

Cascades Resource Area Soil Rehabilitation

DECISION RECORD
March 2007

United States Department of the Interior
Bureau of Land Management
Oregon State Office
Salem District
Cascades Resource Area

Environmental Assessment Number: OR080-06-08
Townships 1 North through 13 South,
Ranges 1 West through 7 East, Willamette Meridian
within the Willamette and Sandy River Watersheds, Oregon

Responsible Agency: USDI - Bureau of Land Management

Responsible Official: Rudy Hefter, Acting Field Manager
Cascades Resource Area
1717 Fabry Road SE
Salem, OR 97306
(503) 375-5671

For further information, contact: Patrick Hawe
Cascades Resource Area
1717 Fabry Road SE
Salem, OR 97306
(503) 315-5974



As the Nation's principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

BLM/OR/WA/PT-07/029-1792

I. Introduction

The Bureau of Land Management (BLM) proposes to break up compacted soils, promote infiltration of precipitation, provide suitable soil structure for reestablishing native vegetation and proper functioning drainage patterns, and deter use on undesignated, degraded trails throughout the Cascades Resource Area.

An environmental analysis was conducted and documented in the *Cascades Resource Area Soil Rehabilitation Environmental Assessment and Finding of No Significant Impact* (EA). A Finding of No Significant Impact (FONSI), was incorporated into this EA (EA # OR080-06-08) and was signed on December 19, 2006. The EA was then made available for public review.

A copy of the Cascades Resource Area Soil Rehabilitation EA and FONSI can be obtained from the Bureau of Land Management, Salem District Office, 1717 Fabry Road SE, Salem, Oregon 97306. Office hours are Monday through Friday, 7:45 A.M. to 4:30 P.M., closed on holidays.

II. Decision

Based on the analysis contained in the Cascades Resource Area Soil Rehabilitation EA, and management direction contained in the Salem District Resource Management Plan (RMP), I have decided to implement the proposed action of the Cascades Resource Area Soil Rehabilitation EA, herein known as the “selected alternative”. The following is a summary of the selected alternative.

The BLM will:

- Treat compacted soils with mechanical equipment to break up compaction, promote infiltration of precipitation, and to provide a seedbed for native plants on up to 50 miles of unauthorized trails.
- Modify drainage patterns (e.g. filling in ruts and shaping slopes, building waterbars) to divert potential runoff onto stable, vegetated slopes.
- Reshape the existing profiles of trails to prevent any unauthorized use.
- Place woody debris on the site to provide organic matter and to further discourage unauthorized trail use.
- Restore stream crossings to “Proper Functioning Condition.” Stream crossing materials would be removed, banks stabilized/vegetated, channel dimensions (width/depth ratio, grade, etc.) restored to pre-disturbance range.

Specific project site identification will be ongoing and treatments will occur as funding becomes available using the criteria described in *EA Section 2.2 – Table 1*(See below). For each project site, a NEPA compliance form (EA section 7.2) will be completed to document compliance with this programmatic EA. Effects analysis specific to each project site will be documented on this form. The following criteria would be considered before determining the need to treat a specific undesignated trail. However, not all the criteria would have to be occurring for action to be taken.

Table 1: Criteria for Treatment of Undesignated Trails

<i>Criteria for Treatment – Are the undesignated trails</i>
Causing soil erosion
At a stream crossing

<i>Criteria for Treatment – Are the undesignated trails</i>
In close proximity to protected species
Within a land use allocation/special area designation where there are conflicts
Within a wetland
Posing public hazard/risk
Showing Signs of expanding network (e.g. multiple trails)
Providing access for illegal uses (e.g. vandalism, dumping, tree cutting)
In close proximity to adjacent landowners

III. Alternatives Considered

Proposed Action: The proposed action is described above in **section II. Decision**.

No Action: Under the No Action Alternative, soil erosion and compaction, sediment delivery to streams, dumping, trespassing on private lands and the other activities described under the Purpose and Need would continue unabated and likely would expand to areas currently not impacted.

IV. Decision Rationale

Considering public comment, the content of the Cascades Resource Area Soil Rehabilitation EA, the supporting project record, and the management direction contained in the Salem District RMP, I have decided to implement the selected alternative, as previously described for the following reasons.

The selected alternative will repair erosion damage, reduce compacted surfaces and modify drainages on undesignated trails, minimize and ultimately prevent excess sediment entry from undesignated trails into streams, reduce the spread of invasive and noxious weeds, reduces impacts to wildlife, and will prevent the continued use of and expansion of undesignated trails.

The No Action was not selected because it does not meet the purpose of and need for action as described in the EA (pp. 8, 9). Soil erosion and compaction, sediment delivery to streams, dumping, trespassing on private lands and the other activities described under the Purpose and Need would continue unabated and likely would expand to areas currently not impacted.

V. Compliance with Direction

The analysis documented in the *Cascades Resource Area Soil Rehabilitation (EA) and Finding of No Significant Impact (FONSI)* supplements analysis found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). This project has been designed to conform to the *Salem District Record of Decision and Resource Management Plan*, May 1995 (RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (2006 Cascades Resource Area Soil Rehabilitation Environmental Assessment Number OR080-06-08). All of these documents may be reviewed at the Cascades Resource Area office.

Survey and Manage Species Review

The Bureau of Land Management (BLM) is aware of the August 1, 2005, U.S. District Court order in Northwest Ecosystem Alliance et al. v. Rey et al. which found portions of the *Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (January, 2004) (EIS) inadequate. The BLM is also aware of the November 6, 2006, Ninth Circuit Court opinion in Klamath-Siskiyou Wildlands Center et al. v. Boody et al., No. 06-35214 (CV 03-3124, District of Oregon). We do not expect that the litigation over the Annual Species Review process in Klamath-Siskiyou Wildlands Center et al. v. Boody et al will affect this project because the development and design of this project exempt it from the Survey and Manage program. In Northwest Ecosystem Alliance et al. v. Rey et al the U.S. District Court modified its order on October 11, 2006, amending paragraph three of the January 9, 2006 injunction. This most recent order directs:

"Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

- a. Thinning projects in stands younger than 80 years old;
- b. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;
- c. Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, *and road or trail decommissioning*; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and
- d. The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph."

BLM has examined the objectives of Cascades Resource Area Soil Rehabilitation described in the *Cascades Resource Area Soil Rehabilitation Environmental Assessment* (# OR080-06-08) and in this Decision Rationale. The selected action meets Criterion C (see paragraph above). Therefore, the decision to eliminate Survey and Manage is effective on this project.

VI. Public Involvement/ Consultation/Coordination

Scoping

In compliance with National Environmental Policy Act (NEPA), the project appeared in the June 2006, September 2006, and December 2006 editions of the quarterly Salem District Project Update, which were mailed to over 1,000 addresses. A scoping letter was sent on May 1, 2006 to federal, state and municipal government agencies, nearby landowners, tribal authorities, and interested parties on the Cascades Resource Area mailing list. The letter briefly described the current version of the Soil Rehabilitation project and included photos.

Five letters and two phone calls with scoping comments were received from May 5 to June 12, 2006. A summary of the responses received was included in EA Section 5.3 Scoping Letter Comments.

Comment Period and Comments

A copy of the EA and FONSI was made available on the Internet at <http://www.blm.gov/or/districts/salem/plans/salem.php> and notices were mailed on December 19, 2006 to 35 agencies, individuals and organizations. A copy of the EA and FONSI were mailed to three individuals who had requested copies during the scoping period and was also made available for review in the visitor area at the Salem District Office, Cascades Resource Area Office, 1717 Fabry Road SE, Salem, Oregon. The notice for public comment was published in a legal notice by the *Molalla Pioneer*, *Stayton Mail*, and *Albany Democrat Herald* newspapers on December 20, 2006. During the EA comment period, no written comments on this project were received.

ESA Section 7 Consultation

US Fish and Wildlife Service: Due to the nature of the proposed projects, there would be no effects on ESA listed wildlife species or habitat. No suitable habitat would be modified as a result of the project and disturbance levels would be low. Where disturbance is an issue, a seasonal restriction from March 1 to July 15 would be applied to minimize the risk of disturbance to northern spotted owls. The seasonal restriction could be waived if surveys indicate no presence of nesting spotted owls within a disturbance range (0.25 to 0.5 miles) of the units.

NOAA Fisheries (NMFS): Consultation with the NMFS on the potential effects on ESA listed fish species is required for projects that “may affect” the listed species. ESA listed fish species that may be found in watersheds within the Cascades Resource Area are: Lower Columbia River (LCR) steelhead trout, LCR chinook salmon, LCR coho salmon, Upper Willamette River (UWR) chinook salmon and UWR steelhead trout.

A determination has been made that these projects would have “no effect” on ESA listed fish species or Critical Habitat due to project timing, and project design features that would minimize impacts to aquatic habitat. Therefore, no consultation with the NMFS is required for these projects.

VII. Conclusion

Review of Finding of No Significant Impact

I have determined that change to the Findings of No Significant Impact (EA #OR080-06-08 FONSI – December 2006) covering the Cascades Resource Area Soil Rehabilitation is not necessary because I’ve considered and concur with information in the EA and FONSI and this Decision Rationale. No additional comments on the EA were received and no new information was provided that lead me to believe the analysis, data or conclusions are in error or that the selected action needs to be altered. The selected action would not have effects beyond those already anticipated and addressed in the RMP EIS.

Supplemental or additional information to the analysis in the RMP/FEIS in the form of a new environmental impact statement is not needed for the reasons described in the Findings of No Significant Impact (Cascades Resource Area Soil Rehabilitation EA, page iii-vi).

Administrative Review Opportunities

This decision may be appealed to the Interior Board of Land Appeals in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1.

If you appeal: A public notice for this decision is scheduled to appear in the *Molalla Pioneer*, *Stayton Mail*, and *Albany Democrat Herald* on **March 14, 2007**. Within 30 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Rudy Hefter, Acting Cascades Field Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, OR, 97306. A copy of the *Notice of Appeal* must also be sent to the BLM Regional Solicitor (see Form 1842-1). The appellant has the burden of showing that the decision appealed from 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:

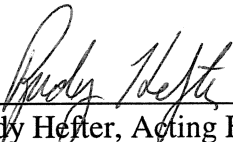
- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Statement of Reasons: Within 30 days of the filing of the *Notice of Appeal*, a complete statement of reasons why you are appealing must be filed with the Interior Board of Land Appeals (see Form 1842-1).

Implementation Date

Implementation of this decision may begin 30 calendar days after the public notice of the Decision Record appears in the *Molalla Pioneer*, *Stayton Mail*, and *Albany Democrat Herald* newspapers. The public notice is scheduled to appear in the *Molalla Pioneer*, *Stayton Mail*, and *Albany Democrat Herald* on **March 14, 2007**.

Agency contact: For additional information concerning this decision or the appeal process, contact Patrick Hawe (503) 315-5974 or Carolyn Sands at (503) 315-5973, Cascades Resource Area, Salem District Office, 1717 Fabry Road SE Salem, OR 97306.

Approved by: 
Rudy Hefter, Acting Field Manager
Cascades Resource Area

3/6/07
Date