

Determination of NEPA Adequacy (DNA)

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

Office: Grants Pass Resource Area

Project Number: DOI-BLM-OR-M070-2011-0009-DNA

Proposed Action Title: East Fork Williams Creek Stream Restoration Project

Location/Legal Description: The project area is allocated as Late-Successional Reserve (LSR) and also located within the Applegate Adaptive Management Area. T39S, R05W, Section 23

Applicant: N/A

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

The Revised Environmental Assessment for Aquatic and Riparian Habitat Enhancement (EA# DOI-BLM-OR-M000-2009-0004-EA June 2009) states that the Bureau of Land Management (BLM) will complete projects with the aim to improve aquatic habitat through increased habitat complexity (EA, p. 6). The East Fork Williams Creek Stream Restoration Project will accomplish these goals through placement of in-stream, large-woody debris and boulders.

The Williams Creek Watershed Council will construct a series of debris jams to improve aquatic habitat. Work is being accomplished through an Assistance Agreement with the BLM. These debris jams will be constructed of logs and boulders that span the channel and will increase channel complexity to make this project a net gain in salmon habitat for this reach of East Fork Williams Creek. As a result, key habitat features such as pool formation, overhead cover, refugia from high velocity, and deposition of spawning gravels will increase. The final log structure just below a small irrigation dam and irrigation withdrawal would be unaffected. Fifteen hazard trees, average size approximately 18 inch DBH, were felled off of road 39-5-14.2 and will be used in the debris jams.

An excavator will be used in stream for wood and onsite boulder placement. The bottom log will be countersunk into the bed and additional pieces will be placed on top. Measures will be employed to contain sediment during construction (e.g., building the bottom jam first and installing biodegradable sediment catchment devices). Access to the creek will be through existing openings in vegetation. There will be no disturbance to vegetation greater than eight inches in diameter and no reduction in shade to the stream. All displaced debris along access strips will be used to cover the access strips upon final exit.

In order to limit noxious weed migration, equipment will be washed prior to entering the site and exiting the site. In addition, this site is in an area infested by Port-Orford-cedar root disease. Conditions during the project will be dry which limits possible spreading of the disease. Any equipment or personal gear that encounters water, such as the backhoe bucket and rubber boots, will be washed with 50 parts per million (ppm) chlorine bleach solution (1 Tbsp per 4.5 gallon of

water) where wash water is contaminated prior to departure of the site area. The washing station will be located on the road greater than 100 feet away from East Fork of Williams Creek. Final washing will be inspected by a designated BLM representative.

The project will incorporate project design criteria outlined in the National Marine Fisheries Service (NMFS) Biological Opinion (BO # 2008/03506); the United States Fish and Wildlife Service Biological Opinion (BO#2007-F-0055). The Oregon Department of Fish and Wildlife's Guide to Placing Large Wood in Streams (1995) and Habitat Restoration Guide (1999) will guide project designs and construction. All work will be completed before the end of the In-Stream work period (June 15-Sept 15). Best Management Practices and Project Design Features (e.g., pollution and sediment control plans-temporary sediment control installed in channel above the bottom debris jam,; site rehabilitation plans-reseeding of exposed soils above the high water elevation, blocking access trails to prevent OHV entry) will be selected and implemented in conjunction with actions to avoid or mitigate identified impacts to the environment (NMFS BO # 2008/03506, 2009; USFWS BO/LOC # 833.F0055 (07)).

B. Land Use Plan (LUP) Conformance

As stated in the EA (p. 1), the actions proposed and analyzed in the EA were developed to be consistent with, and/or tier to the following:

- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995);
- *Final Supplemental Environmental Impact Statement and 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 FSEIS, 1994 and ROD, 1994);
- *Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2000), and the ROD and *Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001)
- the *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004);
- *Medford District Integrated Weed Management Plan Environmental Assessment (1998)* and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985)

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 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the selected alternative contains some design features not mentioned specifically in the 2008 ROD and RMP. The 2008 ROD and RMP did not preclude use of these design features, and the use of these design features is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Medford District's 1995 RMP and the 2008 ROD/RMP.

This EA conforms to and is consistent with the Northwest Forest Plan ACS objectives (DR p. 7). 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 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 (pp. 22, 27); enhance natural populations of fish (pp. 49-50); increase in-stream habitat, channel stability, complexity, and passage (pp. 23, 28).

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

This East Fork Williams Creek project implements actions identified in the Revised Environmental Assessment for Aquatic and Riparian Habitat Enhancement (EA# DOI-BLM-OR-M000-2009-0004-EA (June 2009)). The actions also implement recommendations in the Williams Creek Watershed Analysis (March, 1996) to improve aquatic habitat.

Pursuant to the Endangered Species Act, BLM consulted on all actions authorized by the decision with the US Fish and Wildlife Service and National Marine Fisheries Service. All proposed projects would be consistent with actions identified by the NMFS for:

- Programmatic Consultation on Fish Habitat Restoration Activities in Oregon and Washington CY2007-CY2012 (June 2008) (Fisheries BO 2008/03506) and the USFWS
- Wildlife BO #13420-2007-F-0055, LOC #13420-2008-1-0045
- Botanical LOC #13420-2008-I-0136

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 Programmatic EA does not include site specific projects. Rather it identified types of actions that would benefit aquatic resources. Site specific projects identified in the future would be assessed for consistency with the scope and effects addressed in the EA (DR p.1). The East Fork Williams Creek Stream Restoration Project occurs in the analysis area (Medford District BLM) and is the type of activity included in the proposed action, which lists in-stream structure placement. Actions analyzed include placement of log structures and boulders to create in-stream and off-channel habitat that would benefit fish and other aquatic fauna (EA pp.6-8). This type of action was anticipated and is fully analyzed under the 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 Aquatic and Riparian Habitat Enhancement EA is appropriate because Grants Pass Resource Area has neither received nor is aware of any new

environmental concerns or interests since the Decision was signed in 2009. Placement of instream structures such as logs or boulders was specifically addressed in the action alternative (EA pp.6-8).

- 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 analysis in the Aquatic and Riparian Habitat Enhancement EA is appropriate because there have been no new listings of species under the ESA or changes in assessments which were not analyzed in the EA except for the Critical Habitat (CH) designation for Cook's desert parsley (*Lomatium cookii*) and large flowered wooly meadowfoam (*Limnanthes floccosa* ssp. *grandiflora*).

Critical habitat for Cook's desert parsley and large flowered wooly meadowfoam was designated on July 21, 2010, Federal Register Vol. 75, No. 139, pp.42490-42570. The East Fork Williams Creek Stream Restoration Project is outside critical habitat for large flowered wooly meadowfoam and Cook's desert parsley; therefore, there are no effects to the proposed critical habitat. The Grants Pass Resource Area is not aware of any new environmental concerns or interests since the Decision was signed in June 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 project would not exceed the direct, indirect, and cumulative effects as disclosed in the EA (EA pp. 12-45). The East Fork Williams Creek Stream Restoration Project project fits within the constraints outlined in the EA, and direct, indirect and cumulative effects would not exceed those analyzed in the 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 for the current proposed action. The EA was mailed out and made available on the BLM website, and was available for public comment for 21 days beginning on April 15, 2009. The BLM contacted over a dozen area organizations which are concerned with federal land management and environmental effects of federal actions. The BLM received one comment, which was addressed in the DR (pp. 5-6).

Port Orford Cedar Risk Key Analysis for East Fork Williams Creek Stream Restoration Project DOI-BLM-OR-M070-2011-0009-DNA

(Risk Key is from Alternative 2 of the FSEIS for Management of Port Orford Cedar in Southwest Oregon, and the Record of Decision)

QUESTION		*Other project activities by Section (prescribed fire, fuels reduction, young stand maintenance, etc.)					
1a.	Are there uninfected POC within, near ¹ , or downstream of the activity area whose ecological, Tribal, or product use or function measurably contributes to meeting land and resource management plan objectives?	No					
1b.	Are there uninfected POC within, near ¹ , or downstream of the activity area that, were they to become infected, would likely spread infections to trees whose ecological, Tribal, or product use or function measurably contributes to meeting land and resource management plan objectives?	No					
1c.	Is the activity area within an uninfested 7 th field watershed ² as defined in Alternative 6	No					
		If the answer to all three questions, 1a, 1b, and 1c, is no, then risk is low and no POC management practices would be required.					
		If the answer to any of the three questions is yes, continue.					
2.	Will the proposed project introduce appreciable additional risk ³ of infection to these uninfected POC?						
		If no, then risk is low and no POC management practices are required.					
		**Management Practices by Road/Road System					
If yes, apply management practices from the list below [within FSEIS] to reduce the risk to the point it is no longer appreciable, or meet the disease control objectives by other means, such as redesigning the project so that uninfected POC are no longer near or downstream of the activity area. If the risk cannot be reduced to the point it is no longer appreciable through practicable and cost-effective treatments or design changes, the project may proceed if the analysis supports a finding that the value or need for the proposed activity outweighs the additional risk to POC created by the project.		39-5-23; 1), 2), 11)					

1 - In questions 1a and 1b, "near" generally means within 25 to 50 feet downslope or 25 feet upslope from management activity areas, access roads, or haul routs; farther for drainage features; 100 to 200 feet in streams.

2 - Uninfested 7th field watersheds are listed on Table A12-2 [of FSEIS] as those with at least 100 acres of POC stands, are at least 50% federal ownership, and are free of PL except within the lowermost 2 acres of the drainage.

3 - Appreciable additional risk does not mean "any risk." It means that a reasonable person would recognize risk, additional to existing uncontrollable risk, to believe mitigation is warranted and would make a cost-effective or important difference (see Risk Key Definitions and Examples for further discussion.)

*Activities within these sections should incorporate management activities regardless of POC occurrence within the individual stand due to access routes containing POC

**Management practices: 1) project scheduling, 2) utilize uninfested water, 3) unit scheduling, 4) access, 5) public information, 6) fuels management, 7) incorporate POC objectives inot prescribed fire plans, 8) routing recreation us, 9) road management measures, 10) resistant POC planting, 11) washing project equipment, 12) logging systems, 13) spacing objectives for POC thinning, 14) non-POC special forest products, 15) summer rain events, 16) roadside sanitation, and 17) site-specific POC management