

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SALEM DISTRICT OFFICE
TILLAMOOK RESOURCE AREA**

FINDING OF NO SIGNIFICANT IMPACT

**For the
Oregon State University Right-of-Way Permit
DOI-BLM-OR-S060-2009-014-EA**

I. Introduction

An Interdisciplinary Team has prepared an Environmental Assessment (EA# DOI-BLM-OR-S060-2009-014-EA) in response to a request from Oregon State University for a right-of-way on BLM-managed lands to install and maintain a flume for the purpose of measuring streamflow. The document analyzed two alternatives; a no-action alternative and the proposed action. The proposed action would issue a right-of-way permit to install a flume on a small headwater stream in the East Fork of South Fork Trask River on BLM lands in T. 2 S., R. 6 W., section 19, Willamette Meridian. Data is expected to be collected through the life of the Trask River Watershed Study, which is expected to be completed in 2016. Sensors would be removed and the flume left in place after it is no longer needed for this study.

II. Background

The EA is in conformance with the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, dated 1994 (PRMP/FEIS) and the *Salem District Record of Decision and Resource Management Plan*, dated 1995 (ROD/RMP) because it also meets the objectives listed above. The analysis supporting this EA is also tiered to the *Final Supplemental Environmental Impact Statement (EIS) on Management of Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan,)* dated 1994 and its *Record of Decision*, dated 1994 as supplemented and amended by *The Final Supplement to the 2004 Environmental Impact Statement to Remove or Modify The Survey and Manage Mitigation Measure Standards and Guidelines*, dated 2007 and its *Record of Decision*, dated 2007.

III. Finding of No Significant Impact

I am adopting the EA, in which the effects analysis indicates that there would not be a significant impact on the quality of the human environment from the implementation of either alternative. This finding and conclusion is based on my consideration of the Council of Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and intensity of the impacts described in the EA.

Context

The proposed action would occur within the Riparian Reserve land use allocation as designated by the ROD/RMP. The management objectives for Riparian Reserve lands are the nine Aquatic Conservation Strategy objectives (ROD/RMP pages 5-6). Consistency of the action with ACS Objectives is included on pages 7-9 of the project EA. Another ROD/RMP objective is to make BLM-administered lands available for needed rights-of-way where consistent with local comprehensive plans (ROD/RMP page 55), which is also consistent with this action.

The project consists of granting a permit to install and maintain a single stream-measurement flume in a very small headwater stream. The project would not be regional or national in scope.

Intensity

Impacts that may be both beneficial and adverse (40 CFR 1508.27 (b)(1))

All impacts have been considered in the EA. The ROD/RMP anticipated these kinds of effects from right-of-way requests.

Public Health and Safety (40 CFR 1508.27(b)(2))

No aspect of the proposed action would have an effect on public health and safety.

Unique characteristics of the geographic area (40 CFR 1508.27(b)(3))

There are no known historic or cultural resources within the project area and the terrain (>20% slopes) is not likely to contain cultural deposits (EA p. 11). There are no parklands, prime or unique farmlands, wetlands, floodplains, Wild and Scenic Rivers, wilderness or Areas of Critical Environmental Concern.

Degree to which effects are likely to be highly controversial (40 CFR 1508.27(b)(4))

The effects on the quality of the human environment of the proposed activity are not highly controversial. The processing of right-of-way requests has occurred since the first perpetual Right-of-way grants were established as early as the 1950's. The checkerboard pattern of ownership between the BLM and private landowners makes this an integral part of business in Western Oregon.

Degree to which effects are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5))

The possible effects of the proposed action on the quality of the human environment are not highly uncertain and do not involve unique or unknown risk.

Consideration of whether the action may establish a precedent for future actions with significant impacts (40 CFR 1508.27(b)(6))

The proposed project does not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant effects. As stated above, rights-of-way requests are very common in western Oregon with the checkerboard ownership pattern.

Consideration of whether the action is related to other actions with cumulatively significant impacts (40 CFR 1508.27(b)(7))

There are no cumulatively significant impacts identified in the environmental assessment.

Scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8))

The proposed activities would not affect districts, sites, highways, structures or objects listed in or potentially eligible for listing in the National Register of Historic Places. Nor would the activities cause a loss or destruction of significant scientific, cultural or historical resources.

Threatened or endangered species and their critical habitat (40 CFR 1508.27(b)(9))

The EA identified no effects on ESA listed wildlife or fish species or their critical habitats, or Essential Fish Habitat under the Magnuson-Stevens Fisheries Conservation and Management Act (EA page 10).

Any effects that threaten a violation of Federal, State, or local laws or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10))

The proposed action would not violate Federal, State or local laws imposed for the protection of the environment. These include the Endangered Species Act and the Clean Water Act.

Analysis has also concluded that implementation of the proposed actions will not change the likelihood of and need for listing of any Special Status Species under the ESA as identified in BLM Manual 6840 and BLM OR/WA 6840 policy.

Pursuant to Executive Order 13212, the BLM must consider the effects of this decision on the National Energy Policy. As there would be no impact to the exploration, development or transportation of undeveloped energy sources from the proposed action, a Statement of Adverse Energy Impacts is not required.

Conclusion

Based on the information contained in the EA (DOI-BLM-OR-S060-2009-014-EA), and all other information available to me I have determined that the proposed action would 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, and that an Environmental Impact Statement is not required. I have determined that the effects of the proposed activities would be in conformance with the *Record of Decision and Resource Management Plan* for the Salem District.

/s/ William B. Keller_____

William B. Keller
Tillamook Field Manager

Sept. 9, 2009_____

Date

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SALEM DISTRICT OFFICE
TILLAMOOK RESOURCE AREA**

**DECISION RECORD
For the
Oregon State University Right-of-Way Permit
DOI-BLM-OR-S060-2009-014-EA**

DECISION

It is my decision to implement the proposed action as described in the Oregon State University Right-of-Way Environmental Assessment (EA# DOI-BLM-OR-S060-2009-014-EA). The project would issue a right-of-way permit to Oregon State University to install a flume on a small headwater stream in the East Fork of South Fork Trask River on BLM lands in T. 2 S., R. 6 W., section 19, Willamette Meridian. Data is expected to be collected through the life of the Trask River Watershed Study, which is expected to be completed in 2016. Sensors would be removed and the flume left in place after it is no longer needed for this study.

Consultation with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) is not required. The Environmental Assessment (EA) analyzed the proposed action and the Finding of No Significant Impact (FONSI) documented that there would be no significant impacts.

This decision is in conformance with the Salem District Record of Decision and Resource Management Plan (ROD/RMP) and will not have significant environmental impacts beyond those already addressed in the environmental impact statement prepared for the ROD/RMP.

CONSULTATION AND COORDINATION

Public Scoping and Review

The Environmental Assessment (DOI-BLM-OR-S060-2009-014-EA) was released for 15-day public comment period on August 25, 2009. The document was posted on the Salem District web page. No comments were received.

Consultation

The EA determined that the project would be of *No Effect* on ESA-listed wildlife or fish species or their critical habitats, or Essential Fish Habitat under the Magnuson-Stevens Fisheries Conservation and Management Act. Consultation with the National Marine Fisheries Service and U.S. Fish and Wildlife Service is not required.

ADMINISTRATIVE REVIEW OPPORTUNITIES

The effective date of this decision shall be the date of posting of the Notice of Decision and FONSI on the Salem District web page (September 10, 2009). Any person adversely affected by this decision may appeal it to the Interior Board of Land Appeals, 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 Tillamook Resource Area, Salem District BLM office within 15 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/ William B. Keller
William B. Keller
Tillamook Field Manager

Sept. 9, 2009
Date