Oxbow Recreation and Public Purposes Lease Amendment

Decision Record

Environmental Assessment Number: DOI-BLM-OR-S040-2013-0001-EA

April 2014

United States Department of the Interior
Bureau of Land Management
Oregon State Office
Salem District
Cascades Resource Area

Township 1 South, Range 4 East, Section 11, Willamette Meridian
Multnomah County, Oregon

Lease File Number: R&PP Lease ORE010366

Applicant Name: Metro Parks and Environmental Services Department

Responsible Agency: USDI – Bureau of Land Management

Responsible Official: John Huston, Field Manager
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BLM
Salem District

As the Nation's principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

BLM/OR/WA/AE-14/021+1792

1.0 Introduction

The Bureau of Land Management (BLM) has completed the environmental analysis for the Oxbow Recreation and Public Purposes (R&PP) Lease Amendment, documented in the *Oxbow Recreation and Public Purposes Lease Environmental Assessment and Finding of No Significant Impact* (EA) and the associated lease file. This EA analyzed Metro Parks and Environmental Services Department's (Metro) proposed construction and development actions that would amend their existing long-term lease, ORE010366, for Oxbow Regional Park (Oxbow). This EA is incorporated by reference in this Decision Record (DR). The proposed action under lease is located on BLM lands in Township 1 South, Range 4 East Section 11 in the Lower Sandy River 5th field watershed in Multnomah County, Oregon.

I signed a Finding of No Significant Impact on March 7, 2014 and made the EA available for public review from March 7, 2014 to April 7, 2014 (*DR section 7.0*). I received one comment during the public review period.

2.0 Decision

I have decided to implement the project as described in the Proposed Action (*EA section 2.2, pp. 9-15*), hereafter referred to as the "selected action". The selected action is shown on maps in the DR, section 3.0. This decision is based on site-specific analyses in the EA described above, the supporting lease record, public and agency comments, as well as the management direction contained in the *Salem District Resource Management Plan* (May 1995), which are incorporated by reference in the EA. The following is a summary of the selected action:

The BLM will amend Metro's long-term R&PP Lease, ORE010366, that will authorize construction of a campground access road and campsites for the continued operations and maintenance of BLM leased land within Oxbow. This lease will continue providing recreational opportunities and consistent management for visitors to Oxbow Regional Park in accordance with the Oxbow Regional Park Master Plan, October 1997. The lease amendment will authorize:

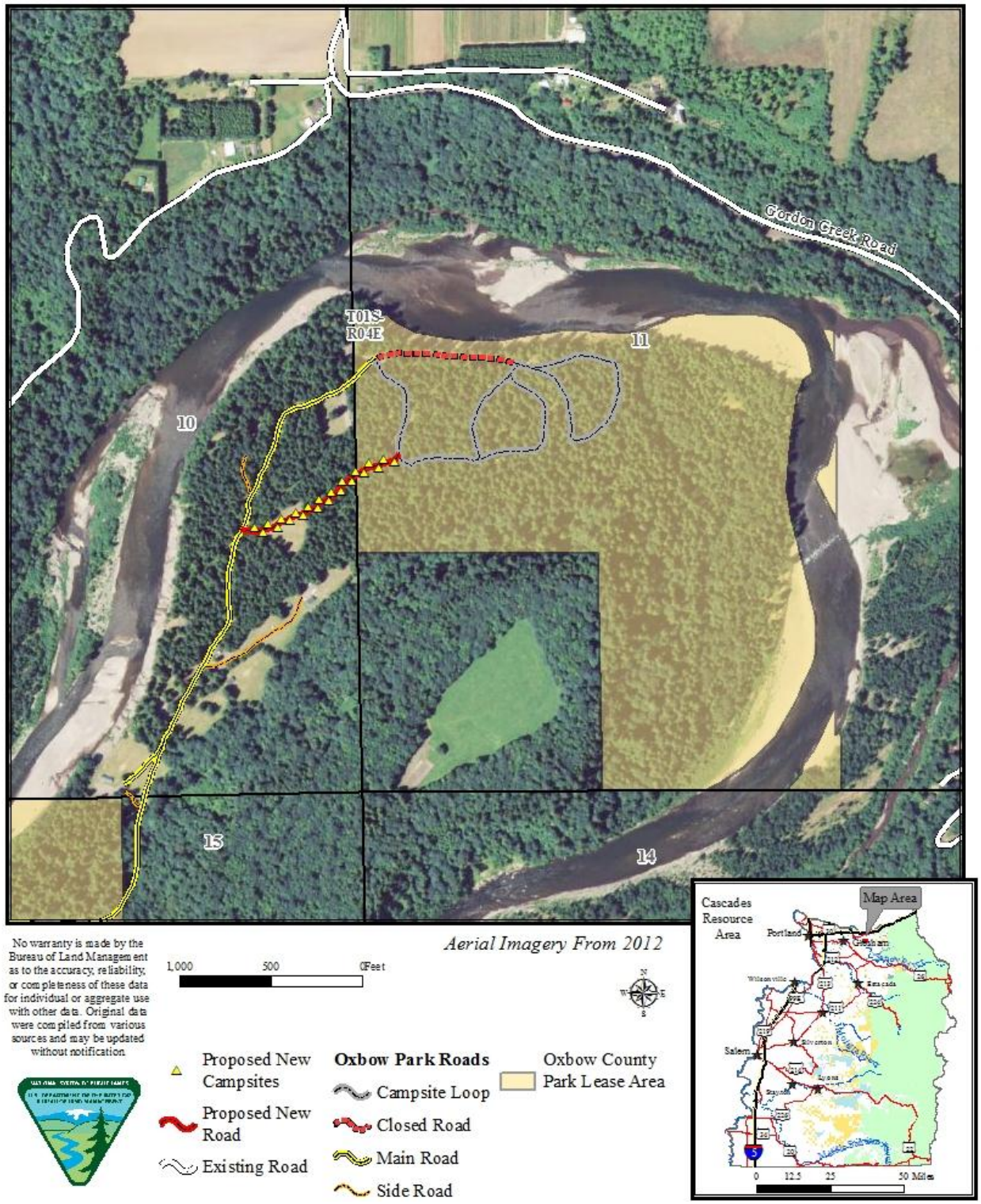
- Metro to
    - construct a new 270 foot access gravel road to the campground with buried parallel waterline
    - construct six new single family campsites
    - cut and remove all trees and vegetation from within the footprint of construction activities

<u>Project Design Features</u>

All construction and development actions will comply with BLM design standards. The R&PP Lease amendment will incorporate BLM design features described in the EA (*pp. 16-17*).

3.0 Location and Selected Action Maps

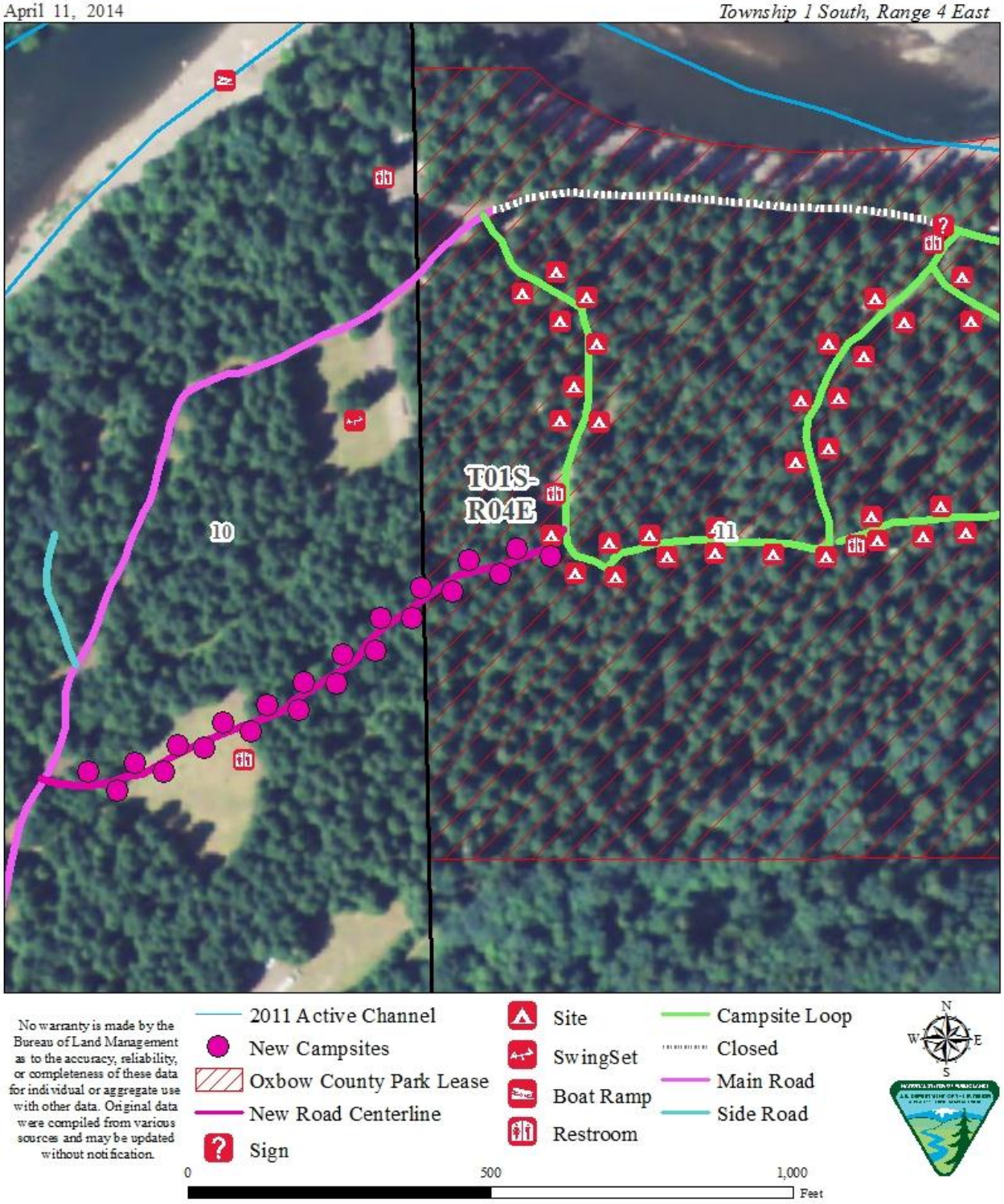
Map 1: Location Map



Map 2: Selected Action

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Oxbow Regional Park Recreation and Public Purposes Lease Amendment

April 11, 2014 *Township 1 South, Range 4 East*



4.0 Alternatives Considered

The EA analyzed the effects of the proposed action and no action alternatives. No unresolved conflicts concerning alternative uses of available resources (section 102(2)(E) of the National Environmental Policy Act (NEPA)) were identified. Complete descriptions of the two alternatives are contained in the EA (pp. 8-17).

5.0 Decision Rationale

Considering public comment, EA content, the supporting lease record, and management direction contained in the RMP, I have decided to implement the selected action, as described in *DR section 2.0*. The following is my rationale for this decision.

The No Action Alternative: This action was not selected as it does not meet the purpose and need for action, it reduces recreation opportunities within Oxbow Regional Park and ingress/egress access restrictions would continue.

The Selected Action: The selected action implements the construction and development of Oxbow as detailed in *DR section 2.0*. The selected action:

- Meets the purpose of and need for action described in the EA (EA section 1.2, pp. 5-6) by constructing a safe access road to the campground and restoring recreation opportunities.
- Is consistent with the Salem District Record of Decision and Resource Management Plan and related documents, which direct and provide the legal framework for management of BLM lands within the Salem District (EA section 1.4, p. 6, *DR sections 6.0*).
- Complies with authorities described in EA section 4.7 (EA pp. 23-24).
- Will not have impacts on the affected elements of the environment beyond those already anticipated and addressed in the EA section 4.0, pp. 19-26.
- Has been adequately analyzed.
- Is consistent with the October 1997, Oxbow Regional Park Master Plan.

6.0 Compliance with Direction

The analysis documented in the Oxbow R&PP Lease Amendment EA is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement* (RMP/FEIS), September 1994. This project was designed under the *Salem District Record of Decision and Resource Management Plan* (RMP), May 1995 and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA p. 7-8). All of these documents may be reviewed at the Cascades Resource Area office.

Survey and Manage Review: The selected action complies with the Settlement Agreement relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Salem District RMP.

7.0 Public Involvement, Consultation, and Coordination

Scoping

The BLM mailed a scoping letter, dated September 4, 2013, to 217 potentially affected or interested individuals, groups, and agencies. The BLM received one response during the scoping period. The comment questioned Metro's proposed action within Oxbow Regional Park and was utilized to refine the proposed action alternative.

Comment Period and Comments

The BLM made the EA and FONSI available for public review from March 7, 2014 to April 7, 2014. One (1) comment letter was received during the EA comment period that did not lead to substantive changes to the EA and FONSI.

Consultation and Coordination

Wildlife: United States Fish and Wildlife Service (USFWS)

Lease modifications would not affect any threatened or endangered wildlife species or habitats, including the northern spotted owl. The BLM leased land would retain its current character and habitat condition.

Fish: National Marine Fisheries Service (NMFS)

The lease amendment and associated development activities would not affect federally threatened Lower Columbia River (LCR) steelhead trout, LCR Chinook salmon, LCR coho salmon, eulachon, or their habitat, therefore no consultation is required.

8.0 Conclusion

Review of Finding of No Significant Impact

I have reviewed the information in the EA, public comments, and this DR. I have determined that no change to the Findings of No Significant Impact (Oxbow R&PP Lease Amendment EA pp. 29-31) is necessary. No new information was provided during the public comment period for the EA that led me to believe the analysis, data, or conclusions related to environmental effects of the proposed action are in error or that the selected action needs to be altered. The selected action will not have effects beyond those already anticipated and addressed in the RMP EIS.

Administrative Review Opportunities

Individuals have the right to appeal this decision to the BLM Cascades Field Manager and thereafter appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations of 43 Code of Federal Regulations, Part 4. A notice of appeal and/or request for a stay electronically transmitted will not be accepted. A notice of appeal and/or request for stay must be on paper. To appeal this decision, it must be filed in writing to John Huston, Field Manager, Cascades Resource Area, Salem District BLM, 1717 Fabry Road SE, Salem, OR, 97306.

Implementation

If no appeal is filed within 15 days after publication of this Decision Record, Oxbow R&PP Lease Amendment will become final. Metro plans on implementing the selected action development actions Fall of 2014. For additional information, contact Traci Meredith (503) 315-5991 or David Simons at (503) 375-5612, Cascades Resource Area, Salem BLM, 1717 Fabry Road SE Salem, Oregon 97306.

Approved by: _____ 4/23/14

John Huston, Field Manager
Cascades Resource Area

Date

Appendix A: Metro's Comment Letter Received during the EA Comment Period

Metro's comment letter was the only one received during the EA comment period (March 7 through April 7, 2014). Below are their comments that do not change the effects analysis contained in the FONSI for the Oxbow R&PP Lease Amendment.

- Page 5, EA section 1.2 – the main road was not washed away.
- Page 9, EA section 2.2 – the main road was not washed away.
- Page 9, EA section 2.2 (Road Construction) – The width of the road is driven by the local emergency response unit. The Fire Marshall requires 24-foot wide road section to properly respond to incidents.
- Page 15, EA section 2.2 (Table 2) – The length of the vault restroom is 11 foot 11 inches and width is 14 foot 4 inches, therefore the total disturbance on Metro's land would be closer to 0.74 acres.
- Page 15, EA section 2.2.1 (Development and Construction) – Total disturbance on Metro land would be 0.74 acres…
- Page 16, EA section 2.2.2 (Project Design Features) – Metro will be adding technical specifications directing the Contractor regarding the spreading of invasives, cultural resources, organics removal, revegetation, and waste disposal.
- General comment from Metro – Park staff are knowledgeable in the balance of human use and natural resource protection will construct the campsites.