

**U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE
WHITTAKER CREEK FISH TRAP OPERATION
DECISION RECORD DOCUMENTATION AND
FINDING OF NO SIGNIFICANT IMPACT**

Environmental Assessment No. OR090-EA-04-20

FINDING OF NO SIGNIFICANT IMPACT

The Siuslaw Resource Area, Eugene District, Bureau of Land Management, has completed an Environmental Assessment (EA) for the Whittaker Creek Fish Trap in Whittaker Creek, western Lane County, Oregon.

The design features of the Proposed Action and Alternatives are described in the Environmental Assessment OR090-EA-04-20. The proposed action includes a Memorandum of Understanding about trap operations between the BLM and ODFW. Based on evaluation of similar work in other Oregon coast streams, there will be no expected significant adverse impacts 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, as amended, 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 are not necessary and will not be prepared for this proposal.

DECISION

Based on the analysis documented in the Environmental Assessment OR090-EA-04-20 and the Finding of No Significant Impact, it is my decision to select the Proposed Action. Implementation of this action will result in mutual agreement between BLM and ODFW about Whittaker Creek Fish Trap operations. Implementation under a Memorandum of Understanding is planned to begin during fall 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 best circumstances for the operation of the Whittaker Creek Fish Trap. Under the No Action Alternative, the operation of the Whittaker Creek Fish Trap was carried out without agreements between BLM and ODFW affecting the safety of visitors to Whittaker Creek Recreation Area. 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. This EA and analysis is tiered to these Environmental Impact Statements.

CONSULTATION AND COORDINATION

Coastal coho salmon (*Oncorhynchus kisutch*) are found in this system. The species has been listed as threatened in the recent past and currently is on the proposed list for threatened and endangered species status. The proposed actions are consistent with the description and terms and conditions under Section 7 of the Endangered Species Act and the Magnuson-Stevens Act for Essential Fish Habitat. ODFW has authorization for take of coho salmon from National Oceanic and Atmospheric Administration Fisheries under State permit number OR2003-848. This permit is renewed annually by ODFW.

Information summarized in the Whittaker Creek Fish Trap Environmental Assessment OR090-EA-04-20 was obtained from the ODFW Siuslaw River Basin Fish Management Plan and the Hatchery and Genetic Management Plan.

PUBLIC COMMENTS

Both the EA and preliminary FONSI were advertised on September 21, 2004 in the Eugene Register-Guard as being available for a 15-day public review period. Copies of the EA and preliminary FONSI were mailed to interested individuals on our mailing list. No public 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 (2890 Chad Drive / P.O. Box 10226, Eugene, Oregon 97440-2226) 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 (suspend) 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. 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/ Rick Colvin (acting)

Steven Calish
Field Manager
Siuslaw Resource Area

Date: October 12, 2004