

Marmot Road/West Creek Culvert Replacement

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

Environmental Assessment Number OR080-07-08

May 2007

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

Township 2 South, Range 6 East, Section 20, Willamette Meridian
Middle Sandy River Watershed
Clackamas County, Oregon

Responsible Agency: USDI - Bureau of Land Management

Responsible Official: Cindy Enstrom, Field Manager
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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

ENVIRONMENTAL ASSESSMENT

EA Number: OR-080-07-08

BLM Office: Cascades Resource Area, Salem District Office, 1717 Fabry Road SE, Salem, Oregon, 97306

Proposed Action Title: Marmot Road/West Creek Culvert Replacement

Type of Project: Culvert removal; replacement with stream simulation structure to facilitate fish passage.

Location of Proposed Action: Township 2 South, Range 6 East, Section 20, Willamette Meridian; located approximately 8 miles east of the City of Sandy, Oregon.

Purpose of and Need for Action: The purpose of the project is to restore upstream fish passage for resident cutthroat trout at a barrier culvert under the Marmot Road at milepost 7.82 and to arrest ongoing degradation of the stream channel downstream of the culvert. The action is needed because the existing 42 inch metal culvert is perched, with the outlet approximately four feet higher than the streambed below it, preventing upstream movement of fish and increasing erosive energy downstream of the culvert resulting in channel degradation and erosion of the road prism of the Marmot Road.

Description of the Proposed Action: The proposed action is to remove the perched 42 inch culvert and replace it with a structure that will allow upstream movement of fish and reduce the erosive energy of the stream. The culvert would be removed and replaced with a bridge that will link the road on either side of the creek. The existing fill over the culvert would be removed with a tracked excavator, and then the culvert would be removed. Additional excavation would be required prior to installation of the bridge footings. Backfill would be placed behind the bridge footings and the pre-cast bridge would be installed.

Stream simulation would be part of the project design, ensuring that the stream will have a natural bed and gradient through the crossing structure. A “roughened chute” would be created in the stream channel, extending approximately 60 feet downstream of the crossing structure. The roughened chute would consist of large boulders intermixed with smaller substrates to create small steps intended to decrease the anticipated headcut upstream of the crossing from 8’ to 2’. The roughened chute would extend beyond the right-of-way limit onto BLM lands.

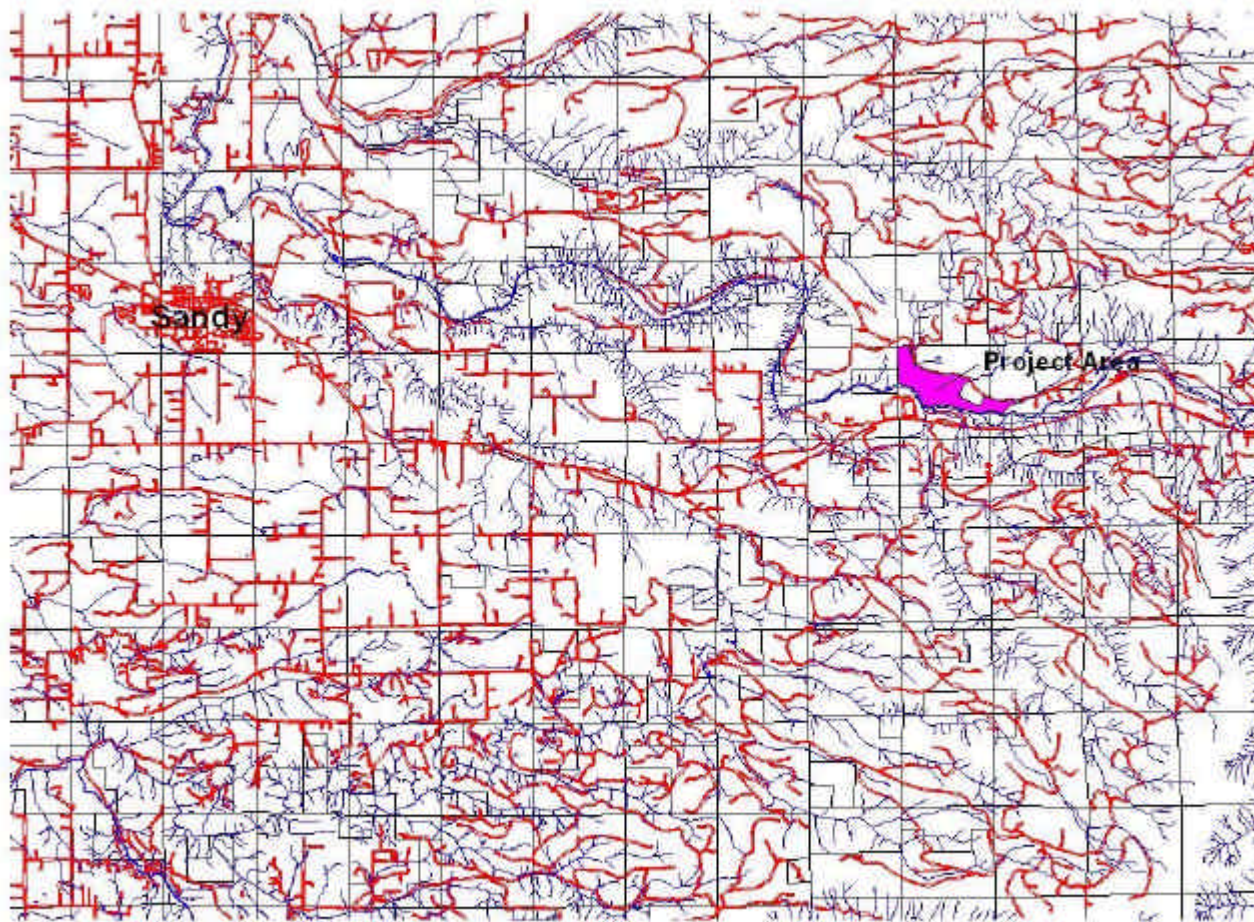
¹ Pursuant to BLM Handbook 1790-1, Rel. 1-1547, 10/25/88, page IV-11, it is appropriate to use this format when all the following conditions are met: 1/ Only a few elements of the human environment are affected by the proposed action; 2/ Only a few simple and straightforward mitigation measures, if any, are needed to avoid or reduce impacts; 3/ There are no program-specific documentation requirements associated with the action under consideration; 4/ The proposed action does not involve unresolved conflicts concerning alternative uses of available resources and, therefore, alternatives do not need to be considered; 5/ The environmental assessment is not likely to generate wide public interest and is not being distributed for public review and comment; and 6/ The proposed action is located in an area covered by an existing land use plan and conforms with that plan.

Water would be pumped around the worksite during project implementation and a portion of the Marmot Road would be closed for approximately three days. Implementation of the project would be conducted by a Clackamas County road maintenance crew in the summer of 2007.

Design Features:

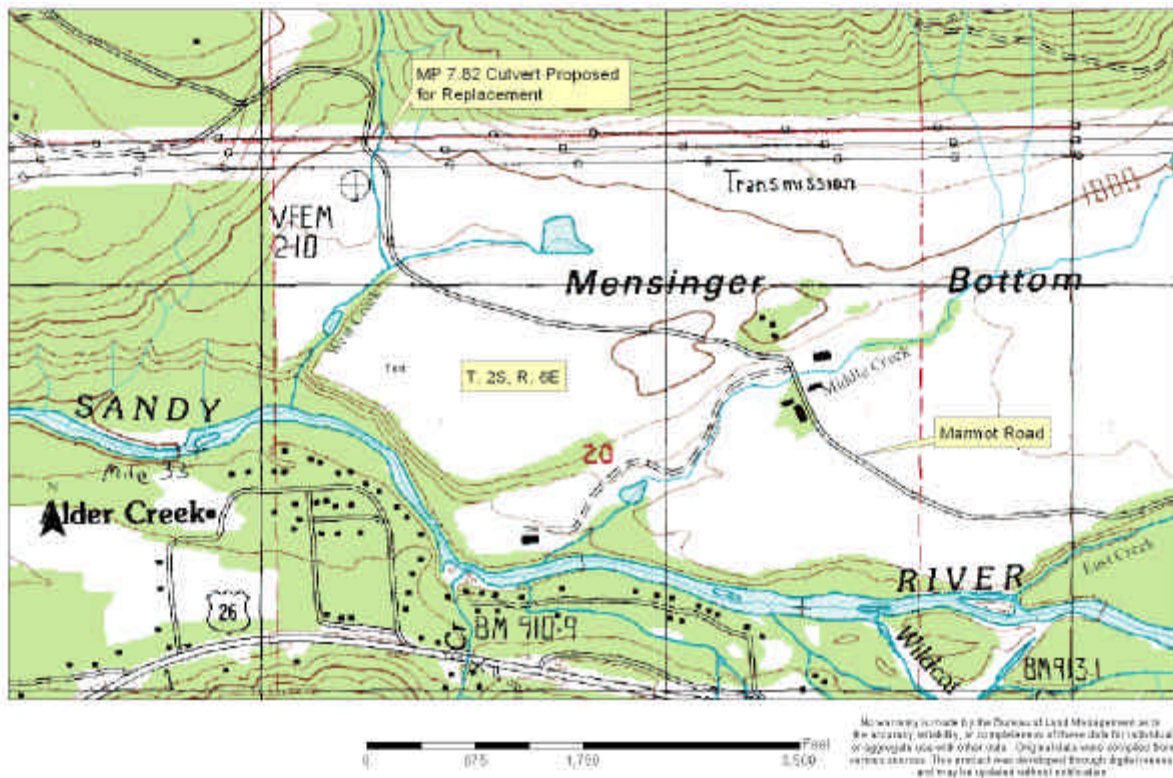
Implementation would occur during the in-water work period recommended by the Oregon Department of Fish & Wildlife (July 15-August 31).

Vicinity Map



Location Map - T. 2 S., R. 6 E., Sec. 20 & 21

Project Map



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.63: topic: **Provide and maintain fish passage at all road crossings of existing and potential fish-bearing streams**; *Upper Sandy Watershed Analysis*, dated 1996; *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; *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*, January, 2001 including any amendments or modifications in effect as of March 21, 2004.

Aquatic Conservation Strategy (ACS): This project's compliance with the Aquatic Conservation Strategy is addressed in Tables 3 and 4 of the Marmot Road/West Creek Culvert Replacement EA (EA pp. 10-12). Table 3 addresses the four components of the ACS and Table 4 addresses the project's effects on the nine ACS objectives. The project would have no effect on ESA listed fish species (See Consultation in the next section).

The analysis in this 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 Supplemental Environmental Impact Statement for Survey and Manage, Protection Buffers, and Other Mitigation Measures in the Northwest Forest Plan* (SM/FSEIS, November 2000).

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

Consultation and Public Involvement:

ESA consultation:

- **Wildlife:** Due to the nature of the proposed project, there would be no effects on ESA listed wildlife species or habitat, including the northern spotted owl. No suitable habitat would be modified as a result of the project and disturbance levels would be low. The project would occur outside the critical nesting season for the spotted owl, and the project area is not located within disturbance distance of any known Threatened or Endangered species sites. The project area is not located within critical habitat for the spotted owl.
- **Fish:** The project would have no effect on ESA listed fish species. No ESA listed fish species are found in West Creek. The project is located approximately 0.5 mile upstream of the confluence of West Creek and the Sandy River. Turbidity resulting from sediment generated by the culvert replacement is expected to settle out before reaching the Sandy River.

Public Involvement: In compliance with the National Environmental Policy Act, the proposed action was listed in the March 2007 edition of the quarterly *Salem District Project Update*, which was mailed to over 1,200 addresses. A scoping letter was posted on the Salem District website for 40 days. No public comments were received in response to this scoping.

Affected Environment and Environmental Effects

The interdisciplinary team reviewed the elements of the environment, required by law, regulation, Executive Order and policy, to determine if they would be affected by the proposed action. Table 1 (Critical Elements of the Environment from BLM H-1790-1, Appendix 5), Table 2 (Other Elements of the Environment), Table 3 (Aquatic Conservation Strategy Summary) and Table 4 (Consistency with the Nine Aquatic Conservation Strategy Objectives) summarize the results of that review. Affected elements are **bold**.

Affected Environment:

This project is on an existing County Road and the current Right-of-Way will not be expanded or affected. The land downstream of the culvert was private pastureland prior to its acquisition by BLM in 2001. Some planting of native trees and shrubs has been conducted by BLM since the acquisition. Upstream of the culvert the land is still in private ownership. On the BLM side of Marmot Road the project site is within the Riparian Reserve Land Use Allocation, as identified in the RMP. The project site is located beneath BPA power lines, and therefore, has no overstory vegetation. Understory vegetation upstream of the culvert consists mainly of blackberry and willow. Approximately 300 feet upstream of the culvert the riparian area is forested, mainly with mature western red cedar and Douglas fir. Downstream of the culvert the existing vegetation is mostly blackberry.

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>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/NA²</i>	<i>Remarks / Environmental Effects</i>
Air Quality (Clean Air Act)	Not Affected	NA	No burning is proposed.
Areas of Critical Environmental Concern	Not Present	NA	The project site is within a proposed ACEC, but is not yet designated.
Cultural, Historic, Paleontological	Not Affected	NA	The project will be confined to a stream channel and ground previously disturbed from road construction and the original culvert placement. Under the Protocol, this undertaking is exempt under Appendix E Exceptions Wildlife 4 and Other 10.
Energy (Executive Order 13212)	Not Affected	NA	There are no known energy resources located in the project area.
Environmental Justice (Executive Order 12898)	Not Affected	NA	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	NA	
Flood Plains (Executive Order 11988)	Not Affected	NA	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/Not Affected	NA	No hazardous or solid wastes would be generated or disturbed by the project.
Invasive, Nonnative Species (Executive Order 13112)	Not Affected	NA	No measurable increase in the invasive/nonnative species known from the project area is anticipated as a result of this project. Excavation at the project site may result in a reduction of some of the invasive weeds in the project area.

² NA = not applicable. If there is no effect, there will be no cumulative effect.

Table 1: Environmental Review for the Critical Elements of the Environment (BLM H-1790-1, Appendix 5)

Critical Elements Of The Environment		Status: (i.e., Not Present , Not Affected, or Affected)	Does this project contribute to cumulative effects? Yes/No/NA ²	Remarks / Environmental Effects
Native American Religious Concerns		Not Affected	NA	Past fish habitat enhancement and sediment reduction projects within this area have not resulted in tribal identification of concerns.
Threatened or Endangered (T/E) Species or Habitat	Fish	Not Present/Not Affected	NA	No T&E fish species are found in West Creek The project site is located approximately 0.5 mile upstream of the confluence of West Creek and the Sandy River. Any increased turbidity resulting from the project is expected to settle out prior to reaching the Sandy River.
	Plants	Not Present	NA	No habitat for T&E species exists in the project area.
	Wildlife (including designated Critical Habitat)	Not Present/Not Affected	NA	The project would have no effects on ESA listed wildlife species or habitat. No habitat would be modified, the project would occur outside the critical nesting season for the spotted owl, and is not located within disturbance distance of any known T&E sites. The project area is not located within critical habitat.
Water Quality (Surface and Ground)		Affected	No	No Action: See Table 4, ACS Objective #4. Proposed Action: A short-term, localized increase in turbidity and sedimentation would occur in West Creek during project implementation from excavation associated with installation of instream structures. For a year or two following project work, some channel head cutting and bank instability may result, particularly upstream of the crossing. These effects are unlikely to be measurable or visible beyond the first two winters following disturbance or beyond a distance of approximately ¼ mile downstream from the disturbance. In the long-term the project is expected to help stabilize the streambed and reduce the sediment yield of West Creek and sediment input to the Sandy River. There is unlikely to be any effect on stream temperatures from this proposal because stream shade will not be affected.
Wetlands (Executive Order 11990)		Not Present	NA	
Wild and Scenic Rivers		Not Affected	NA	The project site is outside of the Sandy River Wild & Scenic corridor. No impacts to the Outstandingly Remarkable Values of the Sandy River as identified in the Wild and Scenic management plan would occur as a result of this project.
Wilderness		Not Present	NA	

<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/NA</i>	<i>Remarks / Environmental Effects</i>	
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)	Not Present	NA	No Essential Fish Habitat as designated by Magnuson-Stevens Fishery Conservation & Mgmt. Act is located in the vicinity of the project.	
Land Uses (right-of-ways, permits, etc)	Not Affected	NA	This project is on an existing County Road and the current Right-of-Way will not be expanded or affected. The roughened chute will extend beyond the right-of-way limit onto BLM lands.	
Mineral Resources	Not Present	NA	No known mineral resources are found in the project area.	
Recreation	Not Affected	NA	There are no anticipated effects to recreation resources, or disturbances to recreation use as part of this project because no recreation resources/uses are known to exist in the project area.	
Soils	Affected	No	Proposed Action: Heavy equipment will operate from the existing road and right-of-way so additional soil disturbance is unlikely to result. Some additional compaction may result from placing the rock in the roughened chute. The site is already disturbed, and is under the BPA powerlines where vegetation height is controlled by BPA.	
other Special Status Species/Habitat	Fish	Not Present	NA	No special status fish species are found in the project vicinity.
	Plants	Not Affected	NA	No Special Status Species or habitats exist within the project area.
	Wildlife	Not Affected	NA	No special status wildlife species are known to occur in the project vicinity.
Other Fisheries Species/Habitat	Affected	No	No Action Alternative: The stream habitats upstream and downstream from the existing culvert would continue to be disconnected by barrier culvert. The cutthroat trout populations on either side of the culvert would continue to be isolated. Proposed Action: Instream habitat connectivity (upstream passage capability at all flows) would be restored for cutthroat trout.	

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/NA</i>	<i>Remarks / Environmental Effects</i>
Visual Resources	Not Affected	NA	Only minor changes to the existing visual character of the project area is expected. Project activities would occur below the elevation of the Marmot Road with no apparent changes to Visual Resources.
Water Resources (DEQ 303d listed stream, DEQ 319 assessment, water quantity)	Not Affected	NA	The Sandy River is managed under the Sandy River TMDL for recovery of dissolved oxygen and summer stream temperatures. The project would have no effect on dissolved oxygen or summer stream temperatures in the Sandy River because stream shade levels would not be affected.
Downstream Beneficial Uses (Salem FEIS pp. 3-9)	Not Affected	NA	Beneficial Uses Present (Downstream from Project): Irrigation, cold water fisheries. Irrigation and livestock watering practices within the project have been discontinued. The project will not affect cold water fisheries downstream of the project area because disturbance (turbidity) from the project activities would be short-term (a few hours at a time over the course of 3 days) with no lasting effects on the resident fish in West Creek. Turbidity generated by the project is expected to settle out before reaching the Sandy River.

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).

<i>Table 3: Aquatic Conservation Strategy Review Summary (RMP pages 5-7)</i>		
<i>Components</i>	<i>Effect</i>	<i>Remarks /References</i>
Riparian Reserves	Minimal	The proposed action involves excavation of a road bed within a Riparian Reserve. Although the proposed action takes place within the Riparian Reserve land use allocation, the project is expected to maintain riparian resources. Some disturbance to existing riparian vegetation will occur, but the existing riparian vegetation consists primarily of invasive plants.
Key Watershed	None	Not in a key watershed
Watershed Analysis	None	Upper Sandy Watershed Analysis, Mt Hood Natl. Forest, 1996
Watershed Restoration	None	The proposed action is a component of the resource area’s watershed restoration program. It is expected to contribute to watershed restoration by restoring the natural gradient of West Creek and by allowing for unobstructed fish passage.

Table 4 shows the project's effects on the nine Aquatic Conservation Strategy Objectives.

<i>Table 4: Consistency with the Nine Aquatic Conservation Strategy Objectives</i>	
<i>Consistency with ACS Objectives</i>	<i>Reasoning</i>
<p>1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations and communities are uniquely adapted.</p> <p><i>The No Action Alternative may retard or prevent the attainment of ACS objective 1. The Proposed Action would not retard or prevent the attainment of ACS objective 1.</i></p>	<p>No Action Alternative: The No Action alternative would maintain the altered condition of blocked passage for aquatic organisms, caused by the perched culvert. The current distribution, diversity and complexity of watershed and landscape-scale features would be maintained.</p> <p>Proposed Action: The aquatic system would be restored to more closely resemble that to which the species, communities and populations are adapted.</p>
<p>2. Maintain and restore spatial and temporal connectivity within and between watersheds.</p> <p><i>The No Action Alternative may retard or prevent the attainment of ACS objective 2. The Proposed Action would not retard or prevent the attainment of ACS objective 2.</i></p>	<p>No Action Alternative: Current lack of spatial and temporal connectivity for aquatic species within the watershed would be maintained.</p> <p>Proposed Action: Habitat connectivity for aquatic species within the watershed would be improved by removal of a passage barrier. The project area and scope are too small to have any effect on spatial or temporal connectivity between watersheds.</p>
<p>3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.</p> <p><i>The No Action Alternative may retard or prevent the attainment of ACS objective 3. The Proposed Action would not retard or prevent the attainment of ACS objective 3.</i></p>	<p>No Action Alternative: The current condition of impaired physical integrity of the aquatic system would be maintained. The ongoing erosion of the streambed and banks would continue.</p> <p>Proposed Action: The physical integrity of shorelines, banks and bottom configurations would be restored by reducing the erosive energy of the stream where it currently exits the culvert. The ongoing degradation of the streambed and erosion of the streambanks would be arrested.</p>
<p>4. Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems.</p> <p><i>The Proposed Action and No Action Alternatives would not retard or prevent the attainment of ACS objective 4.</i></p>	<p>No Action Alternative: The current condition of water quality would be maintained. The accelerated erosion of the streambed and banks would continue to cause elevated turbidity and sedimentation in West Creek.</p> <p>Proposed Action: A short-term, localized increase in turbidity and sedimentation would occur in West Creek during project implementation from excavation associated with removal of the existing culvert. For a year or two following project work, some channel head cutting and bank instability may result upstream of the crossing. These effects are unlikely to be measurable or visible beyond the first two winters following disturbance or beyond a distance of approximately ¼ mile downstream from the disturbance. In the long-term the project is expected to help stabilize the streambed and reduce the sediment yield of West Creek and sediment input to the Sandy River. There is unlikely to be any effect on stream temperatures from this proposal because stream shade will not be affected.</p>
<p>5. Maintain and restore the sediment regime under which aquatic ecosystems evolved.</p> <p><i>The No Action Alternative may retard or prevent the attainment of ACS objective 5. The Proposed Action would not retard or prevent the attainment of ACS objective 5.</i></p>	<p>No Action Alternative: The existing altered sediment regime would be maintained. Deposition of sediment upstream of the culvert would continue, while the increased erosion of sediment from the streambed and banks downstream of the culvert also continue.</p> <p>Proposed Action: Removal of the existing culvert, and subsequent replacement with a bridge would allow for reestablishment of a sediment regime more closely resembling that under which the aquatic ecosystem evolved.</p>

Table 4: Consistency with the Nine Aquatic Conservation Strategy Objectives

Consistency with ACS Objectives	Reasoning
<p>6. Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing.</p> <p><i>The Proposed Action and No Action Alternatives would not retard or prevent the attainment of ACS objective 6.</i></p>	<p>No Action Alternative: No change in in-streams flows would be anticipated.</p> <p>Proposed Action: The project is not expected to cause change in instream flows, however, it would result localized reductions in the velocities of high flows, and would restore patterns of sediment, nutrient and wood routing.</p>
<p>7. Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.</p> <p><i>The No Action Alternative may retard or prevent the attainment of ACS objective 7. The Proposed Action would not retard or prevent the attainment of ACS objective 7.</i></p>	<p>No Action Alternative: The current conditions of channel confinement and bed degradation would continue, preventing flood plain inundation. The water table elevations in meadows and wetlands are expected to be maintained.</p> <p>Proposed Action: The project is likely to result in channel bed aggradation that may allow to the stream better ability to inundate its floodplain at some locations. The water table elevations in meadows and wetlands are unlikely to be affected.</p>
<p>8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.</p> <p><i>The Proposed Action and No Action Alternatives would not retard or prevent the attainment of ACS objective 8.</i></p>	<p>No Action Alternative: The existing altered species composition and structural diversity of plant communities in riparian areas would be maintained.</p> <p>Action Alternatives: The project is unlikely to have much effect on the species composition and structural diversity of riparian plant communities.</p>
<p>9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.</p> <p><i>The Proposed Action and No Action Alternatives would not retard or prevent the attainment of ACS objective 9.</i></p>	<p>No Action Alternative: The aquatic habitat would remain disconnected for populations of native aquatic invertebrate and vertebrate populations. Distribution of aquatic species would continue to be blocked by a passage barrier.</p> <p>Action Alternatives: Aquatic habitat would be reconnected, supporting well-distributed populations of native aquatic invertebrate and vertebrate populations.</p>

Interdisciplinary Team:

Table 4: Interdisciplinary Team Review			
Affected Resource	Specialist	Initial	Date
Botany/Vegetation	Terry Fennell	<i>TGF</i>	2/15/07
Cultural Resources	Fran Philipek	<i>FMP</i>	2/14/07
Engineering	Dan Nevin	<i>DJN</i>	2/27/07
Fisheries and Team Lead	Dave Roberts	<i>DAR</i>	3/5/07
Hydrology, Water Quality	Patrick Hawe	<i>WPH</i>	2/15/07
Other Resources/ NEPA Review	Carolyn Sands	<i>CDS</i>	5/10/07
Recreation, Visual and Rural Interface Resources	Zach Jarrett	<i>ZSJ</i>	3/1/07
Soils	Patrick Hawe	<i>WPH</i>	2/15/07
Wildlife	Jim England	<i>JSE</i>	2/27/07

FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of this EA (Environmental Assessment Number OR-080-07-08), I have determined that the proposed action is not a major federal action and would 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 not already adequately analyzed, or no 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 *Sandy Post* newspaper on **May 23, 2007**. Within 30 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Cindy Enstrom, Cascades Resource Area 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 30 days after the public notice of this Decision Record appears in the *Sandy Post* newspaper.

Contact Person: For additional information concerning this decision or the appeal process, contact Dave Roberts at (503) 375-5672, Cascades Resource Area, Salem District, 1717 Fabry Road, Salem, Oregon 97306.

Authorized Official:  _____
Cindy Enstrom, Field Manager
Cascades Resource Area

Date: 5/22/07