Determination of NEPA Adequacy (DNA)

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

Office: Medford District, Ashland Resource Area

Project Number: DOI-BLM-OR-M060-2011-0018-DNA

Proposed Action Title/Type: Lake Creek Road/Trail Decommissioning

Location/Legal Description: Township 37 South, Range 1 East, Sections 2, 11, 13
Township 37 South, Range 2 East, Sections 17, 29, 20

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

There is on-going acute resource damage occurring in the Lake Creek area from off-highway vehicle (OHV) use. The majority of this use is occurring during the wet season when impacts to soil and water resources are magnified. The area is intermixed private and BLM managed lands. OHV use on BLM lands is spilling onto private lands, where resource impacts are also occurring. The landowner where the majority of this use is occurring has expressed concern regarding damage to private lands. The area can be characterized as mixed conifer and hardwoods with a large meadow component. OHV use is occurring on unauthorized user created routes and off road travel, primarily within these meadow areas. The result is soil and water quality impacts in the form of erosion, gullies, turbidity and sedimentation into streams. Other impacts include pervasive noxious weed invasion of areas disturbed by OHV's and disturbance to wildlife in a critical deer and elk wintering area. There are approximately 16 miles of unauthorized (user created) routes that have been identified and mapped on BLM lands in the Lake Creek area. These routes continue onto private lands owned primarily by Cascade Ranch, where an estimated additional 5-10 miles of additional routes exist. In a coordinated approach, Cascade Ranch has committed to treating routes located on their private lands.

The Bureau of Land Management proposes to eliminate or decommission these routes through a variety of treatments. Using an excavator, the entrances to these routes would be scarified and blocked using boulders, slash, logs and other native materials. The intent is to camouflage and block access. Where a road template exists (travelway with cut and fill) the feature may be recontoured to match the existing topography. Other areas that exhibit drainage problems, such as ruts in a meadow, would be scarified and smoothed out in an effort to disperse concentrated flow. Where equipment access is limited, trees may be felled at strategic locations. Where necessary, such as areas disturbed by equipment, native seed and straw mulch would be applied as resources allow. It is anticipated that a small percentage of the total mileage would be physically treated.

B. Land Use Plan (LUP) Conformance

LUP Name: Medford District Resource Management Plan Date Approved: August 1995
Medford District Resource Management Plan Date Approved: December 2008

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. This watershed restoration project 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). The proposed action is also in compliance with the 1995 Medford District Record of Decision and Resource Management Plan (RMP) (USDI). 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.

- The proposed action is in conformance with the 1995 Medford District RMP/ROD, which states (p. 23): *"Watershed restoration will be an integral part of a program to aid recovery of fish habitat, riparian habitat, and water quality. The most important components of a restoration program are control and prevention of road-related runoff and sediment production, restoration of the condition of riparian vegetation, and restoration of in-stream habitat complexity."* Furthermore, the Riparian Reserves management directive for roads states: *"...meet Aquatic Conservation Strategy and Riparian Reserve objectives by:...minimizing road and landing locations in Riparian Reserves; minimizing disruption of natural hydrologic flow paths, including diversion of streamflow and interception of surface and subsurface flow; closing and stabilizing, or obliterating and stabilizing roads based on the ongoing and potential effects to Aquatic Conservation Strategy and Riparian Reserve objectives and considering short-term and long-term transportation needs."* (USDI 1995: 28). Decommissioning Lick Gulch Road and Max Gulch Road falls within the intent of these objectives.

- Project design features included in the proposed action incorporate Best Management Practices for road decommissioning (USDI 1995: Appendix D:165).

- Focus watershed restoration on removing and upgrading roads (USDI 1995:23).

- Closing and stabilizing, or obliterating and stabilizing roads based on the ongoing and potential effects to Aquatic Conservation Strategy (ACS) and riparian reserve objectives and considering short-term and long-term transportation needs (USDI 1995:28).

- Objective: To reduce soil compaction, minimize or reduce sedimentation, and improve site productivity by decommissioning roads and landings and rehabilitating the land.
  Practices: Return roads or landing not needed for future resource management to resource production by revegetating with native species. Apply mulch and fertilizer where appropriate (USDI 1995:165).

- Roads would avoid special habitats and minimize effects to wetlands and riparian areas. Off-highway vehicle closure. Meadows and wetlands would be closed to off-highway vehicle use (USDI 1995:45).

- Areas not designated as *closed* to off-highway vehicle use are *designated as limited to designated roads and trails* (USDI 2008: 56).

- Implement road improvement, storm proofing, maintenance, or decommissioning to reduce chronic sediment inputs to stream channels and waterbodies (USDI 2008: 63)

Due to ongoing litigation, current BLM guidance is for all project to comply with either 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 (without Annual Species Reviews) or one of the four exemptions in the October 11, 2006, Court stipulation in Northwest Ecosystem Alliance v. Rey). None of the exemptions are relevant to the actions authorized by this Categorical Exclusion. However, as settlement agreement on the 2007 Survey and Manage Record of Decision (Conservation Northwest et al. v. Mark E. Rey et al.) is now before the court for approval, any activities completed will comply with any modifications in management direction to comply with stipulations of any court order in place at the time of the action.

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 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.

- *Little Butte Creek Watershed Analysis*, (November 1997)

- *Lower Little Butte Creek Water Quality Restoration Plan*, (October 2010)

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 *Aquatic and Riparian Habitat Enhancement EA,* listed above, analyzed programmatically a suite of activities for maintaining and restoring watershed conditions, including decommissioning roads located in meadows and riparian reserves across the Medford District BLM. This site-specific project proposes to

decommission up to 16 miles of these roads and project design features under the above referenced EA are included in this project.

Both the *Little Butte Creek Watershed Analysis* and the *Lower Little Butte Creek Water Quality Restoration Plan attribute* degraded water quality and aquatic habitat conditions to road and OHV use. To comply with State and Federal statutes, in addition to BLM management direction (RMP), it is recommended that road densities be decreases through road decommissioning and other measures within the Little Butte Creek watershed which includes Lake Creek.

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 NEPA documents is appropriate with respect to the current proposed action because it meets the specific purposes discussed, which includes; improve water infiltration, reduce sedimentation, reduce road densities, and improve soil productivity. The current environmental concerns, interests, and resource values are the same as in the referenced documents.

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 existing analysis remains valid because there has been no new information or circumstances that would change the analysis. Road decommissioning is a common mitigation measure and restoration tool and new information or circumstances would not substantially change the analysis of the new proposed action.

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 direct, indirect, and cumulative effects that would result from the proposed road decommissioning are positive in effect, particularly for soil/water, botany, and wildlife resources. Although there will minor impacts to recreational resources, particularly OHV use, this use is causing resource damage that is negatively impacting both public and private lands and is inconsistent with current management direction and State and Federal laws.

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

The Aquatic Restoration EA was made available for public review on BLM's Medford District Website in April of 2009. Also, both the Medford District Resource Management Plan and the Little Butte Creek Watershed Analysis which addresses elements of the proposed action were distributed to the public and appropriate agencies. The proposal was discussed with private landowners, OHV advocates at the Oregon State OHV Commission, and numerous individuals in the Lake Creek community. Also, maps were posted at the Lake Creek store and on Cascade Ranch depicting what roads were open and legal for travel in the vicinity. None of the proposed roads/trails proposed for decommissioning were included on that map.

E. Persons/Agencies /BLM Staff Consulted

Name	Title	Resource/Agency Represented
Armand Rebishke	Botanist	Botany, Noxious Weeds
Jason Reilly	Wildlife Biologist	Wildlife
Greg Chandler	Fuels Specialist	Fire and Fuels, Air Quality
Chris Volpe	Fisheries Biologist	Fisheries
Ted Haas	Soil Scientist	Soils
Michael Derrig	Hydrologist	Water Resources
Ron Gregory	District Archeologist	Cultural Resources
Frank Hoeper	Forester	Forester/Recreation
John McNeel	Engineer	Transportation Systems
Kristi Mastrofini	Environmental Specialist	NEPA
Dan Schleigh	Ranch Manager	Cascade Ranch
Betty Noble	Owner	Cascade Ranch
Jay Doino	Fisheries Biologist	Oregon Dept. of Fish and Wildlife
Ron Price	OHV Grants Coordinator	OR Dept. of Parks and Recreation

Conclusion (*If you found that one or more of these criteria is not met, you will not be able to check this box.)*

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 J Derrig 6/15/11
Signature of Project Lead Date

Stephanie Kelleher 6/15/11
Signature of NEPA Coordinator Date

John Lawton 6/15/11
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.