

Determination of NEPA Adequacy (DNA)

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

Office: Grants Pass Resource Area

Tracking Number: DOI-BLM-OR-M070-2012-005-DNA

Environmental Assessment: DOI-BLM-OR-M080-2009-0004-EA

Proposed Action Title/Type: 2012 Middle Cow Creek and West Fork Cow Creek Instream Restoration Project

Location/Legal Description: T32S, R5W, Section 17SE (Fortune Branch Creek); T31S, R9W, Section 27NW (Panther Creek).

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

The 2012 Middle Cow Creek and West Fork Cow Creek Instream Restoration Project would improve aquatic habitat within coho bearing streams by adding instream structures (logs) in Fortune Branch Creek and Panther Creek. Logs from adjacent riparian areas or off-site would be used for instream large wood.

All work to be accomplished during the In-Water Work period (July 1- September 15). Specific Best Management Practice and Project Design Features identified in the Revised Environmental Assessment for Aquatic and Riparian Habitat Enhancement (DOI-BLM-OR-M080-2009-0004-EA) on pages 10 and 11 have been incorporated in the design of this project. The BLM will comply with the Clean Water Act to the extent required. Through the use of Best Management Practices (BMPs), this project will minimize sediment delivery to streams to the maximum extent practicable. Specific features include:

- 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.
- Actions would occur during low flow or dry conditions when the probability of soil detachment and transport are low (EA, 28).

B. Land Use Plan (LUP) Conformance

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 Medford District's 2008 Record of Decision (ROD) and Resource Management Plan (RMP), we evaluated this project for consistency with both the 1995RMP and the 2008 ROD and RMP. This project is consistent with the Medford District's 1995 RMP and the 2008 ROD/RMP.

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 EA are identified in the 1995 RMP as actions necessary to restore and maintain ecological health. Specifically the 1995 RMP directs: restoring the conditions of riparian stands (RMP, pp. 22, 27); enhance natural populations of fish (RMP, pp. 49-50); increase in-stream habitat, channel stability, complexity and passage (RMP, pp. 23, 28); minimize sediment delivery to streams through road drainage improvements, outsloping and closing/stabilizing roads (RMP, pp. 28-29); and restore and maintain water quality to protect designated beneficial uses (RMP, p. 41).

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

- *Revised Environmental Assessment for Aquatic and Riparian Habitat Enhancement* (EA# DOI-BLM-OR-M000-2009-0004-EA) (June 2009).
- *Middle Cow Creek Watershed Analysis* (October 1999).
- *Water Quality Restoration Plan Umpqua River Basin South Umpqua Subbasin Middle Cow Creek Bureau of Land Management* (BLM), Medford District Office (2004).
- *West Fork Cow Creek Watershed Analysis* (June 2005).
- *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 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 2008/03506) 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. The In-Water Work period from July 1- September 15 is expected to have no affect to northern spotted owl sites.

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 project is very similar to Alternative 2, which lists stream enhancement projects. The 2012 Middle Cow Creek and West Fork Cow Creek Instream Restoration Project is fully analyzed under the Revised Aquatic and Riparian Habitat Enhancement 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 range of alternatives analyzed in the Revised Aquatic and Riparian Habitat Enhancement EA is appropriate because the Grants Pass Resource Area has not received or aware of any

new environmental concerns or interest since the decision was signed in 2009.

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?

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Sherman, et al.*, No. 08-1067-JCC (W.D. Wash.), granting Plaintiffs' motion for partial summary judgment and finding NEPA violations in the Final Supplemental to the 2004 Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines (USDA and USDI, June 2007). In response, parties entered into settlement negotiations in April 2010, and the Court filed approval of the resulting Settlement Agreement on July 6, 2011. Projects that are within the range of the northern spotted owl are subject to the survey and management standards and guidelines in the 2001 ROD, as modified by the 2011 Settlement Agreement.

The 2012 Middle Cow Creek and West Fork Cow Creek Instream Restoration Project is consistent with the Medford District Resource Management Plan/Forest Land and Resource Management Plan 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), as modified by the 2011 Settlement Agreement.

The 2012 Middle Cow Creek and West Fork Cow Creek Instream Restoration Project applies a 2006 Exemption from a stipulation entered by the court in litigation regarding Survey and Manage species and the 2004 Record of Decision related to Survey and Manage Mitigation Measure in *Northwest Ecosystem Alliance v. Rey*, No. 04-844-MJP (W.D. Wash., Oct. 10, 2006). The 2012 Middle Cow Creek and West Fork Cow Creek Instream Restoration Project meets Exemption C of the Pechman Exemptions:

Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions;

The analysis in the Revised Aquatic and Riparian Habitat Enhancement EA is appropriate because Grants Pass Resource Area has not received or aware of any other new information and new circumstances since the decision was signed in 2009.

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 project is very similar to the proposed action, Alternative 2, (Revised Aquatic and Riparian Habitat Enhancement EA, p.6), which lists stream enhancement projects. The 2012 Middle Cow Creek and West Fork Cow Creek Instream Restoration project is fully analyzed under the Revised Aquatic and Riparian Habitat Enhancement EA.

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

Public involvement and interagency review for the EA were adequate. The EA was available for public comment for 21 days beginning on April 15, 2009. BLM received one comment but determined (Decision Record, p. 6) that their specific concerns were not affected by this project.

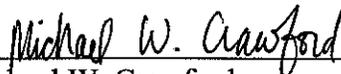
E. Persons/Agencies /BLM Staff Consulted

Name	Title	Resource/Agency Represented
Mike Crawford	Fisheries Biologist	Fisheries
Marlin Pose	Wildlife Biologist	Wildlife
Merry Haydon	Archaeologist	Cultural
Rachel Showalter	Botanist	Botany/Weeds
Sarah Davidson	Silviculturist	Port-Orford-Cedar

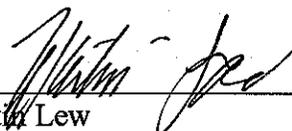
Note: Refer to the Revised Aquatic and Riparian Habitat Enhancement EA for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to 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.

 3-30-12

 Michael W. Crawford
 Signature of Project Lead

 3/30/12

 Martin Lew
 Signature of NEPA Coordinator

 3/30/12

 Karen Schank
 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.