

# **BROKEN BUCK STREAM CROSSING CULVERT REPLACEMENTS**

## **Decision Record** **and** **Finding of No Significant Impact**

An Interdisciplinary (ID) Team of the Swiftwater Field Office, Roseburg District, Bureau of Land Management has analyzed the proposed **BROKEN BUCK REGENERATION HARVEST** project. This analysis was documented in Environmental Assessment (EA) No. OR-104-98-26. The thirty day public review and comment period was completed on September 24<sup>th</sup>, 1998. One letter with comments was received as a result of public review. This project has been delayed due to legal challenges. A portion of this action was to replace four failing stream crossing culverts on the Andrews Creek road system (23-6-2.0 and 10.0 roads). The stream crossings are in a deteriorated condition and are resulting in sediment input into Andrews Creek.

### Decision

It is my decision to authorize the removal and replacement of the four failing stream crossing culverts on Andrews Creek. This project will be removed from the timber sale project and accomplished through alternate funding. The Terms and Conditions described in the National Marine Fisheries Service (NMFS) Biological Opinion (BO) (pg. 27-29 and 37-39) would be adhered to and incorporated into appropriate contract language.

### Decision Rationale

This action meets the objectives for lands in the Matrix land use allocation and follows the principles set forth in the RMP, dated June 1995. Cultural clearance with the State Historical Preservation Office was completed and resulted in a "No Effect" determination.

This project was originally covered under the U.S. Fish and Wildlife Service March 25, 1996 BO which addressed programmatic projects including culvert replacements. The BO concluded a “. . . not likely to jeopardize the continued existence of the spotted owls or the murrelet, or adversely modify designated critical habitat for either species”. The recent BO (May 31, 2001) for FY 2001-2 programmatic actions which includes culvert removal and replacement concluded a “not likely to adversely affect spotted owls, murrelets and their critical habitat”.

This project falls within the scope of NMFS July 12, 2001 BO which addresses programmatic projects including culvert removal and replacements (pg. 19 and 33). Therefore, consultation with NMFS is concluded. This decision recognizes that impacts will occur to the resources, however, the impacts to these resource values would not exceed those identified in the RMP.

Compliance and Monitoring

Compliance and Monitoring will be conducted as part of normal project inspection by the Contracting Officer's Representative (COR).

Finding of No Significant Impacts

I have reviewed the tests of significance as described in 40 CFR 1508.27. Based on the site specific analysis summarized in the EA and noted above, it is my determination that initiation of this project does not constitute a major federal action with significant impacts to the quality of the human environment and an Environmental Impact Statement does not need to be prepared. In accordance with the Standards and Guidelines (S&G's, pg. B-10) I find that "the proposed activity is consistent with the Aquatic Conservation Strategy objectives" and "meets" or "does not prevent attainment" of these objectives.

Protest Procedures

Protests shall be filed with the authorized officer (Jay K. Carlson) and shall contain a written statement of reasons for protesting the decision. Protests received more than 15 days after the publication of the Notice of Decision are not timely filed and shall not be considered. This notice will be placed in *The News Review* and constitute the decision document with authority to proceed with the proposed action. Upon timely filing of a protest, the authorized officer shall reconsider the 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 his review, serve his decision in writing to the protesting party. Upon denial of a protest the authorized officer may proceed with the implementation of the decision.

For further information, contact Jay K. Carlson, Field Manager, Swiftwater Field Office, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd; Roseburg, OR. 97470, 541 440-4931.

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Jay K. Carlson, Field Manager  
Swiftwater Field Office

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Date

**Test for Significant Impacts.** (40 CFR 1508.27)

1. Has impacts (both beneficial and adverse) determined to be severe?       Yes       No

**Remarks:** None of the impacts of this action has been determined to be severe.

2. Has significant adverse impacts on public health or safety?       Yes       No

**Remarks:** Considering the remoteness of the project to local population centers, and the design features governing the proposal, the likelihood of the project affecting public health and safety is remote and speculative.

3. Adversely effects such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains or ecologically significant or critical areas including those listed on the Department's National Register of Natural Landmarks?       Yes       No

**Remarks:** Reviews (Cultural, Recreation, Wildlife, Hydrology and Fisheries) does not show that the proposed action would adversely affect any of the above characteristics.

4. Has highly controversial effects on the quality of the human environment?       Yes       No

**Remarks:** No controversial effects due to culvert replacement were noted as a result of environmental analysis or public review.

5. Has highly uncertain and potentially significant environmental effects or involves unique or unknown environmental risks?       Yes       No

**Remarks:** The analysis does not indicate that this action would involve unique or unknown risks.

6. Establishes a precedent for future action or represents a decision in principle about future actions with potentially significant environmental effects?       Yes       No

**Remarks:** The replacement of culverts and repair of roads is a well-established practice and does not establish a precedent for future actions.

7. Is directly related to other actions with individually insignificant but cumulatively significant environmental effects?       Yes       No

**Remarks:** We find that this action would not have a cumulatively significant impact on the environment beyond that already identified in the EIS.

8. Has adverse effects on properties listed or eligible for listing on the National Register of Historic Places?       Yes       No

**Remarks:** The Cultural Report does not indicate that this action would not adversely affect any sites, structures, or objects listed in or eligible for listing in the National Register of Historic Places.

9. May adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973?

- |                     |                              |  |
|---------------------|------------------------------|--|
| Aquatic Species     | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Botanical Species   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Terrestrial Species | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

**Remarks:** Consultation with NMFS (July 12, 2001) resulted in a "not likely to adversely affect" for listed fish. Botanical surveys do not indicate the presence of any T&E plants therefore botanical consultation was not required. Formal consultation with the FWS (March 25, 1996) concluded that "These activities are not expected to affect spotted owl habitat" and "projects are not likely to adversely affect the murrelet if they do not remove . . . suitable habitat". The most recent consultation (May 31, 2001) for FY 2001-2 programmatic actions which includes culvert removal and replacement concluded that activity "is not likely to adversely affect spotted owls, murrelets and their critical habitat".

10. Threatens to violate Federal, State, local, or tribal law or requirements imposed for the protection of the environment?

- Yes  No

**Remarks:** We find that this action would not threaten a violation of Federal, State, local or tribal law imposed for the protection of the environment.

