

**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

Proposed Action Title/Type: Dunk Tank Road Decommissioning (Project)

Location/Legal Description: T. 13 S., R. 6 W., section 17, Willamette Meridian.

Applicant: N/A

**A. Description of the DNA Proposed Action**

The BLM has identified approximately 900 feet of a trail segment to be decommissioned in Benton County. This trail segment, referred to as a “road” in the Dunk Tank Timber Sales Environment Assessment (Dunk Tank EA), appears to have been a pioneered off-highway vehicle (OHV) trail. The BLM has no record of it as a constructed road. The segment varies in width from approximately 5 feet to 12 feet and is not currently drivable. The segment is located within the Riparian Reserves, approximately 50 feet from the nearest waterbody. Its use as an OHV trail is detrimental to soil productivity and water quality in the area. Specific actions include decompacting the trail surface, recontouring to original slopes, creating a low spot to connect existing wet areas above and below the current road, felling trees across the road, mulching, and reseedling.

The project is located approximately six miles southwest of Philomath, Oregon in the Marys River 5th-field watershed. The Project will adhere to the 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 (Restoration EA) (DOI-BLM-ORWA-S000-2012-0001-EA). Additionally, the Project will adhere to design features regarding decommissioning in the Dunk Tank EA (DOI-BLM-OR-S050-2015-0001-EA). Project design features and criteria impose restrictions to guide the implementation of the activity.

**B. Conformance with the Land Use Plan**

The BLM signed a Record of Decision approving the Northwestern and Coastal Oregon Resource Management Plan (2016 ROD/RMP) on August 5, 2016. Revision of an RMP necessarily involves a transition from the application of the old RMP to the application of the new RMP. The planning and analysis of future projects requires several years of preparation before the BLM can design a site-specific project and reach a decision. Allowing for a transition from the old RMP to the new RMP avoids disrupting the management of BLM-administered lands and allows the BLM to utilize work already begun on the planning and analysis of projects.

The 2016 ROD/RMP (pp. 10–11) allows the BLM to implement projects consistent with the management direction of either the 1995 RMP or the approved RMP, at the discretion of the decision maker, if—

- The BLM had not signed a project-specific decision prior to the effective date of the ROD;
- The BLM began preparation of NEPA documentation prior to the effective date of the ROD; and
- The BLM signs a project-specific decision on the project within two years of the effective date of the ROD.

This project meets the criteria described in the 2016 ROD/RMP that allows the BLM to implement projects that conform and are consistent with the 1995 ROD/RMP, with the exception of five categories of prohibited carry-over actions (2016 ROD, p. 11). The project does not include any of the five exceptions that would preclude the implementation of this project.

1. *Regeneration harvest (construction of roads or landings does not constitute regeneration harvest) within the Late-Successional Reserve allocated by this ROD that is inconsistent with the management direction for the Late-Successional Reserve contained within the approved RMP.*

This exception does not apply to the Dunk Tank Road Decommissioning project, because the project does not include any regeneration harvest.

2. *Issuance of right-of-way grants within the Late-Successional Reserve allocated by this ROD that are inconsistent with the management direction for the Late-Successional Reserve contained within the approved RMP.*

This exception does not apply to the Dunk Tank Road Decommissioning project, because the project does not include the issuance of right-of-way grants with the Late-Successional Reserve allocated by the 2016 ROD.

3. *Commercial thinning within the inner zone of the Riparian Reserve allocated by this ROD that is inconsistent with the management direction for the Riparian Reserve contained within the approved RMP.*

This exception does not apply to the Dunk Tank Road Decommissioning project, because the project does not include any commercial thinning within the inner zone of the Riparian Reserve allocated by this ROD. The project includes the cutting of selected red alders in the outer zone of the Riparian Reserves as allocated by this ROD; cut alders will remain on site.

4. *Projects within the District-Designated Reserve – Lands Managed for their Wilderness Characteristics allocated by this ROD that are inconsistent with the management direction for the District-Designated Reserve – Lands Managed for their Wilderness Characteristics contained within the approved RMP.*

This exception does not apply to the Dunk Tank Road Decommissioning project, because the project is not located within the District-Designated Reserve – Lands Managed for their Wilderness Characteristics.

5. *Timber harvest that would cause the incidental take of northern spotted owl territorial pairs or resident singles and does not have a signed Biological Opinion and Incidental*

*Take Statement that predates the effective date of the Biological Opinion for the approved RMP.*

This exception does not apply to the Dunk Tank Road Decommissioning project, because it includes no timber harvest and will not cause incidental take of northern spotted owl territorial pairs.

### **Salem District RMP (1995)**

This project is in conformance with the Salem District Record of Decision and Resource Management Plan (1995 RMP), as amended. The Project is in conformance with the 1995 RMP, 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 (1995 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 (1995 RMP, p. 27):
  - Design and implement fish habitat restoration and enhancement activities in a manner that contributes to attainment of Aquatic Conservation Strategy objectives.

The Project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the 1995 RMP (as amended). The Project has been reviewed in light of Judge Pechman's 2006 order. Because the project entails road decommissioning, the Project meets exemption C of the Pechman Exemptions (October 11, 2006, Order), and, therefore, may proceed to be implemented (Restoration EA, pp. 10-11).

### **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 Restoration EA includes a table of ARBO II Potential Restoration Projects on the Salem District (Table 2) that are slated for Decisions in Fiscal Year 2016 that may have an effect on listed fish or wildlife species. This excludes the Dunk Tank Road Decommissioning project, because the project is anticipated to have “no effect.”

*USDI – Bureau of Land Management. May 2016. Dunk Tank Timber Sales Environmental Assessment (DOI-BLM-ORWA-S050-2015-0001-EA).*

- The Dunk Tank EA specifically described the area proposed for decommissioning.

#### **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. 1997. *Benton Foothills 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 Restoration EA, DR, and Dunk Tank EA. The BLM specifically identified this area for decommissioning in the Dunk Tank EA (pp. 13, 15, 17). This Project will implement the action as described and analyzed in the Dunk Tank EA.

Additionally, the Project is within the analysis area for the Restoration EA, which analyzed the effects to resources in the BLM Salem District from a range of watershed restoration actions, including road decommissioning (Restoration EA, p. 14–17). This project is within the “road and culvert projects” category described in the Restoration EA (pp. 16–17) and described in the DR (pp. 6–7). Additionally, the BLM specifically identified this area for decommissioning in the Dunk Tank EA.

The Project also meets the site condition criteria outlined in the Restoration EA for selecting restoration projects because the site presents an opportunity to restore hydrology function and reduce road-related sediment (Restoration EA p. 16, and DR p. 5). The Project will reduce sedimentation and erosion, and will directly improve riparian habitat condition and function (EA pp. 16–17, 34–36, 41–43).

### **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 EAs is appropriate with respect to the current Project. During the internal and external scoping process for the Restoration EA and Dunk Tank EA, no additional alternatives were identified that would meet the purpose and need and have meaningful differences in effects from the Proposed Action (Restoration EA, p. 12; Dunk Tank EA, p. 9). Since no additional alternatives were identified, the EAs include an effects analysis of the Proposed Action and the No Action Alternative. The Proposed Action encompasses the Project described in this DNA (Restoration EA, pp. 12–17; Dunk Tank EA, pp. 11–14), making the range of alternatives considered appropriate. The EAs are still appropriate given the current environmental concerns, interests, resource values, and circumstances, which are substantially the same as those analyzed in the EAs. There would be no known other or additional concerns,

interests, or resource values associated with the Project that were not previously addressed in the EAs.

**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 Restoration EA revision in March 2016 and the Dunk Tank EA in May 2016. Both analyses utilized the most current information and circumstances for their respective analysis areas. The existing analyses 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 EAs. The Project location was specifically defined in the Dunk Tank EA (pp. 13, 17). While the project area was not specifically described in the Restoration EA, conditions similar to those found in this project area were used to determine effects to resources.

Due to the location and magnitude of the project, adverse effects of the proposed action are unlikely (Dunk Tank EA, pp.67, 70). The effects to water quality will be short term increases in fine material and turbidity during road decommissioning activities. Creating a low spot may cause a short-term pulse of fine material into the water column (Restoration EA, p. 43). Monitoring results have shown that increases in turbidity usually last for less than two hours and return to normal base levels within 6 hours (Restoration EA, p. 42). 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 Restoration EA.

Cumulative effects of the Project will be substantially similar to those effects disclosed in the Restoration EA (p. 43):

“Over the past 10 years similar types of projects have been completed and there has not been a measureable or detectable adverse change to water quality or stream complexity detected. It is reasonable to presume that these types of projects would occur over the next 10 years.

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 impacts beyond those analyzed in the EAs are anticipated from the implementation of the Project.

**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 Restoration EA and the Dunk Tank EA is adequate for the current Project. The EAs analyzed substantially similar projects to the Project. Project scoping and EA public review/comment periods were completed on both EAs.

The Restoration 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 Restoration 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.

The BLM completed public scoping on the Dunk Tank EA in summer 2015. The BLM used comments received during scoping to identify issues for analysis and develop the proposed action. The Dunk Tank EA was released for a 30 day public comment period in May 2016. The BLM received comments of support in pursuing road decommissioning activities in the planning area.

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 EAs. 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 Project will follow the public information sharing process described above.

**E. Person, Agencies, and BLM Staff Consulted**

<b>Name</b>	<b>Role or Resource Represented</b>	<b>Initials</b>	<b>Date</b>
Douglass Fitting	Hydrology, Water Quality, Soils	<i>DF</i>	9/21/2016
Stefanie Larew	NEPA Review	<i>SNL</i>	9/21/2016
Scott Snedaker	Fisheries	<i>SMS</i>	9/21/2016
Fred Greatorex	Cultural Resources	FG	9/21/2016

**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.

/s/ Douglass Fitting  
Signature of Project Lead  
Douglass Fitting

/s/ Stefanie Larew  
Signature of NEPA Coordinator  
Stefanie Larew

/s/ Paul Tigan  
Signature of the Authorized Officer  
Paul Tigan

9/21/2016  
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.

**United States Department of the Interior  
Bureau of Land Management – Salem District Office  
Decision Record  
DOI-BLM-ORWA-S050-2016-0024-DNA  
Dunk Tank Road Decommissioning Project**

**Decision**

It is my decision to implement the Dunk Tank Road Decommissioning Project (Project), as described in the attached Determination of NEPA Adequacy documentation DOI-BLM-ORWA-S050-2016-0024-DNA (DNA). The project includes decompacting the trail surface, recontouring to original slopes, creating a low spot to connect existing wet areas above and below the current road, felling trees across the road, mulching, and reseeding.

**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), as authorized by the 2016 ROD. 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 September 2016.

**Authorized Officer**

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Paul Tigan  
Field Manager, Marys Peak Field Office

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Date