

**Documentation of Plan Conformance and
Determination of NEPA Adequacy (DNA)**

DOI-BLM-OR-M050-2015-0009-DNA

Proposed Action Title/Type: Upper Flat Creek Culvert Replacement

Tracking Number: DOI-BLM-OR-M050-2015-0009-DNA

Existing NEPA Document: EA# DOI-BLM-OR-M000-2013-0004-EA, *Revised Environmental Assessment for Aquatic and Riparian Habitat Enhancement* (Restoration EA)

Office: Medford District Office, Butte Falls Resource Area

Location/Legal Description: Township 32 South, Range 1 East, section 18
Willamette Meridian, Jackson County, Oregon (see map).

A. Description of the Proposed Action and Any Applicable Mitigation Measures

The Bureau of Land Management (BLM) proposes to install a bottomless structure 16 feet wide and 62 feet long, to replace a failed culvert on BLM road #32S-1E-18. The new structure would accommodate the bankfull width of the stream channel to provide for passage of all aquatic organisms. The culvert was plugged with large woody debris and boulders that caused it to fail. The stream eroded the fill around the severely damaged culvert. The BLM road crew pulled the culvert and remaining fill to allow the stream to flow freely and restore the stream channel to bankfull width through the road crossing. This condition now warrants a long-term solution to end the chronic sedimentation, and to ensure passage for fish and all aquatic organisms.

The Flat Creek site will be dewatered by using one of several approved dewatering methods to allow the work to be completed under relatively dry conditions. All instream work will be completed during the Oregon Department of Fish and Wildlife (ODFW) In-Water Work period (June 1 to September 15), unless otherwise authorized with a waiver from ODFW.

Approximately 252 cubic yards of Class 7¹ riprap will be placed to armor the restored banks and protect the footings and abutments from erosion. Riprap will not be placed within the bankfull width of the stream. Riprap would only be placed below bankfull height when necessary for protection of footings. The amount of riprap would not constrict bankfull flow. Any fish that may be found in the work zone will be captured and released back into the creek by BLM fisheries biologists before excavation begins.

Work will occur during the instream work period between June 15 and September 15, 2015. This project is permitted programmatically through the US Army Corps of Engineer Regional General Permit (RGP), Department of State Lands General Permit (GP), and Department of Environmental Quality 401 certification.

Specific Best Management Practices (BMPs) and Project Design Features (PDFs) identified in the Aquatic and Riparian Habitat Enhancement Environmental Assessment (DOI-BLM-OR-

¹From Federal Highway Administration, Table 705-1 in Standards and Specifications for Construction of Roads and Bridges on Federal Highway Projects FP-14, page 668.

M000-2013-0004-EA) on pages 9 thru 13 have been incorporated into the design of this project where applicable. The BLM will comply with the Clean Water Act. Through the use of BMPs, this project will minimize sediment delivery to streams to the maximum extent practicable.

Specific features include:

- Exposed soils, created during construction activities along either side of the constructed roadbed, would be mulched with certified weed-free mulch and planted with native seed by October 15 to reduce the amount of material that would be prone to erosion.
- All vehicles and equipment would be cleaned prior to entry on to BLM lands in accordance with the PDFs on page 13 of the Restoration EA.
- Actions would occur during low flow or dry conditions when the probability of soil detachment and transport are low (Restoration EA, p. 28).
- Work area isolation, dewatering would use all relevant PDFs and BMPs from the Restoration EA (p. 10–11).
- Rock or gravel used in this project must be from a weed-free source/quarry.
- When possible parking, or staging of equipment should occur on a hard surface such as asphalt or chipseal. No parking of vehicles or staging of equipment near flagged sites.

The objectives for culvert replacement are to reduce sediment production and increase aquatic and hydrologic connectivity (Restoration EA, p. 8). The Restoration EA states, “Stream-crossing culverts that restrict aquatic connectivity of resident and anadromous fish and other aquatic fauna [and those that are improperly functioning] would be replaced or upgraded (Restoration EA, p. 9).

The culvert proposed for replacement meets the three criteria identified in the EA for selecting culverts for replacement (Restoration EA, p. 9):

- The existing culvert blocks access to habitat of resident fish species.
- The culvert is aged, at a risk of failure, or both.
- The culvert is improperly functioning leading to flow interruption and road runoff, creating a threat to public safety, increased sedimentation, and infrastructure loss.

Ground disturbed during the culvert replacement process will be stabilized by seeding with native seed and mulching with weed-free straw.

If it is necessary to relocate fish during culvert replacement, increased stress and possible mortality for a small number of fish may result. The stress of relocation would last a few hours and would only occur during culvert replacement. Culvert replacement would have short-term increase in erosion and sediment deposits. Erosion and sediment would be minimized by project design and would be small in scale and short in duration. Therefore, there would not be any observable detrimental effects to fish survival (Restoration EA, p. 34).

Project Design Features

Project design features, included in the design of the project, are a compilation of resource protection measures identified by the Restoration EA Interdisciplinary Team and Best Management Practices identified in the Medford District ROD/RMP. The BLM conducted a review and update of the Best Management Practices in 2011 to provide direction regarding road maintenance practices and road-related actions with the intention to minimize or prevent sediment delivery to waters of the United States in compliance with the Clean Water Act (IM-OR-2011-018). Those Best Management Practices were incorporated into the Medford District RMP to minimize or reduce the conveyance and delivery of sediment to the waters of the United States.

Applicable project design features identified by the interdisciplinary team for the Aquatic and Riparian Enhancement project will be implemented in this project (Restoration EA, p. 10–11).

B. Land Use Plan (LUP) Conformance

This proposal is in conformance with the objectives, land use allocations, and management direction of the 1995 *Medford District Record of Decision and Resource Management Plan* (ROD/RMP) and any plan amendments in effect at the time this document is published. It also consistent with the 1994 *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan).

C. National Environmental Policy Act (NEPA) Documents and Other Related Documents That Cover the Proposed Action.

- Revised Environmental Assessment for Aquatic and Riparian Habitat Enhancement (DOI-BLM-OR-M000-2013-0004-EA), March 2014.
- Aquatic and Riparian Habitat Enhancement Finding of No Significant Impact and Decision Record, April 16, 2014.
- US Fish and Wildlife Service Biological Opinion and Letter of Concurrence USDA Forest Service, USDI Bureau of Land Management, and the Coquille Indian Tribe for Programmatic Aquatic Habitat Restoration Activities in Oregon and Washington that Affect ESA-listed Fish, Wildlife, and Plant Species and their Critical Habitats 13420-2007-F-0055, LOC#13420-2009-1-0045, and LOC#13420-2008-1-0136 and National Marine Fisheries Service Biological Opinion #2008/03506, Biological Opinions/LOCs covering restoration projects.

This proposal also complies with the direction given for the management of public lands in the Medford District including the Oregon and California Lands Act of 1937, Federal Land Policy and Management Act of 1976, Endangered Species Act of 1973, National Environmental Policy Act of 1969, Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act of 1990, and Archaeological Resources Protection Act of 1979.

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 action is consistent with the selected alternative (Alternative 2) analyzed in the Restoration EA. In the selected alternative, a range of watershed enhancement actions were grouped into three project categories: riparian vegetation, stream enhancement, and road and culvert (Restoration EA, p. 4). The Upper Flat Creek Culvert Replacement Project is fully analyzed under the Aquatic and Riparian Habitat Restoration 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 proposed action is the same as the identified action in the selected alternative of the EA (Restoration EA, p. 9). The resource values, environmental concerns, and interests are also the same.

- 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?**

An interdisciplinary team of resource specialists reviewed the proposed project and determined no significant changes in circumstances or significant new information has occurred since the EA was written. All surveys would be completed for plants, wildlife, and cultural resources at the project site before project implementation.

- 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 action is not significantly different from the action analyzed in the EA. This project includes the applicable project design features and best management practices as identified by BLM resource specialists. The impacts from this action are within those anticipated from the proposed action in the EA. Adverse impacts from this project are expected to be short-term. Culvert replacement would improve fish passage and increase access to fish habitat. Upgrading the culvert to accommodate a 100-year flood and associated woody debris to pass freely through the structure would reduce the risk of catastrophic failure. Adverse impacts may occur during implementation of the action and would not differ from the cumulative impacts analyzed in the EA.

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

For the Restoration EA, the BLM extended an invitation to the local and regional communities and other state and federal agencies, private organizations, and individuals to develop issues and resources important to local, state, national, and international economies.

Public scoping for the Restoration EA was initiated in June 2008, when BLM sent scoping letters to landowners and others who have asked to be kept informed about upcoming BLM projects. The letter described the intent and purpose for the project, treatment options, and needs of the landscape, and contact information to submit comments or questions. In addition, phone calls and comment letters provided public input for BLM consideration.

The following agencies were contacted during the planning process: USDA Forest Service, US Fish and Wildlife Service, National Marine Fisheries Service, and Oregon Department of Fish and Wildlife. In addition, BLM mailed letters to the Confederated Tribes of Siletz Indians, Confederated Tribes of Grand Ronde, and Cow Creek Band of Umpqua Tribe of Indians.

The BLM published the Restoration EA on April 15, 2009. A 21-day public comment period was initiated with the publication of the notice of EA availability in the *Medford Mail Tribune* newspaper. In addition, the EA was posted on the Medford District BLM Web site. The BLM received one comment letter.

The BLM completed a revised EA that changed the no-cut thinning buffer and removed key watersheds from entry unless a watershed analysis had been completed. The revised EA was published on the Medford District BLM Web site on June 2, 2009.

Given the opportunities for public involvement and the inclusion of other agencies in the Restoration EA planning process, the BLM considers the public involvement and interagency review to be adequate for this culvert replacement project.

E. Persons/Agencies /BLM Staff Consulted

The following Butte Falls Resource Area resource specialists have reviewed this proposed action and have determined this action is adequately covered in the Aquatic and Riparian Enhancement EA.

| Name | Resource | Initials | Date |
|------------------------|-------------------------|----------|---------|
| Dave Roelofs | Wildlife | DRR | 4-7-15 |
| Cheryl Foster-Curley | Archaeology | CFC | 3/31/15 |
| Aaron Donnell | Fisheries | ADD | 3/27/15 |
| Shawn Simpson | Hydrology | SS | 3/27/15 |
| Amy Meredith | Soil | AM | 3/27/15 |
| Marcia Wineteer | Botany/Noxious Weeds | mw | 4/2/15 |
| Jean Williams | NEPA Compliance | JW | 4/9/15 |
| Al Mason | Fuels | AM | 3/30/15 |
| Trish Lindaman | Recreation | TL | 3/27/15 |
| Nick McDaniels | Forestry | URM | 4/6/15 |
| Jason Tarrent | Range | JCT | 3-31-15 |
| Dave Orban | Special Forest Products | DO | 3/30/15 |
| Crystal Perez Gonzalez | Silviculture | CPG | 4/8/15 |
| Jeff Brown | Engineering | JAB | 3/31/15 |

Note: Refer to the Revised Environmental Assessment for Aquatic and Riparian Habitat Enhancement (p. i) for a complete list of the team members participating in the preparation of the original environmental analysis.

F. 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.

Shawn Simpson

4-9-2015

Shawn Simpson
Project Lead

Date

Jean A. Williams

4-9-2015

Jean Williams
NEPA Coordinator

Date

C.D. Johnson

4/9/2015

C.D. Johnson
Acting Field Manager
Butte Falls Resource Area

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.

