



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Coos Bay District Office

1300 Airport Lane, North Bend, OR 97459

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IN REPLY REFER TO

1792 (ORC030)

DOI-BLM-ORWA-C030-2016-0004-DNA

Woodward Creek Instream Restoration Project

April 13, 2016

Dear Concerned Citizen:

I have signed the Decision Rationale for the Woodward Creek Instream Restoration project analyzed in the Documentation of NEPA Adequacy (DNA) (DOI-BLM-ORWA-C030-2016-0004-DNA). The Proposed Action of this DNA is to place logs in Woodward Creek to enhance fisheries habitat.

The BLM has posted these documents on the BLM NEPA Register at: <http://1.usa.gov/1Sxy52j>.

The decision to implement this forest management project may be protested under 43 CFR 5003 – Administrative Remedies. As outlined in 43 CFR 5003 (a) and (b), protests of a forest management decision may be made within 15 days of the publication date of the decision notice and shall contain a written statement of reasons for protesting the decision. In accordance with the regulations, this notice constitutes the decision document for the purpose of protests which must be filed by close of business (4:30 p.m.) within 15 days with Todd Buchholz, Umpqua Field Manager at the Coos Bay District Office, 1300 Airport Lane, North Bend, OR 97459. As interpreted by BLM, the regulations do not authorize acceptance by the BLM of protests in any form other than a signed, paper document that is delivered to the physical address of the BLM office within the 15-day period. Therefore, e-mail, verbal, or facsimile protests will not be accepted.

For further information, contact Heather Partipilo at 1300 Airport Lane, North Bend, OR 97459 or (541) 756-0100, or e-mail at BLM_OR_CB_Mail@blm.gov, Attn: Heather Partipilo.

Respectfully,

/s/ Todd D. Buchholz

Todd D. Buchholz

Umpqua Field Manager



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IN REPLY REFER TO

1792/6763 (ORC030)

Paradise Creek Environmental Assessment

OR125-05-06

Woodward Creek Instream Restoration DNA

DECISION RATIONALE

for the

Woodward Creek Instream Restoration DNA

DOI-BLM-ORWA-C030-2016-0004-DNA

Background

The Bureau of Land Management (BLM) previously prepared an Environmental Assessment (Paradise Creek Watershed Restoration Project: EA OR125-05-06) and a Finding of No Significant Impact (FONSI) which evaluated the effects of restoration of aquatic habitat in streams located in the Paradise Creek subwatershed, a large tributary to the Umpqua River. The action, as described in DOI-BLM-ORWA-C030-2016-0004-DNA, proposes placement of logs in Woodward Creek, which is a tributary to the North Fork Coquille River. This proposed project is of like action and similar design to that analyzed in EA OR125-05-06.

Decision

It is my decision to implement the Woodward Creek Instream Restoration Project. The project design features and actions of this project and the anticipated environmental consequences are essentially the same as those analyzed in the existing NEPA document.

Conformance and Compliance

This DNA is in conformance with the *Coos Bay District Resource Management Plan/Final Environmental Impact Statement* (USDI 1994) and its *Record of Decision* (ROD/RMP), as supplemented and amended. The Coos Bay ROD/RMP is supported by and consistent with the *Final Supplemental Environmental Impact Statement (EIS) on Management of Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl* (Northwest Forest Plan) (USDA and USDI 1994a) and its *Record of Decision* (USDA and USDI 1994b).

The Woodward Creek Instream Restoration Project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Coos Bay District Resource Management Plan.

In 2006, the District Court for the Western District of Washington (Judge Pechman) invalidated the agencies' 2004 RODs eliminating Survey and Manage due to National Environmental Policy Act (NEPA) violations. Following the District Court's 2006 ruling, parties to the litigation had entered into a stipulation exempting certain categories of activities from the Survey and Manage standard (hereinafter "Pechman exemptions").

Judge Pechman's Order from October 11, 2006, directs:

Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

- a. Thinning projects in stands younger than 80 years old (emphasis added);
- 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; and
- 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.

I have reviewed the Woodward Creek Instream Restoration Project in consideration of Judge Pechman's October 11, 2006, order. Because the Woodward Creek Instream Restoration Project is a stream improvement project and placement of large wood, I have made the determination that this project meets Exemption 'c' of the Pechman Exemptions (October 11, 2006 Order) and, therefore, may still proceed.

Instream restoration is covered for Endangered Species Act consultation for listed fish species by the *Reinitiation of the Endangered Species Act Section 7 Formal Programmatic Conference and Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Aquatic Restoration Activities in the States of Oregon and Washington* (ARBO II—NWP-2013-9664, April 25, 2013).

Instream restoration is also covered for Endangered Species Act consultation for listed fish species by the *Programmatic Biological Opinion for Aquatic Restoration Activities in the States of Oregon, Washington, and portions of California, Idaho, and Nevada* (ARBO II—FWS reference: 01EOFW00-2013-F-0090, July 1, 2013).

This project also complies with the Oregon and California Lands Act (O&C Act), the Federal Land Policy and Management Act (FLPMA), the Endangered Species Act, the Clean Water Act, the Magnuson-Stevens Fishery Conservation Act, and the BLM Special Status Species Program.

The Environmental Assessment for the Paradise Creek Watershed Restoration Project (OR 125-05-06) resulted in a Finding of No Significant Impact (FONSI); thus, development of an Environmental Impact Statement (EIS) is not required.

Public Involvement

The BLM informed the public of the EA and FONSI through a direct notification and via a published Legal Notice in *The World* newspaper. The EA had a 30-day comment period, providing opportunity for the public or other agencies to comment on the proposed actions, and there were no comments.

Decision Rationale

The Umpqua Field Office resource specialists reviewed the proposed action, and appropriate Project Design Features (PDFs), as specified, will be incorporated into the proposal. Based on this review, I have determined that the proposed action is adequately analyzed in the existing NEPA document, EA OR125-05-06, and is in conformance with the Coos Bay RMP and no further analysis is required.

I am choosing to implement the Woodward Creek Instream Restoration Project for the following reasons:

- Implementation of the Proposed Action best meets the Purpose and Need described in the Environmental Assessment for the Paradise Creek Watershed Restoration Project.
- It is consistent with the 1995 Record of Decision and Resource Management Plan for the Coos Bay District Bureau of Land Management.
- It works towards the recovery of fish species currently listed under the ESA.
- It complies with other major applicable laws, regulations, and Bureau policies.

Administrative Remedies

The decision described in this document is a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the Authorized Officer within 15 days of the publication date of the notice of this decision advertisement in *The World* newspaper, Coos Bay, Oregon.

43 CFR § 5003.3 subsection (b) states: “Protests shall be filed with the Authorized Officer and shall contain a written statement of reasons for protesting the decision.” This precludes the acceptance of electronic mail (e-mail) or facsimile (fax) protests. Only written and signed hard copies of protests that are delivered to the Coos Bay district office will be accepted. The protests must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

43 CFR § 5003.3 subsection (c) states: “Protests received more than 15 days after the publication of the notice of decision or notice of sale are not timely filed and shall not be considered.” Upon timely filing of a protest, the Authorized Officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him. The Authorized Officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the Authorized Officer may proceed with the implementation of the decision as permitted by the regulations at 5003.3(f).

If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of the decision notice, this decision becomes final. If a timely protest is received, the protest decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Coos Bay District will issue a protest decision.

For further information, contact Heather Partipilo at 1300 Airport Lane, North Bend, OR 97459 or (541) 756-0100, or e-mail at BLM_OR_CB_Mail@blm.gov, Attn: Heather Partipilo.

Decision Issued by:

/s/ Todd D. Buchholz

Todd D. Buchholz
Umpqua Field Manager

April 13, 2016

Date