

# Decision Record

**NEPA Register Number:** DOI-BLM-OR-P000-2011-0055-EA

**Title of Action:** Murderers Creek Area Closure Environmental Assessment

**BLM Office:** Prineville District Bureau of Land Management, 3050 NE Third Street, Prineville Oregon, 97754

## 1. Background

An Environmental Assessment (EA) and Finding of No Significant Impacts (FONSI) for the proposed Murderers Creek Area Closure (DOI-BLM-OR-P000-2011-0055-EA) were prepared by the Prineville District of the Bureau of Land Management (BLM). The actions included in this Decision Record were analyzed in the EA, and will occur on approximately 26,840 acres of BLM land within Phillip W. Schneider Wildlife Area (PWSWA) (See attached map). Actions are designed to reduce winter disturbance on mule deer within their winter range.

## 2. Public Involvement

In November 2011 the Prineville BLM solicited comments on the Murderers Creek Area Closure from 63 individuals, adjacent landowners, organizations, tribal governments, and state government agencies. A public notice soliciting comments on this project was also published in the Central Oregonian on November 4<sup>th</sup> 2011. No comments were received.

## 3. Proposed or Selected Alternative

Based on the analysis documented in the Environmental Assessment (DOI-BLM-OR-P000-2011-0055-EA) and the Finding of No Significant Impact (FONSI), it is my decision to implement **Alternative B, Proposed Action**, with minor alterations, because it best meets the purpose and need of the project. This alternative is described on pages 6-7 of the EA, and below:

- Implement an annual seasonal area closure for most BLM lands within **most of** the PWSWA. See attached map.

- Not allow public entry by any means into the area during the closure period of February 1 through April 14.
- Place signs along access routes informing the public of the closure.
- Keep the South Fork John Day River road open to vehicle travel.
- Make information about the closure available on BLM and ODFW websites.
- Notify persons implementing other authorized activities within the closure area and allow those authorized activities that occur during the seasonal closure, but limit travel to and from the needed work sites.
- Eliminate all other travel.
- Reduce pedestrian activities and postpone activities until after the closure period.
- Outside of the closure dates, continue to allow public entry as described in the Murderers Creek-Flagtail Cooperative Travel Management Plan (available at <http://www.dfw.state.or.us/maps/index.asp>)

#### **Minor Alterations of Project Area:**

- Rather than bringing forth the project area boundary that matched the PWSWA, as shown in the EA on pages 4 and 8, this Decision covers all of the BLM managed land in the PWSWA, except for the 160 acres of BLM managed land in T13S R27E Section 26. The BLM managed land in the project area in the EA that is not affected by the seasonal closure under this Decision is surrounded by the PWSWA. The seasonal closure of state lands in the PWSWA results in there not being a change to the effects analysis in the Murderers Creek Area Closure EA.

#### **4. Rational for the Decision**

Chapter 2 of the EA described two alternatives: Alternative A the "No Action" alternative and Alternative B the "Proposed Action" alternative. The purpose of the project (page 5 in EA) is to reduce winter disturbance on mule deer within the winter range.

The No Action alternative was not selected because it would not meet the purpose of the project. People would be able to walk throughout the project area during February 1–April 14, disturbing wintering mule deer.

Alternative A would meet the purpose and need of the project. It would reduce winter disturbance on mule deer within the winter range. One of the issues identified for detailed analysis in the EA was effects to mule deer. Alternative A would reduce

human disturbance during the critical winter period on 26,840 acres of BLM managed mule deer winter range within the PWSWA. A reduction in winter harassment for 73 days or approximately half of the wintering period would have a positive effect on survival and recruitment of fawns into the adult population. Another issue analyzed in detail was the effect of the actions on public access to public lands within the project area. No regulated hunting opportunities would be lost due to the proposed action. People will be able to gather shed antlers before and after the seasonal closure, but not during the 73 day seasonal closure period. This will allow mule deer to make it through the most critical winter period undisturbed.

Effects are summarized in Table 1 on page 14 of EA.

Based on the analysis of potential impacts contained in the EA, I have determined in the Finding of No Significant Impacts (FONSI) that the Murderers Creek Area Closure will not have a significant impact on the human environment within the meaning of Section 102(2) (c) of the National Environmental Policy Act of 1969 (FONSI pages 1-4). Thus, an EA is the appropriate level of analysis, and an Environmental Impact Statement will not be prepared.

## **5. Compliance**

The actions are in conformance with the John Day Resource Management Plan, Record of Decision 1985:

- Page 21, "Improve winter range for mule deer and elk. Place priorities for specific treatment in those areas having the greatest problems, the best potential or both."
- Page 36, "The following management tools may be used to alleviate wildlife habitat conflicts that may occur: managing public vehicle access to maintain the habitat effectiveness of security cover and key seasonal habitat (such as winter range) for deer and elk; maintaining adequate thermal and security cover on deer and elk habitat, particularly within timber stands adjacent to primary winter foraging areas."

## **6. Protest and Appeal Opportunities**

This decision constitutes my final decision and 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 the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (3050 N.E. Third Street, Prineville, OR 97754) within 30 days from receipt of this decision. Notice of appeal must be sent certified mail. The appellant

has the burden of showing that the decision appealed from is in error. Any request for stay of this decision in accordance with 43 CFR 4.21 must be filed with your appeal.

H.F. "Chip" Faver  
H.F. "Chip" Faver  
Field Manager, Central Oregon Resource Area

12.7.11  
Date

Attachments:

- Revised Murderers Creek Area Closure Map

# Attachment A.

