

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
EUGENE DISTRICT OFFICE  
DECISION RECORD and FINDING OF NO SIGNIFICANT IMPACT**

**Triangle Lake Rockfall Repair  
Environmental Assessment Key No. 10374**

**BACKGROUND**

The Oregon Department of Transportation, in coordination with the Bureau of Land Management, prepared an Environmental Assessment (EA) which analyzed the effects of a proposal to repair a rockfall hazard site by blasting and removing the most serious rock overhangs on the slope located on OR 36 between Mapleton and Triangle Lake. The project will be located on BLM lands at MP 24, located in the SE¼, Section 19, T. 16 S., R. 7 W., W.M. BLM lands along this 0.6 mile segment of Highway 36 will need to be appropriated to FHWA to facilitate the rockfall repair project proposed. The BLM participated as the Cooperating Agency for this project. The EA and a preliminary Finding of No Significant Impact (FONSI) were made available for public comment in November, 2003. Two public comments were received and responses given in the Revised EA (REA).

Pursuant to 23 U.S.C., Sections 107(d) and 317, the Federal Highway Administration (FHWA), acting for the Department of Transportation, may request the appropriation of public land for a highway or material site right-of ways. BLM's authorization process for this type of appropriation is accomplished with the issuance of a "Letter of Consent".

**ALTERNATIVES**

In addition to the selected alternative (the Build Alternative), the environmental assessment considered a No Action Alternative and another alternative not studied in detail. This alternative was eliminated from study because it would have required a lengthy highway closure (40 weeks or more) and potential removal of critical habitat on BLM lands.

**FINDING OF NO SIGNIFICANT IMPACT**

On the basis of the information contained in the EA (Key No. 10374), and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in 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) and the "Eugene District Record of Decision and Resource Management Plan," (June 1995); (2) the Proposed Action and alternatives are in conformance with the Eugene District Record of Decision and Resource Management Plan; and (3) the Proposed Action and alternatives do not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

**DECISION**

It is my decision that, upon a written request from FHWA for appropriation of the above mentioned lands, the BLM will issue a "Letter of Consent", to FHWA, which will constitute BLM's agreement to the appropriation. The "Letter of Consent" will place conditions on the appropriation such that the rockfall repair will incorporate the mitigation measures outlined in the EA. Implementation of this decision will result in the transfer of the above mentioned public lands to FHWA in the form of a highway appropriation. The FHWA in turn will transfer the highway appropriation to the Oregon Department of Transportation.

The selected alternative is 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," (NSO ROD, April 1994), and the "Eugene District Record of Decision and Resource Management Plan," (RMP, June 1995), as amended by the "Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines," (January 2001).

### **RATIONALE FOR SELECTION**

The purpose of the action is to provide an appropriation of the necessary right-of-way to allow implementation of the rockfall repair project. Extensive review of the appropriation in the form of EA Key Number 10374 found that the proposed appropriation of the public land is neither contrary to the public interest nor inconsistent with the planned use of the public land.

### **IMPLEMENTATION**

The "Letter of Consent" will serve as BLM's agreement to the appropriation of the public land located within the right-of-way to FHWA and allow the rockfall repair project to proceed.

### **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, 2890 Chad Drive, 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 (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/ Steven Calish  
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Steven Calish  
Field Manager  
Siuslaw Resource Area

2/9/2004  
\_\_\_\_\_  
Date