

**UNITED STATES
DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
VALE DISTRICT OFFICE**

DECISION RECORD

Fenwick Bridge Replacement Project
Environmental Assessment
EA. NO. OR-030-07-006
Serial Number: OR-64639

Background:

An Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Proposed Fenwick Bridge Replacement Project (OR-064639) were prepared by the Jordan Resource Area, Vale District. The proposed action is to replace the North Fork Owyhee River (Fenwick Ranch Road) Bridge with a new single-span bridge, to be located adjacent to the existing bridge footprint on the downstream side. Removal of the existing bridge is also a part of the proposed action. The proposed bridge replacement is located $\frac{3}{4}$ mile upstream of the confluence of the North Fork Owyhee River and the main stem of the Owyhee River and is in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 35, Township 34 South, Range 45 East, Willamette Meridian.

Purpose and Objectives:

The need for this action resulted from the Malheur County Public Works Department and the Oregon Department of Transportation, in cooperation with the Federal Highway Administration's proposal to replace the functionally obsolete bridge over the North Fork Owyhee River on the Fenwick Ranch Road.

The existing two-span bridge, originally constructed in 1953, consists of steel girders and timber stringers with a timber planking deck. This bridge provides access for ranching and recreation to the Three Forks and Upper Owyhee Canyon areas. According to the Oregon Department of Transportation (ODOT) Bridge Inspection Report (ODOT 2005), the bridge is posted with a load limit of 8 tons and is functionally obsolete. Furthermore, there are multiple structural deficiencies including deck wear, visible girder rot, severely twisted cap with poor bearing, and rotting timbers. The bridge rails do not meet ODOT standards, and there is currently no approach rail or rail ends. These conditions make the bridge undesirable and unsafe for vehicular traffic. Due to these conditions, the bridge is listed in the Oregon State Transportation Improvement Program (STIP) for replacement under the Federal Highway Administration (FHWA) Bridge Rehabilitation and Replacement (HBRR) program.

Public Comment:

The EA was published on February 26, 2008 in the Argus Observer and on February 27, 2008 in the Malheur Enterprise as available for a 30-day public review period. The EA was also posted on the BLM Vale District Internet. No comments have been received.

Finding of No Significant Impact:

On the basis of the information contained in the attached Environmental Assessment, and all other information available to me, it is my determination that implementation of the proposed action will not have significant environmental impacts not already addressed in the Southeastern Oregon Resource Management Plan and Record of Decision (September 2002), with which this EA is in conformance, and does not, in and of itself, constitute a major federal action having significant effect on the quality of the human environment. Therefore, a new environmental impact statement or supplement to the existing environmental impact statement is not necessary and will not be prepared. This project is also in compliance with the BLM management goals for the North Fork Owyhee River as addressed in the Main, West Little and North Fork Owyhee National Wild and Scenic Rivers Management Plan and Environmental Assessment (September 1993).

The new bridge will have no in-stream structure. According to the evaluation pursuant to Section 7(a) of the Wild and Scenic Rivers Act, removal of the existing in-stream structure will improve the channel hydrology by allowing natural stream processes within the stream channel to occur (EA, Appendix D, page 4). The North Fork Owyhee Wild and Scenic River values will be unaffected or improved by the proposed activity, according to the Section 7 (a) report in Appendix D.

Decision:

Based on the analysis documented in the Environmental Assessment No. OR-030-07-006 and the Finding of No Significant Impact, it is my decision to implement the Proposed Action. The proposed activity will not have a direct and adverse effect on the free-flow character of the river, the water quality and quantity of the river, or the values for which the North Fork Owyhee was designated a Wild and Scenic River.

This alternative proposes to replace the Fenwick Ranch Road Bridge with a new 64 foot single span steel girder bridge with a timber plank deck. The bridge super structure will consist of weathering steel girders and timber plank decking. The bridge foundation will consist of drilled steel pipe piles socketed into the underlying bedrock. The existing bridge will remain in place during construction of the new bridge.

Construction equipment and materials will be staged 150 feet away from any waterway or wetland. The two staging areas available for this project are the site near the cattle guard at the canyon rim and the corral area west of the project site. The project is estimated to take two to four months to complete with construction beginning in July.

The only work below the ordinary high water elevation of the river will be the removal of the existing steel pier located in the main channel. This work will occur during the Oregon Department of Fish and Wildlife (ODFW) preferred in-water work period of October 1 through March 31 (unless an extension for September is approved by ODFW).

The existing bridge superstructure will be removed once the new bridge is completed and opened to traffic. All the old timber decking, the old steel girders and the old steel pier, along with all construction/demolition debris will be disposed of by the contractor at an approved site.

Decision Rationale:

The Proposed Action was selected because it best meets the purpose and need of the project. The criteria used in choosing the preferred alternative included safety, cost, environmental impacts, and whether or not the alternative meets the project purpose and need (to keep Fenwick Ranch Road open for public use), and complies with the BLM management goals for the North Fork Owyhee River. Implementing the proposed action with identified stipulations and mitigation measures, meets the criteria described in the Federal Land Policy and Management Act of 1976 to authorize grants for roads, trail, highways or other means of transportation and the 43 CFR 2800 Rights-of-Way Regulations. The proposed action is also in accordance with the Southeastern Oregon Resource Management Plan and Record of Decision (September 2002), which provides high priority for issuance of rights-of-way.

The North Fork Owyhee Wild and Scenic River values will be unaffected or improved by the proposed activity. By replacing the bridge that currently has a pier in the existing channel with a single-span bridge that does not require any structures within the river's ordinary high water mark; the project will allow more natural flow of the river.

Removing the existing pier from within the streambed will also improve the recreation and scenic values by eliminating bridge support intrusion into the recreational setting and view. Traditional value/lifestyle adaptations will benefit since the purpose of the project is to ensure continued access to the area for local ranchers, recreationists, and farmers. Other outstandingly remarkable values of the river would remain unchanged. The proposed activity replaces the bridge that existed prior to the designation of the North Fork Owyhee River as Wild and Scenic.

The Interim Management Policy for Lands under Wilderness Review (IMPLWR) allows for the renewal of existing rights-of-way. Chapter III, Policies for Specific Activities (Section A (3), page 29) states, "Emergency maintenance or emergency repairs may be made to protect human health and safety or to protect wilderness values even if the activity impairs the wilderness suitability (USDI/BLM, 1995).

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Also, new rights-of-way may be approved for temporary or permanent uses that do not satisfy the non-impairment criteria, "In cases of access to non-Federal lands where the BLM has determined that application of the non-impairment standard would unreasonably interfere with the enjoyment of the landowner's rights." "The BLM is required by law to provide such access as is adequate to secure to the landowner the reasonable use and enjoyment of non-Federally owned land which is completely surrounded or isolated by public lands administered under FLPMA." (H-8550-1, Chapter 3, A (c) (3)) As stated in the EA, Fenwick Ranch Road is an important route for ranching, fire protection, and recreational traffic.

Appeals:

Any applicant or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.411. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.21. The appeal and petition for a stay must be filed in the BLM Vale District Office, 100 Oregon Street, Vale, Oregon 97918, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. This decision is full-force-in-effect immediately upon signature in accordance with 43 CFR 2801.10, unless a petition for stay is filed and allowed by the Interior Board of Land Appeals. Refer to 43 CFR 4.411 and 4.412 for more information regarding filing of an appeal.

Carolyn R. Freeborn

4/7/2008

Carolyn R. Freeborn
Jordan Field Manager

Date