Mission Aviation Fellowship
Airstrip Right-of-Way
OR-66216

Decision Record
DOI-BLM-OR-V040-2011-004-EA

Prepared by:
U.S. Department of the Interior
Bureau of Land Management
Malheur Resource Area
100 Oregon Street
Vale, Oregon 97918
December, 2011

BLM
Vale District

Decision Record

Mission Aviation Fellowship Airstrip Right-of-Way
Environmental Assessment No. DOI-BLM-OR-V040-2011-004

As Field Manager of the Malheur Resource Area, my decision is to provide the opportunity for Mission Aviation Fellowship (MAF) to construct and maintain an airstrip by authorizing the Right-of-Way (ROW) as proposed by MAF and analyzed as the Proposed Action of Environmental Assessment (DOI-BLM-V040-2011-04-EA). As detailed in the accompanying Finding of No Significant Impact (FONSI), the Proposed Action will not have a significant effect on the human environment. The EA was submitted for public comment for a period of 30 days. After considering all of the information before me, the federal actions[1] I have chosen to authorize are as follows:

- Grant the ROW to MAF for three acres to allow construction and maintenance of an airstrip. Surface disturbance as identified in the EA Design Features (Section 2.1.1) will consist of leveling the airstrip surface by cutting and filling material to create a slope less than 2%. Rehabilitation will include blending construction work to match the surrounding landscape by smoothing edges and seeding native species on the disturbed area post construction.

- The duration of the ROW will be for thirty years. After this timeframe a new request should be submitted by Mission Aviation in order to continue ROW access.

- This project will be completed incorporating design features and stipulations identified in Section 2.1.1 and the Best Management Practices in Appendix C. within the EA and will remain in effect for the duration of the ROW.

The legal and policy rationale for my decision is as follows:

FLPMA Rights-of-Way and NEPA - Under the Federal Land Policy and Management Act (FLPMA, Title V) and its implementing regulations, BLM is authorized to grant, issue, or renew rights-of-way over public land so long as the action does not violate existing ROWs, laws, or regulations, and protects the public interests. The BLM is also required to comply with the National Environmental Policy Act (NEPA) and the Council of Environmental Quality (CEQ) regulations.

The decision is in conformance with management actions identified in the Southeastern Oregon Resource Management Plan and would meet management objectives for resource values and uses identified in that land use plan for Malheur Resource Area.

No unresolved conflicts involving alternative uses have been identified to drive the creation of an alternative which would allow evaluation and development of the airstrip. Therefore, no alternatives (other than the required "No Action Alternative") will be analyzed in detail in this Environmental Assessment. Two alternatives were considered but rejected from detailed evaluation because they did not meet the purpose and need. The alternatives included alternate locations and use of existing airstrips.

[1] The proposed action includes specific EA design features and stipulations that BLM developed and/or refined through the EA analysis.

The actions analyzed in the Mission Aviation Fellowship Airstrip Right-of-Way Environmental Assessment (DOI-BLM-V040-2011-004-EA), which this document incorporates by reference in its entirety, were found to not have a significant impact to the human environment. An unsigned finding of no significant impact (FONSI) was made available to the public with the EA on November 7, 2011. No comment on the EA or the FONSI was received during a 30-day comment period.

Appeal Rights:

This decision 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 Form 1842-1. If an appeal is filed, your notice must be filed in the Vale District Office, 100 Oregon Street, Vale, Oregon 97918 within 30 days of receipt of this decision. The appellant has the burden of showing that the decision appealed is in error.

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 Board, pursuant to regulation 43 CFR §4.21, the petition for stay must accompany your notice of appeal. A petition for 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 (see 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 otherwise provided by law or other pertinent regulation, 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.
4) Whether or not the public interest favors granting the stay.

Pat Ryan — 12/14/11

Pat Ryan
Field Manager
Malheur Resource Area

Date