

Prineville District
Finding of No Significant Impact
BLM Beach Project: DOI-BLM-OR-P060-2010-0026-EA

Introduction

The Bureau of Land Management (BLM) has completed an Environmental Assessment (EA), No. DOI-BLM-OR-P060-2010-0026-EA, for a proposed action to improve the existing informal dispersed use recreation area known as BLM Beach to create a developed primitive use campground; place rock along 1,200 feet of the shoreline to control erosion adjacent to the proposed campground; and manage fuels to reduce the risk of wildfire. The primary purpose and need for the project is to provide designated boat-in campsites, while preventing additional, or mitigating ongoing, impacts to environmental resources. The proposed action is needed because dispersed camping in this area is adversely affecting soil and vegetation resources and poses a risk of fire in the wildland urban interface.

The EA is attached to and incorporated by reference in this Finding of No Significant Impact (FONSI) determination. The EA analyzed a no action alternative, as well as two action alternatives.

Plan Conformance

The proposed project has been reviewed and found to be in conformance with the following BLM plans and associated Record of Decision(s):

1. Two Rivers Resource Management Plan (TRMP) and Record of Decision, June, 1986.

Finding of No Significant Impact Determination:

Based upon a review of the EA and the supporting documents, I have determined that the proposed action is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Two Rivers Resource Management Plan. Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described below.

Context: The project is a site-specific action directly involving the 87-acre area known as BLM Beach, located on the south shore of the Metolius Arm of Lake Billy Chinook. This area is within the Two Rivers Resource Management Plan planning area.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and the additional criteria as required by the following Instruction Memorandum, Acts and Executive Orders: Instruction Memorandum No. 99-

178, the Lacey Act, as amended; the Federal Noxious Weed Act of 1974; the Endangered Species Act of 1973, as amended; Executive Order 13112 on Invasive Species; Executive Order 12898 on Environmental Justice; Clean Water Act of 1987; Safe Drinking Water Act Amendments to the Clean Water Act of 1996; Executive Order 12088 on federal compliance with pollution control standards, as amended; Executive Order 12589 on Superfund compliance; and Executive Order dated July 14, 1982 on intergovernmental review of federal programs.

1. **Impacts may be both beneficial and adverse.** The proposed action would impact resources as described in the EA. Mitigations to reduce impacts are incorporated in the design of the proposed action. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Two Rivers Resource Management Plan and ROD (1986).
2. **The degree to which the proposed action affects public health or safety.** The proposed action provides benefits to public health and safety by reducing fuel loads and wildland fire risk in the planning area.
3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.** The historic and cultural resources of the area have been reviewed by an archeologist, and potential impacts mitigated in the design of the proposed action. There are no effects on park lands, prime farm lands, caves designated under 43 CFR 37, designated wilderness or wilderness study areas, wetlands or federally designated wild and scenic rivers. The proposed action would not affect any Areas of Critical Environmental Concern.
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The proposed action is not anticipated to be controversial, because it addresses all issues identified during scoping. The proposed action is not intended to increase recreational use of the BLM Beach site, and includes measures that will reduce trespass and fire hazard on adjacent private lands in the Three Rivers Community. The proposed action will assist Pacific General Electric (PGE) in meeting the terms of the Pelton Round Butte Settlement Agreement, to which BLM is signatory, because it provides for erosion control along the shoreline of Lake Billy Chinook, as well as recreational improvements that are included in PGE's Recreation Resource Management Plan.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The project is not unique or unusual. The BLM has implemented similar actions with regards to recreational facility improvements and vegetation treatments in many areas, and erosion control measures that would be implemented along the shoreline are similar to those that have proven effective at Indian Park on Lake Simtustus. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects

on the human environment that are considered to be highly uncertain or involve 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. The actions considered in the proposed action were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. An analysis of the effects of the proposed action is described in the EA.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. There may be small contributions to cumulative benefits of other fuels management actions in the planning area, but significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in the EA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. The project would not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.

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. Mitigations to reduce impacts to wildlife have been incorporated into the design of the proposed action. The project is designed to control erosion along 1,200 feet of the Lake Billy Chinook shoreline, which would improve water quality for the federally listed bull trout (*Salvelinus confluentus*) residing in the lake. Work would be scheduled during a maintenance drawdown of Lake Billy Chinook. No other threatened or endangered species occupy the project area.

10. Whether the action threatens a violation of a Federal, State or local law or requirements imposed for protection of the environment. The project does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, the project is consistent with applicable land management plans, policies, and programs.

Approved By:



Molly M. Brown
Field Manager, Deschutes Resource Area

10/5/10
Date

Decision Record

NEPA Register Number: DOI-BLM-OR-P060-2010-0026-EA

Title of Action: BLM Beach

BLM Office: Central Oregon Resource Area, Prineville, Oregon

1. Compliance

The actions described in this project comply with the Endangered Species Act, National Historic Preservation Act, and the Clean Water Act.

This project is consistent with the Two Rivers Resource Management Plan (TRMP) and Record of Decision, June, 1986.

The shoreline erosion control and recreation improvement actions of this project are consistent with the FERC license articles 429 (Shoreline Erosion Plan), 424 (Recreation Resources Implementation Plan), and the Bald Eagle Management Plan for the Pelton Round Butte Hydroelectric Project.

2. Proposed or Selected Alternative

It is my decision to implement the **shoreline erosion control measures, campground improvements, and the seasonal closure of a portion of the campground to protect nesting eagles in Alternative 2**. The descriptions of the **shoreline control measures, campground improvements, and the seasonal closure of a portion of the campground to protect nesting eagles of Alternative 2** in section **2.1.2 Alternative 2 – Proposed Action** are incorporated in detail as if fully set out in this document.

3. FONSI Reference

A Finding of No Significant Impact (FONSI) was issued for the shoreline erosion control and campground improvement actions of this project as well as the seasonal closure of a portion of the campground. These actions were analyzed in the BLM Beach Environmental Assessment and found to have no significant impacts, thus the preparation of an Environmental Impact Statement is not required.

4. Public Involvement

Public comments on the proposed action were taken during scoping for the project. A project newsletter describing the proposed action was distributed to stakeholders for a 30 day comment period. Comments were received from three stakeholders during the comment period.

The EA was made available for an 11-day comment period. The public comment period was announced through the Central Oregonian, on the BLM Prineville District website, and letters were mailed to stakeholders that expressed interest in actions near Lake Billy Chinook. Two public comments were received during the public comment period.

5. Rational for the Decision

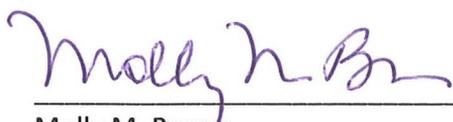
I have decided to implement the shoreline erosion control, recreation site improvements activities, and a seasonal closure of a portion of the campground of the BLM Beach project as described and analyzed as the proposed action (Alternative 2) of the BLM Beach EA. Alternative 2 best meets the Purpose and Need described in the EA on page 9, which is to manage dispersed recreation use in the area and control continuing shoreline erosion. This alternative also best responds to all the issues identified in the EA on pages 9 and 10. The recreation site improvements will manage existing recreation use and protect vegetation and wildlife resources. The shoreline stabilization action will prevent the continued erosion of the shoreline, provide improved recreational access to the site, and protect water quality.

The proposed action was selected over the No-Action Alternative, as it would provide a solution to the existing problems of unmanaged recreation site development and shoreline erosion, rather than allowing these problems to continue. The proposed action (Alternative 2) was selected over Alternative 3 because it better meets the primitive use designation of the site by having recreators carry out all trash and waste produced at the site as opposed to the BLM building sanitation facilities. The proposed action (Alternative 2) was also selected over Alternative 3 because Alternative 2 has less of a potential for disturbance to bald eagles.

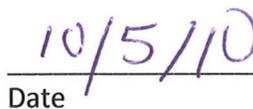
6. Protest and Appeal Opportunities

This decision constitutes my final decision and may be appealed to the Interior Board of Land Appeals, Office of Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed at the BLM Prineville Office (3050 NE Third Street, Prineville, OR 97754) within 30 days from the receipt of this decision. Notice of appeal must be sent by certified mail. The appellant has the burden of showing that the decision is in error. Any request for stay of this decision in accordance with 43 CFR 4.21 must be filed with your appeal.

7. Signature and Date



Molly M. Brown
Field Manager, Deschutes Resource Area



Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

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- 1. NOTICE OF APPEAL.....** A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
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- 2. WHERE TO FILE NOTICE OF APPEAL.....** Prineville District Office, 3050 NE Third Street, Prineville, Or 97754
- WITH COPY TO SOLICITOR....** U.S. Department of the Interior, Office of the Regional Solicitor, 805 SW Broadway, Suite 600
Portland, OR 97205
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- 3. STATEMENT OF REASONS** Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO SOLICITOR.....**
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- 4. ADVERSE PARTIES.....** Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associate Solicitor, Division of Land and Water Resources, Office of the Solicitor, United States Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associate Solicitor, Division of Mineral Resources, Office of the Solicitor, United States Department of the Interior, Washington, D.C. 20240.
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- 5. PROOF OF SERVICE.....** Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
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- 6. REQUEST FOR STAY.....** Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (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 Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). 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 (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 other provided by law or other pertinent regulations, 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.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2005)