

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

**DECISION RECORD FOR THE
FY 2001-2003 Road Related Watershed Restoration Projects EA Amendment**

I have reviewed the proposal and alternatives for the FY 2001-2003 Road Related Watershed Restoration Project EA Amendment (EA # OR-080-01-10). The Bureau of Land Management (BLM), Marys Peak Resource Area, completed an environmental analysis amendment (Environmental Assessment number OR-080-01-10) for a proposal to add logs to the upper drainage of Fall Creek (T. 13 S., R. 8 W., Sec. 7) and changes to the Bear Creek Road Decommissioning (13-8-8.1) in the Lower Alsea River Watershed, Marys Peak Resource Area, Lincoln County, Oregon.

As authorized by the Decision Record for the Fiscal Year 2001-2002 Road -Related Watershed Restoration Projects (EA# OR-080-01-10), signed June 19, 2000, the Fall Creek culverts will be replaced with a larger culvert to allow fish passage. After followup discussions with Marys Peak Area resource specialists, it was recommended that the culvert replacement on Fall Creek should have wood added to the channel to stabilize the amount of bed load movement, provide cover for fish and add to habitat complexity. The objectives are to provide more channel roughness and slow the water velocity down to allow material to settle out in the channel, thus having the channel aggrade. The replaced culvert would have bed load material placed inside the culvert to prevent too much head cutting of the stream channel. Large boulders would be placed in front of the new larger culvert to prevent further head cutting and scouring, and keep bed load inside the new culvert.

With the work at this site, the opportunity also exists to do an additional riparian treatment. Approximately fifteen conifers would be released by having competing alders felled to provide additional sun light for the remaining conifers.

The action described in this environmental assessment amendment is proposed to add large woody debris (LWD) to the channel of Fall Creek to capture bed load as the channel reaches it's new substrate level. This will provide channel complexity and habitat diversity within the Fall Creek Channel.

As authorized by the Decision Record for the Fiscal Year 2001-2002 Road -Related Watershed Restoration Projects (EA# OR-080-01-10), signed June 19, 2000, the Bear Creek Road (13-8-8.1) decommissioning project will proceed, however, resource area specialist recommended that the road not be ripped and that road sides not be pulled up to avoid more disturbance. The project would include the removal of the culvert and all road embankment material from the Bear Creek stream channel and flood plain. The culvert would be taken from the project area by the Contractor for his reuse or optional disposal at an approved facility. The recovered embankment

material would be transported to stable locations outside the riparian area and placed within the excavated portion of the decommissioned roadbed. The material would primarily be used to fill in the ditch line, blending into the natural contours. The road bed would be reshaped in an out-sloped pattern to help restore natural hydrologic function. No material would be wasted upon any existing side cast fill.

The decision to decommission Bear Creek Road, covered by the original environmental assessment has been further considered. Specialists have determined that to reduce the spread of non-native plants and the amount of soil disturbance, all culverts would be removed but the road would not be ripped or require a full pull back of the sides. This EA amendment is tiered to FY 2001-2002 Road Related Watershed Restoration Projects (EA #OR-080-00-10) 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 FY 2001-2003 Road Related Watershed Restoration Project EA Amendment (EA # OR-080-01-10) proposed action and project design features. The following project would occur:

Fall Creek

Fall Creek should have wood added to the channel to stabilize the amount of bed load movement, provide cover for fish and add to habitat complexity. The objectives are to provide more channel roughness and slow the water velocity down to allow material to settle out in the channel, thus having the channel aggrade.

Bear Creek Road

The Bear Creek Road (13-8-8.1) decommissioning project will proceed, however, resource area specialist recommended that the road not be ripped and that road sides not be pulled up to avoid more disturbance. The project would include the removal of the culvert and all road embankment material from the Bear Creek stream channel and flood plain. The culvert would be taken from the project area by the Contractor for his reuse or optional disposal at an approved facility. The recovered embankment material would be transported to stable locations outside the riparian area and placed within the excavated portion of the decommissioned roadbed. The material would primarily be used to fill in the ditch line, blending into the natural contours. The road bed would be reshaped in an out-sloped pattern to help restore natural hydrologic function. No material would be wasted upon any existing side cast fill.

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 a 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, original EA) was not chosen because it would result channel degradation and loss of habitat complexity and an increased risk in noxious weed colonization in Bear Creek Road.

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

The proposed project was submitted for consultation to the U.S. Fish and Wildlife Service (FWS) in March, 2002. A Letter of Concurrence Log # 1-7-02-I-477 was received on April 10, 2002 regarding this project. The proposed action is considered a "may affect, not likely to adversely affect" northern spotted owls, marbled murrelets and bald eagles.

This project meets the terms and conditions of *The Incidental Take Statement for Programmatic Biological Opinion Covering U.S. Forest Service and Bureau of Land Management Administrative Units Within the Oregon Coast Range Province, Oregon* (December 20, 2001).

Although the area where trees would be felled are established only in clumps, (not fully stocked) the falling of ten trees would not adversely affect future woody debris loading in the Fall Creek Channel. Young stands of conifers as well as older stands are well represented within the reach, outside of the clumps where trees would be felled. The Fall Creek Channel is confined by hillslopes (topographic shading). Due to the fact that future large wood potential is still high within this reach and shade is not impacted this condition from the programmatic would be met and maintained.

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

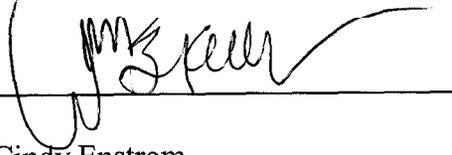
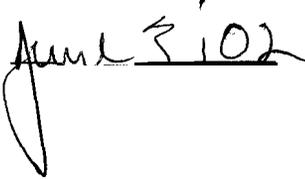
Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (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 

Cindy Enstrom
Field Manager
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Bureau of Land Management
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