

Morgan Creek Fish Passage Decision Documentation

South River Programmatic Restoration Environmental Assessment (EA # OR-105-04-03)

South River Field Office, Roseburg District

Decision:

It is my decision to authorize replacement of a stream crossing on Morgan Creek, where it is crossed by Road No. 30-5-24.0 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, T. 30 S., R. 5 W., Willamette Meridian. This is a stimulus project funded under the American Recovery and Reinvestment Act. Project design, contracting, and construction will be administered by Partnership for the Umpqua Rivers.

The present structure is an old boiler with an outfall approximately four feet in height which blocks passage by fish to approximately two miles of upstream habitat. The new crossing structure, designed to pass a 100-year flood event, will consist of either a bottomless pre-cast concrete span or a half-round corrugated metal culvert mounted on pre-cast concrete footings. The project area is located on private lands and will not require construction of any by-pass road. The existing crossing hinders or blocks passage by fish and other aquatic organisms to additional habitat upstream of the project site.

Culvert design incorporates requirements of *the Oregon Road/Stream Crossing Restoration Guide* (Oregon Department of Forestry 1999). Installation will incorporate Best Management Practices from the *Roseburg District Record of Decision/Resource Management Plan* (ROD/RMP, Appendix D, pp. 134-136). And project design features that will include:

- Pressure washing or steam cleaning of all excavation and earth-moving equipment prior to move-in on the project site, to minimize the risk of introducing soil from outside the project area that may be contaminated with noxious weed seed or root materials. Disturbed areas will be seeded and mulched or otherwise revegetated.
- Restriction of in-stream construction activities to the period between July 1 and September 15, during low summer stream flows.
- Diversion of any surface stream flow or pumping of water around the project site during construction activities and in-stream equipment operation minimized to the extent practicable.
- Installation of absorbent booms downstream of the project sites, prior to commencement of work, to contain any inadvertent spillage of petroleum products.
- End haul of any resulting waste material to an authorized disposal site.

Rationale for the Decision:

Projects of this nature were analyzed under Alternative Two, the “Proposed Action”, of the South River Programmatic Restoration EA (pp. 9-10). Replacement of the existing stream crossing structure will meet the objectives of reducing sediment and restoring fish passage. Alternative One, the “No Action” alternative, would not meet the identified objectives or need.

Replacement of the culvert will not result in undue environmental degradation, and is consistent with Aquatic Conservation Strategy objectives (1995 ROD/RMP, pp. 20-21). It 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 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.” (1995 ROD/RMP, p. 134)

Potential effects to Oregon Coast coho salmon and other fish species, and critical habitat and Essential Fish Habitat for Oregon Coast coho salmon are associated with sediment mobilized during culvert removal and installation of the new crossing structures.

With application of the requirements of *the Oregon Road/Stream Crossing Restoration Guide* project design features described above and identified and adopted in the National Marine Fisheries Service *Endangered Species Act – Section 7 Programmatic Consultation Biological and Conference Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington*, dated April 28, 2007, effects of the culvert replacements will be localized and short term, and “not have an adverse effect” on critical habitat or Essential Fish Habitat. Replacement of the existing culverts will also restore access to habitat for coho salmon, steelhead trout and cutthroat trout in upstream reaches of Morgan Creek.

The project area is within the range of Kincaid’s lupine (*Lupinus sulphureus var. kincaidii*), a Federally-threatened species. Surveys were conducted with negative results.

The project is unlikely to affect northern spotted owls. The project area consists exclusively of dispersal habitat. Because there is no need for construction of a by-pass road, any modification of current habitat conditions would be solely limited to the potential removal of a few alder trees at the outfall of the stream crossing. Noise associated with removal of the existing crossing, site excavation, and installation of the new crossing would not affect spotted owls because there is no suitable nesting, roosting and foraging habitat within at least a one-mile radius of the project site, well beyond the 65-yard threshold at which noise could disrupt nesting spotted owls.

The project area is not located in critical habitat designated for the northern spotted owl (Federal Register Vol. 73 (No. 157): 47326 -47522, August 13, 2008), so the project will have no effect on critical habitat.

There would be no impacts to the marbled murrelet or its designated critical habitat because the project is outside the known distribution range of the marbled murrelet and its critical habitat.

The project area was surveyed for Kincaid's lupine with negative results, and no adverse effects to botanical species listed under the Endangered Species Act are expected.

Surveys for cultural and historical resources were conducted. Results were negative.

Public Involvement & Response to Comment:

No issues were identified by any local or tribal governments, State agencies, or other Federal agencies.

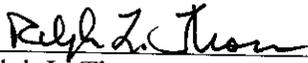
The EA and Finding of No Significant Impact were made available for public review from May 5, 2004, through June 4, 2004. Comments were received from two organizations. These comments did not constitute new information or identify any issues not already considered and addressed in the South River Programmatic Restoration EA, the 1995 ROD/RMP, or Roseburg District *Proposed Resource Management Plan/Environmental Impact Statement*.

Monitoring:

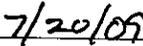
Monitoring will be done in accordance with the 1995 ROD/RMP, Appendix I (pp. 84, & 195-198), with emphasis on assessing the effects of the restoration activities on the following resources: Water and Soils, and Fish Habitat.

Administrative Remedies:

This decision is appealable under regulations contained in 43 CFR § 4.410. Any appeals of the decision must be filed with the authorized officer within thirty (30) days of publication of this notice in *The News Review*, Roseburg, Oregon, on July 21, 2009.



Ralph L. Thomas
Field Manager
South River Field Office



Date