

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE**

**Decision Record
Eugene District Aquatic and Riparian Restoration Activities
DOI-BLM-OR-E090-2009-0009-EA**

DECISION

It is my decision to implement Alternative 3 as described in the Environmental Assessment (EA) for Eugene District Aquatic and Riparian Restoration Activities (DOI-BLM-OR-E090-2009-0009-EA). A Finding of No Significant Impact (FONSI) has been completed for the EA, and the EA and FONSI are attached to this Decision Record. The proposed activities will occur throughout the Eugene District boundaries in the Central Oregon Coast Range and Cascade Range, in the Siuslaw and Upper Willamette Resource Areas. Implementation of this project will improve in the long-term conditions for fish species through removal of barriers to movement, removal of invasive species detrimental to ecological health, and restoration of riparian vegetation and habitats. Implementation of Alternative 3 will benefit species listed under the Federal Endangered Species Act (ESA) and native, resident species not listed under the ESA. Alternative 3 best meets the intent and policy of the ESA, the Fish & Wildlife Coordination Act, and the Federal Land Policy and Management Act. Alternative 3 does not preclude restoration activities on non-BLM lands, and provides compliance under the National Environmental Policy Act for restoration activities over a wider range of the Eugene District than the other alternatives.

The activities associated with Alternative 3 are consistent with those in the Biological Opinions issued by the National Marine Fisheries Service (NMFS) and U.S. Fish & Wildlife Service (USFWS) for aquatic restoration activities within Oregon and Washington. The activities are also consistent with those analyzed in the 1995 Eugene District Record of Decision/Resource Management Plan (1995 Eugene District RMP), as amended.

CONSULTATION AND COORDINATION

Public Scoping and Review

The Eugene District notified the public of the preparation of the EA through the September 2009 Eugene District Project Planning Update. A detailed scoping letter was sent in the summer of 2009 to the McKenzie, Coast Fork Willamette, Middle Fork Willamette, Calapooia, Long Tom, and Siuslaw Watershed Councils; no scoping responses were received. The EA and an unsigned Finding of No Significant Impact (FONSI) were made available for public review and comment from March 24, 2010, to April 23, 2010, and two comment letters were received.

One comment letter urged the selection of Alternative 2 or 3. The other letter requested organizational changes to the document, requested a summary discussion of comparative effects, and requested information on long-term maintenance and adaptive management of the proposed projects be included in the EA. As noted above, I have selected Alternative 3. The requested organizational changes were not made, as they would not add to the clarity of the EA, the discussion of comparative effects is already in

the EA, and the discussion of long-term maintenance is beyond the scope of the EA, as it is incorporated into the 1995 Eugene District RMP. The EA was modified slightly from the March 2010 EA to correct minor grammatical errors (*e.g.*, spelling, citation, etc.), but no substantive changes were made. Copies of the Finding of No Significant Impact and Decision Record will be provided to both commenters. The EA will be available on the Eugene District's website.

National Marine Fisheries Service

On June 27, 2008, NMFS issued a revised Biological Opinion (BO) on the effects of U.S. Forest Service, Bureau of Land Management, and Bureau of Indian Affairs fish habitat restoration activities in Oregon and Washington (2008/03506). Compliance with the Endangered Species Act (16 USC §1531 et seq.) and the Magnuson-Stevens Fishery Conservation Act (16 USC §1801 et seq.) for species and habitats under the jurisdiction of NMFS was concluded with issuance of the BO.

U.S. Fish & Wildlife Service

On May 23, 2008, the USFWS issued a clarification to the BO and Letter of Concurrence to the three agencies listed above, for aquatic restoration activities in Oregon and Washington (8330.F0055(07)). Compliance with the ESA for the species and habitats under USFWS jurisdiction concluded with issuance of the BO and Letter of Concurrence clarification.

ADMINISTRATIVE REVIEW OPPORTUNITIES

Any person adversely affected by this decision may appeal it to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, a notice of appeal must be filed at the physical address of the Eugene District BLM office within 30 days from the date of this decision. In an appeal the appellant has the burden of showing that the decision is in error.

If, pursuant to 43 CFR 4.21, an appellant wishes to file a petition (request) to stay (suspension) this decision during the time that an appeal is being reviewed by the IBLA, the petition for a stay must accompany the 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, 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 a stay is requested, the applicant has the burden of proof to demonstrate that a stay should be granted. Except as otherwise provided by law or other pertinent regulations, a petition for 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/ Virginia Grilley

Virginia Grilley
District Manager
Eugene District

07/26/2010

Date