

Decision Record
for the
Replacement of East Fork Elk Valley Pipe #2 Project
OR-110-01 - 6

I. **Decision:** It is my decision to implement the proposed action and project design features identified in the Environmental Assessment (EA) for the Replacement of East Fork Elk Valley Pipe #2 Project.

In addition to the specific project design features identified in the EA, the BLM will implement the applicable Reasonable and Prudent measures and conduct the monitoring and tracking required under the from the National Marine Fisheries Service's (NMFS) Biological Opinion dated July 12, 2001. Many of these measures were already incorporated into the original design of the project. The one specific change that will be made to the contract based on the Biological Opinion is that we will require the contractor to submit a spill containment and control plan before construction begins and control materials will be present on site during the work. I have reviewed the measures identified in the Biological Opinion with my staff. They do not represent a substantial change to the proposal and will not change the environmental effects identified in the EA, so I do not feel an amendment to the EA is necessary.

I did not receive any other comments from the public regarding this proposal.

II. **Rationale:**

The proposed culvert replacement would greatly enhance the ability of fish and other aquatic organisms to move both up- and downstream, removing a partial barrier to connectivity.

The project design features and additional measures identified in the Biological Opinion would adequately protect environmental resources and minimize the risk of adverse effects which might result from implementing the project.

The No Action alternative was not selected because the existing culvert would continue to pose a partial barrier to stream. In addition, as this culvert ages, the risk of major failure with the consequent substantial erosion and sedimentation will increase. The No Action alternative does not address this increasing risk.

The additional requirements contained in the Biological Opinion will be implemented, not only because they are a requirement under the Endangered Species Act, but in reviewing them, I am convinced they will contribute to a better project and will reduce the potential for environmental damage.

This decision is consistent with the Record of Decision for the Medford District Bureau of Land Management Resource Management Plan (RMP) dated April 14, 1995, as well as the Endangered Species Act, The Native American Religious Freedom Act and cultural resource management laws and regulations.

The decision notice will appear in the Grants Pass Daily Courier, a newspaper of general circulation in the project area, on July 25, 2001. The date of publication of the legal notice will constitute the decision date for purposes of protests and appeals under 43 CFR 5003. The decision will also be posted on the Medford District web site (<http://www.or.blm.gov/Mcdford/>). Protests must be filed within 15 days of the publication of the decision.

Roger Schroes

7-20-01

For

Lynda L. Boody
Field Manager, Glendale Resource Area
Medford District, Bureau of Land Management

Date