

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

Office: Marys Peak Field Office -Salem District Office

Tracking Number: DOI-BLM-ORWA-S050-2016-0017-DNA

Case file/Project Number: N/A

Proposed Action Title/Type: Benner Creek and Tobe Creek Restoration Project

Location/Legal Description: Benner Creek T. 14 S., R. 9 W., Section 13, Willamette Meridian and Tobe Creek T. 14 S., R. 7 W., Sections 18-19, Willamette Meridian.

Applicant (if any): N/A

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

The Proposed Action is to implement the Benner Creek and Tobe Creek LWD Placement (Project). The Tobe Creek portion of the Project is a Secure Rural Schools – Self Determination Act Title II based proposal supported by the Alsea Watershed Council. The Benner Creek portion of the Project is an Oregon Watershed Enhancement Board project supported by the Alsea Watershed Council. The BLM and the Alsea Watershed Council will have a Memorandum of Understanding in place to implement the project. The MOU will describe the working relationship and actions implemented by each organization.

The Benner Creek portion of the Project is located within the Lower Alsea River 5th Field Watersheds. Benner Creek is within the, T. 14 S., R. 9 W., Section 13, Benton County. The Benner Creek Project is proposed within Benner Creek where it meets the Alsea River. The Project is proposed on BLM-managed lands within the Late-Successional Reserve land use allocation. This channel lacks deep pools with wood cover, which is a significant limiting factor for juvenile fish survival and coho production in the river.

The Tobe Creek portion of the Project is located within the Upper Alsea River 5th Field Watersheds. Tobe Creek is within the, T. 14 S., R. 7 W., sections 18-19, Benton County. This portion is within the first mile of Tobe Creek from where it meets the South Fork Alsea River. The Project is proposed on BLM-managed lands within the Late-Successional Reserve land use allocation. This channel lacks deep pools with wood cover, which is a significant limiting factor for juvenile fish survival and coho production in the river.

The primary objective of the Project is to create additional deep pool habitat with protective cover for local fish species and listed salmon in both Benner Creek and Tobe Creek. This Project will construct juvenile fish habitat by placing a large wood structure at locations where riverine processes would naturally create it if wood supply and transport processes were functioning normally.

The Project will include the following activities:

1. Fell or tip up to 75 Douglas-fir trees in the Late-Successional Reserve and Riparian Reserve of the forest generally located in T. 13 S., R. 8 W., section 33 along the Winnie Road system and T. 14 S., R. 7 W., sections 19, 30-31, along the Bummer Ridge Road system (Figure 1). BLM will identify and mark the trees proposed for tipping and removal.
2. Remove the trees, approximately half with root-wad attached, and transport for storage at the staging site adjacent to the large wood structure to be constructed in the channels of Benner Creek and Tobe Creek.
3. Construct a series of large wood structures in the proposed locations in Benner Creek and Tobe Creek channels (Figure 1) utilizing the felled/tipped logs. Logs will be placed individually into the stream by the excavator operator under the direction of project leads. As logs are placed the structure will be stabilized by backfilling with the removed bank material and ballasted with additional logs and substrates to over a 100-year return interval flow stage. Small woody material will be placed to help create the appearance of a “natural log jam” and disturbed surfaces in the project area will be smoothed and replanted with native species adapted to local conditions.

To implement the Project, the BLM will flag the tree felling sites, log staging sites, and the structure locations. The BLM will provide a structure site field review and an appropriate design for the log structures.

The Project will adhere to the project design features outlined for in-stream structure 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

Land Use Plan Name: Salem District Record of Decision and Resource Management Plan (1995 RMP). 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.

The Project is in conformance with the land use plan, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

- RMP Aquatic Conservation Strategy (RMP, pp. 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.

NEPA Documents

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. Benner and Tobe Creek work is additional project work to that table of projects.

Other documents that cover the proposed action

- 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. 1999. *Lower Alsea River Watershed Analysis.*
- USDI Bureau of Land Management. 1995. *South Fork Alsea River Watershed Analysis.*

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 EA. The EA analyzed the effects to resources in the BLM Salem District from a range of watershed restoration actions, including in-stream structure placement, to an annual maximum of work completed of 10 stream miles for the District or 4 stream miles for the 5th field watershed (EA, pp. 12-14). The Project falls into the in-stream

structure portion of Restoration Category 1 - In-Stream Structure and Gravel Placement, as shown in the Aquatic Restoration EA Section 2.3.1.1 and DR, pp. 4, 7. The Project also meets the site condition criteria outlined in the EA for selecting restoration projects because the location is lacking in deep pool habitat with wood cover significant to juvenile fish survival and steelhead production (EA, pp. 14, 32). The Project also fits the conditions for project selection outlined in the DR (p. 4): low levels of structure, lack of pool habitat, and low levels of wood.

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, p. 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, pp. 12-16), 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 Benner Creek and Tobe Creek channels 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 the placement of structures with excavators are the most relevant to the Project. The effects to water quality will be short term increases in fine and coarse sediment due to placement operations, and an increase in turbidity occurring during the placement of structures, which would decrease to natural levels after the first winter after placement of the structures (EA, pp. 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, pp. 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, p. 12 and DR, p.12). The 2012 EA and FONSI were made available for public review from March 6 to March 20, 2012 and no comments were received during the comment period (DR, 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, 2016 to April 8, 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, 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.

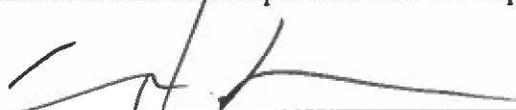
The BLM will notify the public of individual restoration projects through the Salem District Quarterly Project Update newsletter and the ePlanning website where DNA's for the projects will be posted. BLM will also work with the US Forest Service to update the list of individual projects to be implemented on the joint Aquatic Restoration Regulatory Reporting System website (DR, p. 14). The Project will follow the public information sharing process described above.

E. Person, Agencies, and BLM Staff Consulted

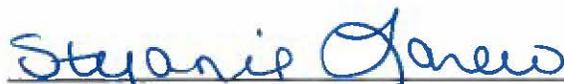
Name	Role or Resource Represented	Initials	Date
Ron Exeter	Botany	RE	July 26, 2016
Douglass Fitting	Hydrology, Water Quality, Soils	DWF	7/20/2016
Scott Hopkins	Wildlife	DSH	7/22/2016
Stefanie Larew	NEPA Review	SNL	7/27/2016
Scott Snedaker	Fisheries	SMS	7/20/2016
Fred Greatorex	Cultural Resources	FG	7/26/2016

CONCLUSION

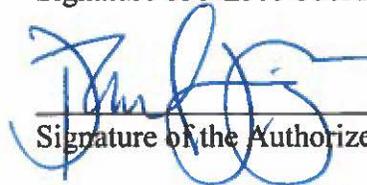
Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.



Signature of Project Lead



Signature of NEPA Coordinator



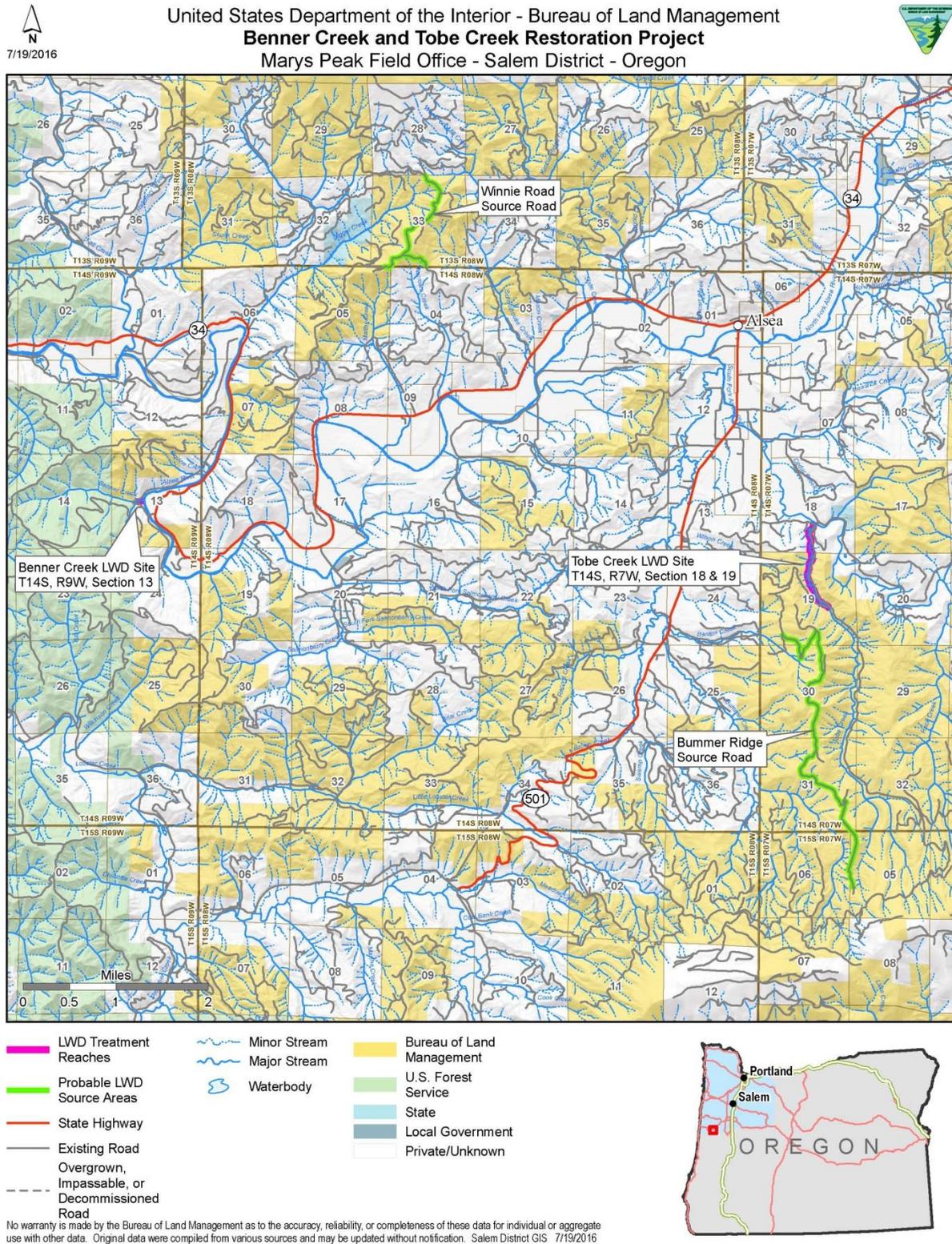
Signature of the Authorized Officer

7/27/16

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 Benner Creek and Tobe Creek Restoration Project DNA.

Figure 1: Map of Benner Creek and Tobe Creek Project sites showing proposed area for tree felling/tipping and large woody debris structure locations.



**United States Department of the Interior
Bureau of Land Management - Salem District Office
Decision Record
DOI-BLM-ORWA-S050-2016-0017-DNA
Benner Creek and Tobe Creek Restoration Project**

Decision

It is my decision to implement the Benner Creek and Tobe Creek Restoration Project (Project), as described in the attached Determination of NEPA Adequacy documentation. The Project includes the following activities:

1. Fell or tip up to 75 Douglas-fir trees in the Late-Successional Reserve and Riparian Reserve generally located in T. 13 S., R. 8 W. section 33 along the Winnie Road system and T. 14 S., R. 7 W., sections 19, 30-31, along the Bummer Ridge Road system. BLM will identify and mark the trees proposed for tipping and removal.
2. Remove the trees, approximately half with root-wad attached, and transport for storage at the staging site adjacent to the large wood structure to be constructed in the channels of Benner Creek and Tobe Creek.
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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.

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.

Contact Person

For additional information concerning this decision, contact Stefanie Larew, Planning and Environmental Coordinator, Marys Peak Field Office, at (503) 375-5601.

Implementation Date

This project will be implemented Summer 2016.

Authorized Officer



Paul Tigan
Field Manager, Marys Peak Field Office

7/27/16
Date