

Determination of NEPA Adequacy (DNA)
Medford District, Grants Pass Resource Area
U.S. Department of the Interior
Bureau of Land Management

Office: Grants Pass Resource Area

Tracking Number: DOI-BLM-OR-M070-2015-0004-DNA

Environmental Assessment: DOI-BLM-OR-M000-2013-0004-EA

Proposed Action Title/Type: 2015 West Fork Cow Creek Instream Restoration Project

Location/Legal Description: T31S, R09W, Section 27NW (Panther Creek) and T31S, R09W, Sections 25; T31S, R08W, Section 19 (Elk Valley Creek)

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

Grants Pass Resource Area – Medford District, Bureau of Land Management (BLM) proposes to create 19 large wood jams in Panther Creek and approximately 20 in Elk Valley Creek by yarding logs into streams. Cables will be used to pull logs into place with a mobile yarder from existing roads. Nineteen log jams will be created over a 0.5 mile reach of Panther Creek and approximately 20 log jams over a 0.5 to 1 mile reach on Elk Valley Creek. Trees felled for this project will consist of Douglas-fir, Sugar pine, Ponderosa pine, and Incense Cedar hazard trees from along BLM roads on BLM administered lands using the Hazardous Trees Felling/Removal Categorical Exclusion (DOI-BLM-OR-M000-2014-001-CX).

All activities will take place within the West Fork Cow Creek Watershed. This project is part of a collaborative effort with Partnership for the Umpqua Rivers (PUR) Watershed Council to improve stream channel conditions for Coho salmon and steelhead salmon by improving stream habitat complexity.

All work will take place between July 1 through September 15, in 2015 and again in 2016.

The National Oceanographic and Atmospheric Administration Fisheries (NOAA Fisheries) division listed the Oregon Coast (OC) Coho Salmon Evolutionarily Significant Unit (ESU) as “threatened” under the Endangered Species Act (ESA) in June 2011. As directed under the ESA, NOAA Fisheries designates OC Coho Salmon Critical Habitat (CCH) and Essential Fish Habitat (EFH), which is defined as areas within the geographical area currently or historically occupied by the species that have the physical or biological features essential to the conservation of the species and requires special management and protection. There are approximately 6 stream miles of Coho salmon presence between Panther Creek and Elk Valley Creek.

Panther Creek and Elk Valley Creek have suitable habitat for Coho spawning and rearing, but lack structural complexity. Adding log jams to Panther Creek and Elk Valley Creek will provide cover, invertebrate habitat, high-flow refuge, sorted gravels, and deeper pools.

Project Design Features

Specific Best Management Practices (BMPs) and Project Design Features (PDFs) identified in the Aquatic and Riparian Habitat Enhancement Environmental Assessment (DOI-BLM-OR-M000-2013-0004-EA) on pages 9 through 13 have been incorporated into the design of this project where applicable. These PDFs are a compilation of resource protection measures identified by the Interdisciplinary Team and Best Management Practices identified in the 1995 *Medford District Record of Decision and Resource Management Plan* (ROD/RMP) and the Biological Opinion for Aquatic Restoration Activities in the States of Oregon and Washington #NWP_2013-9664. The BLM conducted a review and update of the BMPs 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 BMPs were incorporated into the Medford District RMP to minimize or reduce the conveyance and delivery of sediment to the waters of the United States.

Riparian Reserves

- All in-stream work will occur within the instream work period (between July 1 and September 15) of the same year in accordance with State of Oregon regulations.
- Trees felled will be in stands identified as fully stocked and will not reduce effective shade on Panther Creek and Elk Valley Creek by more than 10 percent.

Soil and Hydrology

- No mechanized equipment will leave existing roads or existing landings.
- Only existing roads will be used.
- Restrict use of equipment, other than transportation along rocked roads, during periods of wet conditions to prevent road damage and transport of sediment to nearby stream channels between October 15 and May 15.
- Plantings, mulch or organic debris, and other sediment trapping material (e.g. straw bales) would be placed on ingress and egress access routes, staging areas, and other disturbed areas prior to the onset of winter rains, thus preventing/minimizing sediment input.

Wildlife

- No work will occur from March 1 through June 30 within ¼ mile of known nesting areas of spotted owls to prevent disturbance to nesting spotted owls, unless surveys have determined the site to be unoccupied or not nesting.
- Chainsaws (includes felling hazard/danger trees) and heavy equipment use will not occur within 110 yards of suitable nest stands within the critical nesting period April 1 – August 5, and in the late season nesting period from August 6 to September 15 will only occur between 2 hours after sunrise and will end 2 hours before sunset.
- No removal of trees suitable nest trees, which are trees ≥ 19 inches in diameter and > 100 feet in height, with multiple nest structures (branches/platforms) ≥ 4 inches diameter at least 30 feet above ground, containing moss, epiphytes or duff, with live canopy cover over the nest structure.

- If a hazard tree needs to be removed that is also potentially a marbled murrelet nest tree, it will be removed under an emergency consultation with the USFWS.

Fuel Hazard Reduction

- Follow Oregon State laws for fire precautions and ensure proper fire prevention equipment is on-site.

Special Status Plants

- No trees with special status nonvascular plants will be felled.
- Protect known special status vascular plants, lichen, bryophyte, and fungi sites using no-entry buffers. Buffers will be determined based on species, proposed treatment, site-specific environmental conditions, and available management recommendations.

Noxious Weeds

- All heavy equipment will be pressure washed, including undercarriages, before initial move-in and prior to all subsequent move-ins into the project area to remove soil and plant parts in order to prevent the spread of invasive and noxious weeds. Cleaning shall be defined as removal of dirt, grease, plant parts, and material that may carry noxious weed seeds and parts onto BLM lands.
- Only equipment visually inspected for weeds by a qualified BLM specialist will be allowed to operate within the project area, or in the immediate vicinity of the project area. All subsequent move-ins of equipment will be treated the same as the initial move-in.
- Large woody debris placement access sites will be seeded and mulched using native seed and weed-free straw after final disturbance.

Archaeology

- Apply mitigating measures to areas containing known archaeological sites. Buffer sites will be based on proposed treatment, site-specific environmental conditions, and protection recommendations.
- Operator must stop work and notify the BLM within 12 hours if an archaeological site is discovered during the project.
- All surveys will be completed before work is started.

Port-Orford-Cedar (POC)

- Port-Orford-cedar in the planning area would be managed according to the May 2004 BLM POC-FSEIS/ROD. Mitigation measures would be implemented if uninfected POC are in, near, or downstream of the activities (USDA-USDI 2003). Prior to entering a POC area or leaving a known *Phytophthora lateralis* (PL) area, all heavy equipment would be washed according to Management Guidelines in the Port-Orford Cedar Rangewide Assessment (USDA-USDI 2003).

B. Land Use Plan (LUP) Conformance

This proposal is in conformance with objectives, land use allocations, and management direction in the 1995 ROD/RMP and any plan amendments in effect at the time this document is

published. Watershed restoration is addressed in the Medford District Record of Decision and Resource Management Plan 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 EA are identified in the 1995 RMP as actions necessary to enhance natural populations of fish (RMP/ROD, pp. 49-50); increase instream habitat, channel stability, complexity and passage (RMP/ROD, pp. 23-28).

This project also conforms 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. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

- *Aquatic and Riparian Habitat Enhancement Environmental Assessment* (EA# DOI-BLM-OR-M000-2013-0004-EA) (March 2014).
- *Aquatic and Riparian Habitat Enhancement* (DOI-BLM-OR-M000-2013-0004-EA) Decision Record (April 2014).
- *West Fork Cow Creek Watershed Analysis* (June 1997).
- *Water Quality Restoration Plan* Umpqua River Basin South Umpqua Subbasin West Fork Cow Creek Bureau of Land Management (BLM), Medford District Office (2004).
- 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 #13420-2007-F-0055, LOC #13420-2008-1-0045 and Plant LOC #13420-2008-1-0136) for Programmatic Consultation on Fish Habitat Restoration Activities in Oregon and Washington.

This proposal also complies with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act (O&C Act) of 1937, Federal Land Policy and Management Act (FLPMA) of 1976, Endangered Species Act (ESA) of 1973, Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act of 1970, 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 2015 West Fork Cow Creek Instream Restoration Project is fully analyzed under the 2013 *Aquatic and Riparian Habitat Enhancement EA*. The proposed project activity is the same as listed under Alternative 2, in which stream enhancement projects were analyzed that included the placement of instream structures, in the EA (pp. 7-9). Alternative 2 analyzed for actions

that include the placement of log structures to create in stream habitat by falling trees from adjacent riparian areas if necessary (EA, p. 7).

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 2013 *Aquatic and Riparian Habitat Enhancement EA* is appropriate because the Grants Pass Resource Area has not received nor is aware of any new environmental concerns or interest since the decision was signed in 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?

An interdisciplinary team of resource specialists reviewed the proposed project and determined that no significant changes in circumstances or significant new information has occurred since the EA was written. All surveys will be completed for plants, wildlife, and cultural resources at the proposed sites prior to implementation. If listed species are present at a project site or area, that site will be protected as consistent with the most recent Medford District protocols. Project implementation will not change but may be reduced in scope, and therefore would not substantially affect the analysis.

Since the issuing of EA for Aquatic and Riparian Habitat Enhancement, the status of the fisher has changed. Specifically, the 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) on October 7, 2014. The West Fork Cow Creek Instream Restoration Project falls outside of the range of the West Coast DPS of the fisher as published in the Federal Register, and fisher occurrence is expected to be low or incidental.

The project would result in minor habitat changes in a very localized area and is consistent with the effects already considered and analyzed in the Aquatic and Riparian Habitat Enhancement EA. All treatments would retain large snags and coarse woody debris (CWD) to provide future habitat for fishers, and reduce potential impacts.

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 2015 West Fork Cow Creek Instream Restoration project is fully analyzed under the 2013 *Aquatic and Riparian Habitat Enhancement EA*. The proposed project was analyzed in Alternative 2 for instream structure placement (EA, pp. 7-9). The EA analyzed for the action being proposed which includes the placement of log structures in stream to create habitat using the methods listed in the EA (p. 8).

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

Public involvement for the Aquatic and Riparian Habitat Enhancement EA began in January 2013. The EA was made available for a 30-day public comment period in April. The public was notified via a newspaper notice and letters to individuals, Tribes, organizations, and government entities who expressed a wish to contribute to be informed about the project. BLM received three comments (Decision Record, p. 7) generally in support of the project, but voicing some concerns. Responses to substantive comments are included in Appendix B of the Decision Record.

E. Persons/Agencies /BLM Staff Consulted

The following Grants Pass Resource Area resource specialists have reviewed this proposed action and have determined this action is covered in the *Aquatic and Riparian Habitat Enhancement EA* (DOI-BLM-OR-M000-2013-0004-EA).

Name	Title	Resource Represented
Marlin Pose	Wildlife Biologist	Wildlife
Aaron Ennis	Archaeologist	Cultural
Mike Crawford	Fish Biologist	Fisheries
Paul Showalter	Hydrologist	Hydrology/Soils
Jim Berge	Forester	Hazard Trees
Mark Brown	Planner	NEPA Compliance

Note: Refer to the *Aquatic and Riparian Habitat Enhancement EA* for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion

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



12 / 11 / 14

Allen Bollschweiler
Grants Pass Field Manager

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 that this DNA is based on is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

