

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

**Decision Documentation  
Culvert Replacement on Rice Creek**

**South River Field Office, Roseburg District**

**Decision:**

It is my decision to authorize replacement of a stream-crossing culvert located on Rice Creek. This project was approved for funding under Title II of the Secure Rural Schools and Community Self-Determination Act. The project site is located on BLM-managed lands where Rice Creek crosses beneath BLM Road No. 29-7-24.0 in the NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Section 25, T. 29 S., R. 7 W., Willamette Meridian.

The existing corrugated metal pipe is badly rusted and is perched atop failing log and soil fill. It will be replaced with a metal pipe arch embedded 1.5 to 2.5 feet in the stream bed, and sized approximately two feet wider than the bank-full width of the stream in order to facilitate upstream and downstream passage by adult and juvenile fish, and pass a 100-year flood event.

A temporary by-pass road will be constructed for access around the work area to forest lands and residential properties above the crossing. Trees cut to accommodate construction of the by-pass road will be placed in Rice Creek, which is largely devoid of large wood, at locations below the stream crossing for in-stream structure.

Design of the crossing incorporates requirements of *the Oregon Road/Stream Crossing Restoration Guide* published by the Oregon Department of Forestry in 1999. Installation will employ Best Management Practices from the 1995 *Roseburg District Record of Decision/Resource Management Plan* (ROD/RMP, Appendix D, pp. 134-136). Project design features and controls to be implemented include:

- Pressure washing or steam cleaning of all excavation and earth-moving equipment prior to mobilization into the project site, to remove soil or other materials that may be contaminated with noxious weed seed or root materials. Disturbed areas will be seeded and mulched or otherwise revegetated.
- Diversion or pumping of any surface stream flow around the project site during construction activities.
- In-stream equipment operation minimized to the extent practicable, and restricted to the period between July 15 and September 15, during low summer stream flows.
- Installation of absorbent booms, prior to the commencement of work, downstream of the project site to contain any inadvertent spillage of petroleum products.
- End haul of waste material to an authorized disposal site.

### **Public Comment:**

No issues were identified by local or tribal governments, State agencies, or other Federal agencies. The EA and Finding of No Significant Impact were available for public review and comment from May 5, 2004, through June 4, 2004. Comments received did not constitute new information or identify any issues not already considered and addressed in the South River Programmatic Restoration EA, the ROD/RMP, or the Roseburg District *Proposed Resource Management Plan/Environmental Impact Statement*.

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

This project was analyzed under Alternative 2, the “proposed action”, of the South River Programmatic Restoration EA. Implementation of the project will meet the objectives of reducing sediment associated with the failing crossing, providing for safe public use of the road, and restoring passage for juvenile and adult fish. Alternative 1, the “no action” alternative, would not achieve these ends.

Replacement of the existing culvert will not result in any undue environmental degradation, and is consistent with Aquatic Conservation Strategy objectives (ROD/RMP, pp. 20-21). Specifically, this 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)

Potential effects to fish and Essential Fish Habitat are associated solely with sediment. With application of project design features described above and identified 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* (April 28, 2007), effects on aquatic habitat will be localized and short term, and will not have an adverse effect on **coho salmon**, or critical habitat and Essential Fish Habitat for coho salmon that is located downstream of the project site.

The project would have no effect on **northern spotted owls**. The project area consists exclusively of dispersal habitat. The project site is more than 65 yards away from any suitable nesting, roosting and foraging habitat. Construction activities would occur outside of the critical breeding season. Noise associated with construction of the by-pass road, removal of the existing crossing, site excavation, and installation of the new crossing would not result in any potential disruption.

The project area is located in critical habitat designated for the northern spotted owl (Federal Register Vol. 73 (No. 157): 47326 -47522, August 13, 2008). The forest stand astride the stream crossing, through which a temporary by-pass road would be constructed, is presently dispersal-only habitat. Removal of a few trees associated with construction of the by-pass road would not preclude the stand from continuing to function as dispersal habitat or from developing into suitable nesting, roosting and foraging habitat in the future. Consequently, by-pass road construction would not result in adverse modification of critical habitat.

Tree removal associated with construction of the by-pass road would have no impact on **marbled murrelets**. Construction of the by-pass road would not require the removal of any trees that would provide suitable nesting habitat, and the project area is more than 300-yards from any suitable nesting habitat, so the risk of disruption would be negligible if birds are nesting in the general vicinity. The project would have no effect on critical habitat because the entire project area is outside any designated critical habitat units.

The project area was surveyed for Federally-threatened Kincaid's lupine and Bureau Sensitive botanical species in 2006 with negative results.

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

### **Conformance:**

Replacing culverts on roads that are in use and part of the road system is a category of projects exempted from the Survey and Manage Standards and Guidelines in the modified injunction issued by Judge Pechman on October 11, 2006, in *Northwest Ecosystem Alliance v. Rey*, which challenged the 2004 *Record of Decision to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl*. It was unclear to the interdisciplinary team, however, if this exemption also applied to the by-pass road construction, , so the team visited the project site to evaluate on-site conditions and make a determination..

The forest stands through which the by-pass road would be constructed are even-aged stands that were established in 1950. In a field review by the interdisciplinary team it was determined that they did not possess suitable habitat or stand conditions that would trigger the protocols for surveys for any wildlife or botanical species designated as Survey & Manage species under the January 2001 *Record of Decision for Amendment to the Survey & Manage, Protection Buffer, and Other Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl*.

Trees to be cut do not have any nest structures indicating the possible presence of the red tree vole. Accumulations of talus material that provides habitat important to the Chace sideband snail and the Oregon shoulderband snail are not present. The lack of these habitat components reduces the probability that these species are present in the project area to a negligible level.

The forest stand in the immediate project area lacks large trees 23 to 42inch diameter breast height with cavities, platforms or stick nests) important to the great gray owls for nesting (Survey Protocol for the great Gray Owl Within the range of the Northwest Forest Plan. January 12, 2004). A previously thinned stand just west and south of the project area could provide foraging habitat for the great gray owl but it is surrounded by young forest stands and potential nesting habitat is over 300 yards away. Absence of nesting components in the project area, long distance from foraging habitat to potential nesting habitat, and implementation of the project after July 15<sup>th</sup>, outside of the critical breeding period, reduce potential impacts to great gray owls to a negligible level.

Implementation of this action would not constitute "disturbances likely to have a significant negative impact on the species' habitat" (2001 Record of Decision and Standards and Guidelines, p.22) and would not threaten the persistence of these species in the Rice Creek drainage.

**Monitoring:**

Monitoring will be done in accordance with provisions contained in the ROD/RMP, Appendix I (p. 84 and 195-198), focusing 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 must be filed with the authorized officer within thirty (30) days of publication of the decision notice in *The News-Review*, Roseburg, Oregon on March 23, 2010.

  
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Ralph Thomas  
Field Manager  
South River Field Office

3/19/10  
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Date