

**Donald Z. Kessi North Fork Amendment
To Right-of-Way Agreement S-23**

**Environmental Assessment,
Finding of No Significant Impact, and
Decision Record**

Environmental Assessment Number OR080-08-17

October 17, 2008

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

Township 12 South, Range 8 West, Sections 34 and 35, Township 13 South, Range 8 West,
Section 3 Willamette Meridian
Upper Alsea River Watershed
Lincoln County, Oregon

Responsible Agency: USDI - Bureau of Land Management

Responsible Official: Trish Wilson, Field Manager
Marys Peak Resource Area
1717 Fabry Road SE
Salem, OR 97306 or
(503) 315-5969

For further information, contact: Steve Cyrus, Project Lead
Marys Peak Resource Area
1717 Fabry Road SE
Salem, OR 97306
(503) 315-5988



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.

Environmental Assessment, Finding Of No Significant Impact, And Decision Record¹

Type of Project: Right of Way (ROW) Amendment of existing Reciprocal ROW Agreement S-23.

Location of Proposed Action: Township 12 South, Range 8 West, Sections 34, and 35, Township 13 South, Range 8 West, Section 3, Willamette Meridian located approximately 8 miles northwest of the town of Alsea, Oregon.

Conformance with Applicable Land Use Plan: The proposed action is in conformance with the

- *Salem District Record of Decision and Resource & Management Plan (RMP)*, dated May 1995 (pp.57: topic: amending existing reciprocal right-of-way agreements;
- *Lower Alsea River Watershed Analysis*, dated December, 1999;
- *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standard and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, dated April, 1994;
- *2007 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*, dated July 2007 and Instruction Memorandum No. OR-2008-038 (Final State Director's Special Status Species List, February 2008).

The analysis in this Environmental Assessment (EA) is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). The RMP/FEIS includes the analysis from 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*, February 1994 (NWFP/FSEIS).

The RMP/FEIS is amended by the *Final Supplement to the 2004 Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines*, (SEIS) June 2007.

The above documents are incorporated by reference and are available at the Salem District Office.

The proposed action is located within the coastal zone as defined by the Oregon Coastal Management Program. This proposal is consistent with the objectives of the program, and the State planning goals which form the foundation for compliance with the requirements of the Coastal Zone Act. Management actions/directions found in the RMP were determined to be consistent with the Oregon Coastal Management Program.

Purpose of and Need for Action: The purpose of the agreement and permit is to provide legal access to intermingled BLM – managed lands and Donald Z. Kessi (Kessi) owned lands for the purposes of forest management and the removal of timber and other forest products. Regulations at 43 CFR 2812.3-1 allow the authorized officer to require reciprocal access across Permittee’s land as a condition precedent to granting access across public lands. The United States has identified Permittee land necessary to provide access to public land in the vicinity of Alsea, Oregon. The amended agreement and permit are needed for the following reasons:

- Donald Kessi requires access across certain public lands for forest management and the removal of timber and other forest products.
- The United States lacks access to certain public land adjacent to and intermingled with certain Kessi owned lands.
- Regulations at 43 CFR 2812.0-6 state that it is the policy of the United States to enter into reciprocal right-of-way agreements and permits to benefit the management of intermingled public and private timber lands.

In addition, hauling activities on BLM administered roads by Kessi were historically accomplished under Short Term O&C Road Permits. There is a need to authorize perpetual use of BLM administered roads to Kessi so as to prevent the uncertainty associated with short term permits.

Description of the Proposed Action:

In order to gain access to his lands under the terms of R.W.A. S-23, Donald Kessi has submitted an application to add the following BLM-managed lands (under Schedule 3) of the agreement:

W¹/₂NE¹/₄, NE¹/₄SW¹/₄, N¹/₂NW¹/₄, SE¹/₄NW¹/₄ of Section 35, T. 12 S., R. 8 W., Willamette Meridian
E¹/₂NE¹/₄NW¹/₄ of Section 3, T. 13 S., R. 8 W., Willamette Meridian

At the same time, BLM requests the addition of the following Donald Kessi lands to R.W.A. S-23:

S¹/₂NE¹/₄SE¹/₄, S¹/₂SE¹/₄ Section 34, T. 12 S., R. 8 W., Willamette Meridian
NW¹/₄SW¹/₄ Section 35, T. 12 S., R. 8 W., Willamette Meridian
N¹/₂NE¹/₄, SW¹/₄NE¹/₄ Section 3, T. 13 S., R. 8 W, Willamette Meridian

The public lands and road easement rights acquired by the United States and Kessi owned lands (see EA Map) will be committed to the amended right-of-way agreement.

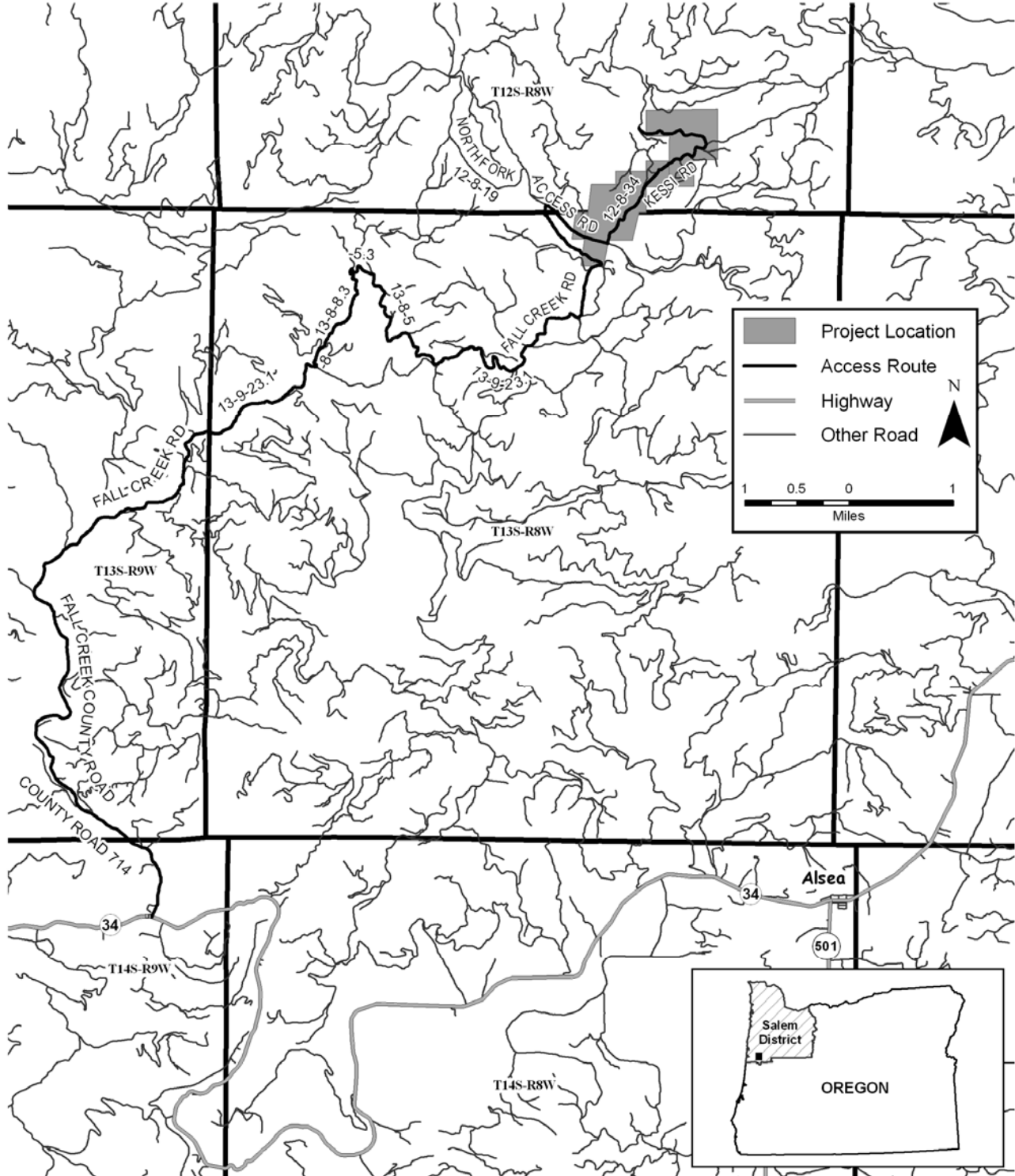
Design Features:

No new roads or other improvements are planned on the BLM-managed lands included in the Proposed Action.

Location Map

September 3, 2008

United States Department of the Interior
 BUREAU OF LAND MANAGEMENT
 DONALD Z. KESSI NORTH FORK AMENDMENT TO R.W.A. S-23
 LOCATION MAP

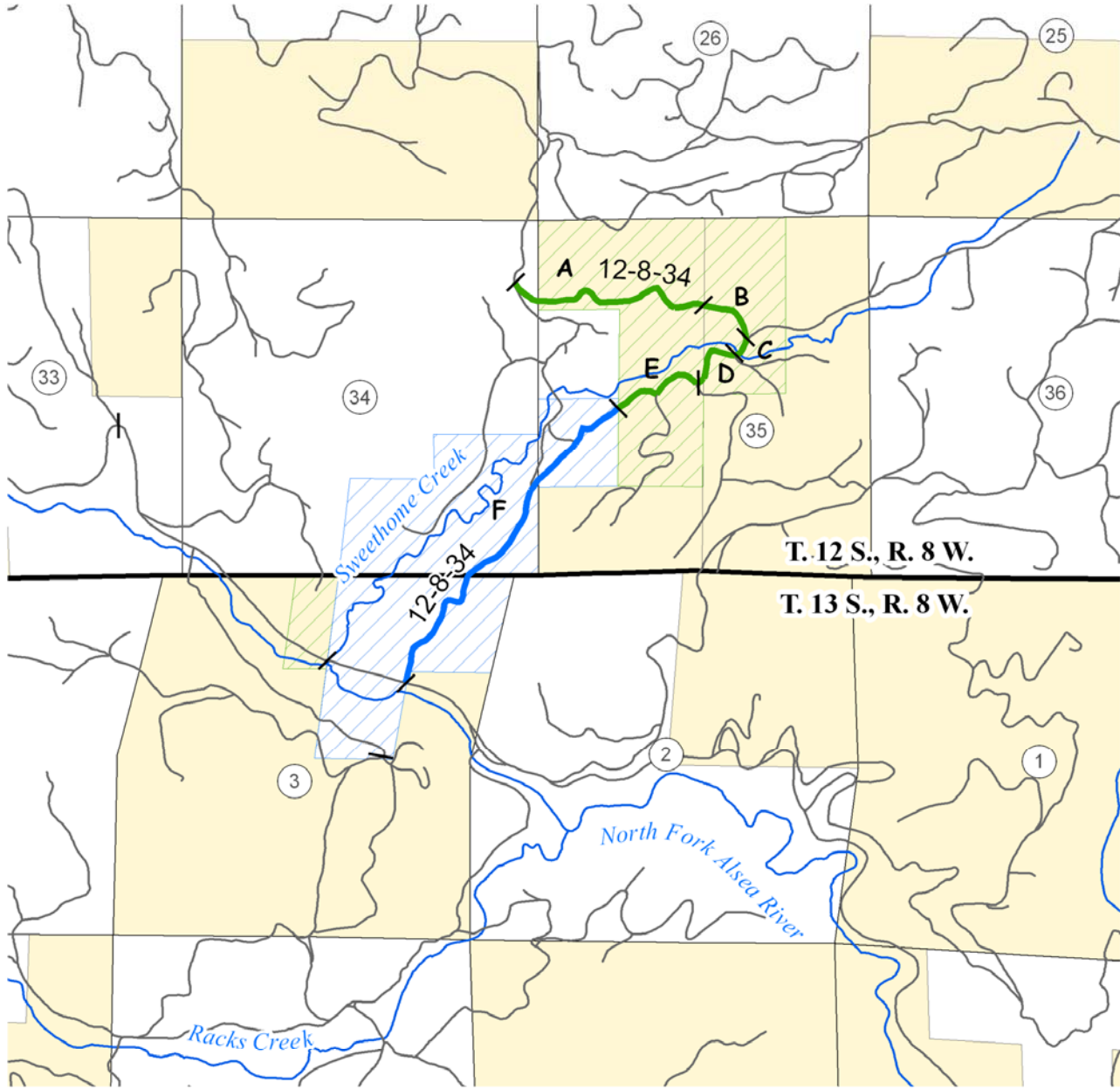












No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual use or aggregate use with other data. Original data was compiled from multiple source data.

EA Map

September 3, 2008

United States Department of the Interior
 BUREAU OF LAND MANAGEMENT
DONALD Z. KESSI NORTH FORK AMENDMENT TO AGREEMENT S-23 EA MAP
 Salem District - Oregon



 BLM managed lands to be added to R.W.A. S-23	 BLM administered roads to be added to R.W.A. S-23
 Kessi owned lands to be added to R.W.A. S-23	 Kessi owned roads to be added to R.W.A. S-23
 BLM lands	 Other roads
	 Segment breaks
	 Streams

No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual use or aggregate use with other data. Original data was compiled from multiple source data and may not meet U.S. National Mapping Accuracy Standard of the Office of

Consultation and Public Involvement:

ESA consultation:

- **Wildlife:** The proposed action, a new right-of-way authorization, will include language preserving the Bureau's authority to initiate Section 7 Consultation under the ESA on future permittee uses or the rights granted, and to condition, restrict, or deny such uses in order to promote the conservation of federally listed species. Therefore, this action is covered under the following biological opinion for programmatic consultation regarding right-of-way authorizations; *Biological Opinion for Effects to Bald Eagles, Northern Spotted Owls and Marbled Murrelets from the Bureau of Land Management, Eugene and Salem Districts, for the FY 2004-2008 Right-of-Way Authorizations* (USFWS Reference Number 1-7-04-F-0253, June 18, 2004). The USFWS has extended this expired BO until February 28, 2009 at which time a new BA and BO will be completed covering FY 2004-2008 Right-of-Way Authorizations.
- **Fish:** On February 11, 2008, the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) listed the Oregon Coast Coho Salmon Evolutionarily Significant Unit as threatened under the Endangered Species Act (ESA). A determination has been made that the proposed amendment will have 'no effect' on Oregon Coast Coho Salmon. Generally, the 'no effect' determination is based on the distance upstream of activities (at least 3.2 miles upstream from the anadromous falls barrier on the North Fork Alsea River).
- **Protection of Essential Fish Habitat (EFH),** as described by the Magnuson/Stevens Fisheries Conservation and Management Act, and consultation with NOAA NMFS is required for all projects which may adversely affect EFH of Chinook or coho salmon in the action area. The proposed action is not expected to adversely affect EFH. Thus, no consultation with NOAA NMFS on EFH is required for this project. Actions and effects beyond the scope of the analysis provided will require additional review and potentially result in the need to consult with NOAA NMFS

Public Involvement: In compliance with the National Environmental Policy Act, a scoping letter dated October 17, 2008, was sent to 12 potentially affected and/or interested individuals, groups, and agencies. No comment letter(s) were received in response to this scoping.

Review of the Elements of the Environment:

The interdisciplinary team reviewed the elements of the environment, required by law, regulation, Executive Order and policy, to determine if they will be affected by the proposed action. *Table 1* (Critical Elements of the Environment from BLM H-1790-1, Appendix 5) and *Table 2* (Other Elements of the Environment) and *Table 3* (Aquatic Conservation Strategy Summary) summarize the results of that review. Affected elements are **bold**. Unless otherwise noted, the effects apply to the proposed action; and the No Action Alternative is not expected to have adverse effects to these elements.

Environmental Effects:

Tables 1 and 2 describe the effects of the proposed action on the elements of the environment. Unless otherwise noted, the No Action Alternative is not expected to have adverse effects to these elements.

<i>Table 1: Environmental Review for the Critical Elements of the Environment (BLM H-1790-1, Appendix 5)</i>			
<i>Critical Elements Of The Environment</i>	<i>Status: (i.e., Not Present , Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks / Environmental Effects</i>
Air Quality (Clean Air Act)	Not Affected	No	No burning will occur.
Areas of Critical Environmental Concern	Not Present	No	
Cultural, Historic, Palentological	Not Affected	No	No pre-project survey is required as outlined in the <i>Protocol for Mangaing Cultural Resources on Land Administered by the Bureau of Land Management in Oregon; Appendix D - "Coast Range Inventory Plan (August 1998)</i>
Energy (Executive Order 13212)	Not Affected	No	There are no known energy resources located in the project area. The proposed <i>action</i> will have no effect on energy development, production, supply and/or distribution.
Environmental Justice (Executive Order 12898)	Not Affected	No	The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
Prime or Unique Farm Lands	Not Present	No	
Flood Plains (Executive Order 11988)	Not Affected	No	The project is small in scale and will not change the character of the river floodplain, change floodplain elevations, or affect overbank flooding.
Hazardous or Solid Wastes	Not Present	No	
Invasive, Nonnative Species (Executive Order 13112)	Not Affected	No	No ground disturbing action will occur.
Native American Religious Concerns	Not Affected	No	Past projects of this type within this area have not resulted in tribal identification of concerns.
Special Status Species or Habitat	Fish	Not Affected	OC Coho Salmon are over 3.2 miles downstream from lands affected by the propose amendment. No effect to habitat or species will be anticipated from current or future use associated with these road segments. No future adverse effects to Special Status species from construction of new roads on BLM will be anticipated since BLM is preserving its authority to condition, restrict, or deny new construction in order to promote the conservation of federally listed species. The amendment of the BLM roads under Schedule 3 of the S-23 ROW Agreement would retain discretion by the BLM to protect ESA obligations.
	Plants	Not Present	No

<i>Table 1: Environmental Review for the Critical Elements of the Environment (BLM H-1790-1, Appendix 5)</i>			
<i>Critical Elements Of The Environment</i>	<i>Status: (i.e., Not Present , Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks / Environmental Effects</i>
Wildlife (including designated Critical Habitat)	Not Affected	No	The action area is within northern spotted owl critical habitat (Oregon Managed Owl Conservation Area-39) and marbled murrelet critical habitat. No effect to habitat or birds (noise disturbance) from current or future use (improving, maintaining, hauling of timber, etc.) of existing roads. No future adverse effects to Special Status species from construction of new roads on BLM since BLM is preserving its authority to condition, restrict, or deny new construction in order to promote the conservation of federally listed species. The amendment of the BLM roads under Schedule 3 of the S-23 ROW Agreement would retain discretion by the BLM to protect ESA obligations.
Water Quality (Surface and Ground)	Not Affected	No	No new construction is planned, or appears necessary over BLM lands. The majority of the existing roads are located on fills with minimal connection to streams. Thus the proposed action will result in no measurable effects to stream flow, channel conditions, and water quality. This action is unlikely to alter the current condition of the aquatic system either by affecting its physical integrity or in-stream flows.
Wetlands (Executive Order 11990)	Not Affected	No	No measurable effects to wetlands are expected because all proposed activities will occur outside of known wetlands.
Wild and Scenic Rivers	Not Present	No	
Wilderness	Not Present	No	

<i>Table 2: Environmental Review for the Other Elements of the Environment (Required by law, regulation, policy or management direction)</i>			
<i>Other Elements Of The Environment</i>	<i>Status: (i.e., Not Present , Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks / Environmental Effects</i>
Coastal Zone (Oregon Coastal Management Program)	Not Affected	No	The proposed action is located within the coastal zone as defined by the Oregon Coastal Management Program. This proposal is consistent with the objectives of the program, and the State planning goals which form the foundation for compliance with the requirements of the Coastal Zone Act. Management actions/directions found in the RMP were determined to be consistent with the Oregon Coastal Management Program.
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)	Not Affected	No	EFH (Coho Salmon) is located over 3.2 miles downstream from lands affected by the propose amendment. No effects to EFH will be anticipated from current or future use associated with these road segments.

Table 2: Environmental Review for the Other Elements of the Environment (Required by law, regulation, policy or management direction)

<i>Other Elements Of The Environment</i>	<i>Status: (i.e., Not Present , Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks / Environmental Effects</i>
Fire Hazard/Risk	No Affected	No	No slash will be created by this action.
Forest Productivity	No Affected	No	No land clearing or compacting action is anticipated.
Land Uses (right-of-ways, permits, etc)	Not Present	No	
Late successional / old growth	Not Affected	No	The activities associated with the proposed action are not anticipated to result in the cutting of any timber.
Mineral Resources	Not Present	No	
Recreation	Not Affected	No	There are no established recreational sites or uses that will be impacted as a result of the proposed action. Dispersed recreational area.
Rural Interface Areas	Not Present	No	
Soils	Not Affected	No	No land clearing or compacting action is anticipated.
Special Areas outside ACECs (Within or Adjacent) (RMP pp. 33-35)	Not Present	No	
Visual Resources	Not Affected	No	Project is located in VRM IV class and complies with management objectives.
Water Resources (except Water Quality)	Not Affected	No	The proposed action will not affect basin hydrology including stream flow or channel function because no construction activities are anticipated to occur as a result of the Proposed Action. There are no domestic or commercial water rights which will be impacted by this action..
Wildlife Special Habitats and Special Habitat Components (Snags /CWD, remnants)	Not Affected	No	The proposed action will not affect any Special Habitats or Habitat Components in the area because no new roads are anticipated to result from the Proposed Action.

Affected Environment and Environmental Effects

General: The proposed project will occur within the Upper Alsea River 5th field watershed. Land Use Allocations for the BLM lands involved within the proposed action are Late-Successional Reserve (LSR) and Riparian Reserve (RR). The project area is shown on the EA map and includes portions of Township 12 South, Range 8 West, Sections 34 and 35, and Township 13 South, Range 8 West, Section 3. The project area is located within a coastal temperate coniferous forest within the western hemlock plant association and occurs within the North Fork Alsea River watershed analysis area. The majority of the area is dominated primarily by Douglas-fir and western hemlock. Red alder and big leaf maples are common along riparian areas and roadside ditches.

Special Status Species (Wildlife)

Affected Environment

The action area lies within Late-Successional Reserve, Riparian Reserve, and Oregon Managed Owl Conservation Area-39. The area is designated as Critical Habitat for northern spotted owls and marbled murrelets. The potential affected BLM lands contain scattered stands of late-seral habitat (80-199 years old) that may provide suitable habitat for spotted owls and marbled murrelets. There are no known northern spotted owl or marbled murrelet sites within the action area.

Environmental Effects

The hauling of timber on existing BLM roads in the agreement area will have no effect on listed wildlife species. Though no new road construction activity is anticipated, if habitat modification were to occur, the BLM will preserve its authority to initiate Section 7 Consultation under the ESA on future permittee uses or the rights granted, and to condition, restrict, or deny such uses in order to promote the conservation of federally listed species. Potential noise disturbance effects to listed species have been addressed in a programmatic Biological Assessment (BA) covering FY2004-2008 Road Right-of-Way Authorizations, and this action has been designed to comply with the design standards set forth in that BA and endorsed by the Biological Opinion (# 1-7-2004-F-253). This BO has been extended to February 28, 2009 at which time a new BA and BO will be completed covering FY 2009-2014 Road Right-of-Way Authorizations.

It is anticipated that there will be no cumulative impact to listed species as a result of this action within the watershed.

Soil Resources:

Affected Environment

The project areas are primarily underlain by Preacher Bohannon- Slick Rock soil type that consists of deep well drained loam soils that were formed from sedimentary rock.

Environmental Effects

No clearing of road vegetation outside the existing road prism is anticipated.

Because the roads to be added for use have already been constructed and are in use, the underlying soils have already been compacted and disturbed. Therefore, no further impacts to soil resources are anticipated by the proposed right of way (ROW) agreements along existing roads.

Water Resources:

Affected Environment

The project areas are drained by the North Fork Alsea River. None of the road segments addressed in this proposal lie within a municipal watershed. Several of the road segments occur adjacent to or in close proximity to streams and include live stream crossings.

Environmental Effects

No road construction is anticipated therefore, no measurable impacts to hydrologic resources are expected. Road traffic levels are not anticipated to increase substantially and road maintenance is expected to continue along these routes.

Invasive / Noxious Weeds:

Affected Environment

The following noxious weeds are known from within or adjacent the project area, Tansy ragwort (*Senecio jacobaea*), bull and Canadian thistles (*Cirsium vulgare* and *C. arvense*), St. John's wort (*Hypericum perforatum*), Himalayan blackberry (*Rubus armeniacus*) and Scot's broom (*Cytisus scoparius*).

Environmental Effects

The existing ROW will continue to be maintained as a ROW regardless if this project is implemented or not. The risk rating for the long-term establishment of noxious weed species and consequences of adverse effects on this project area is low because the use and maintenance of existing roadways are not expected to increase any exposed mineral soil above the current level of maintaining the roadway for vehicular traffic.

Fisheries:

Affected Environment

Sweethome Creek is the primary tributary within the proposed amendment area. A 1/3 mile segment of North Fork Alsea River is also affected by proposed amendment lands. Cutthroat trout, speckled dace, and sculpin species are present in Sweethome Creek and North Fork Alsea River. No other fish species are known to reside in the affected lands. A water fall on the North Fork Alsea River, approximately 3.2 miles downstream from proposed lands, blocks passage of anadromous fish species (coho, Chinook, steelhead, and Pacific lamprey).

No recent surveys were located for Sweethome Creek. Through much of the project area Sweethome Creek is located in a wide flat valley, very low stream slopes are prevalent, and the stream exhibits high sinuosity (BLM GIS Data 2007). Past land management and grazing likely have increased entrenchment, reducing access to the floodplain by the stream channel. Based on the low gradients and high sinuosity, pool habitat is likely abundant through much of the affected stream. Based on past management and entrenchment, large wood, sediment, and shade are likely impaired in Sweethome Creek in the project area.

Oregon Department of Fish and Wildlife habitat surveys are available for North Fork Alsea River through the project area (ODFW 1999). Reach 8 of the survey covers affected lands in the project area. Based on this survey, pool habitat and shade are considered adequate (see ODFW Benchmarks, Foster et al 2001). The survey indicated that width to depth ratio and gravel abundance was less than desirable. Key wood and percentage of fines were determined to be undesirable in the reach.

Environmental Effects

The proposed amendment will have no effects on shade and large wood aquatic habitat components.

No hydrologic impacts were anticipated from the general use and maintenance of the road segments associated with the Proposed Action. As no hydrologic impacts were anticipated, no effects to fisheries resources will be anticipated from the general use and maintenance of the road associated with the ROW.

Episodic hauling activities associated with proposed amendment may result in increased sediment yields from road surfaces. In general, the potential for hauling on rocky roads is not expected to result in detectable quantities of sedimentation reaching fish bearing streams, due to the limited number of crossings and relatively gentle road gradients. The majority of crossings are over non-fish bearing streams, most likely intermittent in flow. The magnitude of sediment generated by hauling at these crossing sites that could reach non-fish bearing streams will be minimized by cessation of haul during heavy rainfall (per ODF Regulations). Any sediment that will reach the intermittent stream from the haul route crossings will likely be assimilated into the intermittent channels before reaching fish habitat (Duncan et al, 1987). The duration of sediment reaching the intermittent streams will be short term, only occurring during the first wet season during and immediately following hauling activities. Site specific effects to fish habitat downstream of the intermittent stream crossings are not anticipated.

One fish bearing crossing is within the proposed amendment lands, segment C of Road 12-8-34. The magnitude of sediment generated at the one fish bearing crossing will be minimized by cessation of haul during heavy rainfall (per ODF Regulations). The introduction of sediment to the fish bearing stream could impair the quality of aquatic habitat. Fish will be expected to move away from affected areas and reoccupy habitat following cessation of hauling activities. The effects to fish from changes in sediment and turbidity are anticipated to be short term; primarily associated with hauling activities and ceasing shortly after cessation of hauling. Sediment will likely be quickly assimilated into the channel bedload (see Duncan et al, 1987); thereby affecting only a short reach of fish habitat.

Aquatic Conservation Strategy Objectives

Aquatic Conservation Strategy Review: Table 3 shows the project's effect on the 4 components of the Aquatic Conservation Strategy (1/ Riparian Reserves, 2/ Key Watersheds, 3/ Watershed Analysis and 4/ Watershed Restoration).

Components	Effect	Remarks /References
Riparian Reserves	None	The proposed action will permit the use of existing BLM roads located within the Riparian Reserve land use allocation.
Key Watershed	None	The North Fork Alsea River is not a key watershed
Watershed Analysis	None	North Fork Alsea River, 1996
Watershed Restoration	None	Although the proposed action is not a component of the resource area's watershed restoration program, it will not have an adverse effect on restoration efforts.

Documentation of the Projects' Consistency with the Nine Aquatic Conservation Strategy Objectives

Table 4 describes the project's consistency with the Aquatic Conservation Strategy Objectives.

Table 4: Projects' Consistency with the Nine Aquatic Conservation Strategy Objectives

Aquatic Conservation Strategy Objectives (ACSOs)	Project 1 - Alternative 1 (EA section 2.4)
1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features.	Meets the attainment of ACSO 1. No new road construction is anticipated as a result of the Proposed Action.
2. Maintain and restore spatial and temporal connectivity within and between watersheds.	Meets the attainment of ACSO 2. Use of existing roads will not affect riparian habitat.
3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.	Meets the attainment of ACSO 3. Use of existing roads will not adversely affect the physical integrity of the aquatic system.
4. Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems.	Meets the attainment of ACSO 4. No measurable effects to water quality will be anticipated from the proposed action. No activities will take place directly in or adjacent to stream channels.
5. Maintain and restore the sediment regime under which aquatic ecosystems evolved.	Meets the attainment of ACSO 5. No new road construction is anticipated as a result of the Proposed Action.
6. Maintain and restore in-stream flow	Meets the attainment of ACSO 6. The proposed action will not alter instream flows. Because no new road construction is anticipated, no forest canopy at the 5th field watershed level will be affected, nor is it likely that fish will be affected.
7. Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.	Meets the attainment of ACSO 7. Use of existing roads will not affect groundwater levels and floodplain inundation rates.
8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands.	Meets the attainment of ACSO 8. No new road construction is anticipated as a result of the Proposed Action.
9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.	Meets the attainment of ACSO 9. Riparian dependent species will not be affected by the Proposed Action.

Interdisciplinary Team:

Table 4: Interdisciplinary Team Review			
Affected Resource	Specialist	Initial	Date
Botany/Vegetation	Ron Exeter		
Cultural Resources	Dave Calver	DC	11/12/08
Fisheries	Scott Snedaker	SS	11/12/08
Hydrology/Water Quality/Soils	Steve Wegner	SW	11-12-08
Wildlife	Gary Licata	GL	11/12/08

EA Prepared By: Steve Cyrus Date: 11/12/2008
 EA Reviewed By: Gary Humbard Date: 11/12/2008
 : Gary Humbard NEPA / Plans

FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of this EA (Environmental Assessment Number OR080-08-17, I have determined that the proposed action is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27.

There are no significant impacts which have not been adequately analyzed, or any significant impacts beyond those already analyzed, in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS) to which this environmental assessment is tiered. Therefore, supplemental or additional information to the analysis in the RMP/FEIS in the form of a new environmental impact statement is not needed.

Right to Appeal: 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 the attached Form 1842-1.

If you appeal: A public notice for this decision is scheduled to appear in the *Gazette Times* newspaper on November 17, 2008. Within 15 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Trish Wilson, Marys Peak Field Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, OR, 97306 (43 CFR 4.411 and 4.413). A copy of the *Notice of Appeal* must also be sent to the BLM Regional Solicitor, Pacific Northwest Region, 500 NE Multnomah St. Suite 607, Portland, OR 97232.

The decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice Of Appeal* (43 CFR 4.21 or 43 CFR 2804.1). 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 Interior Board of Land Appeals and to the appropriate Office of the Solicitor (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 other provided by law or other pertinent regulations, 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 after filing the *Notice of Appeal*, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

Implementation Date: If no appeals are filed, this decision will become effective and be implemented 15 days after the public notice of this Decision Record appears in the *Gazette Times* newspaper.

Contact Person: For additional information concerning this decision or the appeal process, contact Gary Humbar at (503) 315-5981, Marys Peak Resource Area, Salem District, 1717 Fabry Road, Salem, Oregon 97306.

Authorized Official: Trish Wilson
Trish Wilson, Field Manager
Marys Peak Resource Area

Date: 11/12/08