

Decision Record

Grouse Creek Stream Restoration Environmental Assessment OR-035-01-06

**Baker Field Office
Vale District
Bureau of Land Management
Baker City, Oregon**

This Decision Record and Finding of No Significant Impact (FONSI) documents my decision to adopt the Grouse Creek Stream Restoration as presented under the action alternative in the Environmental Assessment (EA) OR-035-01-06. I have included in my decision, mitigation measures concurred upon by the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) through consultation required by the Endangered Species Act (ESA). The document consulted on was the Lower Grande Ronde Subbasin Multi-Species Biological Assessment (2001-2002), otherwise referred to as the BA.

Public Comments Review

No public comments were received by the BLM on this Environmental Assessment.

Decision

My decision to adopt the Grouse Creek Stream Restoration as presented under the action alternative is based upon the interdisciplinary analysis contained in the Environmental Assessment OR-035-01-06 (attached), the supporting record, field review, and the Biological Assessment and concurrence letter from the regulatory agencies (NMFS, USFWS).

All mitigating measures, stipulations, design features, and monitoring described in the EA and BA are incorporated into project implementation. Implementation of the project will begin immediately following the appeal period for this decision. The following management actions will take place as a result of this decision:

The BLM will re-align a short (less than 200 feet) segment of Grouse Creek as close as possible to its historic site.

Rock structures will be placed in the channel to create a step-pool stream channel to provide for fish passage and stream stability.

A geotextile fabric will be placed below the above mentioned structures to help

trap sediments and increase surface flows longer throughout the year.

Planting of hardwoods and native grasses will occur along Grouse Creek to re-establish native vegetation in the riparian area.

Monitoring of plant survival, fish passage, and stream channel stability will occur for five years after project completion.

Decision Rationale

The No-Action Alternative was not chosen because it would not improve fish passage through the culvert or restore any native vegetation in the riparian area of Grouse Creek. The BLM has an obligation to manage for threatened, endangered, and sensitive species and species of concern, to improve riparian habitat condition, and to maintain or improve anadromous fish habitat. The Grouse Creek situation requires action to fulfill these obligations.

The Proposed Alternative was chosen because it allows for management of the riparian area and the stream channel to improve fish passage and riparian vegetation along Grouse Creek.

The project will not have any negative affects on ACECs, Cultural Resources, Prime Farmlands, Threatened and Endangered Animals, Threatened and Endangered Plants, Native American Treaty Rights, Hazardous Wastes, Wild and Scenic Rivers, or Wilderness Areas.

There are Threatened and Endangered fish species present and the effects to these from the plan has been analyzed and mitigated with the regulatory agencies concurring with a “ May effect, not likely to adversely affect ” determination. Air quality will be affected during project implementation but will be short lived and confined to the immediate vicinity due to the timing and location of the work. The project is located in a floodplain/riparian area and water quality may be minimally affected during work by the introduction of sediment into the stream channel. This impact to water quality and riparian areas will be minimized by following Oregon Department of Fish and Wildlife in-stream work windows and Terms and Conditions identified in the BA and Mitigation Measures listed in the EA.

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

This plan meets none of the criteria for significance. This action is consistent with the Baker Resource Area Resource Management Plan (1989) Record of Decision (page 75).

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 an appeal is taken, a notice of appeal must be filed in this office (BLM, 3165 10th Street, Baker City, Oregon, 97814) within 30 days from date that a notice of this decision is published in the Wallowa County Chieftain and on the internet at www.or.blm.gov/Vale. 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 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 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
Field Manager

May 9, 2001
Date

**GROUSE CREEK STREAM RESTORATION
FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT #OR-035-01-06**

The attached Environmental Assessment (EA) contains a description of the proposed action, an analysis of expected impacts on land and resources, and mitigating measures to reduce those impacts.

I have evaluated the effects of the proposed action, together with the proposed mitigating measures, against the tests of significance found at 40 CFR 1508.27. I have determined that:

1. The proposed action would cause no significant impacts, either beneficial or adverse. All impacts would be minimal; most would be of short duration.
2. The proposed action would have no effect on public health or safety.
3. The proposed action would not affect unique characteristics of the geographic area.
4. The proposed action would have no controversial effects.
5. The proposed action would have no uncertain effects and would not involve unique or unknown risks.
6. The proposed action is a routine and common project and does not establish a precedent for future actions.
7. The proposed action is not related to any other action being considered by BLM.
8. The proposed action would have no effect to any property listed on or eligible for listing on the National Register of Historic Places.
9. The proposed action would not adversely affect an endangered or threatened species, or any habitat critical to an endangered or threatened species.
10. The proposed action does not violate any law or requirement imposed for the protection of the environment.

Therefore, I have determined that the proposed action, with the proposed mitigating measures, would not have any significant impacts on the human environment, and that an Environmental Impact Statement is not required.

S/Penelope Dunn-Woods
Field Manager

May 9, 2001
Date