

Environmental Assessment (EA)
ID-420-2008-EA-139
Pink House Boat Ramp Removal and Restoration Project
Cottonwood Field Office, Idaho

I. INTRODUCTION

Background

In 1990, the Bureau of Land Management (BLM) acquired a 9.4 acre parcel, located between the Clearwater River and Highway 12 about five miles west of Orofino, ID. The land, when acquired, already contained a concrete boat ramp and was proposed for development as a recreation site. After acquiring this property, the BLM installed vault toilets and graveled the access road and parking area to accommodate the growing salmon and steelhead fishing needs. In 2004, the BLM completed full-scale development of the site which included both a day-use area and overnight camping facilities with 15 full service RV sites, three tent sites, two pavilions, picnic sites, drinking water, restrooms, boat ramp, fire rings, and parking (EA #ID060-94-25).

In 2006, the BLM determined that the existing boat ramp was too steep, a safety hazard during the winter, poorly sited and unsafe during much of the boating and fishing season. This was based on reports of boats and trucks sliding into the water and broken axels on boat trailers due to the sharp drop off at the end of the ramp. For these reasons, the BLM proposed to install a new concrete boat ramp and improve the boater access immediately downriver from the old boat ramp. This was planned to meet two goals: to close the unsafe existing boat ramp and provide a new ramp, thereby eliminating the need for boaters to use the natural sand beach just upstream of the existing boat ramp.

The BLM prepared an EA (#ID-420-2006-EA-3178) for the new boat ramp and boater access and, on September 21, 2006, the Decision Record for this project was signed. In November and December, 2006, while applying for the necessary permits for this project, discussions ensued regarding the need to mitigate the loss of riparian habitat and improve water quality and fish habitat in the area. As a result of consultation with the National Marine Fisheries Service and U.S. Fish and Wildlife Service and discussions with the U.S. Army Corps of Engineers and Nez Perce Tribe, the BLM agreed to remove the existing boat ramp, and conduct riparian restoration actions.

In 2008, the new boat ramp was constructed and the old ramp was closed but remains in place.

The Pink House Recreation Site is one of the most popular recreation and boat launching sites on the Clearwater River upstream from Lewiston, ID. The site receives an estimated 25,000 recreation visits per year, of which 5,000 are estimated to be boat launches.

Type of Action

The action to be considered is the removal of an existing concrete boat ramp, re-contouring the slope, and riparian plantings and restoration.

Purpose and Need for the Proposed Action

In 2008, a new boat ramp and boater access was constructed immediately downstream of the existing boat ramp. The purpose of this project is to remove the old concrete boat ramp, because it is no longer needed, and to restore 150 feet of affected river bank and riparian habitat along the Clearwater River. The need for additional riparian habitat mitigation was identified during the permit process for construction of the new boat ramp. Removal of the existing boat ramp and restoration actions would meet this need. This action would improve riparian habitat and near-shore juvenile fish rearing habitat for Endangered Species Act (ESA) listed fish in the Clearwater River and other riparian dependent species.

Scoping and Issues

On March 27, 2008, a scoping letter was mailed to a variety of federal and state agencies, the Nez Perce Tribe and various conservation organizations outlining the proposed action and BLM-identified issues. The project proposal has also been posted on the BLM NEPA and planning website since March 2008 until present. Comments on the proposed action and issues were accepted through April 28, 2008. In response to the scoping letter, responses were received from the following:

- US Army Corps of Engineers - regarding Section 10 and 404 permits
- Friends of the Clearwater – appears to be a positive project; need for proper clearances regarding historic/cultural uses along the Clearwater River and within the Nez Perce Reservation; asking why the proposed action wasn't considered when the new boat ramp was constructed; and question regarding continued use of the sandbar for boat launching.
- Idaho Conservation League – supports projects that restore riparian conditions; need to consider posting the area with education information during project implementation; and questioning why a single analysis wasn't completed for the new ramp and removal of the existing ramp.

Letters of Concurrence were received from the National Marine Fisheries Service (8/19/09) and the US Fish and Wildlife Service (8/14/09) regarding the proposed project and Endangered Species Act (ESA) -listed fish species determinations. In addition to the project scoping letter that was sent out, the BLM also submitted a formal consultation inquiry form to the Nez Perce Tribe, and the project was also discussed during coordination meetings with the tribe. Correspondence received on 12/4/09 and 12/5/09 from staff members from the Nez Perce Tribe were in favor of or not opposed to the project and raised question concerning continued use of the beach as a boat launch area and the questioning the need for or language in a kiosk concerning fishing regulations.

Prior to any project construction activities the BLM will also be acquiring the required permits and authorization from the U.S. Army Corps of Engineers and Idaho Department of Water Resources, and will obtain a Clean Water Act (CWA) Section 401 Water Quality Certification from the U.S. Environmental Protection Agency.

No new or additional issues were identified through the public scoping process.

As a result of the response letters, we have described the sequence of events concerning the development at this recreation site, including the new boat launch and the separate proposed action to remove the old boat ramp in a separate EA.

Location of Proposed Action

The proposed Pink House Boat Ramp Removal and Restoration project is located in north central Idaho, adjacent to the Clearwater River (river mile 39.4), approximately 35 miles east of Lewiston and five miles west of Orofino. The legal description is: lot 1, section 32, T. 37 N., R. 1 E., B.M., ID. See Appendix A for maps of the proposed boat ramp removal and restoration project and drawings of the proposed project.

II. PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The project work would be contracted, is expected to take between one and two weeks, and would include the following actions:

- Remove an existing concrete boat ramp that is 136 feet in length and 24 feet wide (0.07 ac.). Boat ramp material would be broken into smaller pieces and hauled off-site to a suitable waste material site located on private land.
- Re-contour approximately 150 feet x 50 feet of river bank (0.172 ac.) from a 2:1 to a 3:1 slope after the boat ramp is removed. The old ramp prism will be re-contoured and partially obliterated only.
- The boat ramp removal and restoration project would occur during low flow periods (e.g., September to November), after Dworshak/Clearwater River flushing flow periods. All project work would take place above the low water line except for removal of a small portion of the ramp (<10 feet) that extends into the water.
- Approximately 80 to 120 cubic yards of top soil/suitable fill material would be hauled in and smoothed on top of the re-contoured river bank to facilitate establishment of desired vegetation and provide for proper sloping.
- The re-contoured area would be planted with trees and shrubs including but not limited to black cottonwood, service berry, rose, white alder, red-osier dogwood, black hawthorn, and coyote willow. Grasses that may be planted include riparian wheatgrass, *Carex* sp., and annual rye. The area will be mulched with weed free straw.
- As needed, appropriate erosion and sediment control measures would be implemented to reduce erosion/sediment delivery to the Clearwater River. Such measures would typically include: sediment fences, sediment traps (straw bales), mulching, and straw wattles.
- An appropriate bio-degradable fabric, erosion control blanket, or netting will be used to facilitate achievement of bank stability, reduce potential for adverse river-caused erosion and scouring, and facilitate establishment of desired vegetation. The erosion control fabric/blanket/netting would be anchored by staking and selectively placing large rock on the material to hold it in place.
- Existing large boulders at toe of the river bank would be left in place or selectively moved as needed to provide for bank stability and to prevent adverse high flow scouring. Some of the boulders may be moved as needed to provide for desired slope, establishment of desired vegetation, or to provide armoring where needed to protect slope stability.

- To prevent sediment from reaching the Clearwater River during periods of heavy precipitation and run-off events, all construction activity would be curtailed.
- All fuel, refueling, and maintenance of machinery will take place at least 200 feet away from the Clearwater River and Bobbitt Creek, and in an area where topography would restrict any potential spill from flowing directly into the Clearwater River. Refueling would occur adjacent to the Highway 12 toeslope on the parking area. Fuel allowed within the Riparian Habitat Conservation Area will be less than 150 gallons (e.g., slip-on fuel tank). No fuel storage would be allowed on-site.
- All equipment (e.g., excavator) used for construction activity shall be cleaned and any leaks repaired prior to arriving at the project. Equipment will be inspected daily for leaks or accumulations of grease; any identified problems will be fixed before entering areas that drain directly into the Clearwater River. An emergency spill containment kit will be located on-site during construction activity.
- Turbidity in the Clearwater River from project activities shall not exceed background turbidity by more than 50 NTU instantaneously or more than 25 NTU for more than 10 consecutive days. If the turbidity limit is exceeded, immediate actions shall be taken to bring the project into compliance.
- Construction activity and staging of equipment would be conducted to ensure that access to the parking area and boat ramp is not restricted.
- All recreation site maintenance will be in accord with the *Programmatic Biological Assessment of Developed Recreation Site Maintenance* (USDI-BLM 1999).
- Implementation and effectiveness monitoring would be conducted for the project. As needed, additional erosion control/bank stability measures and/or re-seeding of desired vegetation would be conducted to ensure that desired vegetation is established and a stable river bank is achieved.
- Weed control actions will be conducted annually at the recreation site. All noxious weed control actions will be in accord with Cottonwood Field Office EA for noxious weed control and multi-year Biological Assessment (BA) and annual program updates.
- Prior to any construction activities, required permits would be obtained from the U.S. Army Corps of Engineers and Idaho Department of Water Quality. Water Quality Certification would also be obtained from the U.S. Environmental Protection Agency.

The proposed project would involve an area about 0.2 ac. in size within the 9.4 acre Pink House Recreation Site.

Alternative 1—No Action

Do not remove the old existing boat ramp and complete no riparian restoration. The barricaded ramp would continue to be used for launching non-motorized watercraft.

III. CONFORMANCE

The proposal is in compliance with the Chief Joseph Management Framework Plan (MFP) (November, 1981) and the Clearwater River Recreation Area Management Plan (May, 1984). The Chief Joseph MFP, Section II, 7. Aquatic Habitat Management, b., identifies that rehabilitation of stream banks and riparian improvement projects could be conducted when such is needed and would be beneficial.

Removal of the old concrete boat ramp and riparian enhancement has been identified as an opportunity to restore river bank and riparian habitat in a small localized area. This project would also provide some mitigation for previously impacted riparian habitat associated with construction of the new boat ramp immediately downriver from the project area.

IV. AFFECTED ENVIRONMENT

General Information

The Pink House Recreation Site is situated between the Clearwater River, which provides excellent fishing for steelhead and salmon, and Highway 12. The site is accessible by using an improved access off of Highway 12. The fee site campground and day use area receives an estimated 25,000 recreation visits per year, of which 5,000 are estimated to be boat launches.

Affected Resources/Values

Recreation Use, Existing and Potential

The Pink House Recreation Site lies within the Clearwater River Special Recreation Management Area (SRMA) which encompasses 71 miles of the Clearwater River between the cities of Kooskia and Lewiston. The majority of the property along the Clearwater is in private ownership, making public access to the river a critical issue in the river corridor. The SRMA receives an estimated 200,000 recreation visits per year, nearly all of which are for river recreation. Fishing for anadromous fish is the most popular pursuit, and large salmon and steelhead runs in recent years have greatly increased visitor use. Swimming, picnicking, boating, and camping are other popular recreation activities. Public recreation use is expected to steadily increase in the future. The Clearwater River is part of the Lewis and Clark National Historic Trail.

The Pink House Recreation Site is in a strategic location for recreation access. Situated just downstream from the confluence of the Clearwater River and the North Fork of the Clearwater River, the site provides direct access to the popular fishing hole know as the “Pink House Hole” and associated river reaches for steelhead and salmon fishing.

ESA-Listed Species and BLM Sensitive Species

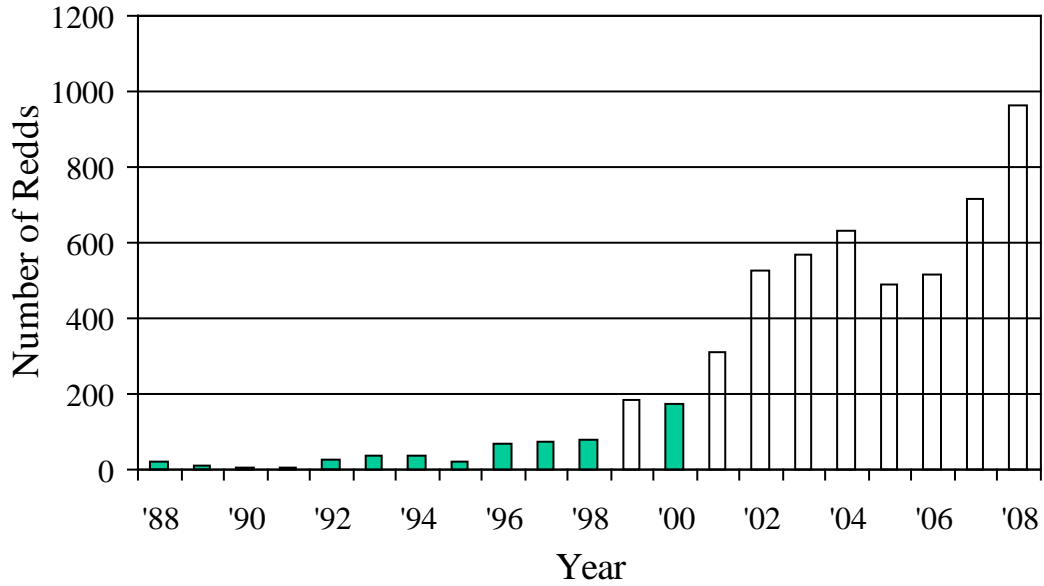
ESA- Listed Species: A plant survey of the project area did not document the occurrence of any ESA-listed plants, which includes MacFarlane’s four-o’clock and Spalding’s catchfly. The area does not provide suitable habitat for the threatened Canada lynx and Northern Idaho ground squirrel, and the proposed project does not occur within a Lynx Analysis Unit. Because the project area does not provide suitable habitat for the above species and no documentation of occurrence exists for the project area; no adverse effects are expected to occur to the species and a “no effect” determination has been made for the above species and no future discussion of these species will occur in this document.

The proposed project area is adjacent to the Clearwater River and the river provides habitat for the ESA-listed fall Chinook salmon, steelhead trout, and bull trout. Fall Chinook salmon and steelhead trout use the mainstem Clearwater River as a juvenile and adult migration

corridor. Fall Chinook salmon also use the mainstem Clearwater River for spawning and rearing. Refer to Figure 1 and Table 1 for a summary of mainstem Clearwater River fall Chinook salmon redd survey results for the Clearwater River. The Nez Perce Tribe operates a satellite facility for releasing fall Chinook smolts in the Clearwater River at Peck, which is located about 4.2 miles downriver from the project area.. Steelhead trout also use the mainstem Clearwater River to a limited extent for juvenile rearing habitat. Adult and subadult fluvial bull trout use the mainstem Clearwater River as an upstream and downstream migration corridor. Bull trout will use the Clearwater River for winter and spring rearing and foraging habitat, prior to migrating back to natal streams for spawning. The project occurs within the Riparian Habitat Conservation Area (RHCA) for the Clearwater River, which includes lands within 300 feet along each side of the river (USDA-USDI 1995). For additional information concerning ESA-listed fish in the Clearwater River subbasin refer to the *Clearwater River, North Fork Clearwater River, and Middle Fork Clearwater River Subbasins Biological Assessment of Ongoing and Proposed Bureau of Land Management Activities on Fall Chinook Salmon, Steelhead Trout, Bull Trout, and BLM Sensitive Species* (USDI-BLM 2000).

The Nez Perce Tribe and the BLM currently cooperate in conducting Clearwater River aerial fall Chinook salmon redd surveys. Fall Chinook redd surveys have taken place from 1988 – 2008, and in recent years the number of redds has increased significantly (see Figure 1). The past seven years were the highest documented fall Chinook redd counts for the Clearwater River (see Figure 1 below). During 2008, a total of 941 redds were counted in the Clearwater River. During 2008, 99% of the fall Chinook redds were downriver from the North Fork Clearwater River. From 2004 to 2008, the average redd count was 658. Fall Chinook redds have been documented in the river segment (0.5 mile) in the vicinity of the proposed restoration project; however, during 2008 and 2009 no redds were documented in close proximity to the proposed restoration project. Because of turbid conditions and missed surveys after peak spawning (October 31, 2006), Figure 1 includes a projected average estimate of 514 redds in 2006.

Figure 1. Number of Fall Chinook Redds in the Clearwater River Subbasin, 1988-2008



During 2008, a total of 18 redds were documented in the 1.7 mile river segment that occurs in the vicinity of the Pink House Recreation Site (downstream and upstream). From 2001 to 2008, the number of counted redds ranged from one redd (2005) to a high of 35 redds (2007) within this 1.7 mile river reach. The average number of redds counted during the past eight years (2001 to 2008) was 8.1 redds in the general vicinity (0.5 mile river segment) of the Pink House Recreation Site. Refer to Table 1 for a summary of redds counted from 2001 to 2008 in the general vicinity of the Pink House Recreation Site.

Table 1. Fall Chinook Redds Counted in Clearwater River Segment (0.5 – 1.7 Mile) Near Pink House Recreation Site

Year	River Mile	Location	Redds Counted
2008	37.9	Snell Island	16
	39.6	Above Pink House Boat Ramp	2
2007	39.1	Below Pink House Boat Ramp	24
	39.6	Above Pink House Boat Ramp	11
2006	39.1	Below Pink House Boat Ramp	1 ¹ (2)
	39.6	Above Pink House Boat Ramp	4 ¹ (8)
2005	39.1	Below Pink House Boat Ramp	0
	39.6	Above Pink House Boat Ramp	1
2004	39.1	Below Pink House Boat Ramp	9
	39.6	Above Pink House Boat Ramp	0
2003	39.1	Below Pink House Boat Ramp	1
	39.6	Above Pink House Boat Ramp	1
2002	39.1	Below Pink House Boat Ramp	0
	39.6	Above Pink House Boat Ramp	2
2001	39.1	Below Pink House Boat Ramp	0
	39.6	Above Pink House Boat Ramp	4

¹ Indicates redds counted up to October 30, 2006. A complete survey was not completed after October 30, 2006, because of rains and turbid water, projected estimated counts for the Clearwater River (in parenthesis) were based on past Clearwater River peak spawning periods and redd counts after such date. It is estimated that approximately 50 percent of the redds were not counted in 2006, consequently an estimate adjustment was made for total counts for 2006 (in parenthesis).

The Nez Perce Tribe has not prepared the final report for the Clearwater River 2009 fall Chinook redd surveys. Fall Chinook redd counts conducted in 2009 were the highest recorded to date, and totaled 1,184 for the Clearwater River.

The BLM consulted with the National Marine Fisheries Service and U.S. Fish and Wildlife on the proposed project. A Biological Assessment (BA) was prepared on the proposed project, which provides additional information regarding ESA-listed fish which may be affected by the proposed actions (USDI-BLM 2009).

Candidate Species: The yellow-billed cuckoo is a federal candidate species. Yellow-billed cuckoos prefer riparian areas with dense stands of cottonwood and willow. No recent observations for yellow-billed cuckoo have been documented within the Cottonwood Field Office (CFO) management area. The project area provides potential habitat, although such is not considered optimal for this species. Project implementation is not expected to result in adverse effects to yellow-billed cuckoo or preferred habitats and a “no effect” determination is concluded.

BLM Sensitive Species: BLM sensitive fish species occurring in the Clearwater River include the spring/summer Chinook salmon, coho salmon, westslope cutthroat trout, and Pacific lamprey. Other BLM sensitive species occurring with the general project area include the bald eagle, common garter snake, and western toad.

Spring/summer Chinook salmon use the Clearwater River for upstream and downstream migration. A limited amount of spring/summer Chinook salmon juvenile rearing may occur in the Clearwater River primarily associated with the river margins and lower velocity areas. Natal spawning streams for spring/summer Chinook salmon occur in suitable upriver tributary streams (e.g., Lolo Creek).

The coho salmon became extinct in Idaho waters in 1987. Recent efforts have been initiated by the Nez Perce Tribe to reintroduce the species and numbers are increasing. During 2009 approximately 4900 – 5,000 adult coho salmon passed over Lower Granite Dam. Coho salmon use the Clearwater River for upstream and downstream migration. There is some natural spawning of returning adults in a few tributary streams (i.e., Clear Creek and Lapwai Creek). Additionally, some adult returns that are surplus to hatchery needs are outplanted in Lolo Creek in hopes that they will spawn naturally.

The Clearwater River is used as a migration corridor for westslope cutthroat trout and also provides adult rearing habitat. Movements of migratory fish vary seasonally. Migrations of considerable magnitude may occur, which include spawning migration in the spring, migration to and from winter rearing habitat, or simply migration to other areas of the river which may be related to food availability.

Pacific lamprey use the Clearwater River for upstream and downstream passage. They spawn in the spring. After hatching, lamprey larvae (ammocoetes) spend four to six years burrowed in fine sediments filter feeding. During this period they prefer fine sediment (mud or silt) located near river margins rather than coarser sediment and substrate. Juvenile lamprey migrate downstream after completing their metamorphosis in late fall through spring (primarily during the spring).

The bald eagle uses the Clearwater River canyon and particularly lands adjacent to the river during the winter period. Clearwater River midwinter bald eagle surveys have been conducted during January (1980 through present). The survey route follows the Clearwater River from Lewiston (river mile 0.0) to Orofino (river mile 44.9). Average winter counts along this route are approximately 10 bald eagles. To date, only one known nest occurs in the Lower Clearwater River subbasin, which occurs between Orofino and Kamiah. The species is fairly common during the winter. Bald eagle winter use occurs from October through March. Peak use periods occur between November and February. Winter habitat for bald eagles is a function of perch and roost site availability, as well as access to fish, waterfowl, and ungulate carrion as forage/prey. Perch sites are characterized by prominent, large trees in close proximity to winter foraging areas. Roost sites often are wind-sheltered, dominant trees in the canyon bottoms along the Clearwater River. Abundant perch trees occur downriver, upriver, and across the river from the project area. Highway 12 and Highway 95 parallels the Clearwater River from Orofino to Lewiston.

The common garter snake potentially could occur in the project area. This species inhabits wet or moist habitats. The common garter snake could be found utilizing the Clearwater River riparian habitats and adjacent areas.

The western toad has been documented as occurring along the Clearwater River. The western toad also inhabits streams, springs, lakes, reservoirs, grasslands, woodlands, and meadows.

A plant survey of the area did not document any BLM sensitive plants.

Fisheries

The Lower Clearwater River provides habitat for 23 native fish species and 9 non-native fish species. Native fish species include anadromous and resident fish species. Other native species found in the Clearwater River include species such as northern pikeminnow, dace, sculpins, chiselmouth, and others. Common non-native species include species such as the smallmouth bass, carp, rainbow trout, and others.

Wildlife

The general analysis area provides habitat for a variety of wildlife species, which includes big game, upland game, non-game species birds and mammals, amphibians, and reptiles. The project area occurs between Highway 12 and the Clearwater River. The project area occurs in a heavily used recreation site and the general analysis area has been impacted by human uses such as roads, development, human occupancy and recreational uses. The general project area occurs within a developed recreation site. Consequently, riparian, riverine, and upland habitats are restricted to small localized areas that have not been developed.

The project area is a narrow band of riparian vegetation between a parking area/road and the river. Primary wildlife use of the project area would be a variety of non-game birds. The general analysis area provides habitat for a wide variety species, such as whitetail deer, California quail, mourning doves, raccoons, striped skunks, and amphibians. Overall, use of the project area is low for most wildlife species. Common raptors found within the analysis area include red-tailed hawk, osprey, bald eagle, northern harrier, American kestrel, and great horned owl. Common waterfowl utilizing the lower Clearwater River include Canada geese, mallards, common merganser, and goldeneye.

Soils and Water Quality

The project area includes the river bank and floodplain immediately adjacent to the Clearwater River. Slopes vary from 30% to 50%. The steeper slopes exist where the upper terrace portion of the site has a sloping bank to the Clearwater River. The river terrace, river bank, and floodplain, consist of well drained soils that are comprised of sandy loams. Erosion hazard is generally low to moderate, with the steeper sloped areas (>50%) having a higher erosion hazard. The floodplain is comprised primarily of gravels, cobble, and sands (sandy/gravelly alluvium).

Clearwater River flows below the confluence of North Fork Clearwater River are primarily dam-regulated from Dworshak Reservoir (i.e., North Fork Clearwater River). However, flows from upriver Clearwater River, South Fork and Middle Fork Clearwater Rivers are unregulated. High flow periods occur during late May and June and low flows occur during late summer and fall.

During high flow events, the Clearwater River has very high sediment loads, particularly during May and June. Rain on snow events and other high precipitation periods can also result in high sediment loads. Sediment is typically flushed out of river segments and deposited in lower velocity areas associated with downriver dam impoundments and slack water areas. The

Clearwater River, from the confluence of the North Fork Clearwater River to the Washington State line is on the State of Idaho's 1998 303(d) (Clean Water Act) list. The pollutant of concern identified for the Clearwater River is total dissolved gas.

Floodplain, Riparian, and Wetlands

The project area is located adjacent to the Clearwater River. A portion of the project (e.g., boat ramp) is located within the floodplain and below mean high water level. Riparian vegetation consists of a zone of vegetation which is approximately 20 to 50 feet in width and primarily occurs in the zone from low water to slightly above mean high water. The widest zone of riparian vegetation occurs in the lower sloped river banks associated with the back eddy area and the narrowest riparian zone is adjacent to the steeper river banked areas. No active erosion or unstable banks were noted along the river bank. Deposition of fines and sands occur in areas above low water in the back eddy area. River bank slopes range from 30% – 50%. Common riparian trees include black cottonwood, black locust, and hackberry. Common shrubs include coyote willow, poison ivy, night shade, and blackberry. Riparian forbs include knotweed, dogbane, scouring rush, and common cocklebur. Common grasses and grasslike plants include reed canarygrass and *Carex* sp. Spotted knapweed also occurs within the general project area. The most common riparian species include coyote willow, scouring rush, common cocklebur, and reed canarygrass.

V. ENVIRONMENTAL EFFECTS

Effects of the Proposed Action and Alternatives

Proposed Action

Recreation Use, Existing and Potential

The existing boat ramp is currently barricaded to allow only foot access to the river. Removing the old boat ramp will reduce access to the river from this site; however, access will still be provided at the new boat ramp and beach access points. During project implementation (short-term) recreation use of the site would not be restricted and visitors may be disturbed by the noise and activity from heavy equipment. Disturbance to existing and potential recreational users is expected to be minimal and occur periodically for one to two weeks. Existing recreational uses and trends are expected to continue at the Pink House Recreation Site and along this segment of the Clearwater River with the removal of this boat ramp.

ESA-Listed Species and BLM Sensitive Species

ESA-Listed Species

The proposed project would result in negligible soil and vegetation disturbance on approximately 0.2 acre located within the Clearwater River RHCA. Disturbed areas would primarily be associated with the removal of the existing boat ramp and re-contouring of the river bank. Negligible effects from erosion/sediment are expected from ground disturbing actions with use of appropriate bio-degradable fabric, erosion control blanket, or netting to facilitate achievement of bank stability, reduce potential for adverse river-caused erosion and scouring, and to facilitate establishment of desired vegetation. As needed and identified from monitoring, additional erosion control/bank stability measures and/or re-seeding of desired vegetation would be conducted to ensure that desired vegetation is established and a stable river bank is achieved.

The year following ramp removal and restoration would have the highest potential for erosion. It is predicted that no measurable increases in deposited sediment in river bottom substrate or water temperature are anticipated to occur from project implementation.

Removing the boat ramp and improving riparian conditions would reduce potential for runoff. As runoff flows over areas previously developed (e.g., road, boat ramp, boat launch prep area) it has the potential to pick up small amounts of potentially harmful sediment and chemicals such as oil and grease, and pesticides. The riparian vegetation buffer would reduce potential for adverse runoff in a small localized area. Vegetation buffers would facilitate the percolation of runoff through the soil, and, thereby result in reduced storm water quantity and reduced mobilization of pollutants.

All fuel and refueling and maintenance of machinery would occur at least 200 feet from the Clearwater River and Bobbitt Creek and in an area where topography would restrict any potential spill from flowing directly into the river or stream. Fuel allowed within the RHCA would be less than 150 gallons (e.g., slip-on fuel tank). No fuel storage would be allowed on site.

Fall Chinook salmon use the Clearwater River for upstream and downstream migration, spawning, and juvenile rearing. Fall Chinook salmon subyearlings will utilize the near shore coyote willow sites (below mean high water). These areas are critical because of the associated reduced velocity, security areas, and feeding sites for subyearling fall Chinook salmon for two to four months prior to initiating downstream migration. The riparian restoration project would result in a small amount of improved fall Chinook salmon rearing habitat along 150 feet of the Clearwater River and improved riparian conditions for 0.2 acre.

Fall Chinook salmon utilize the mainstem Clearwater River for spawning. Shallow water redds (less than 1.5 meters) may be subject to disturbance from recreational use (e.g., wading, jetboat disturbance). Annual monitoring of fall Chinook redds will be conducted for the Clearwater River. If a shallow water redd is located from these surveys and such is at risk from recreational use the appropriate mitigation will be implemented to restrict such use. Consequently, any spawning fish or redds occurring in close proximity to the boat ramp removal and riparian restoration project would be more susceptible to potential disturbance or harassment. Because fall Chinook salmon use the Clearwater River for spawning and subyearling rearing habitat, they are more susceptible to potential effects from site development and human use than other ESA-listed fish. With the exception of the removal of the last 10 feet of the ramp, restoration work would be conducted above the water level during the fall. Past monitoring of fall Chinook redds in the Clearwater has not detected a fall Chinook salmon redd in close proximity to the proposed restoration project.

Steelhead trout use the Clearwater River for upstream and downstream migration, winter staging, and for limited juvenile rearing habitat. During the high water period when these shoreline riparian sites are under water, steelhead smolts are using the Clearwater River primarily as a downriver smolt migration corridor. Lack of complex cover (e.g., large woody debris, channel morphology) reduces the value of the Clearwater River for summer and winter rearing habitat for juvenile steelhead trout. Improving riparian habitat would provide beneficial effects for steelhead juveniles in a small localized area.

Bull trout utilize the Clearwater River primarily for subadult/adult foraging, migration, and winter habitat. Overall, bull trout use of the lower Clearwater River is expected to be relatively low. Some localized bull trout use has been documented in the lower North Fork of the Clearwater River (three miles), downriver from Dworshak Dam. Negligible beneficial long term effects would occur to bull trout forage species from riparian restoration actions along 150 feet of the Clearwater River, and no effect would occur to migration and winter habitat areas.

Post project monitoring of riparian restoration, recreation use and effects to riverbanks and riparian vegetation would be conducted. If such monitoring documents adverse effects to riparian vegetation or bank stability, the necessary actions will be taken to reduce adverse impacts. As needed, additional erosion control or seeding/plantings would be conducted if monitoring detects such is needed.

It has been determined that the proposed boat ramp removal and riparian restoration project “*may affect, but is not likely to adversely affect*” Snake River fall Chinook salmon, steelhead trout, and designated critical habitat for the species. It has also been determined that the proposed boat ramp removal and riparian restoration project “*may affect, but is not likely to adversely affect*” bull trout. Refer to the BA which has been prepared for this project for additional information (USDI-BLM 2009). The NMFS and USFWS have been consulted with on this project and have submitted letters of concurrence on the above determinations.

Essential Fish Habitat

A “*not likely to adversely affect*” determination was made for Essential Fish Habitat (EFH) (see analysis rationale for listed fish). Pursuant to section 305(b)(2) of the Magnuson-Stevens Act, Federal agencies must consult with the NMFS regarding any of their actions authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken that “*may adversely affect*” Essential Fish Habitat (EFH). The Magnuson-Stevens Act, section 3, defines EFH as “those waters and substrate necessary for fish for spawning, breeding, feeding, or growth to maturity”. Because the restoration project will not adversely affect EFH for Chinook salmon or coho salmon, mandated consultation is not required with the NMFS regarding EFH.

PACFISH and Riparian Management Objectives

The proposed project is in accord with PACFISH (USDI-USDA 1995) standards and guidelines. No adverse modification of PACFISH Riparian Management Objectives (RMOs) would occur in the long term. The proposed action will result in a very small localized short term adverse modification of aquatic and riparian habitat. Such effects are negligible and will not retard recovery and achievement of RMOs along this river reach in the long term. Localized and small riparian/aquatic habitat benefits are expected to occur from project implementation in the long term. Approximately 150 feet of Clearwater riverbank and 0.2 acre of riparian habitat would have beneficial effects.

BLM Sensitive Species

A small amount of riparian vegetation and area below mean high water would be disturbed in the short term from the boat ramp removal and riparian restoration project. Project development will also result in negligible amounts of erosion and sediment. Spring/summer Chinook salmon and coho salmon primarily use the Clearwater River for upstream and downstream migration. The river margins provide limited amounts of suitable rearing habitat for juvenile spring/summer

Chinook salmon and coho salmon. Localized short term riparian habitat disturbances will occur from project development. Long term low beneficial impacts would occur from improved riparian habitat.

The small amounts of riparian disturbance and sediment attributed to project construction would result in discountable impacts to westslope cutthroat trout. Long term low beneficial impacts would occur from improved riparian habitat.

Pacific lamprey ammocoetes may use the river margins with lower velocities such as the back eddy area proposed for boat ramp removal and recontouring. The ammocoetes are burrowed in the fine sediments filter feeding. Project related activities occurring within the water and disturbances of near shore aquatic habitats may potentially impact ammocoetes. However, risks to ammocoetes is considered discountable because the majority of work will occur above the water level, and the small portion of the ramp in the water occurs in a rocky area that does not provide preferred habitat for ammocoetes.

No suitable perch trees for bald eagles will be removed during project construction. However, potential does exist for short term disturbance to the bald eagles, which may displace a bald eagle. Such effects are considered negligible because other suitable habitat and perching areas occur upriver and downriver from the project area. Long term low beneficial impacts would occur in a small localized area from improved riparian habitat, which may also provide preferred perch sites in the future.

The riparian and riverine habitats associated with the proposed recreation site provides suitable habitat for the common gartersnake and western toad. Project development will result in adverse modification of a small amount of habitat and the old boat ramp (<0.2 acre). Overall, potential for adverse effects to common gartersnake and western toad and preferred habitats is considered low adverse in the short term, and low beneficial in the long term with improvement of riparian habitat.

A “may impact individuals or habitat, but will not likely lead to a trend toward federal listing or cause a loss of viability of the population or species” was concluded for spring/summer Chinook salmon, coho salmon, westslope cutthroat trout, bald eagle, Pacific lamprey, common gartersnake, and western toad.

Fisheries

A small amount of riparian vegetation and floodplain disturbance will occur from project implementation. Negligible amounts of erosion and sediment area expected from project-related activities. Erosion and sediment mitigation measures are expected to reduce adverse effects. Overall, adverse effects are considered to be low. Refer to effects analysis for ESA-listed fish and BLM sensitive riparian dependent species for additional information.

Wildlife

Short term project-related impacts would occur to a small amount of habitat from project activities. Insignificant localized disturbance and displacement will occur to game and non-game species which may use riparian and riverine habitats associated with the project area. The project area occurs within a heavily used recreation site and overall long term population trends

are expected to continue. Small long term localized benefits would occur to riparian dependent species from actions that restore riparian habitats.

Soils and Water Quality

The proposed project would result in negligible soil and vegetation disturbance of approximately 0.2 acre located within the Clearwater River RHCA. Disturbed areas would primarily be associated with the removal of the existing boat ramp and re-contouring of the river bank. Negligible effects from erosion/sediment are expected from ground disturbing actions. An appropriate bio-degradable fabric (i.e., erosion control blanket – netting) will be used to facilitate achievement of bank stability, reduce potential for adverse river caused erosion and scouring, and facilitate establishment of desired vegetation.

Primary sources of sediment would occur from boat ramp removal and re-contouring of the river bank in the short term. Erosion control measures as needed will include erosion control blanket, erosion/sediment fences, sediment traps, mulching, and seeding. Overall, adverse erosion and sediment effects are expected to be negligible to the Clearwater River. Implementation of the proposed action and site specific Best Management Practices will insure that the BLM does not adversely impact state and tribal water quality standards and is in accord with the Clean Water Act. Implementation and post monitoring of the project will be conducted to determine if additional measures are needed to provide for river bank stabilization and reduction of erosion.

Floodplain, Riparian, and Wetlands

The boat ramp removal and re-contouring of the river bank will cause short-term effects to the vegetation within a portion of the riparian and floodplain area (0.2 acre) and include 0.07 ac. occupied by the boat ramp. The boat ramp removal and recontouring would not adversely affect the function or adversely modify the floodplain. Overall, riparian and floodplain effects are considered low because of the small amount of area involved. Long term low beneficial impacts will occur from restoration actions that improve riparian habitats in a small localized area. Post monitoring of the project will be conducted to determine if additional riparian seeding and plantings are needed for the project area.

Effects of Alternative 1—No Action

There would be no change in existing recreation uses, users or opportunities. The public would continue to use the old boat ramp for foot access to the river. Overall, existing conditions and trends would continue for ESA-listed species, BLM sensitive species, wildlife, fisheries, soils/water quality, riparian vegetation, and vegetation. Riparian restoration would not occur in the area of the old boat ramp.

Cumulative Impacts of the Proposed Action and Alternative

A majority of the Clearwater River subbasin is in private ownership. Common land uses include agriculture, livestock grazing, timber harvest, roads/highways, urban development, and recreation. The Clearwater River corridor is very popular for river-based recreation, particularly steelhead and salmon fishing.

The analysis area for consideration of cumulative effects is the 9.4 acre Pink House Recreation Site because no effects are expected to other resources as a result of the design features/mitigation measures that are included as part of the proposed action. When the BLM purchased the 9.4 acres for the Pink House Recreation Site in 1990, the existing boat ramp (proposed for removal) was already in place. Shortly after purchasing the land, the BLM completed various phases of recreational site development including installation of vault toilets and graveling the access roads and parking area. Full-scale development of the site was completed in 2004, followed by construction of the new boater access and boat ramp in 2008. Recreation site operations, maintenance and facility upgrades are expected to continue at current levels into the future. The only reasonably foreseeable future action involves replacement of an existing water line within the site.

The proposed project is considered quite insignificant on its own and when combined with other uses in the area. The project involves only a very small area, is quite localized and contains mitigation to reduce any likely effects to resources. No cumulative effects are anticipated as a result of either the proposed action or the no action alternative.

VI. TRIBES, INDIVIDUALS, ORGANIZATIONS OR AGENCIES CONSULTED

Nez Perce Tribe
Clearwater Management Council
Idaho Department of Fish and Game
Idaho Department of Water Resources
Idaho Department of Parks and Recreation
U.S. Fish and Wildlife Service
National Marine Fisheries Service
Department of the Army – Corps of Engineers
U.S. Environmental Protection Agency

VII. LIST OF PREPARERS

Craig Johnson, Fisheries and Wildlife Biologist
Stephanie Snook, Resource Coordinator
Mike Stevenson, Hydrologist
Mark Lowry, Ecologist
David Sisson, Archeologist
Jeremy Harris, Park Ranger
Joe O'Neill, Outdoor Recreation Planner
Dan Yake, Civil Engineer

REFERENCES

USDI-BLM. 1994. Recreation Project Plan, Pink House Recreation Site. U.S. Department of the Interior, Bureau of Land Management, Cottonwood Resource Area, Cottonwood, ID.

USDI-BLM. 1999. Programmatic biological assessment of developed recreation site

maintenance. U.S. Dept. of Interior, Bureau of Land Management, Upper Columbia-Salmon Clearwater District, Cottonwood Resource Area Office, Cottonwood, ID. 6pp.

USDI-BLM. 2000. Clearwater River, North Fork Clearwater River, and Middle Fork Clearwater River subbasins biological assessment of ongoing and proposed Bureau of Land Management activities on fall chinook salmon, steelhead trout, bull trout, and BLM sensitive species. U.S. Dept. of Interior, Bureau of Land Management, Upper Columbia-Salmon Clearwater District, Cottonwood Field Office, Cottonwood, ID. 303pp.

USDI-BLM. 2006A. Environmental assessment – Pink House boat ramp replacement project. U.S. Dept. of Interior, Bureau of Land Management, Coeur d’Alene District, Cottonwood Field Office, Cottonwood, ID.

USDI-BLM. 2006B. Biological assessment of Pink House boat ramp replacement project for federally listed and BLM sensitive species. U.S. Dept. of Interior, Bureau of Land Management, Coeur d’Alene District, Cottonwood Field Office, Cottonwood, ID.

USDI-BLM. 2009. Biological assessment of Pink House boat ramp removal and restoration project for federally listed and BLM sensitive species. U.S. Dept. of Interior, Bureau of Land Management, Cottonwood Field Office, Cottonwood, ID. 43pp.

USDI-USDA. 1995. Interim strategies for managing anadromous fish-producing watersheds in eastern Oregon and Washington, Idaho and portions of California (PACFISH). USDI- Bureau of Land Management and USDA - Forest Service, Washington D.C.

Finding Of No Significant Impact (FONSI)

*Pink House Boat Ramp Removal and Restoration Project
Environmental Assessment
ID-420-2008-EA-139*

Bureau of Land Management
Coeur d'Alene District
Cottonwood Field Office, Idaho

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in Chapter V of the Environmental Assessment (EA) for the Pink House Boat Ramp Removal and Restoration Project. I have also reviewed the project record for this analysis. Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of effects. "Significantly" as used in NEPA requires considerations of both context and intensity:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR 1508.27):

The disclosure of effects in the EA found the actions limited in context; both spatially and temporally. The project is only 0.2 acre in size; the activities are limited in duration from one to two weeks and the project includes design features to reduce the effects even further. The short-term effects would not significantly affect regional or national resources and would only minimally affect local resources as described in the EA.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27):

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effects will be beneficial.

Impacts associated with the project are discussed in Chapter V of the EA. These include short-term and long-term effects as well as beneficial and adverse effects. The proposed actions would not have significant impacts on resources identified and described in Chapter IV.

(2) The degree to which the proposed action affects public health or safety.

The proposed activities would not significantly affect public health or safety. The project is designed to improve riparian habitat along the Clearwater River and minimize potential for adverse water quality impacts from project implementation. Boat ramp removal and restoration activities would be conducted in a safe manner without posing a public health or safety hazard. The proposed project includes design measures to minimize short term effects to the environment which could affect public health or safety.

Prior to and during project implementation, appropriate warning signs and public announcements would be used to notify recreationists and other public land users of activities taking place at the Pink House Recreation Site. No degradation of water quality is expected as a result of these proposed activities.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There would be no adverse effects to historic places or loss of scientific, cultural, historical, or other unique resources.

The project area is located adjacent to the Clearwater River and a portion of the project (< 10 ft. of the boat ramp) is located within the floodplain and below mean high water level. The proposed project would not change the floodplain as disclosed in the EA Chapter V. There are no parklands, prime or unique farmlands, or wild and scenic rivers or ecologically critical areas within the affected project area.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

An analysis of the proposed action and alternatives has been conducted using the best information available and the latest methods of analyzing data by professionals in their respected disciplines. Throughout the analysis process, public comments varied in their recommendations on ways to best manage resources within the project area. However, the effects of the proposed alternatives on the various resources (EA, Chapter V) are not considered to be highly controversial by professionals, specialists and scientists from associated fields of fisheries management, wildlife management, hydrology, and ecology. I believe the effects of the proposed action will not be highly controversial to individuals or groups.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

Scoping did not identify highly uncertain, unique or unknown risks. The possible effects on the human environment, as disclosed in the EA, are not highly uncertain nor do they involve unique or uncertain risks. The technical analyses conducted for determining the impacts to the resources are supportable with use of accepted techniques, reliable data, past experience, knowledge of the area, and professional judgment. Impacts are within the limits that are considered thresholds of concern. Therefore, I conclude that there are no highly uncertain, unique, or unknown risks.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Various riparian restoration projects have been conducted and are planned within our area of jurisdiction. This project is not precedent setting for future actions and is not expected to have any significant effects. This action does not represent a decision in principle about a future consideration.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant

impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

This project is related to activities associated with development, use and maintenance of the Pink House Recreation Site and, in particular, to the 2008 installation of a new boat ramp and boater access at this site. The proposed action is a result of or mitigation for the installation of the new boat ramp. All of these activities are confined within the limits of the 9.4 acre recreation site and would have no significant cumulative effects. The effects of the proposed action, along with the past actions and reasonably foreseeable future actions have been considered and disclosed in the EA Chapter V. No significant cumulative impacts are anticipated as a result of implementation of the proposed action.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

There are no features in the area affected that are listed or are being considered for listing on the National Register of Historic Places. A cultural resource inventory has been completed in the area and no cultural resources were located.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The proposed action “*may affect, but is not likely to adversely affect*” the ESA-listed fall Chinook salmon, steelhead trout, and bull trout; and designated critical habitats. Informal consultation with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) was conducted and a Biological Assessment was prepared for ESA-listed species. Letters of concurrence regarding these proposed action and ESA-species determinations have been received from USFWS and NMFS.

Because of lack of suitable habitat and/or no documentation of occurrence; a “*no effect*” determination was concluded for the following ESA-listed species: sockeye salmon, spring/summer Chinook salmon (BLM sensitive species in the Clearwater River basin), Canada lynx, Northern Idaho ground squirrel, MacFarlane’s four-o’clock, and Spalding’s catchfly.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The action does not violate any Federal, State or local laws or permits imposed for the protection of the environment. As needed, appropriate Federal and State permits would be obtained prior to project implementation.

Based upon the review of the test for significance and the environmental analyses conducted, I have determined that the actions analyzed for the Pink House Boat Ramp Removal and Restoration Project is not a major federal action and that its implementation will not significantly affect the quality of the human environment. Accordingly, I have determined that an Environmental Impact Statement need not be prepared for this project.

/s/ William Runnoe
William Runnoe
Field Manager

January 11, 2010
Date

DECISION RECORD

*Pink House Boat Ramp Removal and Restoration Project
Environmental Assessment
ID-420-2008-EA-139*

Bureau of Land Management
Coeur d'Alene District
Cottonwood Field Office, Idaho

Decision

It is my decision to approve the Proposed Action for this project, including all design features, as described in the Environmental Assessment (EA) ID-420-2008-EA-139.

This action is authorized in accordance with the Federal Land Policy and Management Act of 1976, as amended, and complies with various laws and regulations including the National Environmental Policy Act, Clean Water Act, Endangered Species Act, and the National Historic Preservation Act. Appropriate agencies and specialists were consulted during the analysis and the project was cleared for implementation.

The decision is in conformance with the Chief Joseph Management Framework Plan (MFP) (1981) and subsequent amendments and updates. The MFP (page II-36, (b.)) identifies rehabilitation of stream banks as an appropriate management action.

The selected alternative is the proposed action as outlined in the attached Environmental Assessment. Public notification regarding this environmental assessment and the project planning process was made available to the public on the BLM NEPA/planning website and through scoping letters that were sent to various agencies, groups, and individuals. All concerns and issues raised during this process have been considered.

After reviewing the attached EA, I have determined that the proposed action will have no significant impacts and will not require preparation of an Environmental Impact Statement.

Rationale for Decision

This project is an example of the BLM complying with the mandate of the Federal Land Policy Act of 1976 requiring federal land managing agencies to: "Manage public lands and their resource values so they are utilized in the combination that best meets the present and future needs of the American people." Furthermore, this project helps fulfill the BLM's mission of providing multiple use of America's public lands while sustaining the health, diversity and productivity of those lands.

The action is in conformance with the Chief Joseph MFP (1981) and the Clearwater River Recreation Area Management Plan (May, 1984). During the permitting process for a recently constructed new boat ramp project at the Pink House Recreation Site, removal of the old boat ramp was identified as mitigation for riparian loss from the new ramp. The Chief Joseph MFP identifies rehabilitation of stream banks as an appropriate management action. Consultation with the Nez

Perce Tribe, National Marine Fisheries Service and US Fish and Wildlife Service supports this action to restore riparian habitat and improve water quality and fish habitat.

The old boat ramp was deemed unsafe for motorized boat launching due to the steep slope and sharp drop off at the end of the ramp. A new ramp has been installed so the original ramp is no longer needed; therefore, it should be removed and the area re-contoured and restored.

The design features of the Proposed Action will reduce or nearly eliminate any adverse impacts which will be quite localized in nature and of short duration. It is in the best public interest for the Proposed Action to be implemented.

Authority

The BLM has prepared this EA in compliance with the National Environmental Policy Act (NEPA) as well as other appropriate federal and state laws and regulations. The EA discussed direct, indirect and cumulative impacts that may result from the Proposed Action or alternatives. The EA also provided supporting documentation for this decision document. I am implementing this action by the authority delegated to the Bureau of Land Management found in Section 302 (b) of the Federal Land Policy Management Act of 1976 (43 USC 1732).

/s/ William Runnoe

William Runnoe
Field Manager
Cottonwood Field Office
1 Butte Drive
Cottonwood, Idaho 83522

January 11, 2010

Date

Administrative Review Procedures

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, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error. Pursuant to 43 CFR 4.21, if you wish to file a petition for a stay 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. 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:

- A. The relative harm to the parties if the stay is granted or denied,
- B. The likelihood of the appellant's success on the merits,
- C. The likelihood of immediate and irreparable harm if the stay is not granted, and
- D. Whether the public interest favors granting the stay.

Contact Person

For further information regarding this project, contact Craig Johnson in writing at the above address, or by calling (208) 962-3688, or email at craig_johnson@blm.gov.

Attachment (1):

Environmental Assessment ID-420-2008-EA-139