

U.S. Department of Interior
Bureau of Land Management
Roseburg District, Oregon

Millpond Maintenance Facility

Decision Document

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**U.S. Department of Interior
Bureau of Land Management
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Millpond Maintenance Building

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SECTION 1 – THE DECISION

Decision

It is my decision to authorize implementation of Action Alternative 2 as described in the Millpond Maintenance Facility Environmental Assessment (EA), Chapter 2, pages 7-10 (EA #OR-104-07-01). The Millpond Maintenance Building will be built at Site #2 which is currently the overflow parking lot that services the Millpond Recreation Site and a small stand (0.2 acres) of young conifers 7-15 inches diameter breast height. On-the-ground implementation of Action Alternative 2 is contingent upon funding and available staffing.

Construction of the facility will occur within the existing boundary of the Millpond Recreation Site which is located on the east side of road 26-3-1.0 in Section 21; T25S, R02W; Willamette Meridian. This project is within the Riparian Reserve Land Use Allocation and within the North Umpqua Special Recreation Management Area.

The Project Design Features that will be implemented as part of the Action Alternative are described on pages 10-13 of the Millpond Maintenance Facility EA, as modified by this Decision Document. These project design features will be developed into contract stipulations and will be implemented as part of the construction contract.

This decision is subject to administrative remedy under 43 CFR § 5003.2 and 5003.3.

Updated Information

Since the EA was released, there have been developments and updated information regarding: (1) consultation with the U.S. Fish and Wildlife Service for the northern spotted owl, (2) the Oregon Coast coho salmon, (3) the Survey and Manage Program, and (4) the Bureau Special Status Species policy.

This updated information, described below, has been considered but does not alter the conclusions of the analysis.

1) Northern Spotted Owl Informal Consultation:

In accordance with the Endangered Species Act, informal consultation with the U.S. Fish and Wildlife Service (USFWS) has been completed for the federally threatened northern spotted owl. On March 13, 2007 Swiftwater Field Office biologists visited Sites #1 and #2 with the USFWS.

During the field visit, it was determined that Site #1 (i.e. adjacent to Lone Pine Group Campground on the west side of the 26-3-1.0 road [Rock Creek Road]) was located within dispersal habitat for the northern spotted owl. Removal and permanent loss of 1.2 acres of dispersal habitat due to the proposed construction of the facility was determined to be a

“likely to adversely affect” for the spotted owl, and would require formal consultation if Action Alternative 1 were to proceed.

It was also determined that Site #2, did not contain either suitable or dispersal habitat for the northern spotted owl. Therefore, development of the Millpond Maintenance Facility at Site #2 was determined to have “no effect” on the northern spotted owl.

2) Oregon Coast Coho Salmon:

On February 4, 2008 NOAA Fisheries Service announced that it is listing the Oregon coast coho salmon evolutionary significant unit (ESU) as threatened under the Endangered Species Act. This includes the designation of critical habitat. NOAA Fisheries Service announced that it is listing the Oregon Coast coho salmon evolutionarily significant unit (ESU) as *threatened* under the Endangered Species Act. This action includes designation of critical habitat. The BLM is required to consult with NOAA Fisheries on any action that the BLM determines is “may affect” the Oregon coast coho salmon. There is no requirement for the BLM to consult on actions that are determined to have "no effect" on the listed species.

The Swiftwater fisheries staff has determined that this project will have no mechanism for an effect to the Oregon Coast coho salmon. Action Alternative 2 and its interrelated and interdependent actions will have no direct effects on the Oregon Coast coho salmon and will not destroy or adversely modify designated critical habitat. In addition, project design features would ensure that no indirect effects to coho or their habitat would occur. Therefore, it has been determined that the proposed action will have "no effect" on listed fish species.

3) Survey and Manage Program:

On July 25, 2007, a new *Record of Decision to Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* was signed by the Assistant Secretary, U.S. Department of the Interior. The effect of the decision eliminated the provisions of the Survey and Manage program set forth in the *Record of Decision for Amendments (ROD) to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl*. The 2007 *Record of Decision* addressed both the deficiencies in the 2004 *Record of Decision* set aside by the District Court in Northwest Ecosystem Alliance et al. v. Rey et al. and the decision of the United States Court of Appeals for the Ninth Circuit in Klamath Siskiyou Wildlands Center et al. v. Boody et al. Consequently, the decision to eliminate Survey and Manage is effective on this project.

4) Bureau Special Status Species Policy:

On July 26, 2007, the Oregon/Washington BLM revised the special status species list and policy in IM-OR-2007-072. Updates to Oregon/Washington special status species include: the removal of the previous categories of Bureau Assessment and Bureau Tracking, the addition of the category of “Strategic Species”, updates to the criteria for the creation of Bureau Sensitive species, and changes to the list of species that are Sensitive or Strategic.

Bureau Sensitive species will continue to be managed in compliance with BLM National Manual and OR/WA State Policy (BLM 6840) as they were prior to IM-OR-2007-072. Policies from BLM 6840 do not apply to Bureau Strategic species (IM-OR-2007-072). For

Strategic species, analysis in NEPA documents is not required but if sites are located, field units are required to collect occurrence data and enter into the corporate database (e.g. GeoBOB).

However, there is a phase in for implementation of pre-project clearances for the new species listed as Bureau Sensitive in IM-OR-2007-072. Where pre-project clearances have already been conducted for a project, there are no requirements to conduct pre-project clearances or address the newly added Bureau Sensitive species in NEPA analyses. Since evaluations and clearances for special status species were completed for the EA (June 25, 2007), prior to the release of IM-OR-2007-072, newly added Bureau Sensitive species were not addressed.

Compliance and Monitoring

Compliance with this decision will be ensured by frequent on the ground inspections by the Contracting Officer's Representative. Monitoring will be conducted as per the direction given in Appendix I of the RMP (pgs. 189-209).

SECTION 2 – THE DECISION RATIONALE

The Project Design Features described in the EA (pgs.10-13) will protect riparian habitat, limit soil erosion and sedimentation, protect slope stability, retain biological legacies for present and future wildlife, prevent and/or control the spread of noxious weeds, protect cultural resources, protect Special Status and SEIS Attention plants and animals, prevent and report accidental spills of hazardous materials, protect air and water quality, and protect the aesthetic and recreational qualities of Lone Pine and Millpond recreation sites. I have reviewed the resource information contained in the EA, which is briefly summarized in Table 1 (below), and the updated information presented in this Decision. This decision recognizes that impacts could occur to some of these resources; however, the impacts to resource values will not exceed those identified in the *Final - Roseburg District Proposed Resource Management Plan / Environmental Impact Statement* (PRMP/EIS).

Chapter 2 of the EA describes three alternatives: a "No Action" alternative, "Proposed Action Alternative 1", and "Proposed Action Alternative 2". Under the action alternatives, two locations were analyzed; Site #1 (i.e. adjacent to Lone Pine Group Campground on the west side of the 26-3-1.0 road [Rock Creek Road]) and Site #2 (i.e. within the overflow parking lot that services the Millpond Recreation Site on the east side of Rock Creek Road).

The No Action alternative was not selected because it did not meet the objective (EA, pg. 6) to provide a safe and secure maintenance facility for the Maintenance Organization to store equipment, tools and supplies.

Although Site #1 would meet the objective to provide a safe and secure facility, it was not selected because:

- a. The estimated, financial cost for building the maintenance facility at Site #1 (\$236,400-\$311,900) would be approximately three times greater than at Site #2 (\$89,200);
- b. More trees would be removed at Site #1 (approximately 139 trees) than at Site #2 (approximately 23 trees);

- c. Construction at Site #1 would require the improvement of the existing drainage network through the Rock Creek Recreation Site whereas construction at Site #2 would not; and
- d. Construction at Site #1 would require formal consultation with the U.S. Fish and Wildlife Service due to the removal of 1.2 acres dispersal habitat for northern spotted owls and precluding that habitat from developing in the future.

SECTION 3 – PUBLIC INVOLVEMENT

For the Millpond Maintenance Facility EA, comments were solicited from affected tribal governments and affected State and local government agencies. No comments were received from these sources. The general public was notified via the *Roseburg District Planning Update* (Winter 2006, Spring 2007, Summer 2007, Fall 2007, and Winter 2007 editions) which was sent to approximately 150 addressees. These addressees consist of members of the public who have expressed interest in Roseburg District BLM projects. In addition, a thirty day public comment period was held for the Millpond Maintenance Facility EA from July 3, 2007 through August 2, 2007.

The Swiftwater Field Office received four comments regarding the Millpond Maintenance Facility. Upon reviewing the comments it was determined that the following topics warrant additional clarification: (1) clarification of the land use allocation, (2) fuel storage, (3) diesel fumes, (4) status of the existing maintenance facility, and (5) location of hazardous waste site.

1) Clarification of the Land Use Allocation

A comment was received requesting clarification of the land use allocation for the proposed action alternatives.

The cover page of the EA (pg. i) erroneously states the project area is within the General Forest Management Area. As correctly stated on page 10 of the EA, both Site #1 and #2 are located within the Riparian Reserve.

2) Fuel Storage

A comment was received regarding fuel storage on-site and how fuel would be transported to and from the site.

As stated in the EA (pgs. 7-8), stored fuel would be a maximum of 55 gallons of oil and 55 gallons of diesel fuel or gasoline. Petroleum products would be stored in an approved, fire and spill-proof UL-Listed container. Petroleum would be delivered in these UL-Listed containers and not in a bulk transport truck. In addition, re-fueling of vehicles and heavy equipment will not be done at this facility (EA, pg. 8).

3) Diesel Fumes

A comment was received that expressed concern about diesel fumes from idling trucks and equipment.

Project design features will limit the idling of heavy equipment to between 8:00 AM and 6:00 PM (local time) to avoid nuisance effects to visitors such as sounds and odors. This

restriction is in effect when Millpond Recreation Site and/or Lone Pine Group Campground is open (typically May to October). It is expected that heavy equipment idling will occur infrequently and be of short-duration when it does occur.

In the EA (pg. 13), project design features limited the idling of heavy equipment to between 8:00 AM and 8:00 PM but the time was further restricted to between 8:00 AM and 6:00 PM to better accommodate visitors.

4) Status of the Existing Maintenance Facility

A comment was received asking what happens to the existing Rock Creek Maintenance Facility after the new Millpond Maintenance Facility is operational.

The existing Rock Creek Maintenance Facility located on the east side of the 26-3-1.0 road, T25S, R02W, Section 21, Willamette Meridian, will be used as a storage yard for bulk items such as gravel, sand, and firewood. Currently there are three buildings within the fenced perimeter at Rock Creek, two of which will be demolished to allow for greater storage capacity of bulk items. The third building will remain on-site as dry storage for bulk items. High-value items, such as tools and equipment, will be moved to the new facility at Millpond.

5) Location of Hazardous Waste Area

A comment was received that inquired if the site of the new maintenance facility would be impacted by the location of a hazardous waste area that was discovered in 1999.

The location of the waste site, which was used for partially empty drums of solvents, was located more than 1,000 feet from Site #2. The waste site was removed in 1999 and will not affect, nor be affected by, the construction and use of the maintenance facility at Site #2.

SECTION 4 – PROTEST PROCEDURES

The decision described in this document is considered a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR § 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer [Marci L. Todd] within 15 days of the publication date of the notice of decision in *The News-Review*, Roseburg, Oregon.

43 CFR § 5003.3 subsection (b) states that: “Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision.” This precludes the acceptance of electronic mail or facsimile protests. Only written and signed hard copies of protests that are delivered to the Roseburg District Office will be accepted. The protest must clearly and concisely state the reasons why the decision is believed to be in error.

Protests received more than 15 days after the first publication of the notice of decision are not timely filed and shall not be considered. 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 her. The authorized officer shall, at the conclusion

of her review, serve her 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 Marci L. Todd, Field Manager, Swiftwater Field Office, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd; Roseburg, OR. 97470, 541 440-4931.

Marci L. Todd, Field Manager
Swiftwater Field Office

Date

Table 1. Summary of Effects of the Selected Action Alternative 2.

Context (What?)	Intensity (How Much?)	Reason for not being Significant.
Cultural Resources		
Cultural Resources.	Historical archaeological site 35DO897, the Rock Creek Mill, was recorded in 2001 but is not eligible for the National Register of Historic Places. The project area has been surveyed (February 2007) but no additional cultural resources were identified.	Implementation of the Action Alternative 2 will have no effect on historic properties (EA, pg. 14).
Recreation		
Visitor Experience.	<p>Site #2 is located where a considerable amount of recreational use takes place by visitors.</p> <p>There will be potentially distracting sounds (i.e. engine idling) and offensive odors (i.e. diesel exhaust) emanating from the facility while heavy equipment is idling (EA, pg. 17-18).</p>	<p>The amount of overflow parking available during special events will be reduced while other types of recreational activities will not be affected (EA, pg. 17-18).</p> <p>It is expected that heavy equipment idling will occur infrequently and be of short-duration when it does occur. In addition, heavy equipment idling is restricted to between 8:00 AM and 6:00 PM (Decision Document, pg. 6).</p>
Visual Resource Management (VRM).	Site #2 is in VRM Class II. Management activities may be seen but should not attract the attention of the casual observer. Changes should repeat the basic elements of form, line, color, texture, and scale found in the predominant natural features of the characteristic landscape (EA, pg. 18).	The design of the maintenance facility will harmonize with the surrounding landscape as much as practical and vegetative screening will help to repeat the basic features of the landscape. (EA, pg. 18).
Wildlife		
Noise/Visual Disruption of Northern Spotted Owl nesting behaviors.	There are no known northern spotted owl sites, activity centers, or unsurveyed suitable habitat within 65 yards of Site #2 (EA, pg. 12). Seasonal restrictions (March 1 st – June 30 th) would be applied if future surveys locate a spotted owl nest site within 65 yards of the proposed project area (EA,	No disruption effects to spotted owls will occur.

Context (What?)	Intensity (How Much?)	Reason for not being Significant.
	pg. 12).	
Northern Spotted Owl Habitat.	Site #2 does not contain dispersal-only habitat (EA, pg. 21) or suitable nesting, roosting, foraging habitat (EA, pg. 20). The nearest suitable habitat is approximately 300 yards south of the project area (EA, pg. 20).	There will be no effect to spotted owl habitat (EA, pg. 21; Decision Document, pgs. 2-3).
Critical Habitat for the Northern Spotted Owl.	This project is not within designated critical habitat for the northern spotted owl (EA, pg. 20).	There will be no effect to critical habitat for the northern spotted owl (EA pg. 20).
Bald Eagle.	There is no suitable nesting habitat in Site #2 and it is suspected there is a nest site within 2 miles of Site #2 (EA, pg. 19).	Construction and use of the maintenance facility will not disrupt nesting eagles, if they occur, because they would be habituated to current activity levels at Millpond Recreation Site and Lone Pine Campground (EA, pg. 20).
Northern Goshawk (Bureau Sensitive).	There are currently no known northern goshawk nest sites within the project area but they may be present in late-successional habitat approximately 300 yards south of the project area (EA, pg. 21).	The removal of 0.3 acres of trees will result in the loss of prey habitat for the goshawk. However, based on the proximity of the surrounding habitat and to human activity, this stand of trees is not likely to be used for hunting goshawks (EA, pg. 22).
Northwestern Pond Turtle (Bureau Sensitive).	Northwestern pond turtles have been documented 2.9 miles downstream in Rock Creek. However, suitable habitat conditions for overwintering (e.g. deep duff/litter layers or large woody debris) are absent from Site #2 (EA, pgs. 22-23).	There will be no effect to pond turtles from the selected Action Alternative 2 (EA, pg. 23).
Rotund Lanx (Bureau Sensitive).	The rotund lanx is suspected to occur in Rock Creek. Water quality and habitat structure (e.g. such as cobble and bedrock) for the rotund lanx will not be or modified (EA, pg. 24).	There will be no effect to the rotund lanx or its habitat (EA, pg. 24).
Townsend's Big-eared Bat (Bureau Sensitive) & Fringed Myotis (Bureau Assessment).	Approximately 0.3 acres (22 conifers at Site #2) of potential bat roosting habitat will be removed (EA, pg. 24).	The loss of 0.3 acres of potential bat roosting habitat is inconsequential because the trees would likely be removed

Context (What?)	Intensity (How Much?)	Reason for not being Significant.
		as decadent features that create bat roosts develop (e.g. snags, cavities).
Foothill Yellow-legged Frog (Bureau Assessment).	Foothill yellow-legged frogs have been documented in Rock Creek. Water quality and habitat structure (e.g. pools and rocky stream bottoms) for yellow-legged frogs will not be or modified (EA, pg. 25).	There will be no effect to the yellow-legged frog or its habitat (EA, pg. 25).
Remaining Bureau Sensitive (BS) and Bureau Assessment (BA) Species.	Evaluation of the remaining BS and BA wildlife species was completed in February, 2007 (EA, pgs. 21-25; 54-58) and no known sites or concerns were identified (except as discussed above).	No impacts to the remaining BS or BA wildlife species will occur since there are no known sites within the project area and no impacts to adjacent habitat.
Bureau Tracking (BT) Species.	There are no documented BT species within the project area (EA, pgs. 56-57).	Districts are encouraged to collect occurrence data on BT species but they will not be considered as Special Status Species for management purposes (IM-OR-2003-054).
Hydrology		
Stream Flow (water yield and peak flow).	Site #2 is level, has no direct surface connection to Rock Creek, and there are no hydrologic features present (EA, pgs. 27-28).	The increase in impervious surface from construction at Site #2 will have no measurable effect to water infiltration or runoff of precipitation (EA, pg. 29).
Stream Temperature.	Approximately 23 trees will be removed for construction of the facility. These trees provide a minimal amount of shade to Rock Creek (EA, pg. 28).	Removal of these trees will not result in any measurable change to stream temperature (EA, pg. 30).
Sedimentation.	Site #2 is level, has no direct surface connection to Rock Creek, and there are no hydrologic features present (EA, pgs. 27-28).	Any sediment produced from construction activities will not reach Rock Creek (EA, pg. 30).
Soils		
Landslides.	Site #2 is on a level plain and has no slope stability concerns (EA, pg. 32).	There will not be any landslide risks (EA, pg. 32).
Soil Productivity.	There would be an irretrievable loss of 0.3 acres to soil productivity (EA, pg.	This loss of soil productivity will be inconsequential

Context (What?)	Intensity (How Much?)	Reason for not being Significant.
	31).	because it occurs within the boundary of Millpond Recreation Site.
Fisheries		
Fisheries & Aquatic Habitat	Stream temperature, water quality, and the sediment regime will be unaffected or the effects will be immeasurable (EA, pg. 34).	Fish habitat and aquatic species will not be affected (EA, pg. 34).
Essential Fish Habitat (EFH) for Coho Salmon and Chinook salmon.	The nearest EFH is located approximately 50 feet downslope from the maintenance facility location (EA, pg. 35). There are no mechanisms for an adverse affect to EFH (EA, pgs. 35-36).	The project will not adversely affect EFH for Chinook or coho salmon (EA, pg. 35).
Aquatic Conservation Strategy (ACS).	Action Alternative 2 will not retard or prevent attainment of ACS objectives (EA, pg. 41).	This action is consistent with the ACS, and its objectives at the site and watershed scales (EA, pg. 41)
Botany		
Federally threatened Kincaid's lupine and the federally endangered rough popcorn flower .	There is no suitable habitat for the rough popcorn flower (EA, pg. 59) and surveys (2002 and February 2007) did not detect Kincaid's lupine (EA, pg. 43).	No impacts to these two federally listed plant species will occur since there are no known sites within the project area.
Bureau Sensitive (BS), Assessment (BA), and Tracking (BT) Species.	Surveys were completed in 2002 and no special status botanical species were observed (EA, pg. 43).	No impacts to BS, BA, or BT botanical species will occur since there are no known sites within the project area.
Noxious weeds.	There are infestations of Himalayan blackberry (0.2 acres), Tansy ragwort (0.1 acres), and Canada thistle (0.1 acres) within the project area (EA, pg. 44). Construction and use of the maintenance facility could introduce additional noxious weed species. Weeds could be introduced through fill material contaminated with weed seed or by exposing disturbed soil for weeds to colonize (EA, pg. 44).	Routine maintenance of the facility will control the spread of noxious weeds through manual removal and/or herbicide application. Noxious weed treatment will follow guidelines in the Roseburg District Integrated Weed Control Plan (EA, pg. 44).