

## **Middle Creek Culvert Replacements**

### **Roseburg District Aquatic Restoration Environmental Assessment (EA # OR 103-08-09)**

**South River Field Office, Roseburg District**

#### **Decision:**

It is my decision to authorize replacement of three failing stream-crossing culverts located along the Middle Creek Access Road (No. 32-8-1.0) on tributaries to Middle Creek. Specifically, the culverts are located on Hutch Creek (sta. 61+00) in Section 6, T., 32 S., R. 7 W. Willamette Meridian (W.M.); Hare Creek (sta. 123+00) in Section 31, T. 31 S., R. 7 W., W.M.; and Thumper Creek (sta. 139+60) in Section 32, T. 31 S., R. 7 W., W.M. (See attached maps)

Access is available from both sides of the crossings so construction of by-pass roads will not be necessary. The work area will be limited to the existing road prism. Excavated material not used in construction will be hauled to and disposed of at an approved disposal site on BLM-administered lands in the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 33, T. 31 S., R. 7 W., W.M.

The new culverts will be sized larger than bankfull width, and capable of passing a calculated 100-year flood event. The culverts will maintain or improve aquatic organism passage as well as movement of wood and substrates to Middle Creek which will improve habitat for resident and anadromous fish species. The project is planned for implementation in the summer of 2016.

Culvert design will incorporate guidance from the *Oregon Road/Stream Crossing Restoration Guide* published by the Oregon Department of Forestry in 1999. Installation will incorporate Best Management Practices from the *Roseburg District Record of Decision/Resource Management Plan (ROD/RMP, Appendix D, pp. 134-136)*.

The following Project Design Features will be implemented:

- All construction equipment would be pressure washed or steam cleaned prior to mobilization into the project area to minimize the risk of introducing soil from outside the project area that may be contaminated with noxious weed seed or other propagative materials.
- Installation of absorbent booms downstream of work areas and development of a containment plan to address any potential spillage of petroleum products will be required prior to commencement of culvert removal and replacement.
- Stream flow would be diverted or pumped around the work areas during in-stream operations.
- Exposed fill material would be stabilized with straw mulch after project completion to minimize the potential for surface erosion.
- If any objects of cultural value (e.g. historic or prehistoric ruins and/or artifacts) are found during the implementation of the project, operations would be suspended until the site has been evaluated to determine the appropriate mitigation action.

- The seasonal window for in-stream work is between July 1<sup>st</sup> and September 15<sup>th</sup> during low summer flows, both dates inclusive. As two of the three culvert sites and the disposal site for excavated materials are within the applicable disruption threshold distances of known northern spotted owl sites or unsurveyed suitable habitat, for chainsaw and heavy equipment operations, seasonal restrictions for the entire project will run from March 1<sup>st</sup> to July 15<sup>th</sup>, both dates inclusive, would be employed to minimize the potential for disturbance during the critical breeding and nesting season.
- The project area is located within Marble Murrelet Management Zone 2, but not within a Zone 2 restriction Corridor. Two of the three culvert sites and the disposal site are within the 100-yard disruption threshold for marbled murrelets. Upon expiration of the seasonal restrictions for the northern spotted owl, daily operating restrictions would be applied from July 16<sup>th</sup> through August 5<sup>th</sup>, both dates inclusive, to minimize the risk of disturbance to marbled murrelets that could be nesting in proximity to the project area. Daily operating restrictions prohibit commencement of operations until two hours after sunrise and require operation to cease two hours before sunset.

### **Rationale for the Decision:**

Replacement of the culverts is consistent with the objectives for the replacement of stream crossings described in the Roseburg District Aquatic Restoration EA (pp. 11-12) which include “Replacing stream crossings that are undersized for peak flows or blocking/limiting passage of aquatic species with properly sized stream crossings.”

Middle Creek is within the Lower Cow Creek 5<sup>th</sup>-field watershed in the Roseburg District, a geographic area covered by the Roseburg District Aquatic Restoration EA. Resource conditions within the project area are sufficiently similar to those described in the EA (pp. 29-32) that the anticipated outcomes of stream crossing replacement would be consistent with those described in the EA.

Projects of this nature have been previously reviewed by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service through the process of conferencing and consulting on individual projects and those of a programmatic nature. There are no aspects of this project that are beyond the scope of those previously addressed in the *Reinitiation of the Endangered Species Act Section 7 Formal Programmatic Conference and Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Aquatic Restoration Activities in the States of Oregon and Washington (ARBO II)* (NWP-2013-9664).

Replacement of the culverts will not result in any undue environmental degradation, and is consistent with Aquatic Conservation Strategy objectives (ROD/RMP, pp. 20-21). Specifically, the project will aid in maintenance and restoration of: in-stream flows; spatial and temporal connectivity in the watershed; natural sediment regime; and aquatic habitat. It is also consistent with the management objective “To preclude stream crossings from being a direct source of sediment to streams thus minimizing water quality degradation and provide unobstructed movement for aquatic fauna.” (ROD/RMP, p. 134)

Middle Creek contains **Oregon Coast coho salmon**. The primary potential for direct effects would from stream sedimentation arising from in-stream work associated with culvert replacement. Effects could include interference with respiration, impaired vision and foraging capability and sediments becoming embedded in spawning substrates. Consistent with the analysis and conclusions of the Aquatic Restoration EA, scheduling project work and dewatering stream channels during culvert removal and replacement would largely eliminate the risk of sediment, and any sediment generated would be small and quickly dispersed.

A **botany** assessment was conducted. A list of federally-designated (all project lands) and BLM OR/WA sensitive lichens, bryophytes, and vascular species (BLM lands) was prescreened to determine if habitat characteristics were present. A survey was performed on 5/13/2015 to identify any populations of the species that were not screened out. No target species were identified during the field surveys and no effects on any threatened or endangered, or Bureau sensitive species are anticipated.

Areas in proximity to known **northern spotted owl** sites include the culvert replacement sites at Hare Creek (sta. 123+00) and Thumper Creek (sta. 139+60), as well as the designated disposal site in the NE¼NW¼ of Section 33, T. 31 S., R. 7 W. As described in the project design features, the window for in-stream activities would be pushed back to July 16<sup>th</sup>. Seasonal restrictions described in the Project Design Features would reduce effects from noise, human intrusion, or mechanical movement associated with culvert removal/replacement to a “discountable” level (USDI, USFWS Programmatic Biological Opinion FWS #01EOFW00-2013-F-0090, pp. 64-65).

The two culvert locations and disposal site that are within the disruption threshold distance are also located within critical habitat for the northern spotted owl. The project would not remove or modify critical habitat, and effects would be consistent with those analyzed in the Roseburg District Aquatic Restoration EA and described in the *Programmatic Biological Opinion for Aquatic Restoration Activities in the States of Oregon, Washington, and portions of California, Idaho, and Nevada (ARBO II)* (FWS # 01EOFW00-2013-F-0090).

Unsurveyed suitable nesting habitat for the **marbled murrelet** is present within the 100-yard disruption threshold of the three work sites (Hare Creek and Thumper Creek culverts, and disposal site) described above. No critical habitat is present and no suitable nesting habitat would be removed or modified by the project. As described in the project design features, upon the expiration of seasonal restrictions for the northern spotted owl, daily operating restrictions would be applied from July 16<sup>th</sup> through August 5<sup>th</sup> so that potential effects from noise, human intrusion, or mechanical movement associated with replacement of the culverts would be considered discountable.

**Fisher** (*Pekania pennant*): Fisher is a proposed threatened species under the Endangered Species Act (USDI-FWS 2014)<sup>1</sup>. The project area is not in an area that is likely to be currently occupied by fishers, nor would any fisher habitat be removed or modified for this project. There is no potential for adverse effects to the species or its habitat as a result of the proposed actions.

**Survey and Manage Wildlife and Botanical Species:** This project is exempt from survey requirements and management of known sites because it complies with Pechman exemption “b” for “Replacing culverts on roads that are in use and part of the road system . . .”

**Cultural Resources:** Surveys for cultural and historical resources were conducted in December 2014 and are documented in CRS# SR1505. The results of the surveys were negative and the BLM has fulfilled its Section 106 responsibilities under the guidance of the 2012 National Programmatic Agreement and 2015 State Protocol.

### **Public Involvement & Response to Comment:**

An interdisciplinary team began analysis for the Roseburg District Aquatic Restoration EA in the autumn of 2008, and the public was notified of initiation of the environmental assessment in the Winter 2008 Roseburg District Quarterly Planning Update.

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<sup>1</sup> USDI-FWS. 2014. Endangered and threatened wildlife and plants; threatened species status for west coast distinct population segment of fisher. Federal Register Vol. 79, No. 194. Pp. 60419-60443.

A thirty-day period for public review and comment was provided upon completion of the environmental assessment (August 4, 2009 through September 3, 2009), consistent with BLM policy/practice to provide the public a review opportunity prior to issuance of any decision(s). Notification was made to state and Federal resource management and regulatory agencies. Local tribal and county government, trade groups and other interested parties were also notified. No comments were received.

**Monitoring:**

Monitoring will be done in accordance with the ROD/RMP, Appendix I (pp. 84, & 195-198), with emphasis on assessing the effects of the restoration activities on the following resources: Water and Soils; and Fish Habitat.

**Administrative Remedies:**

The decision described in this document is a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer, Steven Lydick, within 15 days of the publication of the legal notice of availability of the decision on June 23, 2015, in *The News-Review*, Roseburg, Oregon.

43 CFR § 5003.3 subsection (b) states: "Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision." This precludes the acceptance of electronic mail (email) or facsimile (fax) protests. Only written and signed hard copies of protests that are delivered to the Roseburg District Office will be accepted. The protest must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

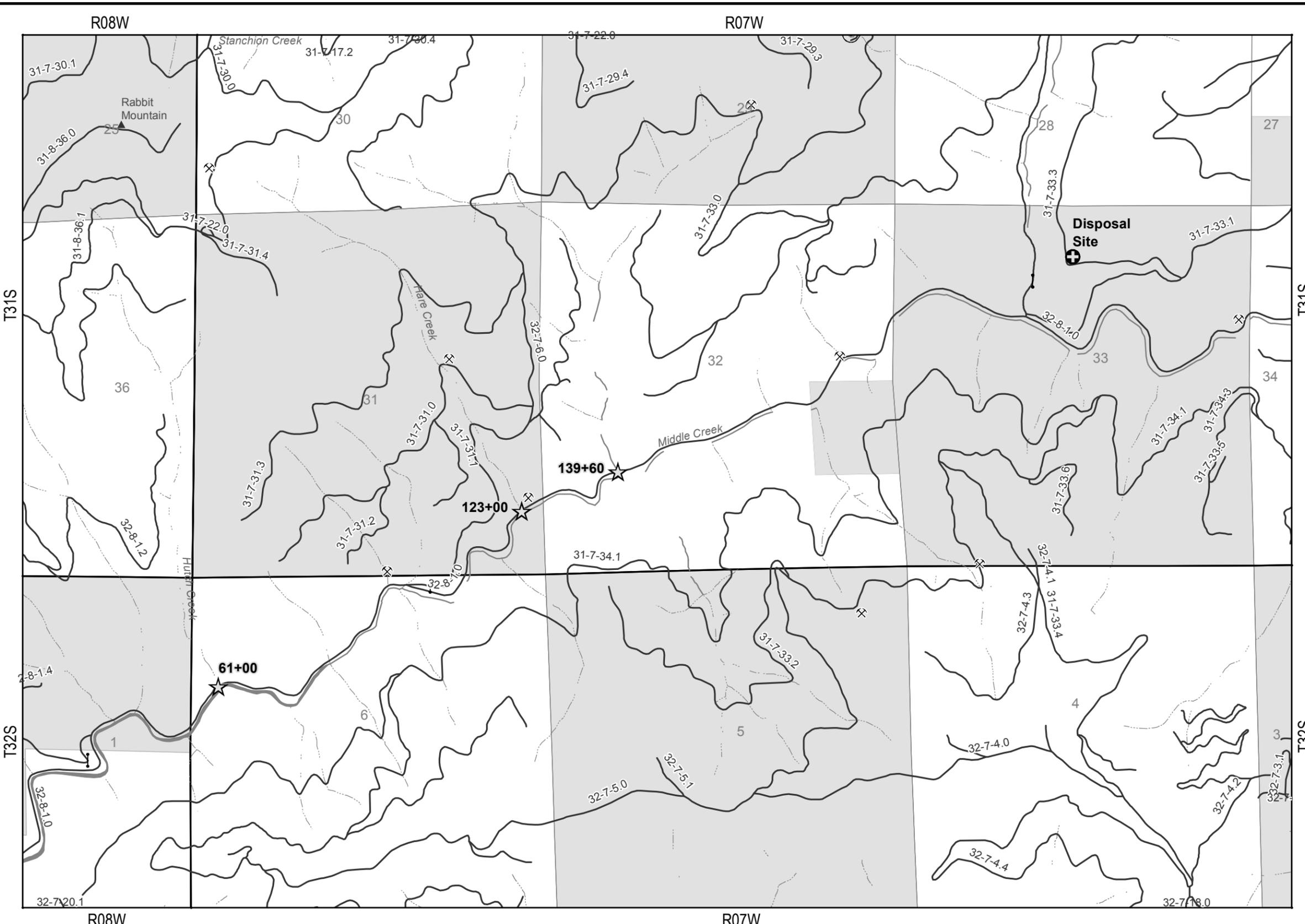
43 CFR § 5003.3 subsection (c) states: "Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered." Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information available.

The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the party or parties. Upon denial of protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 43 CFR § 5003.3 subsection (f).

If no protest is received by close of business (4:30 P.M., PDT) within 15 days after publication of the decision notice, this decision will become final. If a timely protest is received, the project decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the South River Field Office will issue a protest decision.

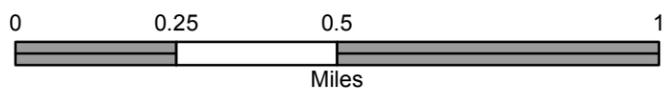
  
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Steven Lydick  
Field Manager  
South River Field Office

6/15/15  
Date



### Legend

- ☆ Culvert Replacement
- ⊕ Disposal Site
- ▲ Summit
- Gate
- ⊗ Rock Quarry
- ⊙ Pump Chance
- BLM & Other Roads
- ~ Minor Stream
- ~ Major Stream
- Waterbody
- BLM
- Other



United States Department of the Interior  
 Bureau of Land Management  
 Roseburg District  
 777 NW Garden Valley Blvd  
 Roseburg, Oregon 97471

Transverse Mercator  
 Zone 10 North NAD 1983

REV. NO.	DESCRIPTION	DATE	APPROVED
UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT DIVISION OF OPERATIONS      OREGON STATE OFFICE			
MIDDLE CREEK CULVERT REPLACEMENT <h2 style="margin: 0;">LOCATION MAP</h2>			
ROSEBURG DISTRICT		OREGON	
DESIGNED	_____		
REVIEWED	_____		
APPROVED	_____		
DRAWN: C. JONES		SCALE: 1 in = 0.28 miles	
DATE: 2/25/2015		SHEET: 2 OF 8	
DRAWING NO. OR-15-Middle Creek #2			BLM #