

Salem District Aquatic and Riparian Habitat Restoration – Revised Decision Record

May 2016

Environmental Assessment and Finding of No Significant Impact (EA)
Original EA Number: OR-S0000-2012-0001-EA
Original EA March 2012

Revised EA March 2016
ePlanning Number: [DOI-BLM-ORWA-S000-2012-0001-EA](#)

United States Department of the Interior, Bureau of Land Management
Oregon State Office, Salem District
Benton, Clackamas, Clatsop, Columbia, Lincoln, Lane, Linn, Marion,
Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oregon



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BLM/OR/WA/AE-12/015+1614

Cover Photo: Rickreall Creek in the Marys Peak Field Office

1.0 Introduction

In March 2016, the BLM revised the March 2012 *Salem District Aquatic and Riparian Habitat Restoration Environmental Assessment and Finding of No Significant Impact*. (2012 EA) The Salem District revised the proposed action described in 2012 EA for following reasons:

- To incorporate changes to project categories and design features based on National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS) issuing new Biological Opinions for aquatic restoration in Oregon and Washington in 2013. These biological opinions are also called the Aquatic Restoration Biological Opinions II. (ARBO II) The 2012 EA (2012 EA p. 17-18, sections 8.0 and 10.0), identified project design features from an earlier version of the aquatic restoration biological opinions but stated that these design features will be replaced by the design features in the new biological opinions when they were issued. Revised EA sections 8.0 and 10.0 describe the ARBO II project design criteria for the proposed projects.
- To lift the restriction limiting the use of large wood projects to river channels to no more than 100 feet wide. Advances in restoration theory and design have made placement of wood in channels greater than 100 feet in width a more commonly accepted practice for enhancement of aquatic habitats. Large wood in these systems function to retain gravels, promote hyporheic flow, connect floodplains, store water, and provide habitat for aquatic organisms. The restoration of these natural processes has been identified as a high priority for the recovery of federally-listed fish species. The Salem District manages several larger rivers that are in need of large wood enhancement to restore these processes. The inclusion of larger streams in the Revised EA will support the District's objective of implementing recovery actions and improving water quality. (Revised EA p. 8)
- To lift the restriction limiting culvert replacement to culverts with no more than 20 feet of fill material. District resource specialists have observed failing large culverts with more than 20 feet of fill material. (Revised EA p. 8) Lifting the fill restrictions allows more opportunities to replace at risk culverts with deep fills that pose a potentially greater risk to water quality and aquatic habitat if they were to fail than the at risk culverts with shallower fills. This is due to the sheer quantity of fill material (sediment) that will enter the stream channel. Changing this requirement will also provide more opportunities to address fish passage and upgrade culvert size to meet the 100 year flow requirement. (RMP p. 11) The RMP directs us to replace culverts that impede fish passage with culverts that allow fish passage. (RMP p. 11) Most of the smaller culverts have been replaced. Many of the remaining culverts require greater than 20 feet of fill material.
- To drop non-commercial Riparian thinning from the revised proposed action because ARBO II does not cover this action. Non-commercial thinning in riparian areas will need separate NEPA analysis.

I signed a revised Finding of No Significant Impact (FONSI) on March 18, 2016. This FONSI is attached to the *Salem District Aquatic and Riparian Habitat Restoration – Revised Environmental Assessment and Finding of No Significant Impact* (Revised EA), which was released for public review on March 24, 2016. The Revised EA comment period ended April 8, 2016. (Revised DR section 6.0)

The Revised EA is incorporated here by reference in this Revised Decision Record. (Revised DR)

The Revised DR constitutes the BLM's decision to implement the revised project and reviews and affirms the Revised FONSI.

2.0 Decision

I have decided to implement the Salem District Aquatic and Riparian Habitat Restoration Project as described in the revised proposed action (Revised EA p. 12-26), hereafter referred to as the "selected action". This decision is based on the analysis in the Revised EA, the supporting project record, and management direction contained in the Salem District Resource Management Plan (May 1995), which are incorporated by reference in the Revised EA. The following is a summary of this decision:

The Bureau of Land Management (BLM) has made a decision to complete a variety of aquatic and riparian habitat restoration activities identified in the National Marine Fisheries Service (NMFS) (2013) and the United States Fish and Wildlife Service (USFWS) (2013) Biological Opinions (NMFS: 2013/NWP-2013-9664; USFWS: 01EOFW00-2013-F-0090) for Programmatic Consultation on Aquatic Restoration Activities in Oregon and Washington (ARBO II) to improve aquatic and riparian habitat on BLM-administered lands and non-BLM-administered lands. The USFWS, NMFS and BLM identified these programmatic activities because they have predictable effects to species and habitat regardless of their location of treatment.

The selected action includes the following Restoration Activity Categories. The site-specific conditions used to determine where restoration actions will take place are included in the description of these activities.

1. Large Wood, Boulder, and Gravel Placement

Place large wood and/or boulders in stream channels and adjacent floodplains to increase channel stability, rearing habitat, pool formation, spawning gravel deposition, channel complexity, hiding cover, low velocity areas, and floodplain function. Large wood (LW) and boulder projects will be designed to allow fish passage through or over structures at all stream flows. (Revised EA p. 14)

Large wood, boulder, boulder weirs and gravel projects could include the use of log trucks and dump trucks for transport and excavator-type machinery, spidders, cable yarders, draft horses, or helicopters for placement. Logs will be placed to imitate natural accumulations of LW throughout the proposed restoration reaches including single logs or log jams. Logs used in the stream channel will be of sufficient diameter and length to resist downstream movement. (Revised EA p. 14)

When available, key logs/trees will meet the ARBO II LW size criteria. (EA section 8.0) Whole trees from the adjacent riparian area or off-site will be used for instream LW. Logs will be either cut, tipped and yarded from the adjacent riparian stand or transported to the site using helicopters or trucks on established roads. (Revised EA p. 15)

Site Conditions for Selecting Projects: Streams that currently have low levels of structure (large wood and boulders), habitat availability (lack of pool habitat, spawning gravels) and complexity. (Revised EA p. 32) Streams with low levels of wood, pool and spawning habitat, low complexity and below "properly functioning" condition. (Revised EA p. 14)

2. Reconnection of Existing Side Channels and Alcoves

Reconnect and/or restore historic side channels and alcoves to increase rearing habitat for juvenile fish. This action includes the removal of natural and artificially created plugs which block water movement through side channels and alcoves. Side channel and alcove improvements include fill removal within channels and alcoves, LW and/or boulder placement, riparian planting, etc. Boulder and LW placement may be used in the main river to stabilize the channel and bring the entrance of the side channel into alignment. New side channels and alcoves can be constructed in geomorphic settings that will accommodate such features. Construction will involve use of heavy equipment, such as excavators, spiders, backhoes, and dump trucks. (Revised EA p. 15)

Site Conditions for Selecting Projects: Disconnected side channels and alcoves (pool off to the side from the main channel, connected at periods of higher flows) from the main channel, unstable entrances to side channels. (Revised EA p. 15)

3. Streambank Restoration

Install stream bank stabilization structures (e.g., rock vanes, tree revetments, and willow mats) to stabilize stream banks and help riparian vegetation recovery. Stabilization structures will be placed and anchored within the toe and bank areas of stream channels. Streambank excavation may occur to accommodate stabilization structures. Stream banks may be contoured to facilitate planting. Heavy equipment may be used to complete these activities, and may operate in the stream channel, on banks, or on the road. (Revised EA p. 15)

Site Conditions for Selecting Projects: Streambanks that are having a direct negative impact on water quality and/or areas where stabilization efforts are needed to protect infrastructure from migrating stream channels. (Revised EA p. 33)

4. Fish Passage Culvert and Bridge Projects

Remove or replace existing road-stream crossing structures (culverts and bridges) that restrict fish passage with stream simulation structures to restore up- and downstream passage for all life stages of native fish and aquatic organisms. Replacement of existing trail and road-stream crossing structures on fish-bearing streams that do not restrict fish passage may occur. This category includes projects where minor realignment of the culvert and stream channel is needed to restore the stream course to its original location and to allow for passage of stream generated materials (woody debris and bedload). Structure types include closed-bottomed culverts, open-bottomed arch culverts, and bridges. Grade control structures are permitted above, below and through the culvert or underneath the bridge. Bridge piers, abutments and concrete footers will not occur in the bankfull width. (Revised EA p. 16)

Site Conditions for Selecting Projects: Existing trail and road-stream crossing structures, culverts and bridges on fish bearing streams-that are full or partial barriers to fish passage. (Revised EA p. 16, 31) Culverts that are undersized for meeting 100 year flow events, are increasingly at risk of failure due to age and deterioration, and are currently passage barriers for anadromous and resident fish. (Revised EA p. 7)

5. Head-cut Stabilization and Associated Fish Passage

Stabilize active or potentially active head-cuts to prevent further channel degradation (upstream migration of head-cut) and to promote downstream channel aggradation. Activities will include installation of rock/boulder or log-step-pool structures to prevent head cuts and channel degradation and increase water quality conditions and fish passage. (EA p. 16)

Site conditions for Selecting Projects: Streams with active or potentially active head-cuts, where water quality is being impacted due to the higher sediment loads and loss of floodplain connectivity due to active channel down cutting. Fish bearing streams associated with headcuts that do not have fish passage. (Revised EA p. 15, 16)

6. Riparian vegetation treatments

Conduct non-commercial treatments of vegetation in the riparian area (i.e., Riparian Reserves) as a means to help restore plant species composition and structure that will occur under natural disturbance regimes. Activities will include enhancing openings for planting, creation of planting gaps, planting conifers and deciduous species, and animal damage control to protect seedlings. (EA p. 17)

Plant selected riparian areas with a mix of native tree species including, but not limited to, western red cedar, grand fir, western hemlock, Douglas-fir, red alder, bigleaf maple and cottonwood. Species selection will be based on site-specific objectives and site suitability. For bank stability and the rapid development of shade, select hardwood species. For shade and a long-term source of LW recruitment, select conifers. (EA p. 17)

Site conditions for Selecting Projects: Simple forest stand structure such as a single species, single story stand, lack of shade, places where invasive species are competing with native understory, and lack of conifer species. (Revised EA p. 30, 31)

7. Road Treatments

Proposed treatments will apply to road segments that impair stream function. Projects may include road segments with structurally failing culverts, culverts with excessive erosion at the inlet or outlet, culverts impairing debris and bedload movement, and road segments delivering sediment to stream channels through ditchlines and/or overland conveyance typically within 200 feet of streams. (EA p. 16)

This activity includes road treatments, from simple closures and decommissioning to more complex road obliteration and removal, with an overall goal of restoring hydrologic functions. Prior to decommissioning of a roadway, coordination will occur with appropriate right-of-way cooperators and the Association of O&C counties. This category also includes stormproofing roads intended to remain on the road network but closed to vehicles for periods of time until their use is required, thereby hydrologically disconnecting such roads from watershed streams. (EA p. 17) This category does not include new road construction (not associated with road relocation) or routine maintenance within riparian areas.

Actions include bridge and culvert removal, removal of asphalt and gravel, installing drainage culverts, constructing road dips, subsoiling or ripping of road surfaces, outsloping, waterbarring, fill removal, sidecast pullback, re-vegetating with native species and placement of LW material and/or boulders. (EA p. 17)

Site conditions for Selecting Projects: Road segments with structurally failing bridges and culverts, culverts with excessive erosion at the inlet or outlet, culverts impairing debris and bedload movement, and road segments delivering sediment to stream channels through ditchlines and/or overland conveyance typically within 200 feet of streams. (Revised EA p. 16)

Table 1 identifies the amount of restoration work anticipated to occur under the selected action. The Typical Year is the average assumed amount of this activity performed in a single year. The Annual Maximum is the assumed limit of activity to be performed in a single year, listed for both the District and any single 5th field watershed. The Restoration Activity categories are further described in EA sections 2.3.1 and 2.3.2.

Table 1: Proposed Annual Restoration Work

EA/DR Restoration Activity Category	Typical Year	Annual Maximum
* [1] Instream structure and gravel placement - helicopter placement	1 project for a total of 3 miles	<i>District:</i> 15 stream miles <i>5th Field Watershed:</i> 5 stream miles
[1] Instream structure and gravel placement - excavator-type placement	2 projects in two 5 th fields for a total of 3 miles	<i>District:</i> 10 stream miles <i>5th Field Watershed:</i> 4 stream miles
[2] Reconnection of existing side channels and alcoves	1 project for a total of 1 mile	<i>District:</i> 1 stream mile <i>5th Field Watershed:</i> 1 stream mile
[3] Streambank restoration	Not done in a typical year	<i>District:</i> 1 stream mile <i>5th Field Watershed:</i> 1 stream mile
[5] Head cut stabilization	Not done in a typical year	<i>District:</i> 1 stream mile <i>5th Field Watershed:</i> 1 stream mile
[4] Fish passage - culvert and bridge replacements	2 projects in two 5 th fields for a total of 4 structures	<i>District:</i> 10 structures <i>5th Field Watershed:</i> 4 structures
[7] Road-sediment treatments	1 project for a total of 1 mile	<i>District:</i> 10 road miles <i>5th Field Watershed:</i> 5 road miles
[6] Non-commercial riparian vegetation treatments – riparian planting	10 projects in ten 5 th fields for a total of 50 acres	<i>District:</i> 100 acres <i>5th Field Watershed:</i> 20 acres

*The number in brackets (e.g. [1]) coincides with the bullets for the restoration activity categories previously described in this section of the document.

Project Design Features

This Decision incorporates the project design features described in the Revised EA (Revised EA p. 18-26) into the selected action. The Decision also incorporates the ARBO II project design criteria. (Revised EA section 8.0 - p. 71-83, BO NWR-2013-09664 - Sections 1.3.2 and 1.3.3; Revised EA section 9.0, p. 83, BO NWR-2013-09664; Revised EA section 10.0 - p. 84-92, BO 01EOFW00-2013-F-0090, section 1.3.3) Each site-specific project will follow the applicable project design features and the applicable project design criteria from the ARBO II (Revised EA p. 71-92, see citing for ARBO sections, above) for the applicable restoration activity categories.

Analysis of Site-specific Projects

District resource specialists will evaluate each site-specific project for NEPA compliance with the Aquatic Habitat and Riparian Restoration Revised EA and Revised Decision Record. The BLM will prepare a Determination of NEPA Adequacy (DNA) form and a Project Decision Record. Each Project Decision is appealable in accordance with the regulations contained in 43 CFR, Part 4.

The DNA provides site-specific information on the affected environment and environmental effects by answering the five DNA form questions. Site-specific information provided in the DNA will include the following:

- How a project meets the site conditions for project selection described in Revised DR section 2.0 (site-specific affected environment);
- How the programmatic analysis covers the site-specific project, including citing the location of applicable effects described in the Revised EA, and any effects that only apply to that site; and
- Citing the Revised EA and ARBO project design features/criteria applicable to the project.

The Determination of NEPA Adequacy Form is shown in Revised DR section 9.0.

3.0 Alternatives Considered

The Revised EA analyzed the effects of the proposed action and the no action alternatives. No unresolved conflicts concerning alternative uses of available resources (section 102(2) (E) of NEPA) were identified. No action alternatives were identified that will meet the purpose and need of the projects and have meaningful differences in environmental effects from the proposed action. (EA p. 11) Complete descriptions of the "action" and "no action" alternatives and their anticipated effects are contained in the Revised EA, section 3.0.

4.0 Decision Rationale

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

1. The selected action:

- Meets the Purpose and Need of the project (Revised EA section 1.1);

- Complies with the Salem District's Record of Decision and Resource Management Plan (1995 ROD/RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (Revised EA p. 9-11);
 - Will not have significant impact on the affected elements of the environment (Aquatic Habitat and Riparian Restoration Final Revised FONSI p. 1-6) beyond those already anticipated and addressed in the RMP FEIS;
 - Provides high quality spawning and rearing habitat and increases aquatic habitat complexity in stream and river side-channels for salmon and steelhead (Revised EA p. 9);
 - Provides for fish passage at road crossings (Revised EA p. 9, 36);
 - Facilitates the development of riparian forest and shrub stands to shade stream channels to maintain water quality (Revised EA p. 9, 32);
 - Reduces road erosion and sediment impacts to water quality (Revised EA p. 9, 43);
 - Facilitates implementation of aquatic and riparian habitat restoration actions more efficiently (Revised EA p. 32);
 - Improves the efficiency of the NEPA review. Just as the aquatic restoration biological opinion consultations improved the efficiency of consultation on individual projects, the selected action will improve the efficiency of NEPA review. (Revised EA p. 32) It is anticipated that through increased planning efficiencies, partnerships and funding opportunities will also increase; and
 - Supports on-going partnerships to help facilitate the recovery of ESA-listed salmonids. Partnerships are particularly important for watershed improvements on the Salem District due to the checkerboard landownership pattern. (Revised EA p. 32)
2. The No Action alternative was not selected because it does not meet the Purpose and Need directly, or delays the achievement of the Purpose and Need. Specifically:
- Aquatic and riparian restoration actions will continue to occur but some opportunities maybe delayed or not implemented. (Revised EA p. 31, 39)
 - Fish habitat and populations will continue to be dependent upon current trajectories and ecological processes resulting from the current riparian stand conditions. In-stream habitats and forested riparian stands will retain the current low levels of LW and simplified riparian stand structure. (Revised EA p. 31)
 - The natural recruitment process for LW into streams will be maintained at its current low level. Stream complexity will remain low, possibly negatively affecting sediment routing and gravel sorting capabilities. (Revised EA p. 31)
 - Proposed riparian planting areas will continue to be dominated by a few species of trees and brush with limited potential for future increase in tree species diversity, structural complexity or increasing shade that will come from riparian planting. (Revised EA p. 32)
 - Quality fish habitat that is currently blocked by culverts will remain inaccessible to fish. (Revised EA p. 31)

- Roadways adjacent to streams that are adversely affecting the fish habitat either through adverse sedimentation of the stream bed/channel or fish passage blockage will continue in its present condition and potentially degrade the fish habitat unless mitigated. (Revised EA p. 39)
- Partnership and funding opportunities may be lost because projects cannot be implemented until Environmental Assessments are completed. Thus, the number and extent of enhancement activities will be reduced compared to the selected action and there will be reduced opportunities to enhance production and survival of aquatic species. (Revised EA p. 31)

5.0 Conformance with Land Use Plan, Statutes, Regulations, and other Plans

The selected action has been designed to conform to the following documents, which direct and provide the legal framework for management of BLM lands within the Salem District:

- *Salem District Record of Decision and Resource Management Plan, May 1995 (RMP) as amended.*
- *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl, April 1994. (the Northwest Forest Plan, or NWFP)*
- *Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M ROD, January 2001), as amended.*

The 1995 Salem District Record of Decision and Resource Management Plan (RMP), as amended, incorporated the Aquatic Conservation Strategy, a component of the Northwest Forest Plan, to guide the District in meeting watershed restoration objectives, including but not limited to:

- Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.
- Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems. Water quality must remain in the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction, and migration of individuals composing aquatic and riparian communities.
- Maintain and restore the sediment regime under which an aquatic ecosystem evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage, and transport.
- Maintain and restore habitat to support well distributed populations of native plant, invertebrate, and vertebrate riparian dependent species.

- Maintain and restore the species composition and structural diversity of plant communities in riparian zones and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability. (RMP p. 5-6)

The RMP also explained that “the most important components of a watershed restoration program are control and prevention of road related runoff and sediment, restoration of the condition of riparian vegetation, and restoration of instream habitat complexity”. (RMP p. 7) RMP Management Actions/Directions addressing watershed restoration cited the following priorities: completion of restoration plans prior to restoration activities; focusing restoration on the removal of some roads and, where needed, upgrading remaining roads; applying silvicultural treatments to restore large conifers in Riparian Reserves; and using instream structures to restore stream channel complexity in the short term.

The analysis in the Salem District Aquatic and Riparian Habitat Restoration Revised EA supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS), the *Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl*, February 1994. (NWFP/FSEIS) The RMP/FEIS is amended by the *Final Supplemental Environmental Impact Statement for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*, November 2000.

The above documents are incorporated by reference in this environmental analysis and are available for review in the Salem District Office.

Survey and Manage Species Review

On February 18, 2014, the District Court for the Western District of Washington issued a remedy order in the case of *Conservation Northwest et al. v. Bonnie et al.*, No. 08-1067- JCC (W.D. Wash.)/No.11-35729 (9th Cir.). This was the latest step in the ongoing litigation challenging the 2007 Record of Decision (ROD) to modify the Survey and Manage (S&M) Standards and Guidelines.

The remedy order had the result of returning the BLM to the status quo in existence prior to the 2007 RODs. The prior status quo includes the use of the 2001, 2002, and 2003 Annual Species Reviews (ASRs) (except the change/removal made for the red tree vole), and the “Pechman exemptions” (October 11, 2006). The Pechman exemptions are described as follows.

- a. *Thinning projects in stands younger than 80 years old;*
- b. *Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;*

- c. *Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions.*
- d. *The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph.”*

The aquatic and riparian habitat restoration projects meet Pechman exemptions B and C for the following reasons. The projects meet:

- Pechman Exemption B for the projects that replace culverts on roads that are in use and part of the road system, and remove culverts on roads to be decommissioned.
- Pechman Exemption C for riparian and stream improvement projects where the work is riparian planting, obtaining material for placing in-stream, and road decommissioning; and where the stream improvement work is the placement of LW, channel and floodplain reconstruction.

6.0 Public Involvement, Consultation, and Coordination

Public Scoping

- A scoping letter, dated May 13, 2011, was sent to 41 potentially affected and/or interested individuals, groups, and agencies. One favorable response was received from Oregon Wild during the scoping period.
- A description of the Aquatic Restoration Project Revised EA has appeared in the Fall/Winter 2016 and Spring 2016 editions of the Salem District Project Update newsletter. These newsletters have been posted on the Salem District web page and each edition was sent by email or postal mail to 205 affected and/or interested tribes, individuals, groups, and agencies.

EA and FONSI Comment Period and Comments

The BLM made the Original EA and FONSI available for public comment from March 6, 2012 to March 20, 2012. No comment letters were received during the comment period for the 2012 EA.

The BLM made the Revised EA, including the FONSI, available for public comment from March 24 to April 8, 2016. We sent notifications to 110 affected and/or interested tribes, individuals, groups, and agencies by email or postal mail and posted the Revised EA on the ePlanning website. We received one comment letter from Oregon Wild. Their comments are addressed in Revised DR section 10.0.

Consultation and Coordination

Wildlife: United States Fish and Wildlife Service (USFWS)

Consultation for aquatic restoration projects covered under the Revised EA has been completed with the U.S. Fish and Wildlife Service. This consultation is documented in the Programmatic Consultation for Aquatic Habitat Restoration Activities in Oregon and Washington (BO 01EOFW00-2013-F-0090), issued on July 1, 2013.

The Biological Opinion (BO) determined that the effect call for these types of projects was “may affect, likely adversely affect” for northern spotted owls and marbled murrelets. This call was based on the region-wide projects’ potential disturbance from helicopters, heavy equipment, and chainsaws to young northern spotted owls during the critical nesting season (March 1- July 15). In addition, use of type 1 helicopters could disrupt nesting pairs within disruption distances during the entire breeding system. This call is also based on the region-wide projects’ potential disturbance to marbled murrelets during critical nesting season (April 5 –August 5) and the late breeding season (August 6 –September 15).

The Salem District proposed aquatic restoration projects will follow the terms and conditions of BO 01EOFW00-2013-F-0090 and the associated project design criteria. Implementation of the BLM project design features (Revised EA section 2.3.2) and the ARBO II project design criteria (Revised EA section 10.0 - p. 84-92, BO 01EOFW00-2013-F-0090, section 1.3.3) should reduce impacts to the point that the aquatic restoration projects proposed on Salem District are not likely to adversely affect spotted owls or marbled murrelets. (Revised EA p. 64)

The design features include avoiding known sites, following seasonal and daily time restrictions, and involving the local wildlife biologist in the design of the site-specific projects to avoid spotted owl and murrelet impacts. (EA section 2.3.2)

Fish: National Marine Fisheries Service (NMFS)

Consultation for aquatic restoration projects covered under the Revised EA has been completed with the National Marine Fisheries Service (NMFS), and is covered under the following Biological Opinions.

- Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Aquatic Restoration Activities in Oregon and Washington issued by NMFS on April 25, 2013. (NMFS:2013/NWP-2013-9664)
- Biological Opinion for Programmatic Activities of USDA Forest Service, USDI Bureau of Land Management, and Coquille Indian Tribe in Western Oregon (NMFS No. 2010/02700) for fish passage culverts on fish-bearing streams within one mile of natural barriers to anadromy.

The Biological Opinions determined that the effect call for these types of projects was “may affect, likely adversely affect” for Upper Willamette River (UWR) steelhead trout, UWR Chinook salmon, Lower Columbia River (LCR) steelhead trout, LCR Chinook salmon, LRC Coho salmon, and Oregon Coast Coho salmon. This call was based on disturbance, minor increases in sediment, turbidity, and injury or death during work area isolation.

The Salem District proposed aquatic restoration projects will follow the terms and conditions of

BOs NMFS: 2013/NWP-2013-9664 and NMFS No. 2010/02700. Implementation of the BLM project design features (Revised EA section 2.3.2) and the ARBO II project design criteria (Revised EA section 8.0 - p. 70-83, BO NMFS: 2013/NWP-2013-9664, sections 1.3.2, 1.3.3; Revised EA section 9.0, BO NMFS No. 2010/02700) should result in no long-term adverse effects of the restoration projects on ESA listed fish or their habitat because turbidity levels will return to background levels soon after cessation of in-water work.

Eulachon: The only basin utilized by eulachon where the Salem District will implement the selected action is the Sandy River basin. Although eulachon are not likely present in the lower Sandy River in most years, in years of high population abundance eulachon could be present in the lower Sandy River until early June. Adults die after spawning and larvae are rapidly carried downstream by the current.

No in-channel actions are allowed within the Sandy River until July 15, well after all life stages of eulachon have left the river. Post construction sediment movement may occur during late fall freshets but will be stabilized before adults enter the Sandy River for spawning. As such, the selected action will have no effect on eulachon or its designated critical habitat.

Notification of Site-specific Projects

The BLM will notify the public on site-specific restoration projects through one or more of the following venues: the quarterly Project Update newsletter and the ePlanning website. A list of site-specific projects expected to be implemented in 2016 may be found on the new Forest Service and BLM joint Aquatic Restoration Regulatory Reporting System website at http://fswbgstc.gsc.wo.fs.fed.us/services/data_management/Oregon/index.php. Click Query all PRE- and Post-Project Reports, Search by BLM District, and type Salem in keyword search box.

Table 2 in the Revised DR section 8.0 describes restoration projects targeted proposed to have Decisions issued in FY 2016. The above venues will describe the proposed projects prior to the signing of the Determination of NEPA Adequacy (DNA) Form and the Project Decision Record to give the public an opportunity to provide feedback on site-specific projects. Each Project Decision is appealable in accordance with the regulations contained in 43 CFR, Part 4.

7.0 Conclusion

Review of the Revised FONSI

I signed the Revised FONSI on May 18, 2016. This document is attached to the Revised EA. The BLM has prepared a final Revised FONSI as a separate document, which will be posted along with this Revised DR.

Administrative Review Opportunities

Any person adversely affected by this decision may appeal it to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, a notice of appeal must be filed at the physical address of the Salem District BLM office within 30 days from the date of this decision. In an appeal the appellant has the burden of showing that the decision is in error.

If, pursuant to 43 CFR 4.21, an appellant wishes to file a petition (request) to stay (suspension) this decision during the time that an appeal is being reviewed by the IBLA, the petition for a stay must accompany the 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, to the Interior Board of Land Appeals 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 a stay is requested, the applicant has the burden of proof to demonstrate that a stay should be granted. Except as otherwise provided by law or other pertinent regulations, a petition for 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.

For additional information concerning this decision or the appeal process, contact Carolyn Sands (503) 315-5973 (csands@blm.gov) or Steve Wegner, (503) 589-6849 (swegner@blm.gov).

Approved by: 
Kim Titus, Salem District Manager

5/13/16
Date

8.0 ARBO II Potential Restoration Projects on Salem District

Table 2: ARBO II Potential Restoration Projects on Salem District Slated for Decisions in FY 2016

Projects to be completed this year will not exceed the annual units described by restoration activity categories described in Table 1 (Revised DR section 2.0)

Project Name	Field Office	County	Township Range Section	Start/end	EA/DR Restoration Activity Categories	Description	Units treated	Contact*
Lower North Fork Clackamas Restoration Project [BLM-OR080-083-16]	Cascades	Clackamas	T.4S., R4E., section 12	6/15 - 8/31 2016	[1] Large wood, boulder, and gravel placement [2] Reconnection of Exiting Side Channels and Alcoves	Construct 3 to 4 large wood habitat structures to improve fish rearing habitat and place large boulders in several riffles to create holding habitat for fish. Estimate: Add 80 cubic yards, add 80 logs on 0.2 miles Estimate: Remove 100 cubic yards, add 25 logs on 0.1 miles	0.2 miles 0.1 miles	Bruce Zoellick
Salmon River – Ruff-N-Ready Side Channel [BLM-OR080-085-16]	Cascades	Clackamas	T.2S., R.7E., section 31	7/15 - 8/31 2016	[2] Reconnection of Exiting Side Channels and Alcoves [1] Large wood, boulder, and gravel placement	Enhance connectivity of river flows to a side-channel on the lower Salmon River and restore side-channel habitat complexity. Estimate: Remove 200 cubic yards, add 12 logs Estimate: Add 51 logs	0.2 miles	Bruce Zoellick

Project Name	Field Office	County	Township Range Section	Start/end	EA/DR Restoration Activity Categories	Description	Units treated	Contact*
Salmon River – Hood Village Alcoves [BLM-OR080-087-16]	Cascades	Clackamas	T.2S.,R.7E., section 13	7/15 - 8/31 2016	[2] Reconnection of Exiting Side Channels and Alcoves	Restore connectivity to, and habitat complexity of two alcoves and off-channel habitat areas. Estimate: Remove 250 cubic yards, add 16 logs	0.1 miles	Bruce Zoellick
Salmon River – Lower Miller Quarry Side Channel [BLM-OR080-086-16]	Cascades	Clackamas	T.2S., R.6E., section 25	7/15 - 8/31 2016	[2] Reconnection of Exiting Side Channels and Alcoves [1] Large wood, boulder, and gravel placement	Restore side channel and floodplain connectivity on lower Salmon River Estimate: Remove 400 cubic yards, add 75 logs Estimate: Add 42 logs	0.2 miles	Bruce Zoellick
Salmon River Restoration [BLM-OR080-084-16]	Cascades	Clackamas	T.2S., R.6E., section 25	7/15 - 8/31 2016	[1] Large wood, boulder, and gravel placement	Add large wood jams to nine sites and add large boulders on five sites on the lower Salmon River Estimate: Add 70 cubic yards, add 437 logs.	1.1 miles	Bruce Zoellick
Sinker Flats	Cascades	Marion	T.9S., R.3E., section 10	July – August 2017	[1] Large wood placement	Add large wood jam at one site. Estimate: remove 70 cubic yards, add 100 logs.	0.1 miles	Patrick Hawe
Bear Creek Culvert Replacement [BLM-OR080-080-16]	Marys Peak	Lane	T.15S., R.8W., section 15	7/1- 8/31 2016	[4] Fish Passage Culvert and Bridge Projects	Replace undersized culvert with properly sized culvert Estimate: Remove 250 cubic yards with old culvert, add 250 cubic yards with new culvert; add 20 logs	1.0 miles of habitat opened	Scott Snedaker

Project Name	Field Office	County	Township Range Section	Start/end	EA/DR Restoration Activity Categories	Description	Units treated	Contact*
Dutch Creek Culvert Replacement [BLM-OR080-081-16]	Marys Peak	Polk	T.8S., R.6W., section 17	7/1 - 10/15 2016	[4] Fish Passage Culvert and Bridge Projects	Replace failing culvert with properly sized culvert on Blackrock Mainline Road Estimate: Remove 300 cubic yards with old culvert, add 300 cubic yards with new culvert	1.0 mile of habitat opened	Scott Snedaker
Mill Creek Culvert Replacement [BLM-OR080-078-16]	Marys Peak	Benton	T.13S., R.8W., section 27	7/1 – 8/31 2016	[4] Fish Passage Culvert and Bridge Projects	Replace undersized perched culvert with properly sized open arch culvert. Estimate: Remove 200 cubic yards with old culvert, add 200 cubic yards with new culvert	1.0 mile of habitat opened	Scott Snedaker
Trash Rack Removal	Marys Peak	Benton	T.13S., R.8W., section 27	7/1 – 8/31 2016	[4] Fish Passage Culvert and Bridge Projects	Remove upstream trash rack that was installed to protect the culvert. Replacing the culvert eliminates the need for the trash rack. Smooth grade through rack to reduce headcut Estimate: Remove 600 cubic yards with current structure, add 600 cubic yards to reduce headcut; add 20 logs	0.1 mile	

Project Name	Field Office	County	Township Range Section	Start/end	EA/DR Restoration Activity Categories	Description	Units treated	Contact*
Upper Rickreall LWD – Phase 2 [BLM-OR080-079-16]	Marys Peak	Polk	T.8S., R.7W., section 9	7/1 – 10/15 2016	[1] Large wood, boulder, and gravel placement	Place up to 600 pieces of large woody debris by helicopter and 100 pieces by excavator Estimate: Add 700 logs	5.0 miles	Scott Snedaker
Wolf Creek LWD [BLM-OR080-082-16]	Marys Peak	Polk	T.9S., R.7W., section 20	7/1 - 10/15 2016	[1] Large wood, boulder, and gravel placement [5]Head-cut stabilization and associated fish passage	Large wood placement Estimate: Add 120 logs Repair of culvert outlet to eliminate fish barrier Estimate: Add 60 cubic yards	1.0 miles 0.1 miles	Douglass Fitting
East Beaver Creek [BLM-OR080-090-16]	Tillamook	Tillamook	T.3S.,R.9W., section 2	6/15 - 9/15 2016	[7] Road Treatments ** (Road Decommissioning)	Road relocation out of flood prone area near channel	0.2 miles	Matt Walker

* Matt Walker (503) 815-1145, Bruce Zoellick (503) 375-5672, Scott Snedaker (503) 315-5928, Douglass Fitting (503) 315-5918, Patrick Hawe(503) 315-5974

** [bullet number] for DR Restoration Activity Categories (DR section 2.0)

*** ARBO II Project number

9.0 Determination of NEPA Adequacy Form

U.S. Department of the Interior
Bureau of Land Management (BLM)
Determination of NEPA Adequacy (DNA)

Office:

Tracking Number: DOI-BLM-OR-S0x0-2014-0xx-DNA

Case file/Project Number:

Proposed Action Title/Type:

Location/Legal Description:

Applicant (if any):

Description of the Proposed Action and any applicable mitigation measures

Land Use Plan (LUP) Conformance

LUP Name* Salem District Record of Decision and Resource Management Plan (1995 RMP)

Date Approved: March 1995

As amended by the *Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and Other Mitigation Measures Standards and Guidelines*, dated January 2001 (SM/ROD) with subsequent Annual Species Reviews. These actions comply with the SM/ROD as described above and utilize the December 2003 species list. This list incorporates species changes and removals made as a result of the 2001, 2002, and 2003 Annual Species Reviews (ASR) with the exception of the red tree vole. For the red tree vole, the Ninth Circuit Court of Appeals in *KSWC et al. v. Boody et al.*, 468 F.3d 549 (9th Cir. 2006) vacated the category change and removal of the red tree vole in the mesic zone, and returned the red tree vole to its status as existed in the 2001 ROD Standards and Guidelines, which makes the species Category C throughout its range.

Other document** _____ Date Approved _____

Other document** _____ Date Approved _____

* List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

NEPA Adequacy Criteria

1. **Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Documentation of answer and explanation:

2. **Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Documentation of answer and explanation:

3. **Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Documentation of answer and explanation:

4. **Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Documentation of answer and explanation:

5. **Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Documentation of answer and explanation:

Persons/Agencies /BLM Staff Consulted

Name	Title	Resource

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

Signature of Project Lead

Signature of NEPA Coordinator

Signature of the Responsible Official Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the Decision based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

10.0 Public Comments on the Revised EA and BLM Responses

The BLM received one email from Oregon Wild, commenting on the Revised EA during the comment period. This letter may be viewed in the Salem District Office. The substance of comments are summarized or excerpted below, with BLM response.

Use of Programmatic EAs for Site-specific Projects

Comment: *The EA does not appear to provide site-specific information on the affected environment or the environmental consequences at specific locations where restoration might take place. This appears to be a programmatic EA, and should ideally be followed by site specific NEPA analysis.*

Response: District resource specialists will evaluate each site-specific project for NEPA compliance with the Aquatic Habitat and Riparian Restoration Revised EA and Revised Decision Record. The BLM will prepare a Determination of NEPA Adequacy (DNA) form and a Project Decision Record. Each Project Decision is appealable in accordance with the regulations contained in 43 CFR, Part 4.

The DNA provides site-specific information on the affected environment and environmental effects by answering the five DNA form questions. Site-specific information provided in the DNA will include the following:

- How a project meets the site conditions for project selection described in Revised DR section 2.0 (site-specific affected environment);
- How the programmatic analysis covers the site-specific project, including citing the location of applicable effects described in the Revised EA, and any effects that only apply to that site; and
- Citing the Revised EA and ARBO project design features/criteria applicable to the project.

The Determination of NEPA Adequacy Form is shown in Revised DR section 9.0. (Revised DR section 2.0)

Transparency

Comment: *At a minimum, BLM should notify the public and solicit comments on proposed restoration projects that rely on this programmatic EA. Other agencies have set up special websites where information on ARBO projects is provided.*

Response: The BLM will notify the public on site-specific restoration projects through one or more of the following venues: the quarterly Project Update newsletter and the ePlanning website. A list of site-specific projects expected to be implemented in 2016 may be found on the new Forest Service and BLM joint Aquatic Restoration Regulatory Reporting System website at http://fswbgstc.gsc.wo.fs.fed.us/services/data_management/Oregon/index.php. Click Query all PRE- and Post-Project Reports, Search by BLM District, and type Salem in keyword search box.

Table 2 in the Revised DR section 8.0 describes restoration projects targeted proposed to have Decisions issued in FY 2016. The above venues will describe the proposed projects prior to the signing of the Determination of NEPA Adequacy (DNA) Form and the Project Decision Record to give the public an opportunity to provide feedback on site-specific projects. Each Project Decision is appealable in accordance with the regulations contained in 43 CFR, Part 4. (Revised DR section 6.0)