

UNITED STATES DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALEM DISTRICT OFFICE

**DECISION RECORD FOR THE  
Fiscal Year 2002 Log Placement / Culvert and Stream Restoration Project**

I have reviewed the proposal and alternatives for the Fiscal Year 2002 Log Placement / Culvert and Stream Restoration Project. The Bureau of Land Management (BLM), Marys Peak Resource Area, completed an environmental analysis (Environmental Assessment number OR-080-01-18) for a proposal to place log structures into Tobe Creek and Record Creek, and replace culverts that prevent fish passage on Record Creek and a tributary to the North Fork Siletz. These projects would be located in T.14 S., R.7 W, Section 19, T.14 S., R. 8 W, Section 26, Benton County Alsea Basin), and North Fork Siletz in T. 7 S., R. 8 W., section 32, Polk County (Siletz Basin). The affected environment, proposed action and potential environmental consequences of the proposed project and associated activities are described in the Fiscal Year 2002 Log Placement / Culvert and Stream Restoration Environmental Assessment (EA). The EA and Finding of No Significant Impact (FONSI) were made available for public review from May 16 to May 31, 2002.

The proposal complies with relevant laws, regulations and management plans for managing BLM administered lands, including the following.

- Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M ROD, January 2001) and the Final Supplemental Environmental Impact Statement For Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M FSEIS, November 2000).*
- *Salem District Record of Decision and Resource Management Plan (ROD/RMP, May 1995).*
- *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (ROD, April 1994) and the Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (SEIS, February 1994).*
- *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS, September 1994).*

The EA is tiered to the aforementioned environmental documents. All of these documents may

be reviewed at the Salem District BLM office, Marys Peak Resource Area, 1717 Fabry Rd. S., Salem Oregon. Office hours are Monday through Friday, 7:30 AM to 4:00 PM, closed on holidays.

## **Decision Record**

I have decided to implement the selected action as described in the Fiscal Year 2002 Log Placement / Culvert and Stream Restoration EA proposed action and project design features.

The following project would occur:

The culverts are located on Tobe Creek in T. 14 S., R. 7 W., Section 19, Record Creek in T.14 S., R.8 W, Section 26 and on a tributary to the North Fork Siletz in T. 7 S, R. 8 W., Section 32 (see map). The Siletz River Tributary and Record Creek would have a culvert replaced, whereas the Tobe Creek culvert would only have wood added to the channel to bring the level of the stream bottom up to the level of the culvert.

### Tobe Creek

Currently, the Tobe Creek culvert has a small step of approximately 1 foot. The Tobe Creek culvert is fairly new and would not be removed or replaced. Log structures (approximately three log truck loads) would be placed down stream of the culvert to bring the level of the stream bottom up to the level of the culvert. This wood would be placed by machinery using existing skid roads previously used in a restoration project on Tobe Creek completed in 1996. Wood for this project would come from blow down that would be salvaged from Bummer Ridge Road, Rock Creek Road, and from a stock pile located at the North Fork Alsea Fish Hatchery. Several small conifers would be released in the project area by cutting alders adjacent to the stream. This would ensure recruitment of large conifers for coarse large woody debris.

### Record Creek Culvert Upgrade

The existing Record Creek culvert would be replaced with a larger culvert (100 year flood) that meets State of Oregon criteria for fish passage and culvert guidance for road crossings. Just down stream of the pool below the culvert, a log jam would be placed to capture material moving down stream and to provide channel structure and cover for fish. Up stream of the new culvert, approximately four logs would be placed at about 10 foot intervals apart, sunken into the stream channel to alleviate some of the channel head cutting that would otherwise be expected. Salvage logs that are currently decked at the North Fork Fish Hatchery would be used. To sink the logs into the channel, machinery would access the flood plain of Record Creek and possibly cross the stream channel. Machinery would operate up stream of the culvert only as far as necessary to get wood down in the channel approximately 50 feet.

### North Fork Siletz Tributary

North Fork Siletz Tributary would have a culvert upgrade (100 year flood) to ensure adequate fish

passage. No wood placement is planned for this project.

## **Decision Rationale**

My decision to implement the proposed action is based on the primary goals of the project to assist in restoring and improving the ecological health of the watersheds and aquatic systems while honoring existing right-of-way agreements. The actions are proposed as means of implementing the watershed restoration component of the Northwest Forest Plan Aquatic Conservation Strategy. Watershed restoration is an integral part of the federal strategy to recover fish and riparian habitat and to improve water quality. Alternative 2 (no action) was not chosen because it would result in continued inhibited fish passage and degraded water quality.

A FONSI was issued with the original EA. My conclusions in the FONSI have not changed. I have determined that neither a supplement to the EA nor a change to the Finding of No Significant Impact.

## Public Involvement/Coordination/Consultation

### Scoping

Efforts to involve the public in planning for the proposed action were as follows:

- ! The general area was allocated Riparian Reserve in the ROD and ROD/RMP. These documents were widely circulated in the state of Oregon and elsewhere, and public review and comment were requested at each step of the planning process.
- ! A description of the proposal was included in the Salem Bureau of Land Management *Project Update* and mailed in April 2002 to more than 1200 individuals and organizations on the mailing list.
- ! A legal notice announcing availability of the EA for public review and comment was submitted to the *Corvallis Gazette-Times* and published on May 16, 2002.
- ! The public comment period for the FONSI/EA was May 16 to May 31, 2002.
- ! A letter was mailed to interested parties on May 16, 2002 announcing availability of the EA for public review.
- ! The EA and FONSI have been available for review on the internet at Salem BLM's website, <http://www.or.blm/salem> (under Planning) since May 16, 2002.

## Comments

No comments from the public were received.

## Consultation

All three projects *may affect*, but are *not likely to adversely affect* northern spotted owls and marbled murrelets for noise disturbance above associated stream and road noise during the latter part of the breeding season. Consultation with the United States Fish and Wildlife Service (service) regarding noise disturbance created by projects in the Marys Peak resource area has been completed as part of the *Programmatic Biological Assessment of Fiscal Year 2002-03 projects in the North Coast Province which might disturb bald eagles, northern spotted owls or marbled murrelets* (Log # B.O. 1-7-02-F-422. April 4, 2002).

This project meets the terms and conditions set forth in *The Incidental Take Statement for Programmatic Biological Opinion Covering U.S. Forest Service and Bureau of Land Management Administrative Units Within the Coast Range Province, Oregon* (December 21, 2001) for Coastal Coho Salmon, as issued by National Marine Fisheries Service.

## **Conclusion**

As Field Manager of the Marys Peak Resource Area, I reviewed the record for this proposed project and have decided to implement Alternative 1, the proposed action as described in the EA. A Finding of No Significant Impact was signed on May 16, 2002. The conclusions reached in that document have not changed.

## Right to Appeal

This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from the date of this decision. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

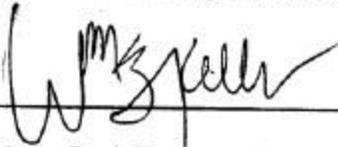
Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If no appeal is received by the close of business (4:00 p.m. Pacific Standard Time) on July 3, 2002, this decision will be implemented.

**Contact Person:** For additional information concerning this decision or the BLM appeal process, contact Belle Smith, (503)315-5984 Marys Peak Field Office, 1717 Fabry Road SE, Salem, Oregon 97306.

Responsible Official



Date

June 5, 02

Marys Peak Resource Area, Salem District  
Bureau of Land Management  
1717 Fabry Road SE  
Salem, OR 97306