standards and Guidelines.

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. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects (including timber sales).

This project may proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. This is because this meets the provisions of the last valid Record of Decision, specifically 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 (not including subsequent Annual Species Reviews).

The proposed action is also in conformance 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 (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the Archaeological Resources Protection Act of 1979.

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*, (April 2009).

The Decision Record, signed June 9, 2009 for the *Aquatic and Riparian Habitat Enhancement* (April 2009) Environmental Assessment.

The Decision Record, signed 6/5/98, for the *Integrated Weed Management Plan* with the associated FONSI and Medford District Integrated Weed Management Plan.

The U.S. Fish and Wildlife Service (USFWS) Biological Opinion (#13420-2007-F-0055) and Letter of Concurrence (#13420-2008-1-0136) for *Programmatic Aquatic Restoration Activities in Oregon and Washington that Affect ESA-listed Fish, Wildlife, and Plant Species and their Critical Habitats*.

The National Marine Fisheries Service' *Aquatic Restoration Biological Opinion* (2008).

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 instream heavy equipment use, across the Medford District BLM. This site-specific project includes transporting a new fish screen across the Little Applegate River and then hauling the old fish screen out and project design features required under the above referenced EA 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 above Environmental Assessments is appropriate with respect to the current proposed action.

3. **Is the existing analysis valid in light of any new information or circumstances?** This project is consistent with the suite of activities analyzed in the above referenced EA. The ID 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's and found the existing analysis to be valid for this proposed action. No new information exists.
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 ID 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's 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's.
6. **Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action?** The restoration EA was made available for public review on BLM's Medford District Website in April of 2009.

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

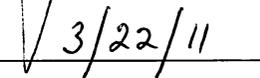
F. Mitigation Measures: Project Design Features (PDFs), discussed in Section A above, are included as part of the proposed action for the purpose of reducing or eliminating anticipated adverse environmental impacts.

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



 Date