DECISION RECORD

and

FINDING OF NO SIGNIFICANT IMPACT

for

Coastal Road Stabilization and Watershed Restoration, and Storm-Damage Road Repair Projects

Environmental Assessment Number OR-086-00-04

USDI - Bureau of Land Management
Oregon State Office
Salem District
Tillamook Field Office
Tillamook and Yamhill Counties, Oregon

BACKGROUND

In March 2000, an interdisciplinary team (IDT) was formulated to identify road and road-related resource conditions that did not meet the management objectives contained in the Salem Resource Management Plan (RMP) and associated planning documents, and to develop possible management actions that will contribute to achievement of some of the long-term management direction. The IDT identified two projects that will 1) stabilize roads that are not being maintained to reduce the potential for adverse impacts to other resources and 2) repair road damage resulting from winter storms in 1999. The project area is in Tillamook and Yamhill Counties, Oregon in the general area between Tillamook and McMinnville, Oregon. The project area includes roads controlled by the Tillamook Field Office, Salem District, Bureau of Land Management (BLM) within the Nestucca River, Trask River, Wilson River and Kilchis River watersheds. In response to this action an environmental analysis was conducted and documented in Environmental Assessment (EA) number OR-086-00-04.

Since the release of the EA, the interdisciplinary team has identified the need to update one element of the environment contained in Appendix 3, Table 3. This change to the EA is contained in an Errata, dated December 18, 2000, and does not notably alter the analysis, nor the determination of effects as presented in the July 11, 2000 EA.

A copy of the EA and Errata can be obtained from the Tillamook Field Office, P.O. Box 404, 4610 Third Street, Tillamook, Oregon 97141. Office hours are Monday through Friday, 7:30 A.M. to 4:00 P.M., closed on holidays.

The decision to be made by the Tillamook Field Office Manager is whether or not to prepare an

environmental impact statement, and whether to approve the coastal road stabilization and watershed restoration project and the storm-damage road repair project as proposed, not at all, or to some other extent.

DECISION

Based on site-specific analysis, the supporting project record, management recommendations contained in the Nestucca Watershed Analysis (1994), Trask River Watershed Assessment (1998), and Kilchis Watershed Assessment (1998), and management direction contained in the RMP, I have decided to implement the coastal road stabilization and watershed restoration project and the storm-damage road repair project as described in Alternative 2, hereafter known as the "selected alternative." This decision includes:

1. Stabilizing roads using one of the following three treatments:

   Treatment 2B. Stabilize the road and allow brush to grow and close the road to vehicle travel in time. The road will be prepared to avoid future maintenance needs and will be left in an "erosion-resistant" condition by establishing driveable waterbars, and where appropriate, removing sidecast material on the outside of the roadway. The total length of road to be treated will be approximately five (5) miles.

   Treatment 3B. Temporarily close the road to all vehicular use. The road will be prepared to avoid future maintenance needs and will be left in an "erosion-resistant" condition by establishing non-driveable waterbars, removing sidecast material where appropriate, pulling live-stream culverts, and constructing earth barricades to block the road. The road will persist in a stable condition and remain available for future re-opening and user to accommodate management access needs. The total length of road to be treated will be approximately 84 miles.

   Treatment 4A. Close the road to all vehicular use. The road will be prepared to avoid future maintenance needs and will be left in an "erosion-resistant" condition by decommissioning the road by removing all culverts and road fill over culverts, removing sidecast material where appropriate, constructing earth barricades to block the road, and subsoiling and revegetating the road surface. The total length of road to be treated will be approximately four (4) miles.

   This work is expected to begin in 2001 and extend over a five to ten year time period.

2. Repairing storm-damaged roads in at least 10 locations. The work will vary from site to site, and may include construction of retaining walls, removal and/or replacement of unstable road fills, removal and/or replacement of culverts, construction of waterbars and surface material replacement. The work is expected to begin in 2001 and be completed in 2003.

3. The following design features apply to both the road stabilization and the road repair projects.

1. All soil-disturbing work would be conducted during periods of low soil moisture, which is generally between June 1 and October 30.

2. In-stream work would be done in accordance with Oregon Department of Fish and Wildlife (ODFW) guidelines. The work period, unless waived by ODFW, would be between July 1 and September 15.

3. Within the nesting period for the marbled murrelet (between April 1 and September 15), activities that generate noise above the ambient noise level would be restricted to the daily time period between two hours after sunrise to two hours before sunset.

4. All activities that generate noise above the ambient level within the Elk Creek ACEC between January 1 and August 15 would be prohibited. This restriction may be waived after June 1 if bald eagle nesting has failed or no nesting occurred.

5. Waste material from road fill removal over culverts and sidecast pullback would be disposed of in approved, stable waste disposal sites, in locations at least 60 feet away from streams and wetlands, where there is minimal potential for erosion or mass wasting to occur. In general, this would be on roadbeds, against cut banks, or on landings close to the location where the waste material is being removed. No waste would be disposed of on active flood plains. It is anticipated that most of the waste disposal sites would be within one-quarter (1/4) mile of the locations where the waste is being generated.

6. Piled road-fill material would be used to block roads to high-clearance and/or highway vehicles, where appropriate.

7. For activities that involve previously undisturbed ground and where suitable habitat is present, surveys for Survey and Manage status lichens, bryophytes, fungi, vascular plants, red tree voles and mollusks within the project area would be conducted in accordance with the appropriate protocol for each species prior to any soil-disturbing activities. Any newly discovered sites would be managed in accordance with BLM policy so as not to elevate the species status to any higher level of concern. If additional surveys and subsequent mitigation result in substantial change to the proposal which is outside the

scope of this environmental analysis, a supplemental analysis would be conducted in accordance with NEPA and released to the public for comment.

8. Surveys for noxious weeds would be conducted prior to soil-disturbing activities. Site-specific measures would be identified to prevent the spread of noxious weeds.

9. Sediment movement from disturbed areas would be controlled with vegetated filter strips or structures such as straw bales. Structures would be placed to minimize the potential for diversion of water and sediment around the structures.

10. Exposed soils in areas such as disturbed cut and fill slopes, and culvert removal and waste disposal areas would be seeded with either a native, non sod-forming type grass seed mix, if available, or a sterile annual grass seed to reduce the potential for soil erosion.

11. Excavations to remove stream crossing culverts would be matched to the approximate elevation and bank-full stream channel width of the existing streambed.

12. Waterbars would be placed on both sides of stream channels where culverts have been removed to route surface water away from newly excavated slopes.

13. Waterbars would be located where drainage would be diverted away from unstable terrain (e.g., steep slopes or sidecast material), exposed mineral soil or into stream channels.

14. The highest priority areas for sidecast material removal are areas adjacent to streams where sidecast failures would enter the streams.

15. Additional design features would be determined on a site-by-site basis to ensure that the Best Management Practices (BMPs) identified in the Salem RMP are incorporated into the projects.

16. Cultural resource surveys would be conducted prior to any new ground-disturbing activity. If cultural resources are found, the project may be redesigned to protect the cultural resource values present or evaluation and mitigation procedures would be implemented based on the recommendation of the District Archaeologist.

4. No actions will be implemented within riparian reserves in the Wilson River watershed prior to completion of a watershed analysis, which is expected to occur by the summer of 2001. Any actions implemented thereafter would be consistent with the watershed analysis recommendations.

ALTERNATIVES CONSIDERED

The alternatives considered in detail included the selected alternative which initiated the environmental analysis process and the "no action" alternative which is procedurally required. A complete description of the alternatives analyzed in detail are contained in the EA, pp. 10-19.

REASONS FOR THE DECISION

Considering public comment, the content of the EA and supporting project record, the management recommendations contained in the Nestucca Watershed Analysis, the Trask River and Kilchis River Watershed Assessment, and the management direction contained in the RMP, I have decided to implement the selected alternative as described above. My rationale for this decision follows:

1. The selected alternative addresses the identified purpose and need for action in that it stabilizes (89 miles) or decommissions (4 miles) of BLM-controlled roads that will not be maintained in the near future due to inadequate funding, and it repairs the known storm-damaged roads within the Nestucca, Trask, Wilson and Kilchis River watersheds. (EA, pp. 11-12). The “no action” alternative was not selected because it does not address the purpose and need for action in that the BLM-controlled roads that are not being maintained will have continuing resource problems as drainage structures become blocked and road surfaces, ditches and fillslopes are damaged, and the storm-damaged sites will continue to deteriorate during winter storms (EA, pp. 12-18).

2. The selected alternative is consistent with applicable land use plans, policies, and programs (EA, pp. 42-45). The selected alternative provides for the lowest maintenance costs and the best protection for 89 miles of our transportation system for future management access needs with minimal costs associated with re-opening.

3. The selected alternative will improve water quality and help to support the maintenance of the long-term viability of the Oregon Coast coho, steelhead and coastal cutthroat trout, and other fish species found in the Nestucca, Trask, Wilson and Kilchis River watersheds (EA, pp. 38-40). The long-term beneficial effects to water quality and to fish are reduced sediment and turbidity levels by minimizing or eliminating impacts (erosion and landslides) from the roads identified for treatment (EA, pp. 29-31, 38-41, Appendices 5-6). Although the selected alternative has a low to medium probability of short-term adverse effects to water quality and fish resulting from turbidity associated with removal of culverts and waterbar construction, the high probability of long-term beneficial impacts, as previously noted, far outweigh the predicted short-term impacts (EA, pp. 29-31, 38-41). The “no action” alternative was not selected because of the long-term adverse effects on water quality and anadromous fish species (EA, p. 29-32, 38-41)

PUBLIC INVOLVEMENT

Scoping consisted of listing the proposed project in the February, June, September and December 2000 editions of the quarterly *Salem District Project Update* which was mailed to over 1,000 addresses; a meeting with representatives of the Association of O&C Counties on August 8, 2000 (Project Record, Document 43); and a letter mailed on April 20, 2000 to 41 individuals, groups, and agencies that were potentially affected and/or interested (Project Record, Document 5). A total of 16 letters and oral responses were received as a result of this scoping (Project Record, Documents 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 27, 28, 29, and 31). All public input was assigned a number and filed in the Project Record. The IDT reviewed, clarified, and assessed each comment. No major issues (major problem or dispute created by the selected alternative) were identified. Since there were no major issues, the environmental analysis disclosed in the EA focused on the following elements of the environment - vegetation, soil and water, wildlife, fisheries and recreation.

On July11, 2000, the EA and draft Finding of No Significant Impact (FONSI) were mailed to 37 individuals, groups and agencies that were on the mailing list (Project Record, Document 19). Also, a legal notice requesting public comment to the EA appeared in the Headlight Herald on July 19, 2000 and the News-Register on July 18, 2000 newspapers, respectively of Tillamook and McMinnville, Oregon (Project record documents 33 and 34). As a result of the notices for public comment, five letters were received (Project Record, Documents 35, 36, 40, 41 and 42). The BLM response to the comments contained in those letters is contained in Appendix 7 to the EA (see attached). Comments received were considered by the deciding official in reaching an informed final decision.

FINDING OF NO SIGNIFICANT IMPACT

Based upon review of the EA and supporting project record, I have determined that the selected alternative (Alternative 2) is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. This finding is based on the following discussion:

Context. The selected alternative is a site-specific action directly involving approximately 93 miles of BLM-controlled roads in the Kilchis, Wilson, Trask and Nestucca River Watersheds that by itself does not have international, national, region-wide, or state-wide importance. The project area is within the Riparian Reserve, AMA (Adaptive Management Area), and/or LSR (Late-Successional Reserve) land use allocations as identified in the Salem District Record of Decision and Resource Management Plan, dated May 1995. The project area also falls within the

Evolutionarily Significant Units (distinct population segments) of Oregon Coast coho salmon, which is Federally listed as Threatened, and Oregon Coast steelhead and cutthroat trout, which are Federal Candidate species. Portions of the project area are located within designated critical habitat for the marbled murrelet, northern spotted owl, and Oregon Coast coho salmon, and are within the Upper Nestucca River, Elkhorn Creek, Little North Fork Wilson River, and Kilchis River key watersheds. The discussion of the significance criteria that follows applies to the intended action and is within the context of local importance. Chapter 3 of the EA details the effects of the selected alternative. None of the effects identified, including direct, indirect and cumulative effects, are considered to be significant and do not exceed those effects described in the Salem District Resource Management Plan Final Environmental Impact Statement dated September, 1994.

Intensity. The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27.

1. **Impacts may be both beneficial and adverse.** Due to the selected alternative's design features, the following environmental effects are predicted: 1/ The removal or installation of culverts and removal of road fill adjacent to streams will create a short-term increase in suspended sediment/turbidity levels in the immediate project area. These increases are expected to be minimal and of short duration, usually dissipating in a few minutes. (EA, Chapter 3); 2/ Stabilizing, decommissioning or repairing roads will reduce the potential for future road failures and will have long-term beneficial effects on water quality (suspended sediment/turbidity levels) in the affected watersheds (EA, Chapter 3, Appendices 5 and 6); 3/ There will be long-term beneficial effects on fish and their habitat by repairing road damage, removing or replacing culverts, removing sidecast material, waterbarring, and/or subsoiling road (EA, chapter 3, Appendices 5 and 6); 4/ The selected alternative will contribute to the attainment of the Aquatic Conservation Strategy (ACS) objectives (EA, Chapter 3, Appendix 6); 5/ The selected alternative will not negatively impact Bureau sensitive and special attention plant species as any sites that are identified during pre-work surveys will be protected as required by management recommendations and noxious weeds increases should be minimal as site-specific measures will be used to minimize their potential for spreading (EA, Chapter 3); 6/ The selected alternative activities which generate noise above the ambient level within 0.25 mile of suitable habitat during the critical nesting season (May 1 - June 10), "May Affect and are Likely to Adversely Affect" the spotted owl, while those activities occurring during the non-critical nesting season (July 1 - September 30), "May Affect but are Not Likely to Adversely Affect" the spotted owl . The selected alternative will be of "No Effect" on spotted owl or marbled murrelet designated critical habitat. Activities which generate noise above the ambient level within 0.25 mile of suitable habitat during the murrelet critical nesting season (April 1 - August 5), "May Affect and are Likely to Adversely Affect" the marbled murrelet, while those activities occurring during the non-critical nesting season (August 6 - September 15), "May Affect but are Not Likely to

Adversely Affect" the marbled murrelet. The selected alternative "May Affect but is Not Likely to Adversely Affect" bald eagles due to the generation of noise above the ambient level within 0.25 miles of suitable habitat or 0.5 miles of line-of-sight of an occupied eagle nest or unsurveyed suitable habitat during the eagle nesting period (January 1 - August 31) (EA, Appendix 2); 7/ The selected alternative will not negatively impact (elevate the level of concern of) any wildlife Survey and Manage, Special Status, or Species of Concern (EA, Appendix 2); 8/ The selected alternatives will limit OHV access to an approved trail (North Slope Trail) in the Upper Nestucca OHV Trail area, which will have a minor negative impact on OHV use in that specific area.

None of the environmental effects disclosed above and discussed in detail in Chapter 3 of the EA are considered significant.

2. **The degree to which the proposed action will affect public health or safety.** The selected alternative will have a beneficial effect on public health and safety. The projects will repair existing road damage and stabilize roads to reduce the potential of future damage, which will lead to safer travel on those roads.

3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas**. There are no historic or cultural resources, park lands, prime farm lands, wild and scenic rivers, or wildernesses that would be affected by the selected alternative.

   The Nestucca River is considered suitable for inclusion in the National Wild and Scenic River System with a tentative classification of "Recreational River Area" and is a state designated scenic waterway. The selected alternative protects the outstanding and remarkable values identified for this recreational river area and is consistent with the pertinent regulations concerning the State Scenic Waterway Act. (EA, Appendix 3).

   The project area is within the Riparian Reserve, AMA (Adaptive Management Area), and/or LSR (Late-Successional Reserve) land use allocations, as identified in the RMP. The selected alternative is consistent with the management direction for these land use allocations. The project area also falls within the Evolutionarily Significant Units (distinct population segments) of Oregon Coast coho salmon, which is Federally listed as Threatened, and Oregon Coast steelhead and cutthroat trout, which are Federal Candidate species. Portions of the project area are located within designated critical habitat for the marbled murrelet, northern spotted owl, and Oregon Coast coho salmon, and are within the Upper Nestucca River, Elkhorn Creek, Little North Fork Wilson River, and Kilchis River key watersheds. Activities associated with the selected alternative are predicted to contribute to the attainment of ACS objectives. (EA, chapter 3, Appendix 6).

   Four ACECs (Areas of Critical Environmental Concern), Nestucca River ACEC, High Peak/Moon Creek ACEC/RNA, Walker Flat ACEC, and Elk Creek ACEC, are located

within the project area. The selected action is consistent with the management plans prepared for these ACECs (EA Chapter 3.7).

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** In April 2000, public notice of the proposed action, which included the road stabilization and watershed restoration and storm-damage road repair projects, resulted in sixteen letters and oral responses, however no major issues were identified. In July 2000, the EA and draft FONSI were made available for public comment. Five letters were received and BLM responses to those comments are contained in Appendix 7 (attached). Five letters were received, three of which were neutral or generally supportive of the projects, and two were opposed to the concept of closing roads. The effects of the selected alternative on the quality of the human environment are adequately understood by the IDT to provide analysis for this decision and public comment to the EA did not identify any concerns with the adequacy of the effects analysis. As such, the predicted affects are not controversial. A complete disclosure of the predicted effects of the selected alternative is contained in the EA, chapter 3 and Appendix 3.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The selected alternative is not unique or unusual. The BLM has experience implementing similar actions in similar areas and have found effects to be reasonably predictable. The environmental effects to the human environment are fully analyzed in the EA, chapter 3. There are no predicted effects on the human environment which are considered to be highly uncertain or involve unique or unknown risks.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The selected alternative does not set a precedent for future actions that may have significant effects nor does it represent a decision in principle about future consideration. The selected alternative will stabilize, decommission, or repair BLM roads in the Kilchis, Wilson, Trask and Nestucca River Watersheds. Any future projects will be evaluated through the NEPA (National Environmental Policy Act) process and will stand on their own as to environmental effects.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The interdisciplinary team evaluated the selected alternative in the context of past, present and reasonably foreseeable actions. The anticipated cumulative effects to water quality from the Selected alternative will be a short-term increase in sediment and turbidity while the projects are being implemented, and a long-term reduction in sediment and turbidity from road-related runoff and road fill failures. The short-term effects on water quality will occur primarily in smaller streams tributary to the Nestucca River and it's major tributaries, and not in the mainstem of the Nestucca River. These short-term increases in sediment and turbidity are localized and of

short duration, and will not have a significant effect on water quality. Significant cumulative effects are not predicted. A complete disclosure of the effects of the selected alternative is contained in the EA, chapter 3.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The selected alternative will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will the selected alternative cause loss or destruction of significant scientific, cultural, or historical resources (EA, Appendix 3).

9. **The degree to which the action 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.** The selected alternative activities which generate noise above the ambient level within 0.25 mile of suitable habitat during the critical nesting season (May 1 - June 10), "May Affect and are Likely to Adversely Affect" the spotted owl, while those activities occurring during the non-critical nesting season (July 1 - September 30), "May Affect but are Not Likely to Adversely Affect" the spotted owl . The selected alternative will be of "No Effect" on spotted owl or marbled murrelet designated critical habitat. Activities which generate noise above the ambient level within 0.25 mile of suitable habitat during the murrelet critical nesting season (April 1 - August 5), "May Affect and are Likely to Adversely Affect" the marbled murrelet, while those activities occurring during the non-critical nesting season (August 6 - September 15), "May Affect but are Not Likely to Adversely Affect" the marbled murrelet. The selected alternative "May Affect but is Not Likely to Adversely Affect″ bald eagles due to the generation of noise above the ambient level within 0.25 miles of suitable habitat or 0.5 miles of line-of-sight of an occupied eagle nest or unsurveyed suitable habitat during the eagle nesting period (January 1 - August 31) (EA, Appendix 2). Programmatic Consultation with USFWS is in the process of being completed on work expected to be done in FY 2001. Consultation on potential impacts will continue annually under the Programmatic Biological Assessment for Disturbance.

   Due to the chance for short-term impacts that may result in take of Oregon Coast coho salmon, the selected alternative "May Affect, and is Likely to Adversely Affect" Oregon Coast coho salmon. Due to the short term impacts to water quality, the selected alternative "May Affect, and is Likely to Adversely Affect" Oregon Coast coho salmon habitat, however the overall impact to critical habitat will be beneficial. Over the long-term, repairing, stabilizing and decommissioning roads is expected to reduce turbidity within the watershed by minimizing or eliminating impacts (erosion and landslides) from the roads identified for treatment. The affect determination for Oregon Coast steelhead trout and Oregon Coast coastal cutthroat trout, both candidate species, will also be "May Affect, Likely to Adversely Affect". Potential adverse impacts will not result in a trend toward federal listing, nor will they lead to any loss in population viability of any fish

species. Beneficial impacts will be expected to result in increased population viability of fish species, including Oregon Coast coho salmon (EA Chapter 3). The selected alternative included in the *Programmatic Biological Assessment (BA) for On-going USDA Forest Service and USDI Bureau of Land Management Activities Affecting Oregon Coast Coho Salmon within the Oregon Coast Range Province, Oregon*, which was submitted to National Marine Fisheries Service (NMFS) September 1998. A Biological Opinion (BO) covering the actions described in the programmatic BA was received from NMFS on June 7, 1999, and a new Incidental Take Statement (ITS) for the programmatic BO was issued on June 5, 2000. Consultation with NMFS over Essential Fish Habitat (EFH) is expected to be covered programmatically as well. If this is not the case, EFH habitat consultation will be completed with NMFS before any actions are implemented.

10. **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.** The selected alternative does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. The EA and supporting Project Record contain discussions pertaining to such laws as the Endangered Species Act, National Historic Preservation Act, Clean Water Act, Clean Air Act, and Coastal Zone Management Act. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, the selected alternative is consistent with applicable land management plans, policies, and programs (EA, Chapter 3.7).

PROTEST PROVISIONS

This decision is subject to protest by the public. To protest this decision, a person must submit a written protest to Dana Shuford, Tillamook Field Office Manager, 4610 Third Street, P.O. Box 404, Tillamook, Oregon 97141-0161 by the close of business (4:00 P.M. Pacific Standard Time) on January 11, 2001. The protest should clearly and concisely state the reasons why the decision is believed to be in error.

IMPLEMENTATION DATE

If no protest is received by the close of business (4:00 P.M. Pacific Standard Time) on January 11, 2001, this decision will become final but will not be implemented until a Biological Opinion is received from the United Stated Fish and Wildlife Service. Additionally, portions of these projects will not be implemented until the completion of the Wilson River watershed analysis and required surveys for survey and manage species. If a timely protest is received, this decision will be reconsidered in light of the statements of reasons for the protest and other pertinent information available and a final decision will be issued which will be implemented in accordance with 43 CFR Part 4.

CONTACT PERSON

For additional information concerning this decision or the BLM protest and appeal process, contact Katrina Symons, Tillamook Field Office, P.O. Box 404, 4610 Third Street, Tillamook, Oregon 97141; telephone (503) 815-1100.

Approved by: Dana R. Shuford 12-18-00

Dana R. Shuford
Tillamook Field Office Manager

Date