

Finding of No Significant Impact (FONSI)

Jonesboro Diversion Dam Replacement Project
Environmental Assessment No. DOI-BLM-OR-V040-2013-007

BACKGROUND

The FONSI is a document that explains the reasons why an action will not have a significant effect on the human environment and why, therefore, an Environmental Impact Statement (EIS) will not be required (40 CFR 1508.13). This FONSI is a stand-alone document but is attached to the Environmental Assessment (EA) and incorporates the EA by reference. The FONSI does not constitute the authorizing document: the decision record is the authorizing document.

“Significance” as used in the National Environmental Policy Act (NEPA) requires considerations of both context and intensity (40 CFR 1508.27). For context, significance varies with the setting of the proposed action. For a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. For this proposed action and alternative, the effects are confined to the immediate area within the proposed Jonesboro Diversion Dam Project Area Right-of-Way (ROW). For this reason, the analysis of effects is in the context of this site. These effects are described and analyzed in the EA.

Intensity refers to the severity of effect. Burns Paiute Tribe (BPT) will conduct the actions described using the best management practices (BMPs) referenced in the EA and limiting effects to the immediate vicinity of the proposed project.

The action being proposed is for BLM to grant a ROW to the Burns Paiute Tribe to replace, construct parts and maintain a diversion dam for irrigation purposes located on BLM administered land. Under the Federal Land Policy and Management Act (FLPMA) and its implementing regulations, BLM must respond to right-of-way applications. The BLM is also required to comply with NEPA and the Council of Environmental Quality (CEQ) regulations. BLM determined that an EA was necessary to evaluate the potential environmental impacts associated with this proposed action.

The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences and take actions that protect, restore, and/or enhance the environment (43 CFR 1500.1(c)). The EA prepared for this action analyzes the environmental consequences of granting a ROW for constructing a diversion dam.

The proposed ROW is not within areas identified in a citizen’s proposal as possessing wilderness characteristics and the BLM has determined that no wilderness characteristics are present within the boundaries of the ROW.

FINDING OF NO SIGNIFICANT IMPACT

Any land management action involving ground disturbance invariably, and by definition, entails environmental effects. I have determined, based upon the analysis of environmental impacts contained in the referenced EA (DOI-BLM-OR-V040-2013-007), that the potential impacts resulting from the proposed action would not be significant and that, therefore, preparation of an environmental impact statement is not required.

I find that the project's affected region is localized and the effects of implementation are relevant to compliance with existing land use plans. There would be no adverse societal or regional impacts and no significant adverse impacts to the environment. I have evaluated the environmental effects, together with the proposed mitigating measures, against the tests of significance found at 40 CFR 1508.27. Although not a condition of my determination, implementation of all Best Management Practices (BMP) of the proposed project would be critical to the success of the action.

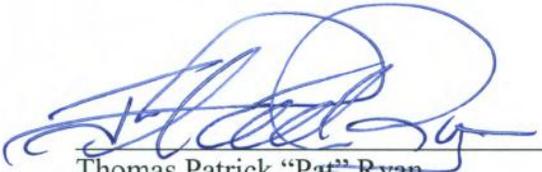
I have determined the following:

1. The proposed action would cause no significant impacts, either beneficial or adverse; all impacts would be insignificant due to the small scale of the project. The area disturbed from construction of the diversion dam will be 1178 feet by 500 feet for a total disturbed area of approximately 8.44 acres. Excavation for the new structure would be accomplished using a track hoe. Rubber-tired equipment may enter the river channel for delivery of construction material and removal of excavated materials.
2. The proposed action would not affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, or ecologically critical areas because of the small scale of the project. No additional issues during the scoping process were identified that would conflict with this designation. A search for other right-of-ways in the area resulted in no conflicts.
3. The proposed action would have no highly controversial effects because of the small scale and existing use and disturbance on the Malheur River.
4. The proposed action is not related to any immediate action being considered by BLM because other than the Jonesboro Diversion Dam ROW project, there are no other projects pending or active in the immediate area.
5. The proposed action would have no adverse effects to scientific, cultural, or historical resources including; sites that are "currently listed" or "potentially eligible for listing" on the National Register of Historic Places. Pursuant to 36 CFR 800, the Jonesboro Diversion Dam ROW received SHPO concurrence in 2013.
6. The proposed action would not significantly or adversely affect an endangered or threatened species or any habitat critical to an endangered or threatened species because the project would occur adjacent to already disturbed ground where no known federally listed threatened,

endangered, or strategic plant species populations occur. BMPs and design features would be followed for construction and maintenance activities using heavy equipment to minimize effects of the proposed action.

7. The proposed action would not significantly or adversely affect livestock grazing because grazing will not occur within the instream work window.

8. The proposed action does not violate any law or requirement imposed for the protection of the environment because all Local, State and Federal laws and regulations will be followed and regular inspections and monitoring will occur for the life of the project. The proposed action is consistent with the Northern Resource Area Management Framework Plan (1979) and the Southeastern Oregon Resource Management Plan and Record of Decision (2002).



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12/15/2014
Date