

## FINAL DECISION DOCUMENTATION and DECISION RATIONALE

Project 1 (Road Decommissioning)  
EA # OR080-03-5  
Watershed Restoration and Road Decommissioning

USDI - Bureau of Land Management  
Salem District Office, Marys Peak Resource Area

The Bureau of Land Management (BLM), Marys Peak Resource Area, completed an environmental analysis for decommissioning approximately 4 miles of road (Project 1) in the Watershed Restoration and Road Decommissioning Environmental Assessment (EA) # OR080-03-5 (see Table 1, below). The proposed project, and the affected environment and potential environmental consequences of the proposed project, are described in the aforementioned EA. The EA and Finding of No Significant Impact (FONSI) were made available for public review beginning April 24, 2003.

Table 1: Roads to be Decommissioned and Location

Road	Location	County
14-8-31	T14S, R8W, Sec. 31,32; T15S, R8W, Sec.5	Benton
14-8-32.1	T14S, R8W, sec. 32; T15S, R8W, Sec. 5	Benton
14-9-25.1	T14S, R9W, Sec. 25	Benton
14-9-25.2	T14S, R9W, Sec. 25	Benton
15-8-5.1	T15S, R8W, Sec. 5	Lane
15-8-15.3	T15S, R8W, Sec. 16	Lane
15-8-16	T15S, R8W, Sec. 16	Lane
15-8-16.2	T15S, R8W, Sec. 16	Lane
15-8-18.2	T15S, R8W, Sec. 17	Lane
15-8-22.2	T15S, R8W, Sec. 22,23	Lane
15-8-22.5	T15S, R8W, Sec. 21	Lane
15-8-35	T15S, R8W, Sec. 25, 26, 35	Lane

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)*
- *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), and 2001, 2002 Annual Species Review, BLM Information Bulletin No. OR-2002-033.*

- *Salem District Record of Decision and Resource Management Plan (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)*
- *Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional 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)*
- *Western Oregon Program-Management of Competing Vegetation Final Environmental Impact Statement (VMFEIS, February 1989) and the Western Oregon Program-Management of Competing Vegetation Record of Decision (August 1992).*

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.

## **Decision Record**

After reviewing public comment, the content of the EA and supporting project record, the management recommendations contained in the *Lobster/Five Rivers Watershed Analysis* (USDA Forest Service, 1997) and the management direction contained in the *RMP*, I have decided to implement Alternative 1 (proposed action) and the associated design features as described in the EA, with the exception noted below. This alternative will be referred to from this point as the selected action.

## **Decision**

Road 14-9-25 (T14S, R9W, Sec. 25) provides potential access into Weyerhaeuser property in section 36 and will not be decommissioned.

All other roads (approximately 4 miles) in the selected action will be decommissioned, and the trash rack structure on South Fork Lobster Creek will be removed.

## **Decision Rationale**

My rationale for this decision follows:

1. The selected action addresses the identified purpose and need for action in that it will assist in restoring and improving ecological health of the Five Rivers/Lobster Creek watershed and aquatic systems within the watershed, while honoring existing road right-of-way agreements. The proposed road decommissionings would remove possible current and future sedimentation sources and meet Aquatic Conservation Strategy (ACS) requirements by "...closing and stabilizing, or obliterating and stabilizing roads based on the ongoing and potential effects to ACS objectives and considering short-term and long-term transportation needs" (*RMP*, p. 62), and reduce existing road mileage within key watersheds (*RMP*, p 63).

2. Alternatives 2, 3 and 4 were not selected for the following reasons:

Alternative 2 & 3 - Alternatives 2 & 3 are identical to Alternative 1 for this project.

Alternative 4 - The “no action” alternative was not selected because it would not meet *RMP* objectives for Riparian Reserves or key watersheds; nor would it meet Aquatic Conservation Strategy objectives (*RMP*, p. 5-6).

## **Public Involvement/Coordination/Consultation**

### **Scoping**

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

- The general area was shown as Riparian Reserves and Tier 1 Key Watershed in the *ROD* and *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 legal notice announcing availability of the EA for public review and comment was submitted to the *Corvallis Gazette-Times* and published on May 1, 2003. The FONSI/EA was open for comment from April 24 through May 28, 2003.
- Notices announcing the availability of the EA for public review were posted in the Alsea Post Office, store and restaurant, and on the Lobster Creek road.
- 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 April 29, 2003.

### **Comments**

Two e-mails were received commenting on the proposal. Appendix A summarizes the substantive comments and questions and includes BLM's response.

### **Consultation**

Due to the close proximity of unsurveyed suitable habitat (less than 0.25 mile), this project is considered a **may affect, likely adverse effect** to spotted owls and marbled murrelets if implemented during the critical part of the breeding period (March 1 to August 5). If implemented during the period August 6 to September 30, project activities would be considered a **may affect, not likely to adversely affect**. Between October 1 and February 28, the proposed project would be considered **no effect**. Formal consultation with the USDI Fish and Wildlife Service has addressed potential impacts to federally listed wildlife species. A Biological Opinion (BO) which was received on April 4, 2002 (reference # 1-7-02-F-422) concluded that these types of projects would not likely result in jeopardy to any listed species. All applicable terms and conditions required by the BO have been incorporated into the project design features for this proposed action. No significant effects are anticipated to occur to any other Special Status Species or Special Attention Species (including Survey and Manage Species).

This project meets the terms and conditions established in the *Endangered Species Act Section 7 Formal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for U.S. Forest Service and Bureau of Land Management Programmatic*

*Activities in Northwestern Oregon, February 25, 2003.* The effect determination for road decommissioning in the Coast Range province is **not likely to adversely affect** Coho salmon in the Coast Range.

## **Conclusion**

As Field Manager of the Marys Peak Resource Area, I reviewed the record for this project and have decided to implement Alternative 1, the proposed action as described in the EA, with the exception noted above. A Finding of No Significant Impact (FONSI) was signed on April 23, 2003 and was issued with the EA. I have determined that changes to this FONSI are not necessary for the following reason:

The existing EA for this project, along with additional information contained in this document, fully covers the project and there are no new circumstances or facts relevant to environmental concerns of the selected action or its impacts, which were not addressed in the EA.

### 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 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 December 12, 2003, this decision will be implemented.

**Contact Person:** For additional information concerning this decision or the BLM appeal process, contact Amy Haynes, (503) 315-5955, Marys Peak Field Office, 1717 Fabry Road SE, Salem, Oregon 97306; or [Amy\\_Haynes@BLM.gov](mailto:Amy_Haynes@BLM.gov).

*Cindy Enstrom*

Cindy Enstrom  
Marys Peak Resource Area Field Manager

*November 5, 2003*  
Date

Attachments: Appendix A: Public Comments and BLM Responses  
Form 1842-1: Appeals Information  
Maps

## APPENDIX A: PUBLIC COMMENTS AND BLM RESPONSES

Oregon Natural Resources Council sent an e-mail supporting the road decommissioning projects.

Weyerhaeuser Company: *Road 14-9-25 (within the S805) agreement provides potential access into our property in Section 36*

BLM Response:

Road 14-9-25 will not be decommissioned.

Weyerhaeuser Company: *Road 15-8-35 provides an alternative access when other Lobster Valley area roads are snowed out, or otherwise inaccessible. We also understand from law enforcement that this tie road is valuable and currently used as emergency access for them. The existing road is in good condition and should not be decommissioned.*

BLM Response:

Road 15-8-35 is within a Tier 1 Key watershed where we are directed to reduce existing road mileage on BLM lands where possible. In addition, coho salmon, a federally listed species, has been documented in the stream reach adjacent to the road, a portion of which was constructed within the South Fork Lobster Creek influence zone.

The existing culvert in the stream crossing does not meet currently required 100 year flood criteria. Decommissioning would prevent sedimentation from entering into coho habitat, and would create an opportunity to remove the trash rack structure on South Fork Lobster Creek which currently impedes travel of large wood downstream.

Road 15-8-15 parallels the road proposed for decommissioning (Road 15-8-35). Of the two routes, we determined that the 15-8-15 road better meets the needs of BLM for future timber management because of its ridge top location. Because the grades, alignments and elevation of the two roads are similar, the seasonal uses don't vary significantly. The only real benefit of Road 15-8-35 over Road 15-8-15 is its 1.5 mile shorter length when traveling between Lobster Valley and the Eugene District BLM.

Weyerhaeuser Company: *Road 15-8-35 is located in areas covered by our existing right of way agreements and it would be inefficient to decommission it and then have to reconstruct it at a later date.*

From research into the Reciprocal Agreement (S-805), there is no indication that Willamette Industries or Weyerhaeuser has hauled logs across either of the paralleling roads since inception of the agreement in 1973. In fact, Amendment No. 18 (1995) removed nearly all the lands upon which these roads are located from S-805. The Eugene District Reciprocal Agreement (E-340) includes portions of Sections 24, 25, 36, and all of Section 35 in T. 15 S., R.8W., but these lands cover only about 0.1 mile of the road proposed for decommissioning. Therefore, general administrative use has been allowed for Weyerhaeuser, but commercial use has not.

**INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS**

- DO NOT APPEAL UNLESS
1. This decision is adverse to you.
- AND**
2. You believe it is incorrect.

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED:

1. **NOTICE OF APPEAL** . . . . . Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Sections 4.411 and 4.413). You may state your reasons for appealing, if you desire.

**2. WHERE TO FILE  
NOTICE OF APPEAL-**

**Responsible Official**  
Bureau of Land Management  
1717 Fabry Road S.E.  
Salem, OR 97306

**SOLICITOR  
ALSO COPY TO-**

Regional Solicitor  
Pacific Northwest Region  
500 N.E Multnomah St., Suite 607  
Portland, OR 97232

3. **STATEMENT OF REASONS** . Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the **Interior Board of Land Appeal, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St. Suite 300, Arlington, VA 22203.** (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary.

**SOLICITOR  
ALSO COPY TO-**

**SAME AS 2B**

4. **ADVERSE PARTIES** . . . . . Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. **PROOF OF SERVICE** . . . . . Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, VA. 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Section 4.401(c)(2)). Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

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NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a)).

## SUBPART 1821.2 - - OFFICE HOURS; TIME AND PLACE FOR FILING

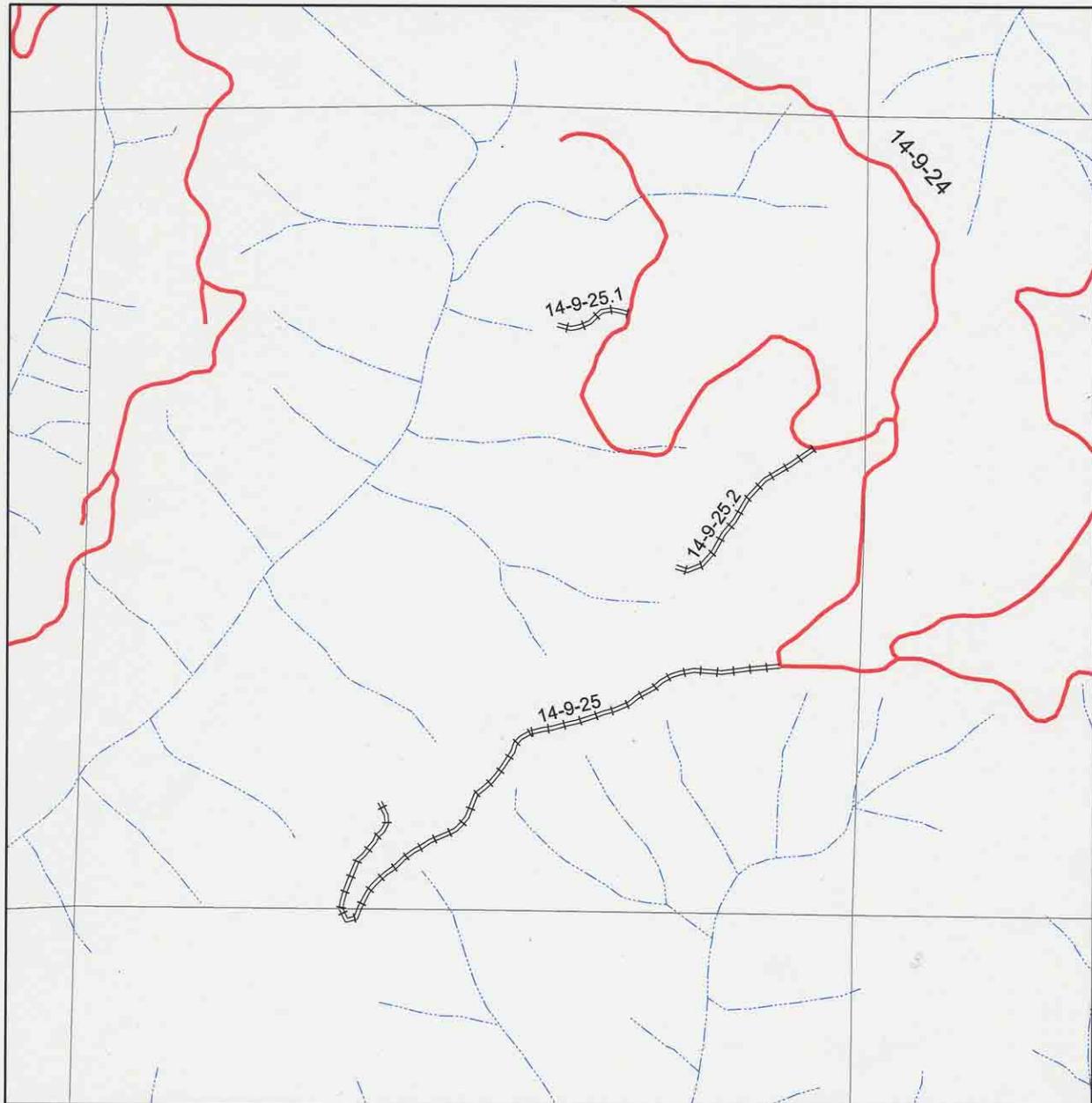
Sec. 1821.2-1 *Office hours of State Offices.* State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for filing of documents and inspection of records are for 10 am to 4 pm, standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d). Any document required or permitted to be filed under the regulations of this chapter, which is received in the Winnemucca Field Office, either in the mail or by personal delivery, when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

Sec. 1821.2-2(e). Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the Winnemucca Field Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

# Mary's Peak Watershed Restoration and Road Decommission

## Project 1 Road Decommissioning T14 - R9W - 25



Scale 1:12000



No Warranty is made by the Bureau of Land Management of us of the data for purposes not intended by the Bureau of Land Management

### Features

- ==+== Roads Decommissioned
- Roads
- - - Hydrology

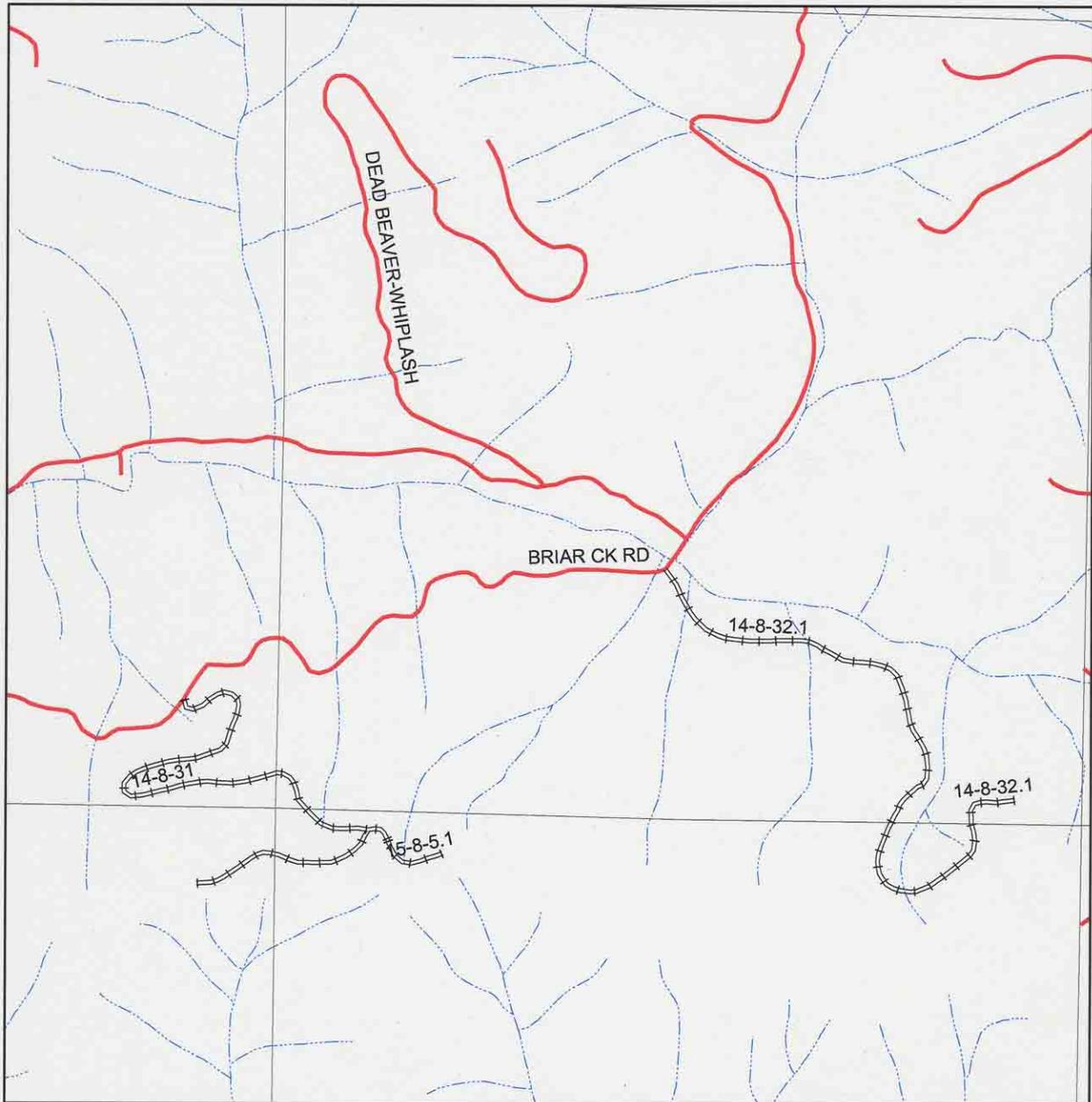


# Mary's Peak Watershed Restoration and Road Decommission

## Project 1

### Road Decommissioning

T14 - R8W - 32



Scale 1:12000



No Warranty is made by the Bureau of Land Management of us of the data for purposes not intended by the Bureau of Land Management

#### Features

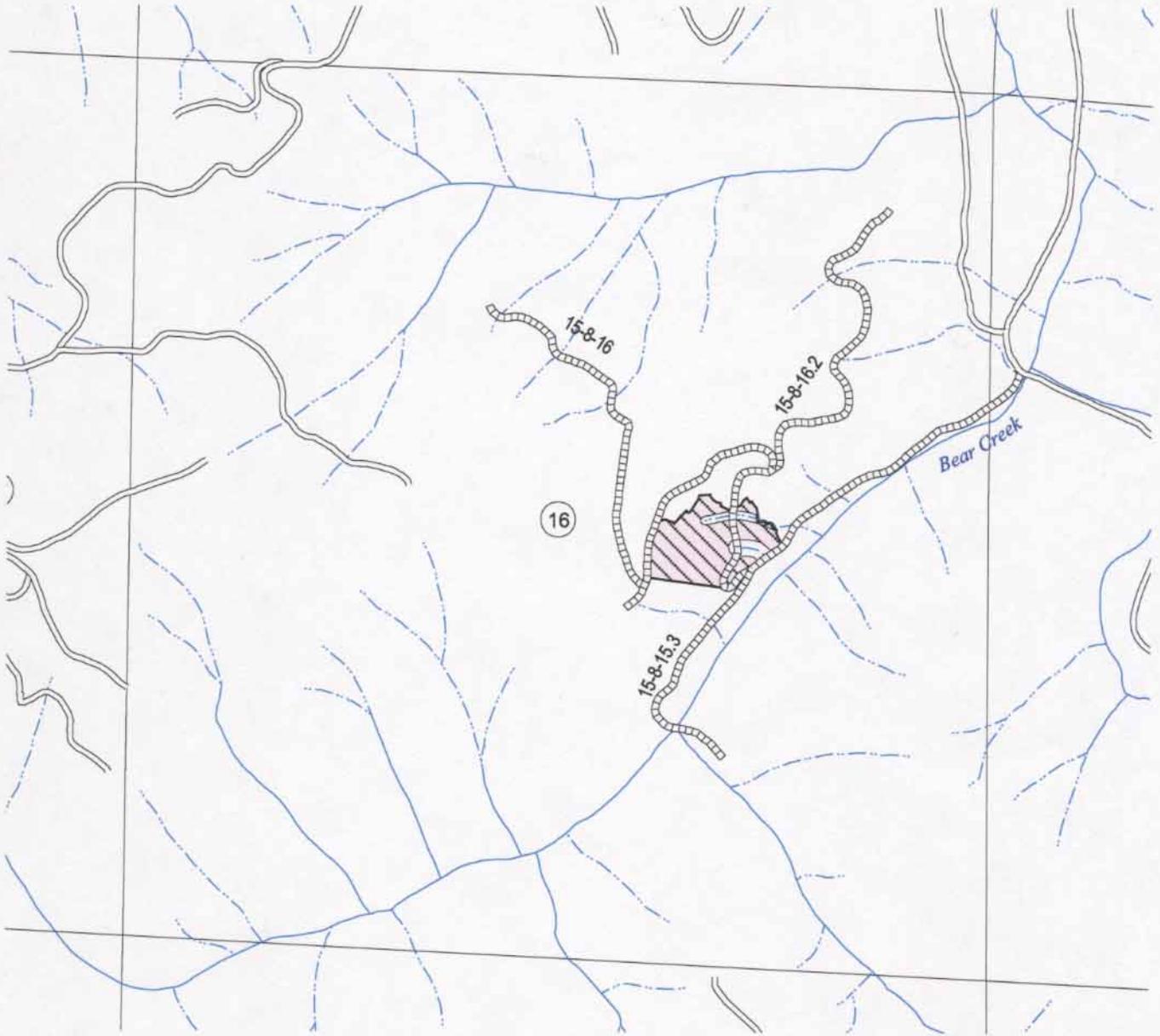
- Roads Decommissioned
- Roads
- Hydrology



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT

MARYS PEAK WATERSHED RESTORATION  
AND ROAD DECOMMISSIONING EA MAP

T15S, R8W, Section 16, W. M. - SALEM DISTRICT - OREGON



LEGEND

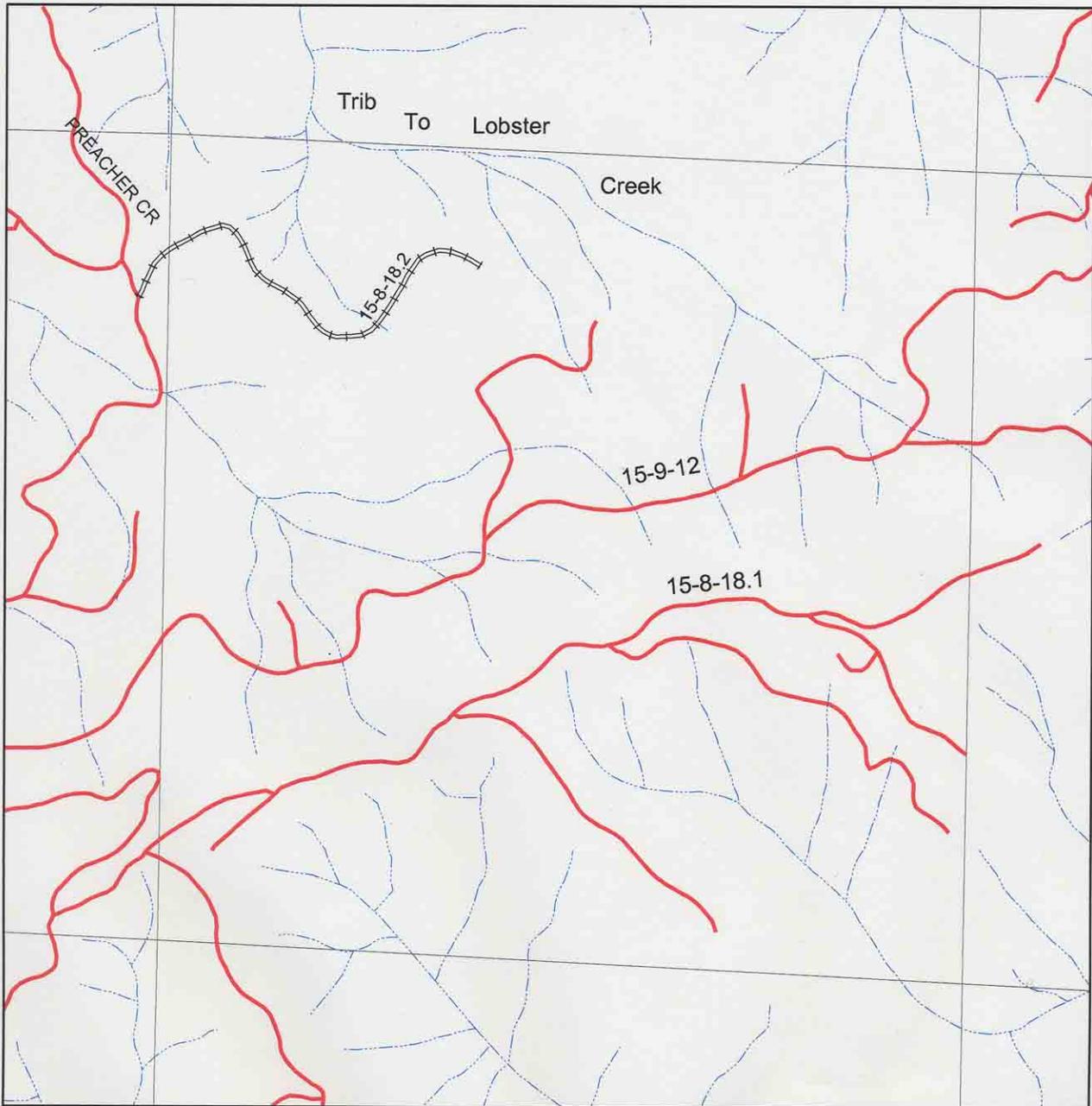
- |   |   |  |
|---|---|--|
|  Existing Road                        |  Non-Fishbearing, Not Verified         |  Project 5 - patch cuts |
|  Project 1- road to be decommissioned |  Project 3 - alder thinning            |  EA Unit Boundaries     |
|  Fishbearing, Not Verified            |  Project 4 - scattered conifer release |  |



Scale: 1" = 1,000'

# Mary's Peak Watershed Restoration and Road Decommissioning

## Project 1 Road Decommissioning T15 - R8W - 17



Scale 1:12000



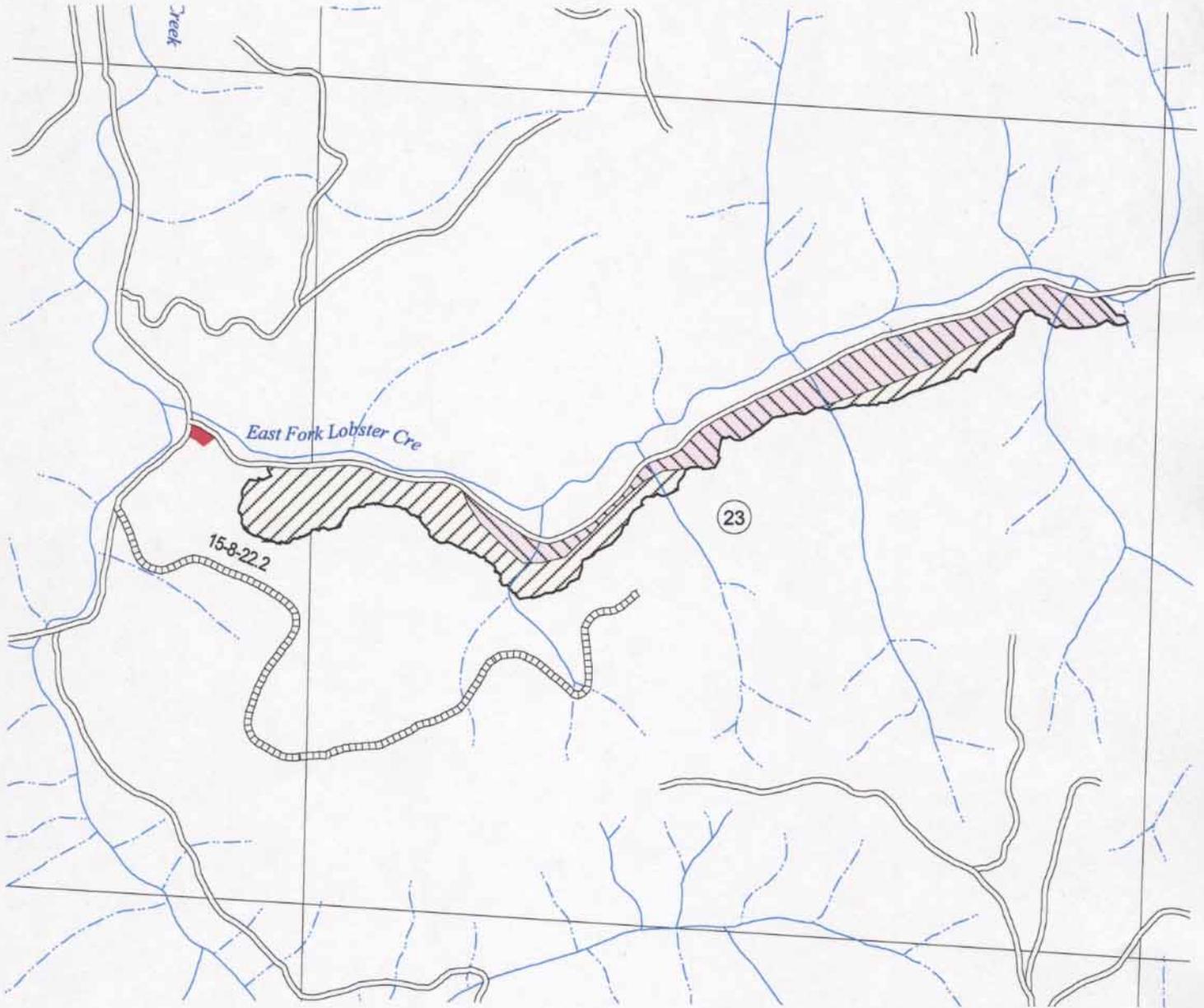
No Warranty is made by the Bureau of Land Management of us of the data for purposes not intended by the Bureau of Land Management

### Features

- Roads Decommissioned
- Roads
- - - Hydrology



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
**MARYS PEAK WATERSHED RESTORATION  
AND ROAD DECOMMISSIONING EA MAP**  
T.15S.,R.8W., Section 23, W. M. - SALEM DISTRICT - OREGON



**LEGEND**

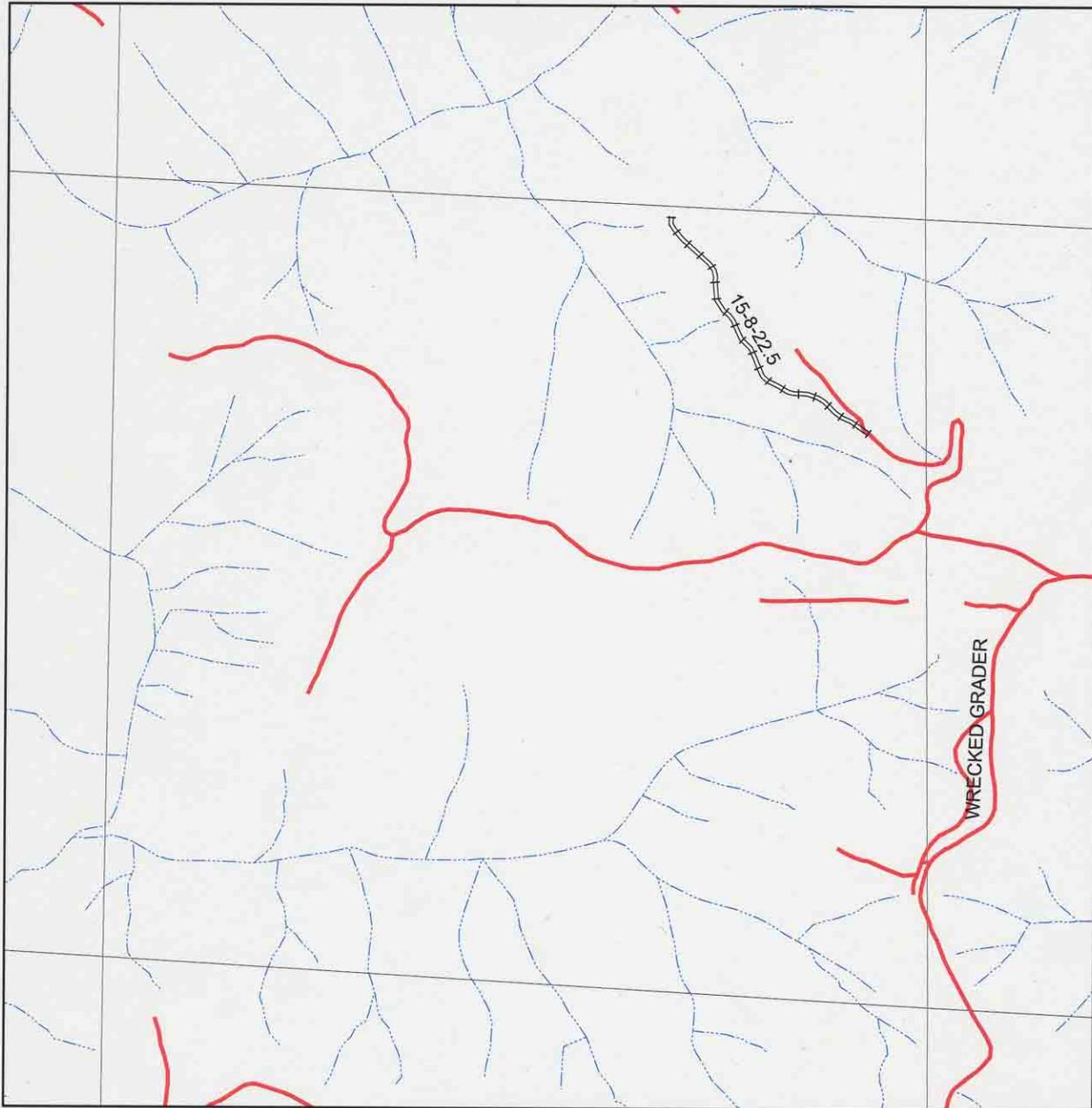
- |                                       |                                       |                         |
|---------------------------------------|---------------------------------------|-------------------------|
| Existing Road                         | Non-Fishbearing, Not Verified         | Project 5 - patch cuts  |
| Project 1 - Road to be Decommissioned | Project 3 - alder thinning            | EA Unit Boundaries      |
| Fishbearing, Not Verified             | Project 4 - scattered conifer release | mollusk protection area |



Scale: 1" = 1,000'

# Mary's Peak Watershed Restoration and Road Decommissioning

## Project 1 Road Decommissioning T15 - R8W - 21



Scale 1:12000



### Features

- === Roads Decommissioned
- Roads
- Hydrology

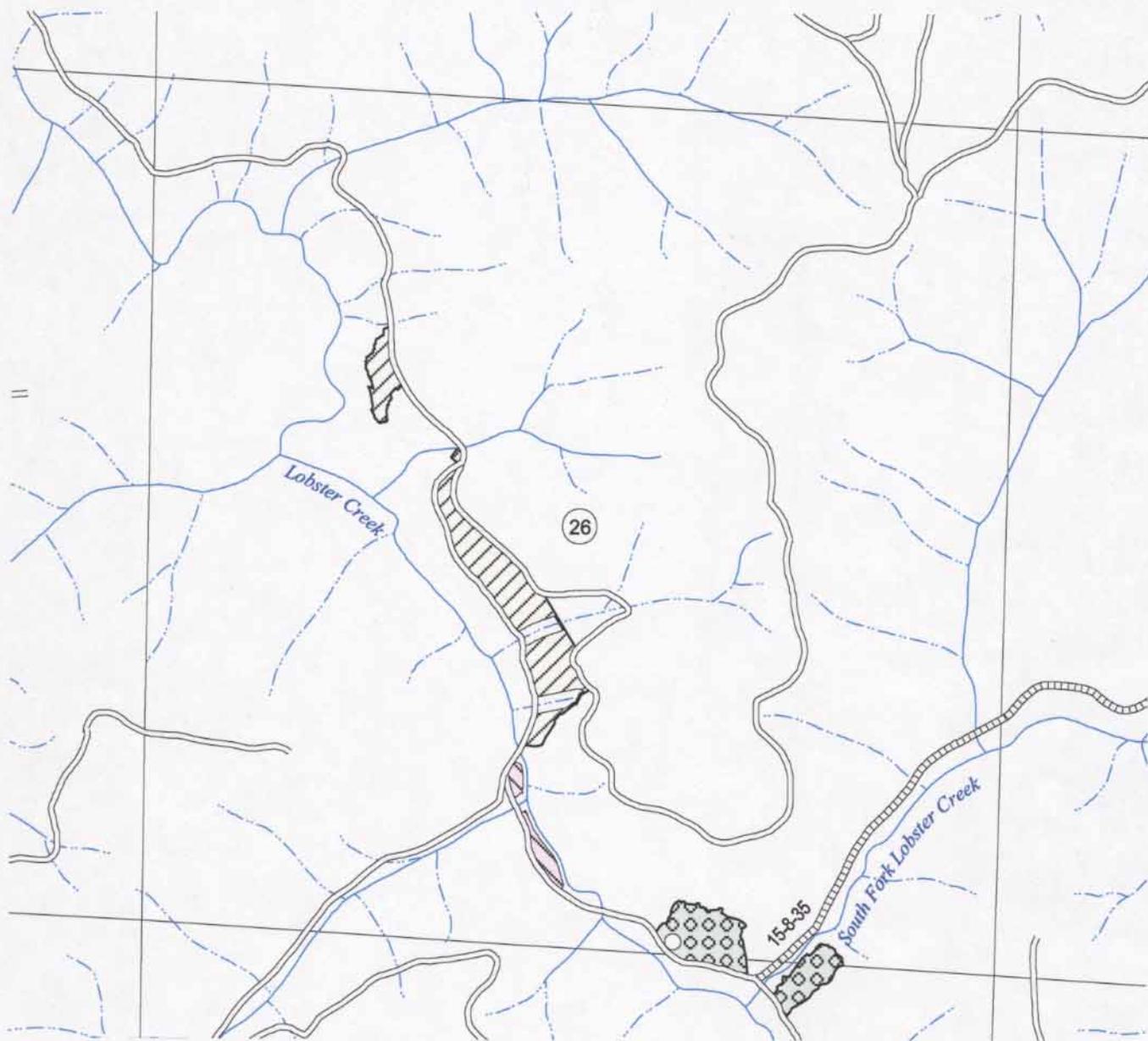


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BUREAU OF LAND MANAGEMENT

MARYS PEAK WATERSHED RESTORATION  
AND ROAD DECOMMISSIONING EA MAP

T. 15S., R. 8W., Section 26, W. M. - SALEM DISTRICT - OREGON



LEGEND

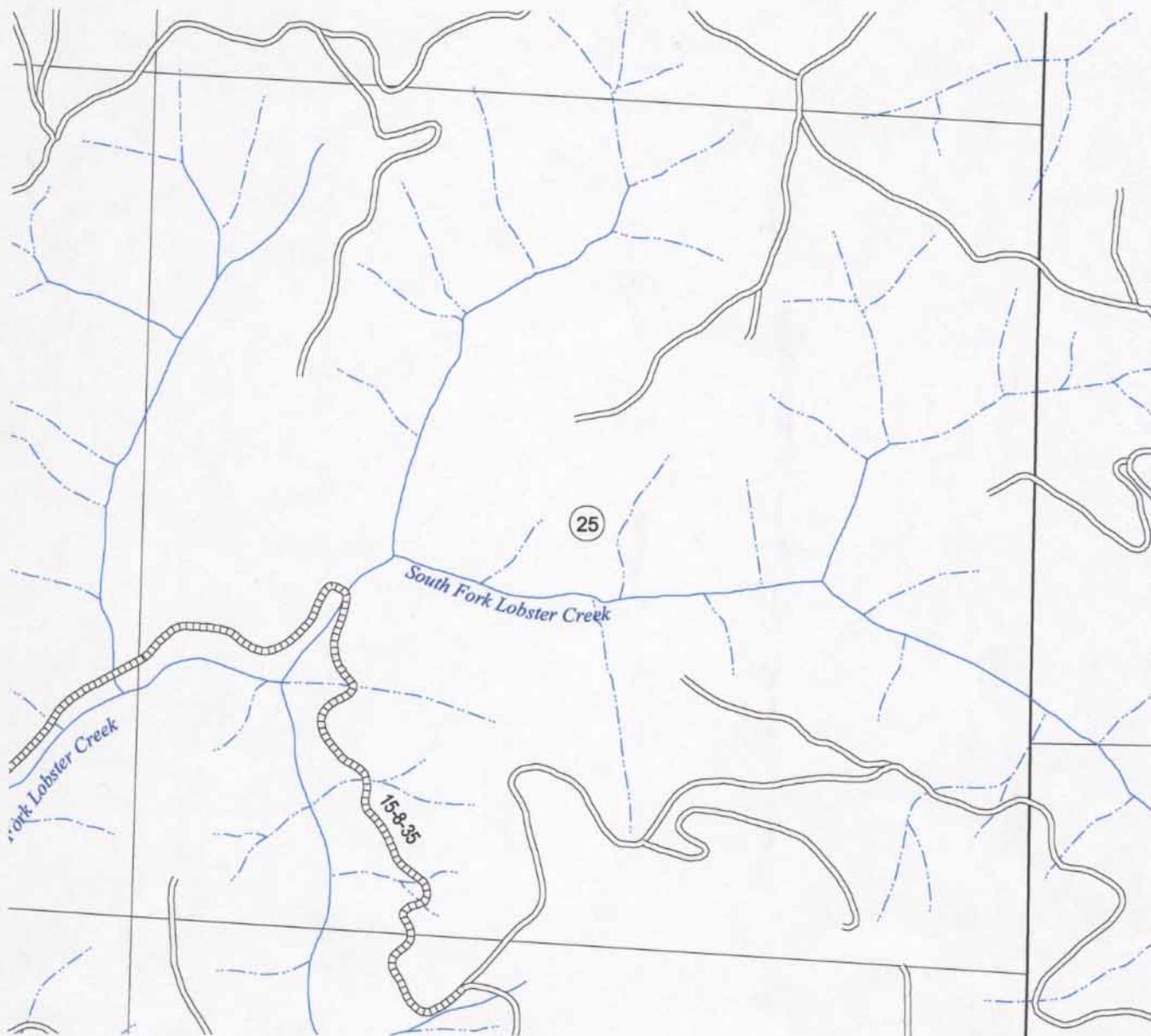
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|---------------------------------------|---------------------------------------|------------------------|
| Existing Road                         | Non-Fishbearing, Not Verified         | Project 5 - patch cuts |
| Project 1 - road to be decommissioned | Project 3 - alder thinning            | EA Unit Boundaries     |
| Fishbearing, Not Verified             | Project 4 - scattered conifer release |                        |



Scale: 1" = 1,000'

United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
**MARYS PEAK WATERSHED RESTORATION  
AND ROAD DECOMMISSIONING EA MAP**

T. 15S., R.8W., Section 25, W. M. - SALEM DISTRICT - OREGON



**LEGEND**

- |                                       |                                       |                        |
|---------------------------------------|---------------------------------------|------------------------|
| Existing Road                         | Non-Fishbearing, Not Verified         | Project 5 - patch cuts |
| Project 1 - road to be decommissioned | Project 3 - alder thinning            | EA Unit Boundaries     |
| Fishbearing, Not Verified             | Project 4 - scattered conifer release |                        |



Scale: 1" = 1,000'