

**ENVIRONMENTAL ASSESSMENT OR-035-99-10**  
**BAKER COUNTY FREE USE APPLICATION AND PERMIT OR 50432**  
**SNAKE RIVER BASALT QUARRY**

**I. PURPOSE AND NEED FOR PROPOSED ACTION**

**A. INTRODUCTION**

Baker County submitted a Free Use Application and Permit (FUP) OR 50432 to the Baker Resource Area, Vale District, Bureau of Land Management (BLM) on October 5, 1993 for basalt from the Snake River quarry. A copy of Form 5510-1 and the Snake River Basalt Quarry Mining Plan are attached in the appendix. The Snake River quarry is located about 6.5 miles south of Richland, Oregon on public land in SE $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 8, T. 10 S., R. 46 E., WM. (refer to Maps 1 and 2). Baker County has extracted aggregate from this quarry, off and on, for 40 years. This mineral material would continue to be used for maintenance or construction of Baker County roads and facilities and other public benefit purposes. The authorized officer will decide whether or not to grant the proposed Free Use Permit Application and Permit, OR 50432, which would authorize Baker County to remove 300,000 cubic yards of basalt from this quarry over 10 years.

**B. CONFORMANCE WITH LAND USE PLAN**

The proposed action is in conformance with the Baker Resource Management Plan Record of Decision (p. 28, July 1989). The Record of Decision states as follows:

"Mineral material production will be maximized consistent with demand and protection of other resource values. Mineral material sales and free use permits will be authorized to qualified applicants for removal of common varieties of sand, gravel, stone, and cinders from the existing community pit and other existing quarry sites. New community pits will be developed in response to demand, if compatible with protection of other resource values."

**C. RELATIONSHIP TO STATUTES, LAWS AND REGULATIONS**

The authority for the Secretary of the Interior to permit the free use of mineral materials by any governmental agency or nonprofit association or corporation is the Act of July 31, 1947, as amended (30 U.S.C. 601 et seq.). Title 43 of the Code of Federal Regulations Subpart 3600 (43 CFR 3600) contains the regulations for management of mineral material resources on BLM-administered public lands.

**II. DESCRIPTION OF THE ALTERNATIVES, including the Proposed Action**

**A. "NO ACTION" ALTERNATIVE**

The FUP would not be granted to Baker County under this alternative. Baker County

would then be required to remove their improvements and the Snake River quarry would be left as it is. Although the site is stable since the last entry, there would be no additional reclamation or shaping, which would leave various levels of cuts and piles of waste material on the site.

## B. PROPOSED ACTION

Baker County has applied for a 10-year free use permit for 300,000 cubic yards of in-place basalt which would be crushed for aggregate (refer to appendix for the "Snake River Basalt Quarry Mining Plan"). In some cases, Baker County may act as an agent for other government or non-profit organizations (43 CFR 3621.1-5) and those free use applications and permits will be tiered to this environmental assessment. However, 300,000 cubic yards of basalt is the maximum amount that would be mined and processed from this quarry during the proposed 10-year permit.

The quarry has been developed on high spot on a ridge about 6.5 miles south of Richland, Oregon and about 3.5 miles west of Brownlee Reservoir. Mining in the past has left several piles and holes. Baker County proposes to remove the top 10 to 20 yards of basalt. The presently disturbed area of about 7.5 acres would expand by about 2 to 2.5 acres (refer to Mining Plan in the appendix). If all 300,000 cubic yards are mined, the resulting ridge would slope gently to the north and east. The maximum, total surface disturbance would increase to about 10 acres. A barb-wire fence presently surrounds the area of operation. It encloses about 15.4 acres and excludes livestock grazing.

The northern part of the disturbed area presently contains a stockpile and processing area. Mining would continue just south of this area and expand to the south and along the eastern edge of the quarry. This would eventually remove all other remaining piles and excavated areas, leaving an entirely reshaped disturbed area which would slope gently to the north and east.

Stockpiles of crushed aggregate, topsoil, and rejects would be maintained within the area of operations, primarily in the northern part of the disturbed area. Hauling of aggregate from the stockpiles would occur when the material is needed for maintenance or construction. The crusher would be moved to another location in the future and would possibly return to this quarry before the proposed 10-year permit expired.

Fine-sized mineral materials such as ditch borrow and road waste could also be stockpiled in the quarry for use with the crushed aggregate to meet specifications and for subsoil in final reclamation. The top layer of basalt in the west central part of the quarry is mostly not suitable for aggregate and would also be used in reclamation.

### III. AFFECTED ENVIRONMENT

Only those components of the environment which will be impacted by the proposed action or that are needed for background information will be discussed in this section. Environmental components needed for background information but not impacted by the proposed action will not be discussed further (refer to Environmental Impacts, Chapter IV).

The existing quarry is located on a ridge at an elevation of about 3080 feet above sea level. Slopes in the immediate vicinity of the proposed action vary from 0% to about 60%. This is a low elevation, fairly dry site. Average annual precipitation is 9 to 12 inches (Laird, et. al., 1988, p. 273). The rock cropping out at the surface is Tertiary age, Columbia River Basalt. No paleontological resources have been discovered.

The soil has been classified as Ruckles-Ruclick complex with small areas of Bakeoven soils on the ridge tops (Laird, et. al., 1988, pp. 273-275). The soil is very thin, usually 1 to 6 inches, with some areas of rock outcrop and varies from very stony clay loam to very cobbly silt loam.

Runoff from the quarry area would flow into an ephemeral stream tributary to Long Hollow drainage located just to the northwest (refer to Map 2) and the main fork of Long Hollow, which is an intermittent stream drainage located to the east of the quarry and draining to the north. Riparian vegetation occurs within the Long Hollow drainage farther to the north. Water quality is probably fair to good during periods of runoff. Air quality is generally good in the vicinity of the proposed action.

The vegetation within the area of operations includes bunchgrasses, forbs, and shrubs. Major grass species include Sandberg's bluegrass (*Poa secunda*), cheatgrass (*Bromus tectorum*), bluebunch wheatgrass (*Agropyron spicatum*), and Idaho fescue (*Festuca idahosensis*) with stiff sage (*Artemisia Rigida*) as the major shrub species. Other vegetation of note includes biscuitroot, desert parsley, and wild onions. There are no known listed or candidate threatened or endangered plant species known to occur in the general area of the proposed action. There are noxious weed infestations in the general vicinity of the quarry.

The area is not known to be critical habitat for any endangered, threatened or sensitive wildlife species or any other species of wildlife. This area is mule deer winter range. Other wildlife using this habitat may include songbirds, raptors, coyotes, voles, ground squirrels, rabbits, insects, toads, lizards and snakes.

A Class III (intensive) pedestrian survey for cultural resources has been completed on the area of operations. No cultural resources on or eligible for the National Register were found within the proposed project area, including the proposed expansion area.

The area of the proposed action is classified as a Visual Resource Management Class

II, high scenic quality area. The quarry is an existing intrusion on the landscape. It cannot be seen from Brownlee Reservoir but is visible from Richland. During night operations, lights may be seen from Richland and the Powder River Arm.

#### **IV. ENVIRONMENTAL IMPACTS**

The following critical elements have been analyzed and will not be affected by any of the alternatives because they are not present: areas of critical environmental concern, prime farm lands, flood plains, wetlands, riparian zones, wild and scenic rivers, and wilderness. The following resources are not impacted: livestock grazing, forest lands, old growth, fisheries, and threatened, endangered or sensitive plant, fish or other wildlife species. "No effect" determinations on all threatened, endangered or sensitive species have been made for both alternatives.

##### **A. "NO ACTION" ALTERNATIVE**

No additional direct or indirect environmental impacts to public lands would occur under this alternative. The existing piles and holes would not be removed by mining. The disturbed area would not be further contoured and smoothed or prepared for seeding. Vegetation would be slow to grow on the disturbed area and it is likely that noxious weeds would eventually occupy the site. Unnecessary and undue degradation of the public land would likely occur over the long term.

The social-economic considerations are that Baker County would then need to expend tax dollars, time and effort into developing a new aggregate source if good quality rock can be discovered at a suitable location or otherwise allow County roads and other improvements to deteriorate.

##### **B. PROPOSED ACTION**

The proposed action would cause a number of direct and indirect impacts to the environment. A maximum of an additional 2 to 2.5 acres of surface disturbance over 10 years would likely result from the proposed action. The direct impacts would be the removal of vegetative cover and disturbance of all soil structures on the additional acres. A small reduction in soil productivity on these acres would occur due to the mixing of soil structures and the loss of most of the microorganisms and native seed viability in the stockpiled topsoil when it is retained longer than a year. However, the soils on the ridge top are very thin and the comparative reduction in soil productivity would be very small. Until reclamation is successfully completed, between 2 and 2.5 additional acres of noncritical wildlife habitat would be unavailable.

Indirect impacts include increased potential for erosion, intermittent decreases in air quality and increased spread of noxious weeds. Intense precipitation events and wind storms would probably increase sediment delivered to Long Hollow drainage by minor

amounts and cause intermittent decreases in air quality. Crushing and hauling operations would also result in intermittent decreases in air quality. Importing fine-sized mineral materials such as ditch borrow and road wastes would greatly increase the potential for noxious weed infestations within the area of operations. This in turn could result in the spread of noxious weeds along haul routes and into other project areas. Unnecessary and undue degradation of the public land would result from a failure to implement reclamation procedures.

The impact to visual resources from the enlarged excavation would continue until reclamation is successfully completed. Operations would be mostly screened from the Snake River Road and would continue to be screened over the 10-year duration of the permit. The visual impact would not be substantially greater than the existing intrusion which is local in extent. Visual impacts from a recreational viewpoint would be negligible.

During operations there would continue to be an increased potential for injury to humans, wildlife, and livestock and an increased potential for human-caused fire starts. There would also be a temporary decrease in wildlife use in the general vicinity during operations.

Compaction would occur during the spreading of the subsoil and topsoil over the recontoured areas and possibly during seeding. This in turn would decrease infiltration rates and increase runoff rates. Due to shallow soil and the failure to stockpile soil during the previous 40 years of operations, there may not be enough stockpiled soil material present to cover the disturbed areas to a depth of 3 inches or more unless fine-grained mineral materials are hauled in from other sources and stockpiled. Therefore, special reclamation techniques may be required for the site to be restored to a level of productivity comparable to surrounding public land. Unnecessary and undue degradation could occur unless reclamation techniques provide the vegetative cover needed to stabilize the site.

After reclamation is completed there probably would be an increase in weeds and other less desirable plant species over the short term. As the new grass plants start to grow, grazing wildlife should be attracted to the young plants. Depending on how rough and rocky the surface is, significant additional plant mortality could occur.

No disproportionately high and adverse human health or environmental impacts on minority or low-income populations or Indian tribes is likely to result from the proposed action. The quarry site is located in a rural area, and has been active (off and on) for some decades. The social-economic considerations under this alternative include a supply of good quality aggregate for maintenance of County roads and improvements with no royalty or rental fees and subsequent cost to the taxpayer. The present taxpayer investment in the quarry would be preserved. Persons who travel on these County roads would not be deprived of safe road surfaces due to lack of available mineral material.

Other than potential disturbance to residents of the area (noise, dust, lights at night), the effects of operating in the quarry are localized. Effects of application of the crushed basalt would reach a greater distance, depending on the miles of roads maintained; therefore, results of using the quarry would affect a wider area.

## **V. MITIGATING MEASURES**

### **A. APPLICANT'S COMMITMENTS FROM THE MINING AND RECLAMATION PLAN**

The following commitments are proposed by Baker County and would also become the commitments of their contractors and/or agents should the BLM Field Office Manager's decision choose the proposed action.

1. Each phase of mining shall be initiated by stripping the topsoil from the quarry expansion area. The topsoil shall be placed in a stockpile for use in future reclamation.
2. A berm shall be maintained along the eastern edge of the quarry between the quarry and Long Hollow drainage.
3. To the extent possible, operations shall be screened from public view as the public travels along the County road.
4. Final surface contours shall blend into the natural contours and shall slope gently to the north and east.

### **B. ADDITIONAL ENFORCEABLE MEASURES**

1. The topsoil stockpile(s) shall be broadcast seeded in the fall at the rate of 10 pounds per acre with the following seed mix of pure live seed, certified weed free, subject to the availability of seed:

6 lbs. Pubescent wheatgrass, Luna  
2 lbs. bluebunch wheatgrass  
2 lbs. yellow sweet clover (inoculated).

Substitutions in the seed mix must be approved by the BLM Field Office Manager.

2. Existing piles and holes shall be removed as mining progresses.
3. Quarry operations shall conform to Mine Safety and Health Administration, Oregon State Department of Environmental Quality (DEQ) and Department of Geology and Mineral Industries (DOGAMI), Environmental Protection Agency (EPA) and Bureau of Land Management (BLM) regulations (these regulations address environmental and public health and safety concerns).

4. Dust abatement procedures shall be initiated to meet EPA and DEQ regulations.
5. No garbage, refuse, litter, wood, concrete, asphalt, human waste or hazardous waste shall be deposited, stockpiled or buried on the public lands.
6. No permanent fuel, oil or hazardous materials storage facilities shall be allowed on public land.
7. All spills or releases of petroleum products or other hazardous materials shall be immediately controlled, reported and mitigated as required by law and DEQ rules and regulations.
8. All motorized equipment and vehicles shall be equipped with operational mufflers and spark arresters that meet noise abatement and fire codes. Baker County shall have sufficient fire suppression equipment on site to launch an initial attack on any range fire ignition.
9. Baker County shall immediately bring to the attention of the BLM Field Office Manager any paleontological (fossil) remains or any historical or archaeological site, structure, building or object that might be altered or destroyed by operations at the site and shall leave such discovery intact until told to proceed.
10. Baker County shall report all noxious weed infestations within the area of operations as soon as they are discovered. Baker County shall inspect the area of operations for noxious weed infestations at least once each calendar year but no later than July 15th. Special attention shall be given to the stockpiles of imported mineral materials. The BLM Field Office Manager shall prescribe the appropriate noxious weed control measures that shall be used by Baker County to prevent the spread of noxious weeds in the area of operations and along haul routes. Any prescribed use of herbicides shall be under an approved Pesticide Use Proposal.
11. Baker County shall consult with DEQ on the possible need to develop and implement a Storm Water Discharge Abatement Plan by February 1, 2000 and shall provide written documentation to BLM.
12. The quarry shall be developed so that upon completion of mining, the quarry walls can be graded and contoured into the surrounding terrain. No slopes shall exceed 1:2 (50%) and most slopes shall be 1:3 (33%) or less. The grading and contouring shall not be uniform. Suitable waste mineral material can be used in the contouring.
13. Any stockpiled fines and small-sized rejects shall be spread over as much of the disturbed area as feasible to establish a soil sub-base.

14. The stockpiled topsoil shall then be spread over as much of the disturbed area as feasible. The end result shall be moderately rough and not uniform.

15. If it is not feasible to get an average soil depth (topsoil, subsoil and fines) of 3 inches or more over the entire disturbed area, then subsoil and topsoil shall be spread in strips perpendicular to the slope and be interspersed with strips of rock rubble, preferably any altered or weathered basalt. Most of the topsoil shall be spread on the gentler slopes. The steeper slopes shall be faced with the rock rubble.

16. The recontoured surface shall be ripped along the contours at 25-foot to 50-foot intervals.

17. The disturbed areas, including any rock strips, shall be broadcast seeded. Seed shall be applied at the rate of 20 pounds per acre of pure live seed, certified as weed free. Seeding shall be completed in the late fall. If after 3 years the vegetative response is not adequate as determined by the BLM Field Office Manager, then hauling and spreading of additional, fine-grained mineral materials in the quarry, hydro-seeding, and the use of mulches, fertilizer, and tackifiers may be required.

18. The following seed prescription shall be used subject to the availability of seed:

- 6 lbs. pubescent wheatgrass, Luna
- 4 lbs. bluebunch wheatgrass
- 6 lbs. Sandberg's bluegrass
- 2 lbs. sheep fescue
- 2 lbs. yellow sweet clover (inoculated).

Substitutions in the seed mix must be approved by the BLM Field Office Manager.

19. Baker County shall notify the BLM Field Office Manager at least 2 weeks prior to seeding so that BLM-supplied seeds for selected forbs and shrubs, can be added to the seed mix.

20. Concurrent reclamation shall be completed as mining progresses.

#### C. BLM'S COMMITMENTS

1. BLM shall provide seeds for selected forbs and shrubs which can be added to the seed mix.

2. BLM shall bear the cost of evaluation and mitigation of any buried paleontological or cultural resources exposed by the excavations.

## **VI. RESIDUAL IMPACTS**

### **A. "NO ACTION" ALTERNATIVE**

Under this alternative, the major residual impacts would be a more ragged surface contour than under the proposed action, sparse vegetative cover and noxious weed infestations. This would be unnecessary and undue degradation of public land, and 7.5 or fewer acres of public land would continue to be less productive than the surrounding public land.

### **B. PROPOSED ACTION**

In the short term, the Snake River Basalt Quarry would remain a visual intrusion upon the landscape in a high scenic quality area. Mining, processing, and hauling operations will continue to cause local decreases in air quality.

In the long term, if the reclamation techniques are successful, then the 10 acres within the proposed area of operations should return to an ecological productivity comparable to the surrounding public lands.

Unavoidable impacts include use of large trucks on roads used by the public, noise and dust generated from the crushing operation, visible dust and lights, and displacement of wildlife due to the above impacts.

## **VII. CONTACTS, CONSULTATIONS, AND PREPARERS**

This chapter contains a summary of Agencies, Organizations and Persons consulted, anticipated future public notification and a list of preparers.

### **A. Agencies, Organizations and Persons Consulted:**

Mr. Ken Helgerson, Baker County Road Master  
Mr. Jack Corning, Grazing Permittee  
Mr. Mike Wright, Daly Creek Pastoral, Grazing Permittee

**B. List of Preparers**

Joanne Britton, Baker Resource Area, Environmental Coordinator  
Kata Bulinski, Baker Resource Area, Realty and Minerals  
Clair Button, Baker Resource Area, Botany  
John Denney, Baker Resource Area, Watershed and Soils  
Jackie Dougan, Baker Resource Area, Fisheries  
Gary Guymon, Baker Resource Area, Range  
Vicki Kellerman, Baker Resource Area, Recreation  
Dan Klug, Baker Resource Area, Cultural Resources  
Ralph Kuhns, Baker Resource Area, Team Lead/Minerals  
Greg Miller, Baker Resource Area, Wildlife  
Mary Oman, Baker Resource Area, Cultural Resources  
Mike Woods, Baker Resource Area, Weed Coordinator

**VIII. REFERENCES**

BLM, 1989, Baker Resource Area Management Plan Record of Decision: U.S. Department of the Interior, Bureau of Land Management, 151p. and supporting environmental impact statement.  
Laird, William E., et. al., 1988, Soil Survey of Baker County Area, Oregon: U.S. Department of Agriculture, Natural Resources Conservation Service, 550 p.

## APPENDIX

**DECISION RECORD  
and  
FINDING OF NO SIGNIFICANT IMPACT**

for  
Baker County  
Free-Use Application and Permit For Mineral Material  
from  
The Snake River Basalt Quarry  
Environmental Assessment OR-035-99-10

Bureau of Land Management  
Baker Resource Area  
Vale District

This Decision Record and Finding of No significant Impact (FONSI) documents my decision to issue a free-use permit for mineral material removal from the Snake River Basalt Quarry to Baker County the proposed action. The analysis is contained in Environmental Assessment (EA) OR-035-99-10 (attached). Mitigations and additional enforceable measures are documented in the EA and are incorporated by reference into this decision. The free-use permit (FUP), OR-50432 will include the mitigations designed with the proposed action. Baker County does not at the present time own or control an adequate supply of suitable mineral materials that is readily available and can be mined in a manner which is economically and environmentally acceptable.

Baker County will be authorized to remove a maximum of 300,000 cubic yards of in-place basalt from the Snake River Basalt Quarry located in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 8, Township 10 South, Range 46 East, Willamette Meridian (approximately 10 acres). The life of the permit is 10 years from the date of this decision. A reclamation bond will not be required. Baker County shall not barter or sell the fair market, in-place value of the mineral materials obtained under this permit. The authorized officer may cancel the permit if Baker County fails, after adequate notice, to observe the terms and conditions of the permit.

Should Baker County choose to act as an agent for any Federal or State agency, unit, or subdivision, including municipalities or non-profit organizations or corporations, then that entity shall submit a free-use application and permit to BLM with written documentation that Baker County is acting as their agent. That application will be tiered to Environmental Assessment OR-035-99-10 and the impacts which have been analyzed. The amount of mineral material requested in the FUP shall be part of the maximum of 300,000 cubic yards of basalt granted to Baker County. A copy of the Mining and Reclamation Plan will be incorporated into the subsequent (new) free-use application and permit. However, Baker County, as agent, shall be responsible for all authorized operations in the Snake River Basalt Quarry and must ensure that all terms and conditions of the additional FUPs are met.

**Public Comments Review**

No comments were received during the 30-day public comment period, which ended August 16, 1999.

## **Decision**

My decision to select the proposed action (issuing a free-use permit to Baker County) is based upon the interdisciplinary analysis contained in EA OR-035-99-10 (attached), the supporting record, and field review. The quarry has a long-standing, historic use by Baker County. Baker County also has a long-standing investment of taxpayer's money in the development of Snake River Basalt Quarry.

All mitigating measures, design features, and monitoring described in the EA are incorporated into the project. Mitigation measures, which are called "special conditions" in the permit, are summarized below. These measures are required to prevent unnecessary or undue degradation on public lands. It is the responsibility of the BLM to enforce these measures.

1. Topsoil removed to expose additional material will be stockpiled and used to rehabilitate the site following use.
2. Potential runoff to a nearby ephemeral drainage will be diverted with a berm.
3. Reclamation/rehabilitation of the site following use will restore natural contours where possible.
4. Screen the operations from public view to the extent possible.

Additional "enforceable measures" are included in the permit as standard design features.

The only other alternative analyzed was the No-Action Alternative, which would have denied Baker County use of the material at the quarry.

## **Decision Rationale**

The project will not have any effect on Areas of Critical Concern (ACECs), Cultural Resources, Prime or Unique Farmlands, Floodplains, Native American Religious Concerns, Threatened/Endangered/Special Status Animal or Plant Species, Hazardous Wastes, Surface and Ground Water Quality, Wetlands or Riparian Zones, Wild and Scenic Rivers, or Wilderness Areas. A "no effect" determination was made for the quarry. There are noxious weeds in the vicinity, but not within the quarry. During the life of the permit, noxious weeds will be monitored. Air quality will be affected during crushing and haul. Impacts will be short-lived.

No disproportionately high and adverse human health or environmental impacts on minority of low-income populations or Indian tribes is likely to result from the proposed action or any alternatives.

This project meets none of the criteria for significance. This action is consistent with the Baker Resource Area Resource Management Plan (1989) Record of Decision (page 28) and its Environmental Impact Statement.

## **Finding of No Significant Impact**

On the basis of the information and analysis contained in Environmental Assessment (EA) OR-035-99-10, I have determined that there are no significant impacts associated with the proposed action. In relation to context, the project's affected region is localized, and the effects relevant to the area affected by the quarry's activity and people served by road maintenance. In relation to intensity or severity, the project permit has mitigations to protect public health and safety; there are no unique characteristics involved; there is no apparent controversy about the quality of the human environment; there are no highly uncertain or unique or unknown risks; this project does not set a precedent for future actions which could have significant effects; the action does not appear to be related to any other action which could be significant; there are no impacts to sites which could be listed on the National Register of Historic Places or cause a loss of scientific, cultural, or historical resources; there is no impact to any species listed by the Endangered Species Act; there is no violation of any law or requirement protecting the environment.

The Proposed Action, as modified, will not exceed the "unnecessary or undue degradation" standard. The mitigating measures resulting from the analysis reduce the potential environmental impacts of the proposed action.

I have determined that as long as the mitigating measures are followed, issuing the permit will not cause unnecessary or undue degradation on the public lands. Public health and safety concerns will be minimized.

Unnecessary or undue degradation (43 CFR 3601.1-1(k)) means surface disturbance greater than what would normally result when an activity is being accomplished by a prudent operator in usual, customary, and proficient operations of similar character and taking into consideration the effects of operations on other resources and land uses, including those resources and uses outside the area of operations. Unnecessary and undue degradation may involve failure to initiate and complete reasonable mitigation measures, including reclamation of disturbed area; creation of a nuisance; or failure to comply with applicable environmental protection statutes and regulations.

Based on the analysis of environmental impacts contained in the referenced Environmental Assessment (OR-035-99-10) and its supporting documentation, I have determined that the impacts are not expected to be significant and an environmental impact statement is not required.

## **Appeal Rights**

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 appeal is taken, a notice of appeal must be filed in this office (at the above address) within 30 days from the date that a notice of this decision is published in the Baker City Herald. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request), pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993), for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. 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 (Baker County) 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. 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, and
- (4) Whether the public interest favors granting the stay.

s/Penelope Dunn-Woods  
PENELOPE DUNN-WOODS  
Baker Field Office Manager,  
Baker Resource Area, Vale District

10/7/1999  
Date