

DECISION RECORD/FINDING OF NO SIGNIFICANT IMPACT
for
Mahon Creek/Poison Creek Spring Enclosures Project

EA-OR-025-2000-27

INTRODUCTION: Following a thirty day comment period of the Mahon Creek/Poison Creek Spring Enclosures Environmental Assessment (EA), EA-OR-025-00-18, The Three Rivers Field Office of the Bureau of Land Management is issuing a decision for the construction of enclosure fences around one spring in the Mahon Creek Allotment and two springs in the Poison Creek Allotment, and a new spring development at one of the Poison Creek springs. The decision is to implement the proposed action of the EA.

DECISION: Having considered a range of alternatives and associated impacts and based on the analysis in the Mahon Creek/Poison Creek Spring Enclosures Environmental Assessment (EA), it is my decision to implement the proposed action which establishes criteria and objectives for constructing these water developments. This decision pertains only to land administered by the BLM.

Rationale for Decision: I have selected the proposed action for the following reasons:

It prevents cattle from concentrating their grazing and trampling right at the spring sources.

It protects the spring sources to assure a steady supply of clean water.

It is responsive to meeting rangeland standards and guidelines by improving watershed function.

The new spring development at Section 21 in Poison Creek Allotment would improve grazing distribution by providing reliable water in an area currently underutilized by livestock and wildlife.

There were no comments received from the public during the comment period.

It is in conformance with Section 7(a)1 of the Endangered Species Act.

It is in compliance with Federal laws that mandate the management of public land resources (Federal Land Policy and Management Act of 1976).

The decision does not result in any undue or unnecessary environmental degradation.

I have also considered two alternatives to the proposed action :

Alternative 1: Pole-style fence at the spring at Mahon Creek and no difference from the proposed action at the other two springs. This alternative proposed that junipers cut on site would be used to build the fence. I did not select this alternative because the size of the fenced area (12 acres) makes a wire fence more practical and more cost-effective.

Alternative 2: No Action. This alternative was to leave all the spring sources unfenced and undeveloped. I did not select this alternative because it would not result in any protection for the resources identified as being at risk under the current situation.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the 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, HC 74-12533 Highway 20 West, Hines, OR 97738 by January 16 , 2001. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition, pursuant to regulation 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 the public interest favors granting the stay.

Rudolph J. Hefter, For (Signature on File)

1/10/01

Craig M. Hansen
Three Rivers Resource Area Field Manager

Date