

USDI, BUREAU OF LAND MANAGEMENT  
BURNS DISTRICT  
ANDREWS RESOURCE AREA  
HINES, OREGON 97738

FINDING OF NO SIGNIFICANT IMPACT  
AND  
DECISION RECORD  
FOR  
WILLOW CREEK ROAD REROUTE  
  
ENVIRONMENTAL ASSESSMENT  
OR-05-027-071

The Andrews Resource Area, Burns District, analyzed a request from private property owners proposing to replace a portion of road that accesses their private property on the eastern slope of Steens Mountain. The current access route crosses Willow Creek and access to the private land is difficult during spring and early summer when water volume in the creek is high.

SUMMARY OF PROPOSED ACTION

The proposed action is to find a better route location that improves access for the private landowners while protecting natural resource values. Route relocation would eliminate a stream crossing on public land and motorized access across the High Steens Wilderness Study Area (WSA) would be reduced by about 0.24-mile. The public would lose about 1.30 miles of motorized route.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in the Willow Creek Road Reroute Environmental Assessment (EA) and all other available information, I have determined the proposal and alternative analyzed do not constitute a major Federal action that would significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement is unnecessary and will not be prepared.

Rationale:

This determination is based on the following: The following critical elements of the human environment are either not known to be present or known not to be affected by the proposed action or other alternatives: Areas of Critical Environmental Concern, Air Quality, American Indian Traditional Practices, Cultural Heritage, Environmental Justice, Prime or Unique Farmlands, Flood Plains, Hazardous Materials, Paleontology, Special Status Species – Flora, Water Quality (drinking/groundwater), Wetlands, Wild and Scenic Rivers.

All potential effects on resources were analyzed in the EA specific to the proposed action. Critical elements analyzed in the EA are WSAs, Migratory Birds, Noxious Weeds, Special Status Species - Fauna, Riparian Zones. Noncritical elements analyzed in the EA are Vegetation, Soils, Wildlife, Visual Resources, Recreation/Off-Highway Vehicles (OHVs), and transportation/Roads. Impacts to these resources are considered nonsignificant.

#### Wilderness Study Areas

The Bureau of Land Management (BLM) is required to avoid impairment to wilderness characteristics of WSAs until Congress passes legislation either designating WSAs as wilderness or releasing them from wilderness consideration. To foster efficient wilderness management, it is BLM's policy to minimize the establishment of new, discretionary uses in WSAs that would be incompatible with possible wilderness designation, even when the uses would not, in themselves, exceed the nonimpairment standard (WSA Interim Management Policy (IMP), p. 17). The IMP also allows for consideration of enhancing wilderness characteristics while allowing other activities, and recognizes the need to provide reasonable access to private landowners (WSA IMP, pp. 10-11, 29-30). This proposal enhances wilderness values by reducing the motorized route distance across the WSA and by protecting Lahontan Cutthroat Trout (LCT), an identified special feature of the WSA. The proposal also improves access for the private landowners.

#### Migratory Birds

Migratory birds would benefit from the reduction of human activity at the present creek crossing and improvement of riparian habitat.

#### Special Status Species - Fauna

The proposed new route location would not affect LCT or habitat. Discontinuing use and maintenance of the existing stream crossing would eliminate potential disturbance to LCT spawning, incubation, and juvenile rearing and enhance habitat.

#### Wetlands and Riparian Zones

The proposed new route location would not affect riparian-wetland habitat. Discontinuing use and maintenance of the existing stream crossing is expected to result in natural recolonization of riparian vegetation (willow/cottonwood/alder) at the existing road crossing.

#### Noxious Weeds

The current weed abatement program should keep noxious weeds from invading the new route. New found weeds would be controlled before they can spread.

### Recreation/Off Highway Vehicles

The public would lose about 1.30 miles of motorized access along the cherrystem road, however, the public would be allowed to park on the existing cherrystem road and utilize the public land on foot. There would continue to be access to public lands over the existing Oregon Department of Fish and Wildlife easement. OHV use opportunities on primitive routes remain plentiful on public lands east of the project site.

### Visual Resources

The new "way" would be less visually intrusive than the existing cherrystem road. Rehabilitation of the existing cherrystem road would reduce the line and color contrasts associated with this feature. Visual Resource Management (VRM) Class I objectives would be met.

### Soils

The chance for erosion from this disturbance would be low due to the characteristics of the soil. Soil compaction along the existing route would be mitigated through the rehabilitation efforts.

### Vegetation

Some vegetation would be removed from the action of vehicles driving the new route. Vegetation would reestablish on the old route when it is closed and rehabilitated.

### Transportation/Roads

Approximately 0.71-mile of cherrystem road would be closed and replaced by 0.47-mile of "way" within the WSA. There would not be public access across the private land portion of the new route so the public would lose about 1.30 miles of motorized access on the cherrystem road which is insignificant relative to the total miles of motorized routes currently available in the area. Private landowner access to their property can occur earlier each spring since the stream crossing is no longer an issue.

## DECISION RECORD

A copy of the original EA was mailed to 11 parties on October 5, 2006. In addition, a notice was posted in the Burns Times-Herald newspaper on October 11, 2006. The U.S. Fish and Wildlife Service was consulted regarding possible effects to LCT. No comments were received from the public.

## DECISION:

Having considered the range of alternatives and associated impacts and based on the analysis in the Willow Creek Road Reroute EA, it is my decision to relocate the private land access route as described in the proposed action. The retired portion of road, except for a small parking area at the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 15 within the existing road, would be closed to motorized and mechanized vehicle use by placing boulders in the roadway. Following road closure, the underlying lands would be added to the High Steens WSA. This road would also be rehabilitated using a caterpillar tractor with rippers to accelerate reclamation and further discourage use. Ripping of the existing roadway would not occur along the stream crossing approaches to eliminate potential sediment input. The old roadbed would be drug with a spike-toothed harrow to eliminate caterpillar tracks if necessary. The new route would become a "way" within the WSA which would be developed and maintained solely by the passage of vehicles.

### Rationale for Decision:

I have selected the proposed action for the following reasons:

The proposed action will improve access to private land located at the end of the route. Access will no longer require crossing Willow Creek which is prone to periodic maintenance due to boulders washing into the route crossing. Potential impacts to LCT will also be eliminated.

The proposed action will enhance wilderness characteristics within the High Steens WSA by reducing motorized activity that affects wilderness characteristics.

Disturbance to migratory birds will be reduced relative to the reduction of human activity at the creek crossing. Natural recolonization of riparian vegetation at the crossing will benefit wildlife as well.

Available motorized route miles for public use will be reduced by about 1.30 miles, however, nonmotorized access is not affected. Primitive routes in the area still available for motorized use are plentiful.

The proposed action will meet VRM Class I objectives.

I have not selected the no action alternative primarily because access to private property would continue to be difficult. Also, environmental benefits to LCT, riparian vegetation, wildlife habitat, and wilderness characteristics would not be achieved.

Authority

This decision is consistent with the Steens Mountain Cooperative Management and Protection Act of 2000 and the Steens Mountain Cooperative Management and Protection Area Record of Decision and Resource Management Plan (2005). It is also in conformance with State, local, and Tribal land use plans, laws, and regulations. This action can be considered in conformance with Section 603 (c) of the Federal Land Policy and Management Act of 1976 and with the specific provisions of the IMP for lands under wilderness review.

This decision may be appealed to the Interior Board of Appeals, Office of the Secretary, in accordance with regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal must be filed in the Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738 by June 5, 2007. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition, pursuant to regulations 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for 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 (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.
4. Whether or not the public interest favors granting the stay.

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Karla Bird  
Andrews/Steens Resource Area Field Manager

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Date