

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

Office: Salem District Office – Marys Peak Field Office

Tracking Number: DOI-BLM-ORWA-S050-2016-0013-DNA

Case file/Project Number: N/A

Proposed Action Title/Type: Dutch Creek Crossing Project (Project)

Location/Legal Description: T. 8 S., R. 6 W., section 17, Willamette Meridian.

Applicant (if any): N/A

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

The Mitchell Street crossing of Dutch Creek is a three culvert system that has experienced over the road flooding three times in the past 10 years. The BLM, in partnership with the City of Falls City, Polk County, and private timber companies, will replace the multiple culverts crossing with a single, open bottom pipe arch. This will allow water, even in high water events, to run off to Luckiamute River without flooding the road. It will also address concerns of structural integrity of the existing culverts which could result in a weight limit on this portion of the road. This is a main access road to private timber lands, BLM-managed land, several residences, a summer camp, the Black Rock Mountain Trail, and public land recreational users and access for fishing.

The proposal will:

1. Provide protection of fish and aquatic habitat by restoring passage at Dutch Creek crossing on Mitchell Street.
2. Enhance recreational fisheries in Little Luckiamute River by increasing access to rearing and spawning habitat on Dutch Creek.
3. Protect ESA listed UWR winter steelhead and critical habitat by reduce road sediment impacts.
4. Increase salability of BLM timber sales tributary to Blackrock Road by expanding season of use.
5. Protect road infrastructure by providing properly sized stream crossings to pass flood events up to 100 years in reoccurrence intervals.
6. Improve public safety by securing access over Mitchell Street crossing during winter flood events.

The project is located on the Blackrock Mainline Road within the city limits of Falls City in the Luckiamute River 5th-field watershed at Township 8 South; Range 6 West; Section 17 in the SW of SE quarter, approximately one mile west from the center Falls City.

The Project will adhere to the project design features outlined for Fish Passage Culvert and Bridge 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

DNA for Dutch Creek Crossing Project

DOI-BLM-ORWA-S050-2016-0013-DNA

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, which includes the Dutch Creek Crossing Project.

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# 01E0FW00-2013-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. 1998. *Rowell Creek/Mill Creek/Rickreall Creek/Luckiamute 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 culvert replacements, to an annual maximum of 10 structures for the Salem District or 4 structures for the 5th field watershed (EA p. 13). This project is within the “road and culvert projects” category analyzed in the EA (pp. 16-17) and described in the DR (pp. 5-7).

The Project also meets the site condition criteria outlined in the EA and DR for selecting restoration projects because the site is on a current road, is lacking adequate passage for fish and aquatic species, and is at increasing risk of failure (EA pp. 16-17, 34-35, and DR p. 5). The Project would reduce the risk of road failure and sediment delivery to the stream, and would directly improve habitat for aquatic species by restoring habitat (EA pp. 16-17, 34-35).

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 and have meaningful differences in effects from the Proposed Action (EA p. 12). Since no additional alternatives were identified, the EA includes an effects analysis of the Proposed Action and the No Action Alternative. The 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 BLM completed the EA revision in March 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. Although the Project location was not specifically defined in the EA, conditions similar to those found in the Dutch Creek channel were used to determine effects to resources.

Potential adverse direct and indirect effects to water quality due to increased sediment delivered to streams because of culvert replacement are the most relevant to the Project (EA p. 41). The effects to water quality will be short term increases in fine material and turbidity during the culvert replacement. Monitoring results have shown that increases in turbidity usually last for less than two hours and return to normal base levels within 6 hours (EA p. 41). Effects to water quality from the current Project will be substantially similar to the above analyzed impacts, which will 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 will be substantially similar to those effects disclosed in the EA. The EA describes the cumulative effects of culvert replacement projects as follows:

EA, pp. 37-38:

“Research and monitoring has shown that these restoration actions have been successful in improving habitat for fish and have been beneficial for providing access for fish to stream reaches that had been blocked by improperly sized culverts...Exposure of fish to sediment and turbidity impacts may occur in the short-term as a result of project implementation; however, these impacts would not be expected to impact survival or productivity. Cumulatively, the implementation of the proposed action, when combined with other restoration actions in a watershed is unlikely to negatively affect fish productivity.”

“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.”

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, 2012 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 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 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 DNAs for the projects will be posted. The BLM will also work with the U.S. 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 25, 2016
Douglass Fitting	Hydrology, Water Quality, Soils	<i>DWF</i>	7/20/2016
Scott Hopkins	Wildlife	<i>DSH</i>	7/22/2016
Stefanie Larew	NEPA Review	<i>SNL</i>	7/27/2016
Scott Snedaker	Fisheries	<i>SMS</i>	7/20/2016
Fred Greatorex	Cultural Resources	<i>FG</i>	7/26/2016

CONCLUSION

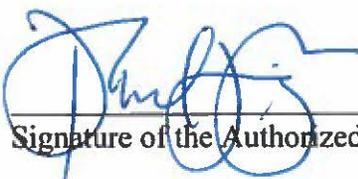
Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.



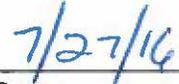
Signature of Project Lead



Signature of NEPA Coordinator



Signature of the Authorized Officer



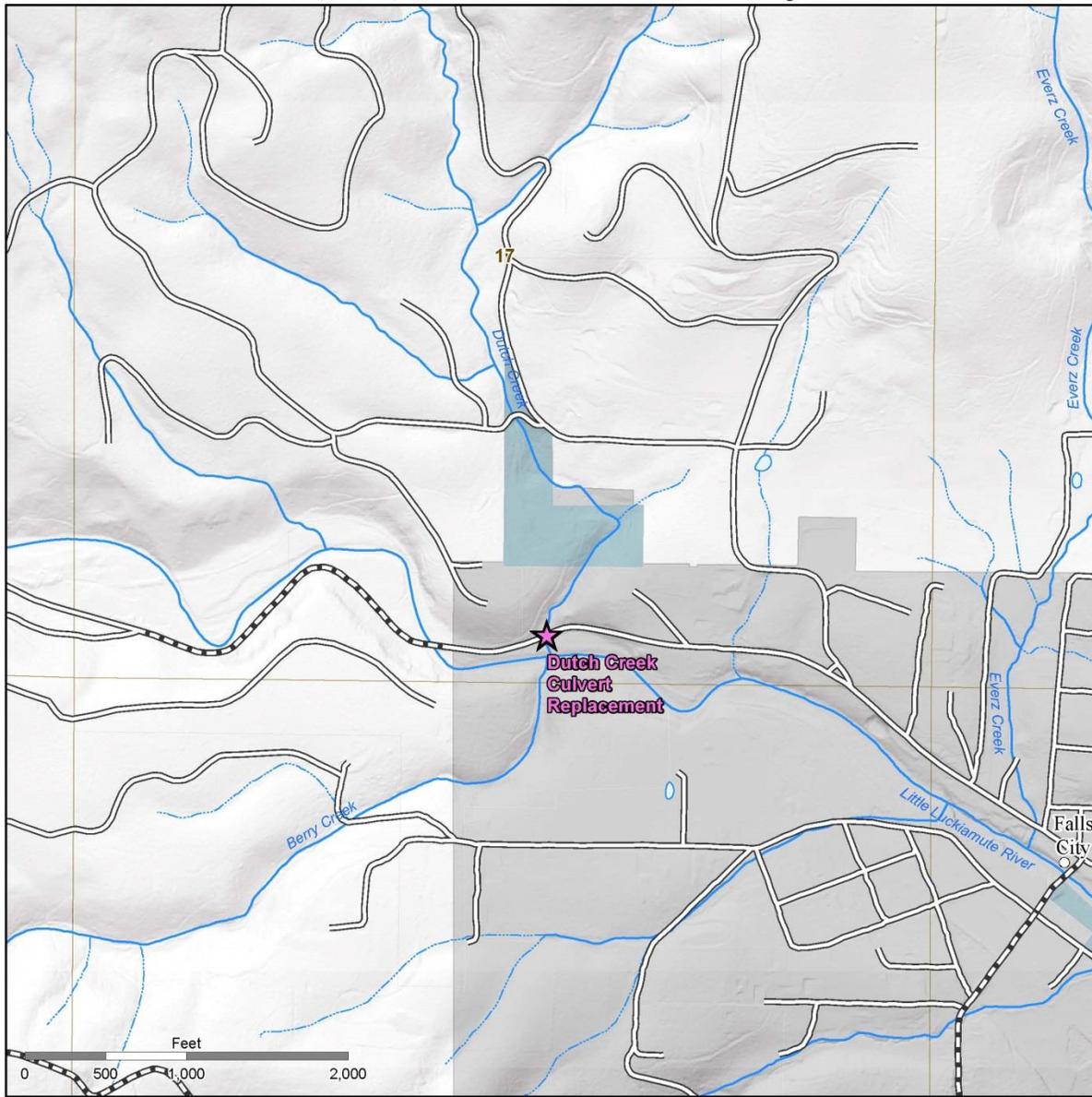
Date

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 this DNA.

Figure 1: Map of Dutch Creek Crossing Restoration Project Area.

N
7/19/2016

United States Department of the Interior - Bureau of Land Management
Dutch Creek Restoration Project
 T08S, R06W, Section 17 W.M. - Salem District - Oregon



- Dutch Creek Culvert Replacement
- Minor Stream
- Major Stream
- Waterbody
- County Road
- Existing Road
- Local Government
- Private/Unknown



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification. Salem District GIS 7/19/2016

**United States Department of the Interior
Bureau of Land Management – Salem District Office
Decision Record
DOI-BLM-ORWA-S050-2016-0013-DNA
Dutch Creek Crossing Project**

Decision

It is my decision to implement the Dutch Creek Crossing Project (Project), as described in the attached Determination of NEPA Adequacy documentation DOI-BLM-ORWA-S050-2016-0013-DNA (DNA). The Project includes the removal of existing culverts and the installation of a single, open bottom pipe arch.

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.

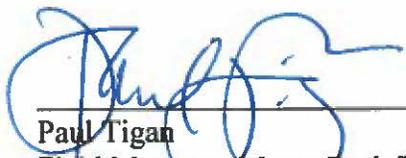
Contact Person

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