

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ROSEBURG DISTRICT

DECISION RECORD

Kelly Creek Slide – Road Repair/Realignment

BLM Office: Swiftwater Field Office **CX#:** DOI-BLM-OR-R040-2013-0001-CX
777 NW Garden Valley Blvd
Roseburg, Oregon, 97471
Phone: 541-440-4930

Location of Proposed Action: Road No. 25-3-13.0 Segment A, General Forest Management Area – Lot No. 11 of Section 13, T. 25 S., R. 3 W., Willamette Meridian.

Decision

It is my decision to implement the Kelly Creek Slide – Road Repair/Realignment project to repair a mainline road to protect resources, and restore safe access for forest management, fire suppression, and recreational use.

Road repair includes removing slide debris and damaged trees, excavating the new road surface, and placing base rock. The road will be realigned about 35 feet into the existing cut bank resulting in approximately one acre of ground disturbance. Approximately 20 conifer trees ranging in size from 10 to 32 inches will be removed and sold through a negotiated timber sale. About 2500 cubic yards of material will be removed and hauled to an existing waste area off of Road No. 25-3-23.0 (see attached map). The project is expected to take about two weeks to complete in the dry season. Design features described in the Kelly Creek Slide - Road Repair/Realignment Categorical Exclusion (DOR-BLM-OR-R040-2013-0001-CX) will be applied.

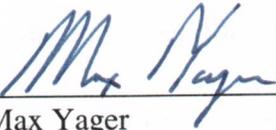
Based upon the attached Categorical Exclusion, I have determined that the proposed Kelly Creek Slide - Road Repair/Realignment project involves no significant impacts to the human environment and no further environmental analysis is required.

Protest Procedures

The decision described in this document is a forest management decision. Administrative remedies are available to persons who believe they will be adversely affected by this decision. The protest period will be open for formal protest starting February 7, 2013. To protest a forest management decision, a person must submit a written and signed protest to the Swiftwater Field Manager, 777 NW Garden Valley Boulevard, Roseburg, OR 97471 by close of business (4:30 p.m.) not more than 15 day after February 7, 2013. The protest must clearly and concisely state which portion or element of the decision is being protested and why it is believed to be in error,

as well as cite applicable regulations. Faxed or emailed protests will not be considered.

For further information, contact Max Yager, Field Manager, Swiftwater Field Office, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd. Roseburg, OR 97471, (541) 440-4930.

Authorizing Official: 
Max Yager
Field Manager
Swiftwater Field Office

Date: FEB. 6th, 2013

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ROSEBURG DISTRICT

NEPA CATEGORICAL EXCLUSION REVIEW

Project Title: Kelly Creek Slide - Road Repair/Realignment

BLM Office: Swiftwater Field Office **CX#:** DOI-BLM-OR-R040-2013-0001-CX
777 NW Garden Valley Blvd
Roseburg, Oregon, 97471
Phone: 541-440-4930

A. Background

Location of Proposed Action: Road No. 25-3-13.0 Segment A, – Lot No. 11, Section 13, T. 25 S., R. 3 W., Willamette Meridian (see attached map).

Description of Proposed Action:

The Bureau of Land Management proposes to repair and realign approximately 238 feet of Road No. 25-3-13.0. The project area is approximately two acres in size (see attached map) and would require about one acre of ground disturbance, excluding the existing road prism.

A series of storm events from 2010 through the winter of 2012 caused a landslide which removed approximately one-half of the running surface, making the road unsafe and impassable. Road No. 25-3-13.0 is a Maintenance Level 3 road servicing industrial timber haul and providing access for fire suppression and recreation use.

Road repair would include removing slide debris and damaged trees, excavating the new road surface, and placing base rock. The road would be realigned about 35 feet into the existing cut bank resulting in approximately one acre of ground disturbance. Approximately 20 conifer trees ranging in size from 10 to 32 inches would be removed and sold through a negotiated timber sale. About 2500 cubic yards of material would be removed and hauled to an existing waste area off of Road No. 25-3-23.0 (see attached map). The project is expected to take about two weeks to complete.

Design Features

- Work activities such as tree felling, yarding, etc. would not occur within 0.25 miles of any un-surveyed suitable habitat from March 1 - September 30. This seasonal restriction may be waived until March 1 if current calendar year surveys indicate: 1) Spotted owls are not detected; 2) Spotted owls are present, but not attempting to nest; or 3) Spotted owls are present, but the nesting attempt has failed.
- Road realignment would be seasonally-restricted to the dry season, typically mid-May through mid-October, although the operating season may be extended or shortened subject to weather conditions

- Bare soil throughout the project area would be reseeded with weed free native seed and straw to prevent the spread of noxious weeds.
- Heavy equipment would be pressure washed to reduce the spread of noxious weed seed in accordance with direction in BLM Manual 9015- Integrated Weed Management.
- There is a peregrine falcon site (Taylor Creek) located approximately 500 meters south of the proposed action area which is within the half-mile disturbance range. To reduce effects to the peregrine falcon road realignment activities would be conducted outside the February 1 through August 15 nesting season, unless surveys confirm fledging before June 15

B. Land Use Plan Conformance

Land Use Plan Name: 1995 *Roseburg District Record of Decision and Resource Management Plan (ROD/RMP)* as amended. Date Approved/Amended: June 1995.

The proposed action is consistent with the 1995 *ROD/RMP* because management direction in the Decision states:

“Stabilize existing roads where they contribute to significant adverse affects on [soils, water quality, and fisheries] resources (p. 74)”

“Following Best Management Practices (see Appendix D) for water quality and soil productivity to mitigate adverse affects on soils, waters quality, fish and riparian habitat durig road construction and maintenance (p. 74).”

Appendix D of the *ROD/RMP* includes:

“Maintain roads in a manner which provides for water quality protection by minimizing surface erosion, rutting failures, sidecasting, and blockage of drainage facilities” and “Stabilize major failures (landslides) by subsurface drainage, rock blankets or other methods.(p. 137)”

Survey & Manage

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 Kelly Creek Road Repair/ Realignment project is consistent with the Roseburg District 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. This project applies the list of Survey and Manage species and associated species mitigation in Attachment 1 to the Settlement Agreement. The project area was evaluated for Survey and Manage species February 23, 2012, June 25, 2012, and June 14, 2012. The project is consistent with the survey and manage standards and guidelines because 1) habitat is not present for Oregon shoulderband snail or Crater Lake Tightcoil; 2) the area lacks a natural 10-acre meadow near the site so there is no requirement to survey for great gray owls; 3) no red tree vole nests were sited and there were no indications (i.e. resin ducts) of use by red tree voles; and 4) no Survey and Manage plant species were found.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 (I) (1) - “Planned actions in response to wildfires, floods, weather events, earthquakes, or landslips that threaten public health or safety, property, and/or natural and cultural resources, and that are necessary to repair or improve lands unlikely to recover to a management-approved condition as a result of the event. Such activities shall be limited to: . . . replacement or repair of existing culverts, roads, trails, fences and minor facilities; construction of protection fences; planting, seeding and mulching; and removal of hazard trees, rocks, soil and other mobile debris from, on, or along roads, trails, campgrounds and watercourses.”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed and none of the extraordinary circumstances described in 516 DM 2 apply.

D. Categorical Exclusions - Extraordinary Circumstances Documentation

THE PROPOSED CATEGORICAL EXCLUSION ACTION WOULD:	YES	NO
2.1 Have significant impacts on public health or safety.		X
Rationale: The project would repair an impassable section of road to allow for safe use of the right-of-way by industrial users, fire suppression equipment and other public users.		
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
Rationale: The project area is not located in any park, recreation or refuge lands, wilderness areas, or national natural landmarks. There are no prime farmlands, wetlands, floodplains, national monuments or other ecologically significant or critical areas present in the project area. There would be no notable impacts to water resources, trees shall not be removed within 60 feet of any stream channel unless located on road prism, associated cut-and-fill		

slope, or if trees present a safety risk.		
The road repair/realignment project would occur near the end of the breeding season for migratory birds, and therefore, would not affect breeding birds as most fledglings are expected to be mobile by the end of July. There would be a permanent loss of approximately one acre of conifer forest habitat available for birds. The road repair/realignment project would not affect migratory birds at the population level.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: There are no controversial environmental effects or unresolved conflicts concerning this project. Road repairs are a long-standing practice that has not been found to be controversial. Repair of the slide on the 25-3-13.0 road would ensure long term access for industrial hauling and fire suppression.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: This type of project is common and similar to other projects accomplished in the past in the Swiftwater Field Office. Environmental effects are considered usual and typical for this type of project.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: The project is not precedent setting because any future proposals to repair roads would be subject to site-specific analysis, design and decision-making. This type of project is common and similar to other projects accomplished in the past in the Swiftwater Field Office. The project is maintenance to the transportation system in the Roseburg District.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: This type of project is common and similar to other projects accomplished in the past in the Swiftwater Field Office.		
2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
Rationale: Most of the project area is low sensitivity terrain because it is steep and densely vegetated or along an existing road. A small part of the project area has moderate to high sensitivity because it is on relatively flat terrain. Heavy vegetation decreases the ability to locate cultural resources before project implementation.		
Due to inclement weather, the cultural resources survey for this project is incomplete. The cultural resource survey will be completed as soon as weather conditions allow. If cultural materials or historic properties are found during the cultural resources survey, the project would be suspended until the site has been evaluated to determine the appropriate mitigation action. Ultimately, the project will be modified to eliminate effects to cultural resources or the cultural resources will be mitigated in accordance with Section 106 of the National Historic Preservation Act under the guidance of the 2012 National Programmatic Agreement and the 1998 Oregon Protocol, which guide BLM's management of cultural resources.		

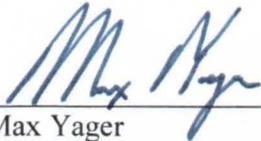
2.8 Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
<p>Rationale:</p> <p>Marbled Murrelet - The proposed road realignment is outside the distribution range (Zone 2, 35-50 miles) for the marbled murrelet.</p> <p>Northern spotted owl (NSO) – The action area is not located within 2012 NSO critical habitat but would remove approximately 0.4 acres of suitable habitat in the Taylor Creek home range. Effects of habitat reduction were analyzed in the FY2011-13 Programmatic Biological Assessment (USDI-BLM 2010). The U.S. Fish and Wildlife Service issued the Bureau a Biological Opinion (Tails #: 13420-2011-F-0012) and concluded the FY2011-2013 projects are <i>not likely to jeopardize the continued existence of the spotted owl</i> (USDI-FWS 2010, p. 82). Northern spotted owl surveys are incomplete, therefore the project would implement the following project design feature: Seasonal restrictions stated in the project design features section would be applied effectively eliminating the possibility of nest disruption caused by project activities that could result in nest abandonment or premature fledging of young.</p> <p>Coho Salmon: The Kelly Creek Road Repair would have <i>No Effect</i> to coho salmon or its critical habitat downstream. The project location is over 2.5 miles upstream from the nearest occupied habitat in Rock Creek.. Given this distance, any sediment generated from work would not be expected to reach nearby streams. Removal of large trees associated with the realignment would not reduce future large wood delivery to occupied habitat, because all ground disturbing activity would take place over 60 feet from the nearest stream. There are several road crossings that would prevent any wood from being delivered downstream to create spawning or rearing habitat for coho salmon.</p> <p>Special Status Plants: A botanist has cleared the project area and there are no concerns for Special Status plants.</p>		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
<p>Rationale: The proposed action is in conformance with the direction given for the management of public lands in the 1995 Roseburg District ROD/RMP, which complies with all applicable laws, including Federal Land Policy Management Act, Endangered Species Act, Historic Preservation Act, Clean Water Act, and others.</p>		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898).		X
<p>Rationale: No potential impacts have been identified indicating that road repair/realignment projects would have an impact on low income or minority populations in Douglas County.</p>		
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
<p>Rationale: There are no identified sacred, ceremonial or religious Indian sites in the project area.</p>		

2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

X

Rationale: Design features for the project will reduce the spread and introduction of noxious weeds in the area. The area will be monitored and treated under the Roseburg District's Weed Management Plan.

E. Signature



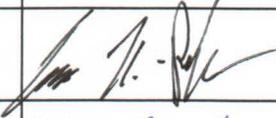
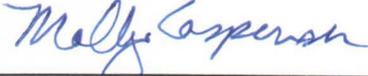
Max Yager
Field Manager
Swiftwater Field Office

FEB. 6th, 2013
Date

F. Contact Person & Interdisciplinary Team Reviewers:

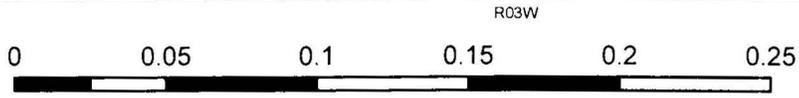
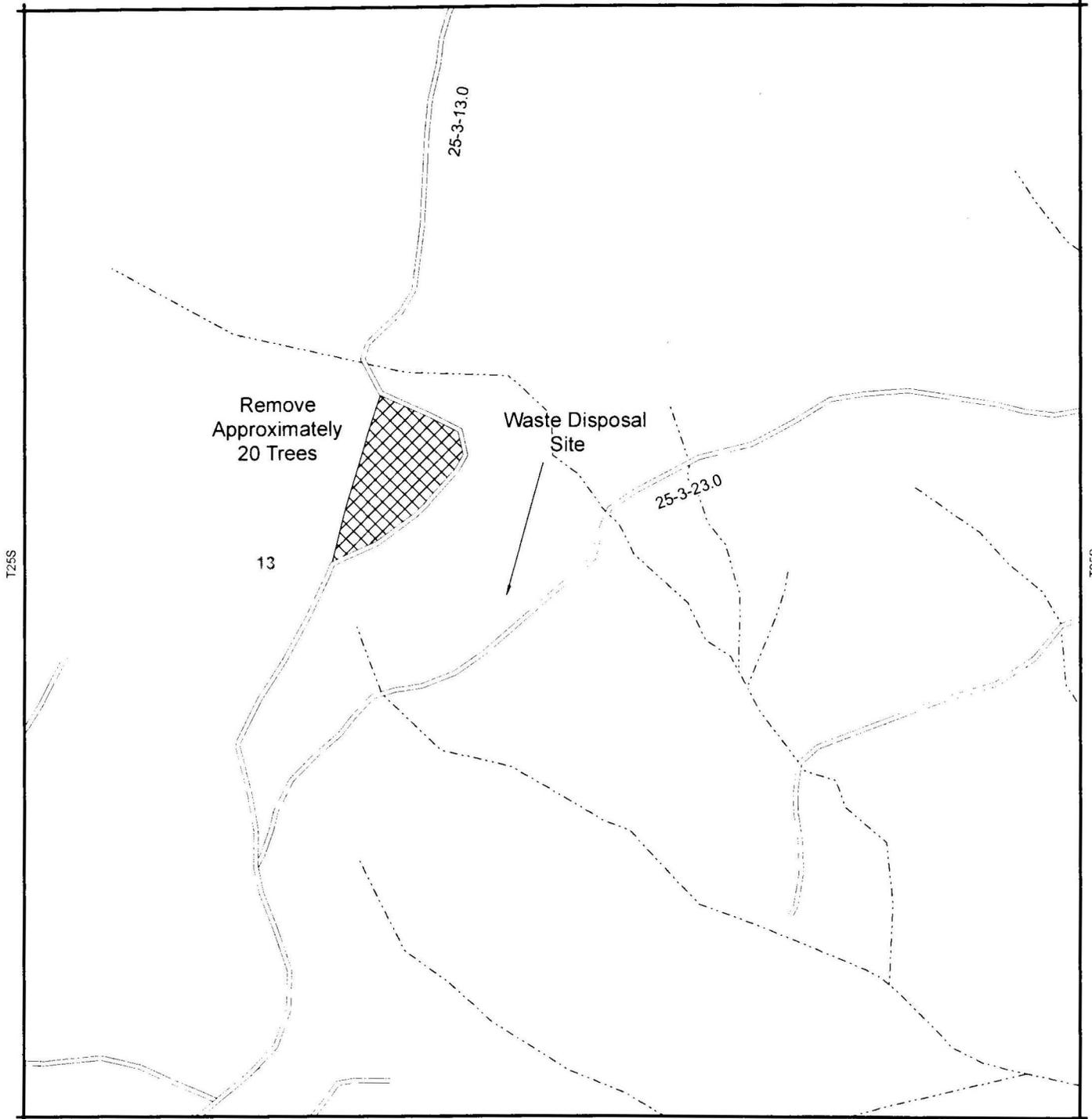
For additional information concerning this Categorical Review, contact:

Brandy Albin, Engineer
 Roseburg District, Swiftwater Field Office
 777 NW Garden Valley Blvd
 Roseburg, Oregon, 97471
 Phone: 541-464-4930

Interdisciplinary Team Reviewers			
Name	Resource	Signature	Date
Brandy Albin	Project Lead/Originator		2-4-13
Gary Basham <i>Feb.</i>	Botanist		2-4-13
<i>Feb.</i> Lisa Renan	Wildlife Biologist		2-6-13
Jonas Parker	Hydrologist		2-4-13
Molly Casperson	Archaeologist		2/5/13
Cory Sipher	Fisheries Biologist		2/4/13
Ward Fong	Soil Scientist		2/4/13
Michelle Roberts	NEPA Compliance		2/5/13

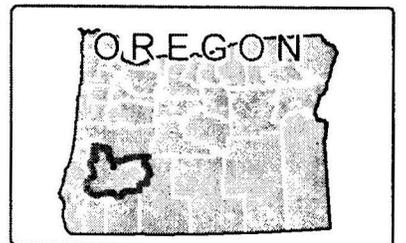
Kelly Creek Road Repair/Realignment Categorical Exclusion Roseburg District - Swiftwater Resource Area

R03W



Legend

-  Existing Road
-  Stream
-  Project Area



Date 2/4/2013

Roseburg District
Bureau of Land Management
777 NW Garden Valley Blvd
Roseburg, Oregon 97471

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.