# Rock Creek Culvert Installation

Decision Record

Environmental Assessment Number OR080-04-20

August 2010

T. 6S, R. 2E, Section 16

United States Department of the Interior
Bureau of Land Management, Salem District
Clackamas County, Oregon

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|---|---|
| Responsible Agency: | USDI - Bureau of Land Management |
| Responsible Official: | Cindy Enstrom, Field Manager<br>Cascades Resource Area<br>1717 Fabry Road SE<br>Salem, OR 97306<br>(503) 315-5969 |
| For further information, contact: | Dan Nevin, Project Leader<br>Cascades Resource Area<br>1717 Fabry Road SE<br>Salem, OR 97306<br>(503) 375-5673 |

BLM
Salem District

As the Nation's principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

BLM/OR/WA/AE10/058+1792

## 1.0 Introduction

The Bureau of Land Management (BLM) has conducted an environmental analysis to replace a culvert on the 6-2-16 road where it crosses Rock Creek, documented in the *FY 2006 Timber Sale Thinning Environmental Assessment and Finding of No Significant Impact (*EA) and the associated project file. This EA is incorporated here by reference in this Decision Record (DR). I signed a Finding of No Significant Impact on July 19, 2005 and made the EA available for public review from July 20, 2005 to Aug 19, 2005. I received no comments about this culvert replacement during the public review period.

The existing culvert had failed, prohibiting use of the road by heavy trucks. The removal of the current culvert, which took place in 2009, was covered under the FY 2009 District Road Maintenance Plan. The *Rock Creek Culvert Installation Decision Record* covers the installation of the new culvert, which would meet 100-year flood design criteria and restore fish passage in Rock Creek. The project is located on BLM lands in T. 6S, R. 2E, Section 16; W.M. in Clackamas County, Oregon.

## 2.0 Decision

I have decided to install the Rock Creek Culvert, which is one of the 60 culvert replacements described under road renovation in the EA (EA section 2.2.1, pp. 16). This decision is based on site-specific analyses in the EA described above, the supporting project record, as well as the management direction contained in the *Salem District Resource Management Plan* (May 1995), which are incorporated here by reference and in the EA. This Decision is summarized in this section of the DR and is hereafter referred to as the "selected action". The selected action will:

- Install an open-bottom multi-plate arch culvert that is 60 feet long, 19 feet wide and 6.3 feet high on a cast-in-place concrete foundation with spread footings;
- Place riprap and stream bed material approximately 4 feet deep within the full culvert length and width, including 10 feet up and down stream channel, plunge pool and all disturbed areas within the stream channel;
- Place riprap for slope protection; and
- Reconstruct roadway along existing road alignment over the new culvert.

### 2.1 Design Features

Project Design Features described in the EA (EA sections 2.2.; pp. 19, 106) will be incorporated into all construction contracts associated with this project. Additional design features include:

- Water Quality
  - Refueling power equipment at least 150 feet from streams
  - Preventing chemicals from entering streams or other water.
  - Acquiring required permits to accomplish work (e.g. Oregon Department of State lands removal fill permit).
- Safety: Blocking roads and post road signs prior to beginning work
- Invasive Species: Pressure washing all equipment used prior to entering the contract area.

## 3.0 Alternatives Considered

1. No Action Alternative: The culvert would not be replaced.

2. Proposed Action and Selected Action (EA p. 16): see DR section 2.0.

## 4.0 Decision Rationale

Considering the content of the EA, the supporting project record, and the management direction contained in the RMP, I have decided to implement the selected action as described in DR section 2.0. The following is my rationale for this decision.

1. No Action Alternative: This alternative was not selected because it would not meet the purpose and need of the project. The current stream crossing does not meet ACS objectives (EA p. 100).
2. Proposed and Selected Action: The selected action implements Rock Creek Culvert Installation project as described in the DR section 2.0. The Selected Action:
   - Meets the purpose of and need for action EA section 1.2 (EA pp. 14). The new culvert will reduce adverse environmental effects associated with identified existing roads (RMP p. 11).
   - Is consistent with the Salem District Record of Decision and Resource Management Plan and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA p.13, DR sections 5.0, 7.0).
   - Will not have significant impact on the affected elements of the environment beyond those already anticipated and addressed in the RMP EIS (EA FONSI, pp. 2-6, and DR section 7.0).

## 5.0 Compliance with Direction

The analysis documented in the EA is site-specific and supplements analyses found in the Salem District Proposed Resource Management Plan/Final Environmental Impact Statement, September 1994 (RMP/FEIS). This project was designed under the Salem District Record of Decision and Resource Management Plan**,** May 1995 (RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA pp. 13). All of these documents may be reviewed at the Cascades Resource Area office.

## 6.0 Public Involvement/ Consultation/Coordination

### 6.1 Scoping

A scoping letter was sent on October 15, 2004. Fourteen letters with scoping comments and concerns were received by mail. No comments were received on culvert replacements.

### 6.2 Comment Period and Comments:

BLM made the EA and FONSI available for public review from July 20, 2005 to August 19, 2005. No comments were received with regard to culvert replacements.

### 6.3 ESA Section 7 Consultation

1. U.S. Fish and Wildlife Service (EA p. 51-52)

The project has no effect on ESA listed terrestrial species because no habitat would be affected by this project and the work will take place during the in-water work season (typically July 15-August 31).

2. National Marine Fisheries Service (NMFS): Consultation with NMFS is not required. This project will have no effect on listed fish in the watershed (i.e. Upper Willamette River (UWR) steelhead trout or UWR Chinook salmon) because the project is at least 2.5 miles upstream from the closest listed fish (UWR steelhead trout). Turbidity resulting from the culvert installation will likely move only 0.5 mile downstream. Stream gradients are low such that any sediment mobilized by the culvert installation will be stored in the channel upstream of listed fish habitat.

## 7.0 Conclusion

I have reviewed the information in the EA, public comments, and this DR. I have determined that change to the Finding of No Significant Impact (EA pp. 2-6) is not necessary because no new information was provided during the public comment period for the EA that led me to believe the analysis, data or conclusions related to environmental effects of the proposed action are in error or that the selected action needs to be altered. The selected action would not have effects beyond those already anticipated and addressed in the RMP EIS. Supplemental or additional information to the analysis in the RMP/FEIS in the form of a new environmental impact statement is not needed for the reasons described in the Findings of No Significant Impact (EA pp. 2-6).

## 8.0 Administrative Review Opportunities and Implementation

This decision may be appealed to the Interior Board of Land Appeals in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1.

*If you appeal:* A *Notice of Appeal* must be filed in writing to the office which issued this decision – Cindy Enstrom, Cascades Field Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, OR, 97306. A copy of the *Notice of Appeal* must also be sent to the BLM Regional Solicitor. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your *Notice of Appeal*. A petition for a stay is required to show sufficient justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

*Standards for Obtaining a Stay:* Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:
The relative harm to the parties if the stay is granted or denied,
The likelihood of the appellant's success on the merits,

The likelihood of immediate and irreparable harm if the stay is not granted, and
Whether the public interest favors granting the stay.

*Statement of Reasons:* Within 30 days of the filing of the *Notice of Appeal*, a complete statement of reasons why you are appealing must be filed with the Interior Board of Land Appeals (see Form 1842-1).

## 8.1 Implementation Date

Implementation of this decision may begin 30 calendar days after the public notice of the Decision Record appears in the *Molalla Pioneer* newspaper, on August 25, 2010.

Agency contact: For additional information concerning this decision or the appeal process, contact Dan Nevin (503) 375-5673 or Carolyn Sands at (503) 315-5973, Cascades Resource Area, Salem District Office, 1717 Fabry Road SE Salem, OR 97306.

Approved by: Cindy Enstrom — 8/19/2010

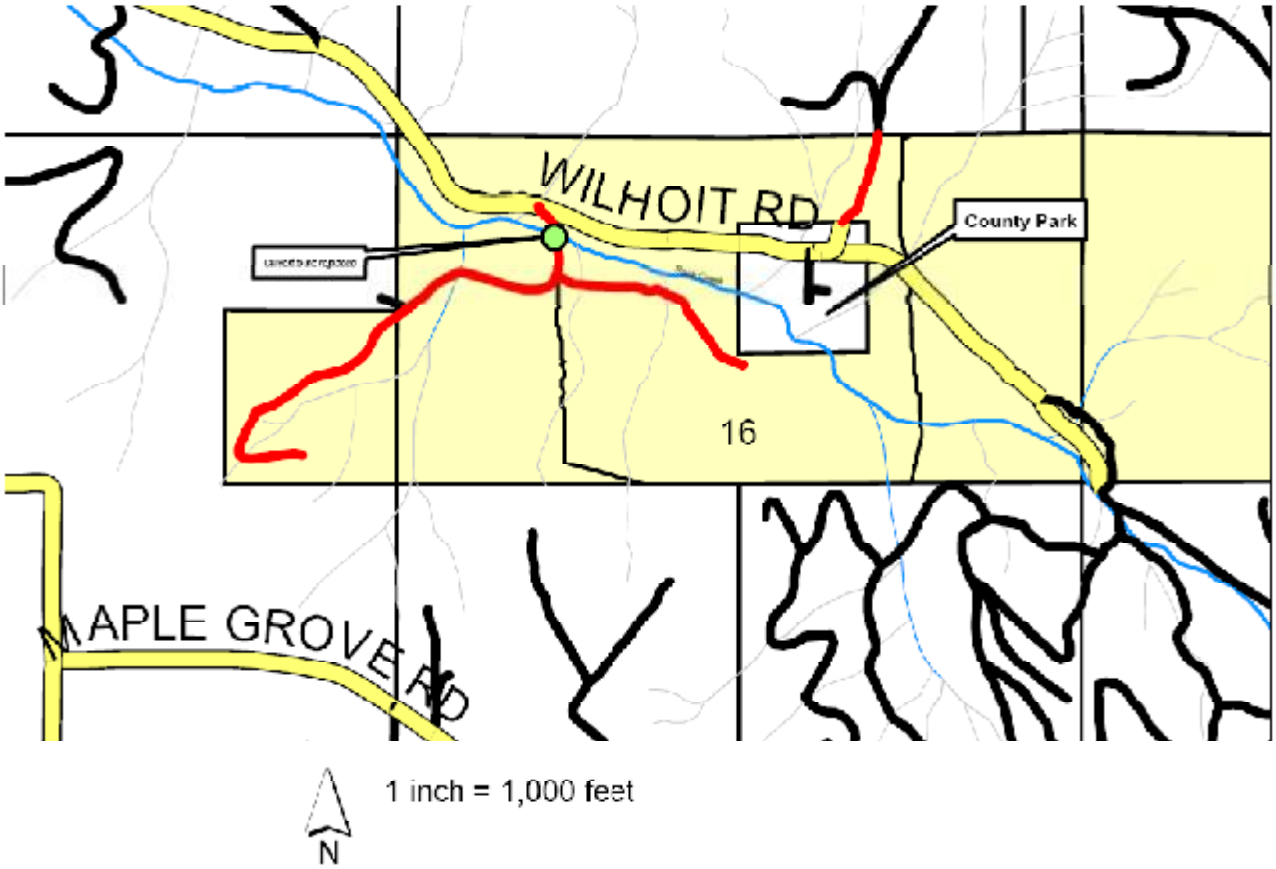
Cindy Enstrom, Field Manager
Cascade Resource Area

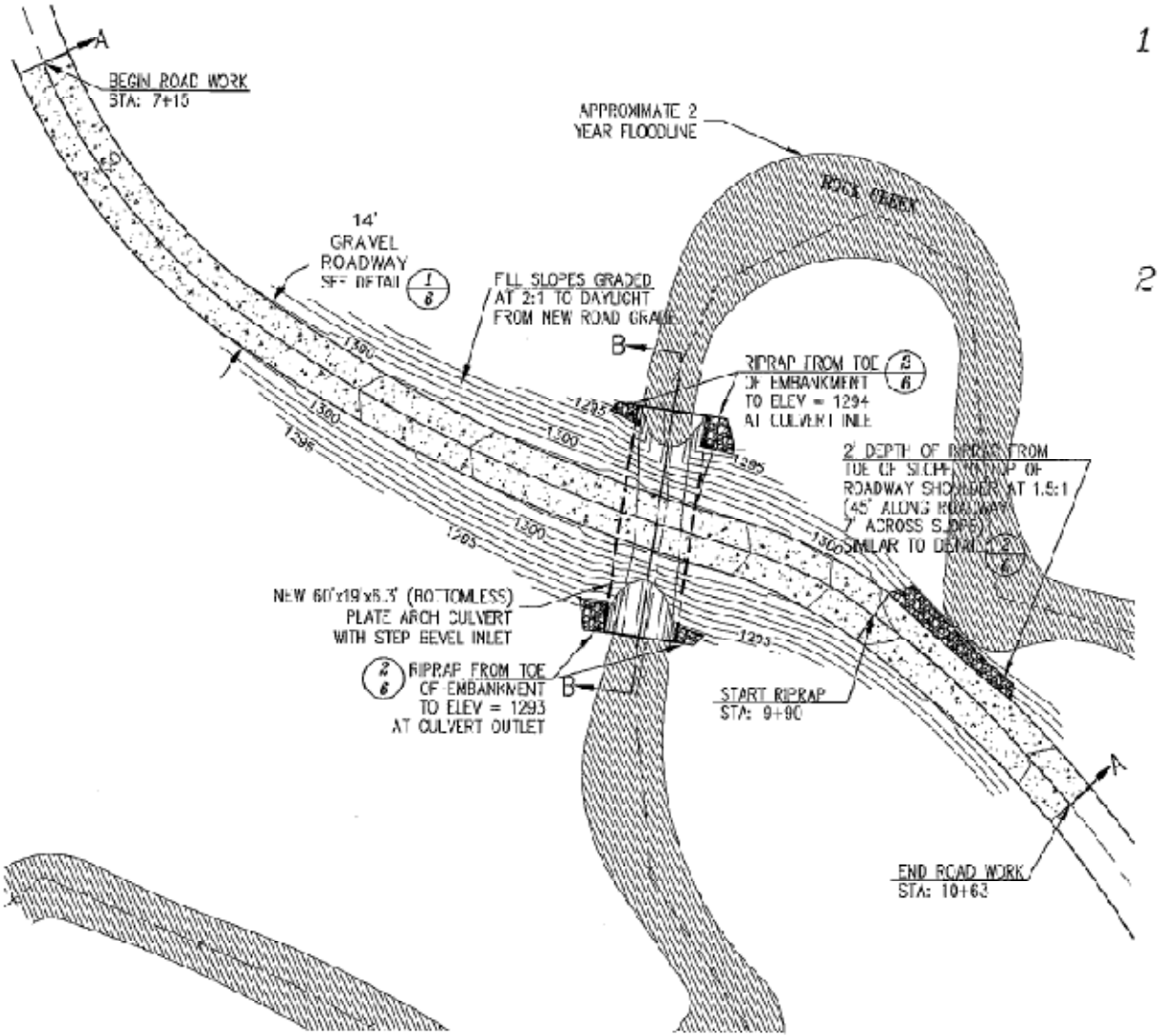
Date

## 9.0 Maps

### Map 1: Selected Action

Rock Creek Culvert Replacement
Section 16, T6S R2E






## PROJECT WORK REQUIREMENTS

### 1 INSTALL OPEN-BOTTOM MULTI-PLATE ARCH CULVERT

HS25 Loading
Clear Span: 19'-0"
Length: 60 feet

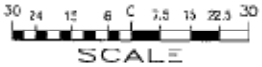
Installation to include:
- Disposal of existing culvert.
- Placement of riprap and streambed material, ± 4-foot depth, within full culvert length and width, including 10' up and down stream channel, in plunge pool, and all disturbed areas within stream channel.
- Cast-in-place concrete culvert foundation (Min. 4000psi 28 day compressive strength).

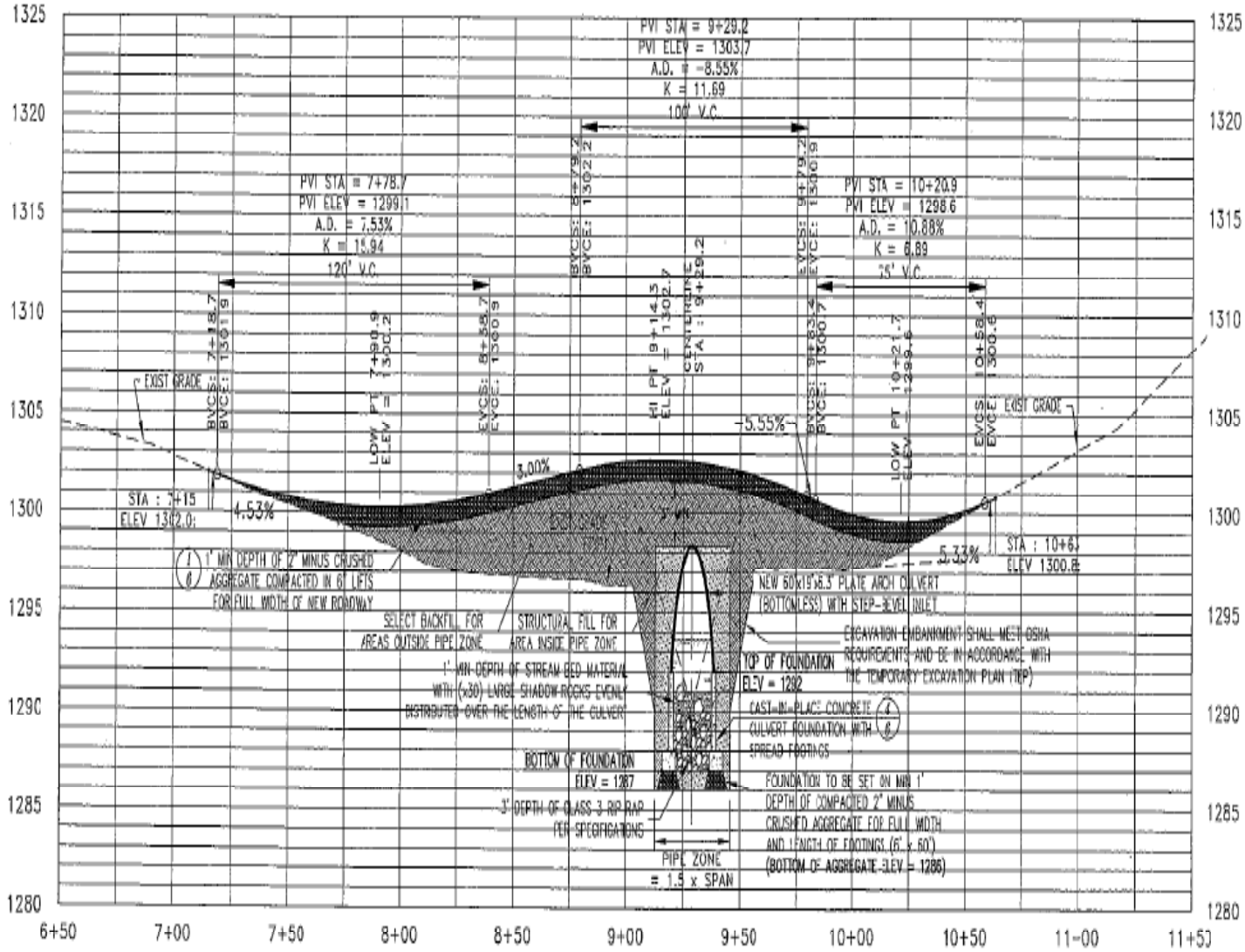
Place riprap as shown for slope protection.

### 2 ROADWAY CONSTRUCTION

Reconstruct roadway along existing road alignment:
- Backfill over new culvert to elevations and grades shown.
- Grade and compact new roadway subgrade per plans and specifications.
- Place and compact new roadway aggregate per plans and specifications.
- Taper aggregate at ends of road work for 25 feet to blend into existing grade.
- Contractor to clear and grade roadway from county road to junction past culvert.
- Contractor shall re-hang existing gate after project is complete. Install (2) 6x6 treated posts and a ½" chain for the lock.

| COORDINATES ALONG CENTERLINE OF NEW CULVERT | | |
|---|---|---|
| | INLET | OUTLET |
| NORTHING: | 5018.26 | 4967.18 |
| EASTING: | 5037.35 | 5005.69 |
| ELEVATION (BOTTOM OF FOOTING): | 1287 | 1287 |






## NEW CULVERT SECTION / ROADWAY PROFILE A-A

SCALE AS SHOWN

Form 1842-1
(September 2005)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

## INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS
1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

| | |
|---|---|
| 1. NOTICE OF **APPEAL**..... | A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). |
| **2. WHERE TO FILE** NOTICE OF APPEAL..... | A. **Cindy Enstrom, Cascades Resource Area Field Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, OR 97306** |
| WITH COPY TO SOLICITOR... | B. **U.S. Department of the Interior, Office of the Regional Solicitor, 805 SW Broadway, Suite 600 Portland, OR 97205** |
| **3. STATEMENT OF REASONS** | Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the **United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203**. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413). |
| WITH COPY TO SOLICITOR..... | Same as 2 B. |
| **4. ADVERSE PARTIES**..... | Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. |
| **5. PROOF OF SERVICE**..... | Within 15 days after any document is served on an adverse party, file proof of that service with the **United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203.** This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)). |
| **6. REQUEST FOR STAY**..... | Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.<br><br>Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay. |

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

**43 CFR SUBPART 1821--GENERAL INFORMATION**

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office --------- Alaska
Arizona State Office -------- Arizona
California State Office ------ California
Colorado State Office ------- Colorado
Eastern States Office -------- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ---------- Idaho
Montana State Office -------- Montana, North Dakota and South Dakota
Nevada State Office ---------- Nevada
New Mexico State Office --- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ---------- Oregon and Washington
Utah State Office ---------- Utah
Wyoming State Office -------- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2005)