

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

Office: Cascades Field Office (FO)-Salem District Office

Tracking Number: DOI-BLM-ORWA-S040-2016-0030-DNA

Case file/Project Number: N/A

Proposed Action Title/Type: Elkhorn Side-channel Reconnect Project

Location/Legal Description: T. 9 S., R. 3 E., Section 1, Willamette Meridian.

Applicant (if any): N/A

**A. Description of the DNA Proposed Action and any applicable mitigation measures**

The Proposed Action is to reconnect an existing side channel to the main channel Elkhorn Creek by excavating less than 100 cubic yards of bank material (the Project).

The Project is located within the Little North Santiam River 5<sup>th</sup> Field Watershed, T. 9 S., R. 3 E., Section 1, Marion County. The Project is proposed within the last quarter mile of lower Elkhorn Creek on public land prior to its confluence with the Little North Santiam River (see location map in Appendix, Figure 1a). The Little North Santiam River is a tributary to the North Santiam River. The Project is proposed on Connectivity portions of the Matrix Land Use Allocation within the Cascades Field Office. Spawning material here is in good supply, and is regularly utilized by local fish species as well by listed salmon and winter steelhead. The primary objective of the Project is to reconnect existing side channel habitat to the main channel to create additional deep pool habitat with protective cover for juvenile rearing habitat. This Project will improve juvenile fish habitat by providing year round flow into the side channel that is currently disconnected and blocked by river sediment and vegetation.

The Project would include the following activities:

- An excavator and operator will access the project site from a private road on the northwest boundary of public lands in section 11 (see map of project site in Appendix, Figure 1b). The excavator will navigate to the project site along the channel bed which consists of a cobble-gravel dominated channel boundary resistant to disturbance.
- At the excavation site the operator will remove approximately 100 cubic yards of bank material consisting primarily of river deposits in the cobble to gravel size classes (see photo of excavation site in Appendix, Figure 2). Vegetation at the excavation site will be set aside and re-utilized to colonize the removed spoils.
- The excavated material will be placed on top of and within the apex jam wood structure that currently exists at the side channel entrance. This material will provide additional ballast and support for the stability of the apex jam. Vegetation will be placed last so it can reestablish at the new location.
- The excavator will be used to manipulate existing wood in the channel to improve pool scour and cover at up to six locations.

- All activities will be accomplished during the “in-water work period” and will not exceed 8 hours in total (i.e., one day of project activities).
- No disturbance activities will take place during April 1<sup>st</sup> to July 1<sup>st</sup> for Northern Goshawk nesting season. This seasonal restriction can be waived and disturbance can commence if surveys by a BLM Wildlife Biologist are completed and no Northern Goshawk or their activity is discovered.

The Project will adhere to the project design features outlined for side channel connection projects in EA Sections 2.3.2, 8.0, 9.0, and 10.0 of the Salem District Office Aquatic and Riparian Habitat Restoration Revised Environmental Assessment (EA) (DOI-BLM-ORWA-S000-2012-0001-EA) and Finding of No Significant Impact (FONSI). EA Sections 8.0, 9.0, and 10.0 of the EA outline the NMFS ARBO II, NMFS WOP, and USFWS ARBO II project design features and criteria, respectively, that each restoration project will be adhered during project activities.

## **B. Conformance with the Land Use Plan (LUP)**

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.

LUP Conformance:

The Project 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) and, if applicable, implementation plan decisions:

- RMP Aquatic Conservation Strategy (RMP p. 5,7):
  - Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations and communities are uniquely adapted.
  - Watershed restoration will be an integral part of a program to aid recovery of fish habitat, riparian habitat and water quality.
- RMP Fish Habitat Objectives (RMP p. 27):
  - Design and implement fish habitat restoration and enhancement activities in a manner that contributes to attainment of Aquatic Conservation Strategy objectives.

## **C. Identify the applicable NEPA document(s) and other related documents that cover the Proposed Action.**

List by name and date applicable NEPA documents that cover the Project.

*USDI Bureau of Land Management March 2016 Salem District Aquatic and Riparian Habitat Restoration Revised EA (DOI-BLM-ORWA-S000-2012-0001-EA), FONSI, and Decision Record (DR).*

- The DR for the Aquatic and Riparian Habitat Restoration Revised EA includes a table of ARBO II Potential Restoration Projects on Salem District (Table 2) that are slated for Decisions in Fiscal Year 2016, which includes the Sinker Flats Restoration Project.

List by name and date other documentation relevant to the Project (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).

- USDI Fish and Wildlife Service. July 2013. *Programmatic Consultation for Aquatic Habitat Restoration Activities in Oregon and Washington BO# 01EOFW00-2013-F-0090*
- National Marine Fisheries Service. April 2013. *Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Aquatic Restoration Activities in Oregon and Washington NMFS:2013/NWP-2013-9664*
- National Marine Fisheries Service. 2010. *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*
- USDI Bureau of Land Management. 1997. *Little North Santiam Watershed Analysis, 1997 (LNSWA)*

#### D. NEPA Adequacy Criteria

##### 1. Is the current Project substantially the same action (or is a part of that action) as previously analyzed?

Yes, the current Project is substantially the same action analyzed and selected in the Salem District Aquatic and Riparian Habitat Restoration EA (see DOI-BLM-ORWA-S000-2012-0001-EA) and Decision Record (DR).

The Project is within the analysis area for the Aquatic and Riparian Habitat Restoration Revised EA (EA). The EA analyzed the effects to resources in the BLM Salem District from a range of watershed restoration actions, including reconnection of existing side channels, to an annual maximum of work completed of 1 project totaling 1 stream mile for the 5<sup>th</sup> field watershed (EA Section 2.3, pp. 12-13, Table 1, and Section 2.3.1.1, pp. 15). The Project falls into the **Reconnection of Existing Side Channels and Alcoves** as shown in the Aquatic Restoration EA Section 2.3.1.1 and DR, pp. 5. The Project also meets the site condition criteria outlined in the EA for selecting restoration projects because the action will reconnect and/or restore historic side channels and alcoves to increase rearing habitat for juvenile fish (EA Section 2.3.1.1, pp 15 and Section 3.1.2.2, pp. 33).

This project falls into the Reconnection of Existing Side Channels and Alcoves portion of Restoration Activity Category 2 - as shown in the Aquatic Restoration Revised Decision Record (DR), p. 5, 7.

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

Yes, the range of alternatives analyzed in the EA is appropriate with respect to the current Project. During the internal and external scoping process for the EA, no additional alternatives were identified that would meet the purpose and need of the EA project and have meaningful differences in effects from the EA Proposed Action (EA Section 2.1, pp. 12). Since no additional alternatives were identified, the EA analyzes the effects of the Proposed Action and the No Action Alternative. The EA Proposed Action encompasses the Project described in this DNA (EA Section 2.3, pp. 12-15), making the range of alternatives considered appropriate. The environmental analysis was completed in March 2016 and is still

appropriate given the current environmental concerns, interests, resource values, and circumstances, which are substantially the same as those analyzed in the EA. There would be no known other or additional concerns, interests, or resource values associated with the Project that were not previously addressed in the EA.

**3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the Project?**

Yes, the EA revision was completed in March of 2016 and utilized the most current information and circumstances for the analysis area. The existing analysis and conclusions are adequate and there is no new information that is significant with regard to the analysis of the current Project.

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

Yes, the direct, indirect, and cumulative impacts of the Project are similar to those identified and analyzed in the EA. The Project is substantially similar to the selected action in the DR and analyzed in the EA (EA Proposed Action). Although the Project location was not specifically defined in the EA, conditions similar to those found in the Elkhorn Creek channel were used to determine effects to resources.

Potential adverse direct and indirect effects to water quality due to increased sediment in rivers and streams because of excavation activities of excavators are the most relevant to the Project. The effects to water quality will be short term increases in fine sediment due to excavation, and an increase in turbidity occurring during the activity, which would decrease to natural levels within eight hours after project activities (EA Section 3.2.2.2, p. 39-40). Effects to water quality from the current Project would be substantially similar to the above analyzed impacts, which would be minimized with the seasonal restrictions, project design features, and best management practices that will be adhered to by all projects implemented under the EA.

Cumulative effects of the Project would be substantially similar to those effects disclosed in the EA. The EA describes the cumulative effects of in-stream structure placement as follows:

EA Section 3.2.2.3, p. 43-44

Since the past history and monitoring of these type of projects have shown a net improvement of the complexity and structure of the stream courses, and meet the designated DEQ Water Quality Management Plans, DEQ approved Water Quality Restoration Plans, and ARBO II requirements, there is no evidence that the type of projects included in the proposed action would result in an cumulative adverse effect to water quality

Cumulatively, these types of projects would add to the recovery of aquatic habitat, sediment transport regime and functional stream channels. These types projects are not likely to result in measurable direct or indirect effects to channel or wetland function, and all effects are within the range of those disclosed in the RMP, therefore the proposal would be unlikely to contribute to any potential cumulative effects in these watersheds.

No new or additional impacts are anticipated from the implementation of the Project other than those analyzed in the EA.

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

Yes, public involvement and interagency review associated with both the 2012 EA and the revised EA is adequate for the current Project. Both the 2012 and revised EAs analyzed substantially similar projects to the Project. Project scoping and EA public review/comment periods were completed on both EAs.

A scoping letter describing the 2012 EA was sent to approximately 41 federal, state, and municipal government agencies, tribal authorities, and individuals on May 13, 2011.

One scoping comment was received on the project (EA Section 1.4, p. 12 and DR Section 6.0, p.12). The 2012 EA and FONSI were made available for public review from March 6<sup>th</sup> to March 20<sup>th</sup>, 2012 and no comments were received during the comment period (DR Section 6.0, p.12).

The revised EA was scoped to the public in the Fall/Winter and Spring 2016 (September 2015 to April 2016) editions of the Salem District Project Update newsletter, which was sent by email or postal mail to 205 affected and/or interested agencies, tribes, individuals and groups. No comments were received during this scoping period. The Revised EA and FONSI were made available for public comment from March 24<sup>th</sup> to April 8<sup>th</sup>, 2016. Notifications were sent to 110 affected and/or interested agencies, tribes, individuals and groups by email or postal mail informing the public of posting of the EA to the ePlanning website as well as the review period timeframes (DR Section 6.0, p.12). One comment was received and is addressed in Section 10.0 of the DR for the EA.

Along with project scoping and EA comment periods, the BLM will continue to provide information to the public on individual restoration projects' DR and implementation under the EA. The BLM will notify the public of individual restoration projects through the Salem District Quarterly Project Update newsletter and the ePlanning website where DNA's for the projects will be posted. BLM will also work with the US Forest Service to update the list of individual projects to be implemented on the joint Aquatic Restoration Regulatory Reporting System website (RD Section 6.0, p. 14). The Project will follow the public information sharing process described above. The Project ePlanning website can be found at the following link: [www.tinyurl.com/ElkhornSideChannel](http://www.tinyurl.com/ElkhornSideChannel)

**E. Person/Agencies/BLM Staff Consulted**

Name	Role or Resource Represented	Initials	Initialed
Whitney Wirthlin	NEPA Review	WJW	7/8/16
Belle Smith	Supervisor	BS	6/24/2016
Corbin Murphy	Wildlife	CM	06/27/2016
Terry Fennell	Botany	TGF	6/21/2016
Bruce Zoellick	Fisheries	BZ	6/23/2016
Patrick Hawe	Hydrology/Water Quality/Soils	WPH	6/21/2016
Heather Ulrich	Cultural Resources	HU	7/7/2014

\* Seasonal Restriction  
 For Goshawk  
 04/01 - 07/01  
 - can be waived if  
 not found on site

**CONCLUSION**

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

Patrick Hawe  
 Signature of Project Lead

[Signature]  
 Signature of NEPA Coordinator

[Signature]  
 Signature of the Responsible Official

7/13/16  
 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 lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations. The record for the appealable Project Decision is attached to the Sinker Flats DNA Worksheet.

APPENDIX

Figure 1a: Location map of Elkhorn side-channel project.

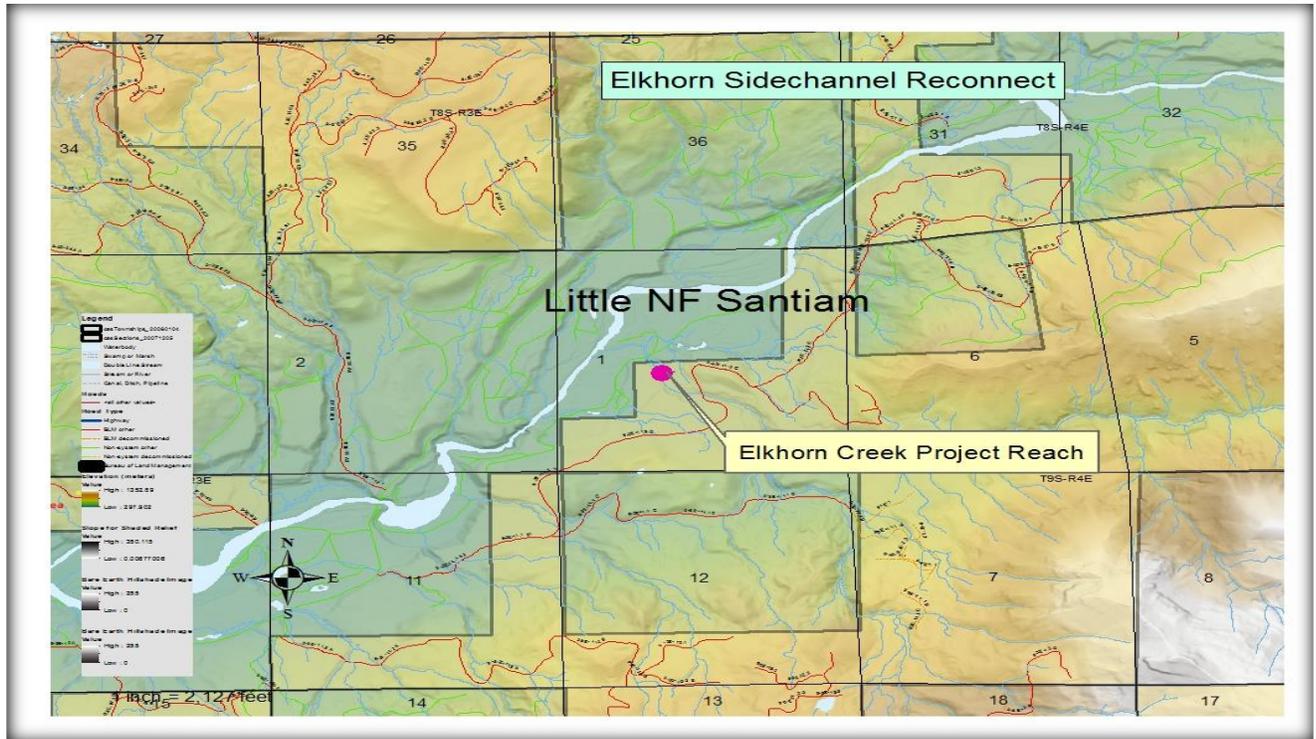


Figure 2b: Excavation to reopen the side-channel will occur at the apex jam on the Elkhorn main channel.



**Figure 3: Photo of area to be excavated for reopening of the side-channel. View is from the main Elkhorn channel looking north west. Existing side-channel and apex jam are on the right edge of the photo.**



United States Department of the Interior  
Bureau of Land Management  
Salem District Office  
Decision Record  
DOI-BLM-ORWA-S040-2016-0030-DNA  
Elkhorn Side-channel Reconnect Project

**Decision**

It is my decision to implement the Elkhorn Side-channel Reconnect Project (Project), as described in the attached Determination of NEPA Adequacy (DNA) documentation DOI-BLM-ORWA-S040-2016-0030-DNA. The Project meets the criteria for NEPA adequacy in that the answers to the DNA questions show the Project is similar in scope to the Selected Action from the NEPA analysis described in the Salem District Office Aquatic and Riparian Habitat Restoration Revised Environmental Assessment (EA) (DOI-BLM-ORWA-S000-2012-0001-EA). The DNA questions also show that impacts from the Project will be similar as those described in the EA and Decision Record, so the analysis provided in the EA is adequate for the Project.

**Decision Rationale**

The Project has been reviewed by BLM staff. The Project is in conformance with the 1995 Salem District Record of Decision and Resource Management Plan (as amended). Based on the DNA, I have determined that the existing NEPA documentation fully covers the Project and constitutes BLM's compliance with the requirements of the NEPA (DNA Section B).

**Administrative Review or Appeal Opportunities**

This decision may be appealed to the Interior Board of Land Appeals (Board or IBLA) according to 43 CFR Part 4 – Department of Interior Hearings and Appeals Procedures, found on the internet at:

<http://www.gpo.gov/fdsys/pkg/CFR-2002-title43-vol1/xml/CFR-2002-title43-vol1-part4.xml>

**Contact Person**

For additional information concerning this decision, contact Whitney Wirthlin, Planning and Environmental Specialists, Cascades Field Office at (503) 375-5612.

**Implementation Date:** This project will be implemented after August 13th, 2016.

Authorized Officer

  
\_\_\_\_\_  
John Huston  
Field Manager, Cascades Field Office

7/13/16  
\_\_\_\_\_  
Date