

**U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE**

**FISH CREEK AQUATIC HABITAT RESTORATION PLAN –
CULVERT REPLACEMENTS**

**DECISION RECORD DOCUMENTATION AND
FINDING OF NO SIGNIFICANT IMPACT**

Environmental Assessment No. OR-090-03-13

FINDING OF NO SIGNIFICANT IMPACT

The Siuslaw Resource Area, Eugene District, Bureau of Land Management, has completed an Aquatic Habitat Restoration Plan and Environmental Assessment (EA) for aquatic habitat restoration projects in the Fish Creek drainage, western Lane County, Oregon.

The design features of the Proposed Action and Alternatives are described in the Environmental Assessment OR-090-03-13. Project work would improve the quality of aquatic and riparian habitat in Fish Creek and tributaries. Based on extensive experience with similar work in the Siuslaw River Basin, in other Oregon coast streams, and evaluation of similar project work, no significant adverse impacts are expected to: Flood plains or wetland/riparian areas, wilderness values, cultural resources, prime or unique farmland, wild and scenic rivers, air quality, Native American religious concerns, low income or minority populations, water quality or noxious weeds.

On the basis of information contained in the EA, and all other information available to me, I have determined that the Alternatives analyzed will not have significant environmental impacts not already addressed in the Eugene District Resource Management Plan and Record Of Decision, and do not constitute a major Federal action affecting the quality of the human environment. Therefore, an Environmental Impact Statement or supplement to the existing Environmental Impact Statement is not necessary and will not be prepared for this proposal.

DECISION

Based on the analysis documented in the Environmental Assessment (EA) OR-090-03-13 and the Finding of No Significant Impact it is my decision to select the Proposed Action. Implementation of this action will result in improvement of aquatic habitat in Fish Creek through barrier culvert rehabilitation and placement of habitat structure. Implementation is planned to begin during the summer months of 2004.

DECISION RATIONALE

The Proposed Action was selected because it best meets the purpose of the action as described in the EA. The Proposed Action provides for the most improvement in aquatic habitat for resident and anadromous aquatic species. Under the No Action Alternative barriers to migrating aquatic species would continue to prevent the recovery of the aquatic system. The proposed action and alternatives are in conformance with the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl, April 1994 (ROD)* , and the *Eugene District Record of Decision and Resource Management Plan, June 1995 (Eugene District ROD/RMP)* as amended by the *Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, USDA Forest Service and USDI Bureau of Land Management January 2001*. This EA and analysis is tiered to these Environmental Impact Statements (EIS's).

CONSULTATION AND COORDINATION

The Proposed Action was consulted on with the U.S. Fish and Wildlife Service during the FY 2002-03 programmatic consultation cycle. A Biological Opinion was issued April 4, 2002.

The Proposed Action is in conformance with the Aquatic Conservation Strategy in the Northwest Forest Plan. Information summarized in the Fish Creek Aquatic and Riparian Habitat Restoration Plan is from the Eugene District Lake Creek Watershed Analysis (June 1995). Information and analysis are also tiered to the Eugene District Lake Creek Aquatic Habitat Management Plan and Environmental Assessment (LCAHMP) OR090-EA-00-20.

The Proposed Action will follow general conditions related to fill removal activities as listed in permit (FP-23692) re-issued by the Oregon Department of State Lands on May 13, 2003.

PUBLIC COMMENTS

Both the EA and preliminary FONSI were advertised on May 21, 2003 in the Eugene Register-Guard as being available for a 30-day public review period. Copies of the EA and preliminary FONSI were mailed to interested individuals on our mailing list. No comments were received.

ADMINISTRATIVE REMEDIES

The effective date of this decision shall be the date of publication of the Notice of Decision and FONSI in the Register Guard. 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 in this office (P.O. Box 10226, Eugene Oregon 97440, 2890 Chad Drive, Eugene) within 30 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.

Siuslaw Field Manager:

/s/ Steven Calish

Date:

7/18/03