

BRASFIELD Teresa L

From: Eraut, Michelle [Michelle.Eraut@fhwa.dot.gov]
Sent: Friday, August 08, 2008 1:53 PM
To: PFEIFFER Amy L; BRASFIELD Teresa L
Cc: Morrow, Mike; Tsu, Virginia
Subject: RE: Emailing: Site N Internal Signatures CE Minimums.pdf

Amy,

I have signed the CE document after speaking with Doug. Thank you very much for your work with BLM.

Since I'm working from home today I can't send a signed electronic copy today, but I can insert the signed copy into the package you send to Ginny. Please include all of the environmental documentation you have sent to me in the packet you submit to Ginny. When I'm back in the office on August 20, I'll insert a signed copy into the packet and will send an electronic copy to you and Teresa.

Michelle

-----Original Message-----

From: PFEIFFER Amy L [mailto:Amy.L.PFEIFFER@odot.state.or.us]
Sent: Friday, August 08, 2008 1:47 PM
To: Eraut, Michelle; BRASFIELD Teresa L
Subject: RE: Emailing: Site N Internal Signatures CE Minimums.pdf

Michelle, I talked with Doug Vandergone this morning and he said Molly was happy with the map...so we are good to proceed as we have been. I look forward to the signed environmental documents and will add it to the application packet and get it all submitted.

If there is anything else you need, just let Teresa know.

Amy Pfeiffer
Project Leader
63030 O.B. Riley Road
Bend, OR 97701
Phone: 541-388-6052
Fax: 541-388-6483

-----Original Message-----

From: Eraut, Michelle [mailto:Michelle.Eraut@fhwa.dot.gov]
Sent: Wednesday, August 06, 2008 4:43 PM
To: BRASFIELD Teresa L
Cc: PFEIFFER Amy L
Subject: RE: Emailing: Site N Internal Signatures CE Minimums.pdf

Teresa,

It doesn't look like I have a map with the materials that have been submitted. Please let me know if I've missed it. Based on correspondence with Amy it sounds like it would be a good idea for me to have a copy of the latest map when I speak to Doug. Thank you.

Michelle

-----Original Message-----

From: BRASFIELD Teresa L [mailto:Teresa.L.BRASFIELD@odot.state.or.us]
Sent: Tuesday, August 05, 2008 3:54 PM
To: Eraut, Michelle
Cc: PFEIFFER Amy L
Subject: Emailing: Site N Internal Signatures CE Minimums.pdf

<<Site N Internal Signatures CE Minimums.pdf>> Michelle, here is the new CE Minimums for Site N that should accompany the public involvement information that Amy sent. If I have not gone into enough detail regarding the haul routes, please let me know, and I will revise again. Thank you!



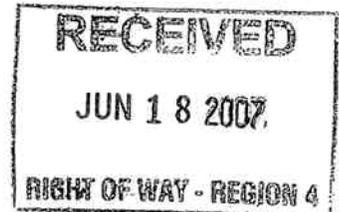
United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Prineville District Office
3050 N.E. 3rd Street
Prineville, Oregon 97754

IN REPLY REFER TO:
282105 (056)

Mary Lauzon, Senior R/W Agent
ODOT
63085 N. Hwy 97, Suite 102
Bend, OR 97701



Dear Ms Lauzon:

Enclosed is the unsigned copy of the Right of Way Plat for the Barr Road Quarry Site (Site N). Please change the Plat to reflect our concern that the area requested is excessively large when compared to the average site on public lands and for the amount of material required traditionally for road projects.

The total area of 200+ acres as depicted on the map is correctly located and, in time, may be needed by ODOT for highway purposes. Keep the symbols that identify "to be Acquired" and "Original R/W Grant," but add a third symbol within the lands "to be Acquired" for an area of about 40 acres to be requested at this time.

To help expedite this process, please forward the following information, comments, and concerns to FHWA for incorporation into the NEPA documentation:

- I. Upper Deschutes Resource Management Plan (UDRMP), September 2005.
 - A. BLM has spent considerable time working and building trust with the public in this area, especially in developing the UDRMP. The public should be notified of any future proposal with allowance for appropriate public participation.
 - B. The Prineville District is currently developing an implementation plan, primarily recreation and fuels reduction, for the Cline Buttes area. Writers of the FHWA NEPA should have relevant comments from this plan available to them.
 - C. Cumulative impacts of the quarry and BLM's Cline Buttes Plan may not be completely addressed in a CE. An EA or EIS may be necessary.

II. Minerals

- A. No conflict with Mineral Development as described in the UDRMP and corresponding map.
- B. The area is within the Cline Buttes Special Recreation Management Area of the UDRMP. The plan does state (pages 89-90, UDRMP ROD) that mineral material sites within ½ mile of designated recreation sites and residentially zoned areas be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday. There

are further restrictions as to no operation on defined legal holidays. There are blasting restrictions with public notice requirements.

III. Transportation Systems

- A. UDRMP Map 2: Barr Road is identified as part of the transportation system.
- B. UDRMP Map 3: Recreation travel access in Cline Buttes is "Limited to Designated Roads and Trails Year Round"
- C. UDRMP Map 13: The Interim Guidance for Motorized Use identifies three existing roads located in the area of the requested material site.
- D. Manage/maintain Barr Road to reduce dust during operations (wetting, posted speed limits). Preference would be to pave the road to reduce impacts to adjacent public land trail users from dust.
- E. Dust abatement during site operations should be identified and described.
- F. Maintenance of portal signs warning recreational traffic on Barr Road of operations.
- G. No truck traffic south on Barr Road.
- H. Noise due to blasting crushing, screening, sorting and hauling (operations should not be higher than state noise limit for OHVs?). Operations between 7am to 6 pm M-Th and 7am to 12 noon F during the recreation high use period (December through April?). No weekend use from December through April?

IV. Lands

- A. UDRMP Map 6: Land Ownership in Cline Buttes is Zone 1: Classified for Retention.
- B. No conflict with the 1/8 mile residential setback on the UDRMP map.

V. Recreation

- A. UDRMP Map 3: The Recreation Emphasis category is Multi-Use Separate Facilities
- B. UDRMP Map 7: There are no special closures to firearms.
- C. Decision made on whether firearm use is allowed or not (UDRMP requires this decision).
- D. Retention of the use of the existing Cinder Pit as an OHV play area
- E. Retention of a continual recreation trail corridor between the cinder pit and Barr Road or through the eastern portion of the site.
- F. Possibility of advance notice regarding site operations so BLM can inform trail users. Can this be agreed upon as to how and length of time prior to site operations?
- G. Designate several trails through area, to be used on alternating basis based on Rock Pit operations schedule.
- H. Retain the use of the CEC powerline corridor for administrative access and continual recreation use.

VI. Visuals

- A. UDRMP Map 10: The Visual Resource Management Class is 4.

- B. Retention of vegetation in areas on site to avoid large, unbroken clearing, especially when viewed from the buttes.
- C. No nighttime use/lighting.
- D. How will visual resource impacts be addressed if a CE is done?

VII. Resource Information

- A. Botany: No conflict with the Peck's Milkvetch Area of Critical Environmental Concern (ACEC) as identified in the UDRMP map.
- B. Wildlife: UDRMP Map 4: The Wildlife Emphasis category is General.
- C. Range:
 - 1. UDRMP Map 5: The Livestock Grazing Allotment is 5073.
 - 2. Site includes acreage in a grazing allotment as well as a pasture fence. How does removal of AUMs get addressed? (Pasture fence may be relocated to west side of Barr Road).
 - 3. Replacement of cattleguard at US Hwy 126 with wider version that can handle quarry trucks and opposing traffic (2 passing trucks).
- D. Cultural: Completion of surveys.
- E. UDRMP Map 9: The area is not identified as a Priority Restoration Area.

If you have any questions or need additional information, please contact Ron Wortman, Realty Specialist, at (541) 416-6709.

Sincerely,



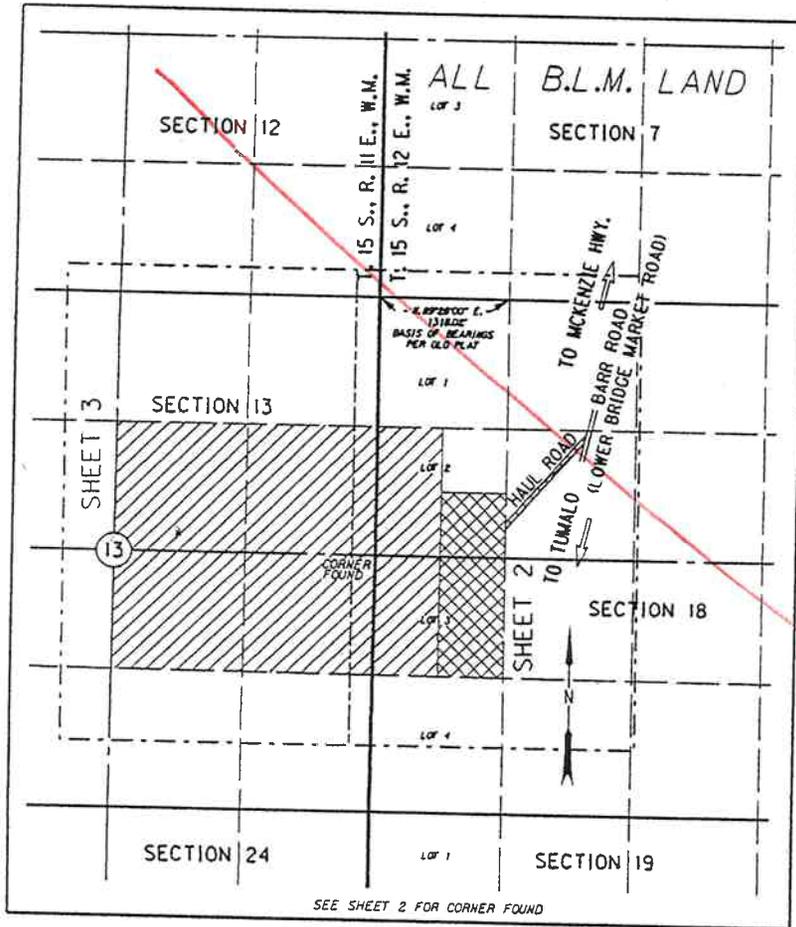
Molly M. Brown
Field Manager, Deschutes Resource Area

1 Attachment

- 1- Right of Way Plat for "Barr Road Quarry (Site N)" (3pp)

VICINITY MAP

SECTION 13, T. 15 S., R. 11 E., W.M. AND
SECTION 18, T. 15 S., R. 12 E., W.M.



ALL RECTANGULAR SURVEY LINES ARE PROJECTED
ASSUMED COORDINATES

I, Cathy Nelson, P.E., state that I am the Technical Services Branch Manager for the Oregon State Department Of Transportation, hereinafter designated the "applicant"; that the survey of the right of way of the Barr Road Quarry (Site N) Section of the Barr Road aka Lower Bride Market Road (County Road) was made under the Department's authority; and that the survey is accurately represented on this map.

DEPARTMENT OF TRANSPORTATION
Applicant

By

Cathy Nelson, P.E.
Technical Services Branch Managing Engineer

I, Dee Jones, do hereby certify that I am the Right of Way Manager for the Oregon State Department of Transportation, hereinafter designated the "applicant"; that Cathy Nelson who subscribed the foregoing affidavit is the Technical Services Branch Manager, for the Applicant; that the survey of the right of way for the Barr Road aka Lower Bridge Market Road (County Road), a portion of which is represented on this map, was made under the authority of the applicant as the approximate final location of the right of way of the Barr Road Quarry (Site N) Section, and that this map has been prepared to be filed for the approval of the Secretary of the Interior, in order that applicant may obtain the benefits of Section 317, Public Law 85-767 (72 Stat. 885-916) approved August 27, 1958.

DEPARTMENT OF TRANSPORTATION

By

Deolinda G. Jones
Right of Way Manager

Accepted By :
B.L.M. SUPERVISOR

Date :

OREGON DEPARTMENT OF TRANSPORTATION
BARR ROAD QUARRY (SITE N) SECTION
SOURCE NUMBER OR 09-127-4
BARR ROAD aka LOWER BRIDGE MARKET ROAD
(COUNTY ROAD)
DESCHUTES COUNTY, OREGON

BUREAU OF LAND MANAGEMENT
RIGHT OF WAY PLAT
JANUARY, 2007
FILE NO. 6008102

RIGHT OF WAY GRANT

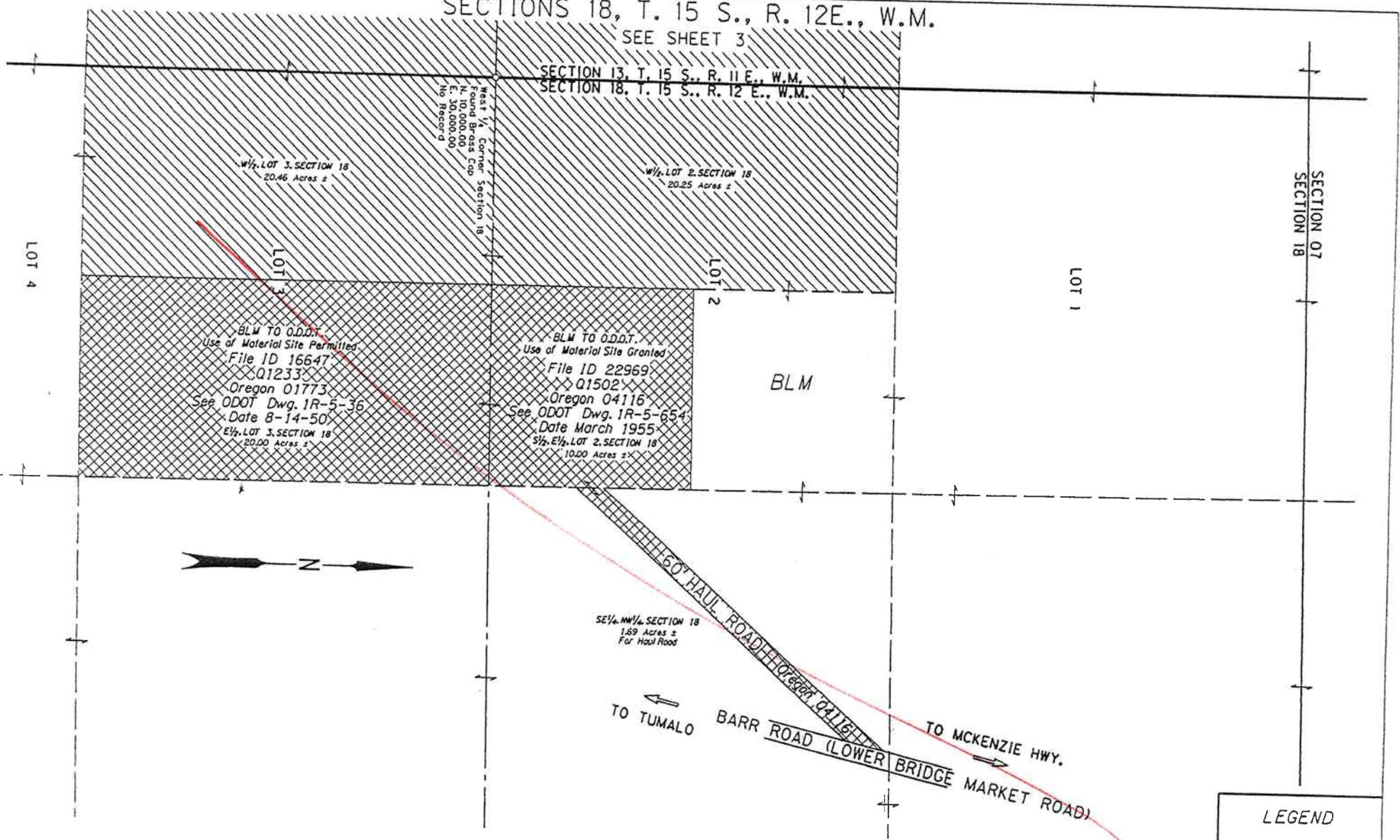
ORIGINAL R/W GRANTS: 31.69 AC ±
 TO BE ACQUIRED: 200.71 AC ±

EXHIBIT A SHEET 1 OF 3

SECTIONS 18, T. 15 S., R. 12E., W.M.

SEE SHEET 3

SECTION 13, T. 15 S., R. 11 E., W.M.
SECTION 18, T. 15 S., R. 12 E., W.M.



W 1/2 LOT 3, SECTION 18
20.46 Acres ±

W 1/2 LOT 2, SECTION 18
20.25 Acres ±

BLM TO O.D.D.T.
Use of Material Site Permitted
File ID 16647
Q1233
Oregon 01773
See ODOT Dwg. 1R-5-36
Date 8-14-50
E 1/2 LOT 3, SECTION 18
20.00 Acres ±

BLM TO O.D.D.T.
Use of Material Site Granted
File ID 22969
Q1502
Oregon 04116
See ODOT Dwg. 1R-5-654
Date March 1955
S 1/2 E 1/2 LOT 2, SECTION 18
10.00 Acres ±

BLM

LEGEND
O FOUND CORNER AS NOTED
ASSUMED COORDINATES

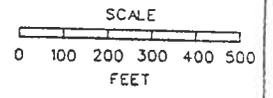
REGON DEPARTMENT OF TRANSPORTATION
BARR ROAD QUARRY (SITE N) SECTION
SOURCE NUMBER OR 09-127-4
BARR ROAD aka LOWER BRIDGE MARKET ROAD
(COUNTY ROAD)
DESCHUTES COUNTY, OREGON

BUREAU OF LAND MANAGEMENT
RIGHT OF WAY PLAT
JANUARY, 2007

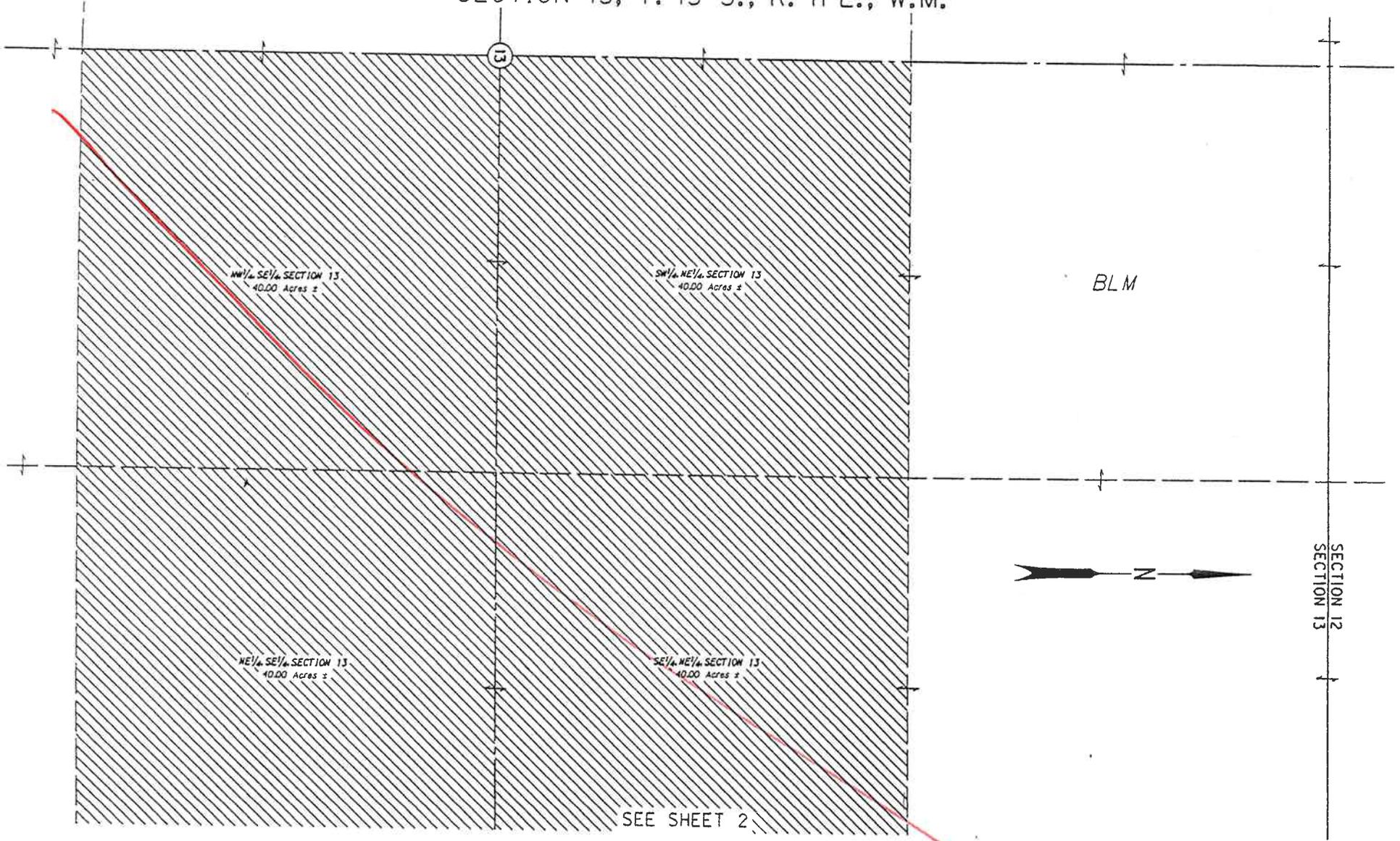
FILE NO. 600102

RIGHT OF WAY GRANT
TO BE ACQUIRED: 40.71 AC.±
ORIGINAL GRANTS: 31.69 AC.±

EXHIBIT A SHEET 2 OF 3



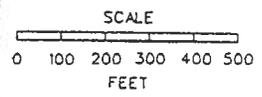
SECTION 13, T. 15 S., R. 11 E., W.M.



OREGON DEPARTMENT OF TRANSPORTATION
 BARR ROAD QUARRY (SITE N) SECTION
 SOURCE NUMBER OR 09-127-4
 BARR ROAD aka LOWER BRIDGE MARKET ROAD
 (COUNTY ROAD)
 DESCHUTES COUNTY, OREGON

BUREAU OF LAND MANAGEMENT
 RIGHT OF WAY PLAT
 JANUARY, 2007
 FILE NO. 6008102

RIGHT OF WAY GRANT
 TO BE ACQUIRED: 160.00 Acres
 EXHIBIT A SHEET 3 OF 3





Oregon

Theodore R. Kulongoski, Governor

OREGON DEPARTMENT OF TRANSPORTATION

Geo/Bridge/Environmental Unit

63034 O.B. Riley Rd

Bend, OR 97701

Telephone (541) 388-6032

FAX (541) 385-0476

July 05, 2007

File Code:

Molly Brown
Field Manager, Deschutes Resource Area
Bureau of Land Management
Prineville District Office
3050 N.E. 3rd Street
Prineville, OR 97754

RE: 282105 (056)
Barr Road Quarry Site (Site N)

Dear Ms Brown,

I received your letter regarding the Right of Way Plat for the Barr Road Quarry Site and the associated comments. The letter was addressed to Mary Lauzon, ODOT's Right of Way Agent, but was forwarded to me to prepare a response. In the letter you request that ODOT forward the letter on to FHWA making them aware of your comments and concerns. I assure you, that ODOT will submit your letter to FHWA, but in advance of doing that, I would like to try and work out some of the details related to your concerns and supply the resolution to these issues to FHWA along with your original comments.

Molly, you indicate concern over the acreage (200 acres) of the proposed appropriation, stating that the average size of sites on public lands is much smaller. I would like to respectfully request that you reconsider this issue. Most of the public lands pits that exist on the Prineville District are likely either community pits, or are previous appropriations to ODOT. Many if not all of these appropriations occurred in the timeframe of the 1930's thru the 1960's when many factors surrounding material sources were very different. ODOT had smaller projects, lower material quality requirements and the environmental concerns were much less stringent. In addition, in those days the general public supported any and all efforts to improve the transportation system including material sources. Those factors combined to make it easier to obtain material source properties and didn't limit the possibility of expanding or obtaining new sites when needed. This allowed for the appropriation for smaller sites. Today, times have changed, with increasingly stringent environmental rules, time consuming planning and permitting processes, very vocal opposition to the locating of material sources, larger projects, larger equipment and higher quality requirements all leading to the identification of strategically located long term sources of material.

If it would be beneficial I can and will gladly put together several pages of technical explanation as to how and why larger site are the norm today, and why ODOT has requested the 200 acre appropriation. I can provide examples of both private operations as well as other ODOT appropriations of large site. I can explain the larger operations of today, the need for room to operate and reclaim and I can explain the specifics related to this site, but I think I can summarize it this way.

ODOT has worked for more than 15 years in cooperation with the BLM and the public to get to the point of making this request. In the process ODOT, the BLM and the public invested countless hours as well as money first developing the Central Oregon Urban Interface Management Plan which made it to draft EIS before being scrapped, and then later in the development of the Upper Deschutes Resource Management Plan. In the course of developing the UDRMP numerous alternative sites for potential material sources were considered and eventually eliminated for one reason or another. The end result being Site N as the only area containing the quantity and quality of rock needed for today's transportation projects within the Bend – Redmond – Sisters area that remained open for mineral resource removal in the UDRMP.

ODOT recognizes that the BLM has many competing interests that need to be balanced for the public lands around Site N. In addition to our request we are well aware of the ongoing efforts to designate an OHV Trail system. It is unfortunate that in the final language of UDRMP, material sources and designated recreation sites remained incompatible (UDRMP Record of Decision, Page 69, Allocations / Allowable Uses, #4 and #5). As a result of this language ODOT has a very real concern, that unless a very large parcel is appropriated for material source purposes prior to the designation of the surrounding lands as an OHV Trail system or designated recreation area, it will prevent any future development or expansion of the proposed material site.

It is possible that a somewhat smaller parcel would suffice for sometime into the future, definitely not as small as the 40 acres you suggest, but limiting this appropriation to a smaller appropriation will assuredly result in very real future conflict between ODOT, BLM and the recreational users of the trail system. Over time, other demands on the lands will likely occur that will also limit if not eliminate future expansion of this material site. If the entire 200 acre parcel is appropriated now, it would allow for much more flexible development and reclamation of the site and it would allow for long range planning of other demands including the recreational trails system around and in coordination with the material source (UDRMP Record of Decision, Page 69, Guidelines, #3).

Based on the reasons given above, I again respectfully request that you reconsider your request of ODOT to limit the current appropriation to 40 acres. We respectfully request that you concur with the proposed 200 acre appropriation, to provide for flexibility in long term development and reclamation and to enhance planning efforts for all desired uses on these lands.

In addition to the size of the site, you forwarded information, comments, and concerns that ODOT will address in the following paragraphs. The ODOT comments listed below are organized using the same numbers, letters, and titles corresponding to comments outlined in the BLM letter.

I. Upper Deschutes Resource Management Plan (UDRMP), September, 2005

A. Significant time and effort was expended in working with the public, developing trust and in preparing the UDRMP. ODOT can't agree more. We have been intimately involved in this entire process. As mentioned previously we have been working on the identification and development of a site in this area to meet the aggregate needs on public projects since 1992. ODOT was involved in not only the development of the UDRMP but in the development of the Central Oregon Interface Plan before it. In our efforts to cooperate and work with both the BLM and the public, ODOT postponed this appropriation application to honor a request by BLM to participate in the development of the UDRMP and to be a part of this process. ODOT honored the BLM request and actively participated in the development of the UDRMP. Through that planning and environmental process, Site N remained available in the final plan. The ODOT request for appropriation of Site N for a public material source is consistent with the UDRMP and has been through countless hours of public involvement.

B. BLM is currently developing an implementation plan for recreation and fuel reduction for the Cline Buttes area, and suggests that the NEPA for the source needs to take these proposals into account. ODOT is in agreement with this suggestion but in a slightly different view. ODOT believes that based on the UDRMP a material source in this location is consistent with the UDRMP, and that the plans being developed for the recreation and fuel reduction should be taking into account the federal appropriation of the 200 acre site for a public material source. ODOT submitted a formal letter to the BLM related to our proposed actions at Site N in advance of the kick off of the recreation plan. ODOT attended the kick off meeting and signed up to be a part of the Cline Butte Recreation Plan development. ODOT received one subsequent notice regarding this effort related to field trips that took place approximately a year ago. Since that time ODOT has not received any further notification or invitation to participate in this planning process. In preparing this response, I reviewed the BLM website related to the recreation plan. It appears quite a bit of work has been completed on this effort. I was disappointed to see no mention of the Site N quarry site in any of the concepts being forwarded as part of this plan. The only mention of any material source is that the existing Barr Road Cinder Pit will remain an OHV play area in all of the concepts. It seems inconsistent, that ODOT and FHWA are being directed to take into consideration the proposed recreation plan while preparing for an appropriation that is consistent with the UDRMP, while the NEPA work for the recreation plan has seemingly totally ignored the planned material source activity in this area.

C. Cumulative impacts of the quarry and the BLM's Cline Butte Plan may not be completely addressed in a CE. An EA or EIS may be necessary. It is our understanding that the appropriation of lands for a material source in this area is consistent with the UDRMP, and based on FHWA guidelines would qualify for a CE. At a recent FHWA sponsored partnering session held June 28th, 2007, John Styduhar, BLM State Office, mentioned this effort specifically in his opening comments. He stated if an action is "consistent with the plan, there will not be a plan conformance issue", and went on to say

if the proposed appropriation is consistent with the UDRMP there should be no additional NEPA work required, and that it could be accomplished under a CE process. Based on our understanding of this situation and on the comments made by the BLM State Office, ODOT is concerned that at this point there are still questions as to the level of environmental documentation required for the appropriation. Since the potential existence of the material source was addressed in the UDRMP, it seems that if there is concern with the cumulative impact resulting from operations in the source and the designated OHV play area, it would be the requirement of the OHV environmental document to take these impacts into consideration while developing the recreation plan, not the other way around.

II. Minerals

A. ODOT agrees that the appropriation is consistent with the UDRMP.

B. This comment seemingly does not apply. There are no designated recreation sites or lands zoned for residential use within the buffers established by the UDRMP Record of Decision on page 89, Guidelines. To clarify, the language in the UDRMP actually states, that “*hours of operation for surface mining activities may be limited as needed to mitigate conflicts with residents and recreation*” only if residences or designated recreation sites are within ½ mile of the site. In addition, these hour restrictions would be very limiting and would reduce the effectiveness of this source. Due to the increase in population and traffic, the public demands that traffic delays due to road construction be minimized. To help improve safety for the construction workers as well as the traveling public, many current and future transportation projects will require night time paving. This will result in the requirement to have nighttime activity related to operation of asphalt plants, hauling traffic and associated equipment in the site.

III. Transportation Systems.

A. ODOT agrees that Barr Road is identified as part of the transportation system in the UDRMP.

B. ODOT agrees that recreation travel access in Cline Buttes is limited to designated roads and trails, and our proposed aggregate site is already a designated road. Any other access roads for mining would be within the appropriation boundary.

Comments D,E, F,G, H all seem somewhat inconsistent with the UDRMP or outside the preview of this appropriation. For example, comment G, regarding truck traffic south on Barr Road. It is our understanding that Barr Road is technically a Deschutes County road. Currently it is not maintained by the County, and to the south of the existing quarry it is very rough, but if in the future it would be improved and maintained, it is unclear as to why or how the BLM would or could restrict traffic movements on a County facility. ODOT has no plans to haul south on Barr Road at this time, but it seems unreasonable that as part of the appropriation process the BLM would request travel restrictions on a County transportation facility. Item H discusses restrictions of hours of operations that are discussed in the UDRMP on page 89, under Guidelines #1, but again, the language addresses sites located within ½ mile of a designated recreation site, but no such site exists. Regarding comments D, E and F, and the maintaining of Barr Road, I assure you that while ODOT operations are ongoing, the road will be maintained and dust abatement techniques will be employed, as will traffic control warnings consistent with the Manual

of Uniform Traffic Control Devices. ODOT's standard specifications as well as our specific operational specifications for the source will address these issues.

IV. Lands

A and B. ODOT agrees that this site is not in conflict and conforms to the land use identified in the UDRMP.

V. Recreation

A. ODOT agrees an aggregate site at this location is in conformance to the UDRMP.

B & C. These two comments relate to the use of firearms. ODOT and ODOT's contractors do not use firearms as a part of our mining activities. As per the UDRMP Record of Decision, page 90, Guidance #5, use of firearms and for that matter use of this material source for recreational vehicles both appear to be clearly a BLM decision, not an ODOT and FHWA decision. ODOT would respectfully request that both OHV and firearm use of this area be suspended during times of operation for safety reasons, but would defer to the BLM related to these uses during times of non use.

D and E. Currently, there is no recreation use designated at this site. ODOT has repeatedly attempted to work with the BLM to establish compatible recreational use of the site, and we do not object to it. For safety reasons, recreational use must be temporarily suspended during mining operations, which is conformance with the UDRMP as mentioned above. ODOT has suggested that through our operations, play areas might be enhanced via placement of material or creation of certain types of terrain, and the same for shooting areas. ODOT has expressed the ability to work with the BLM to designate and develop safe shooting areas or special play areas if that is desired and approved by the BLM.

F. The UDRMP states that the BLM may include stipulations to the appropriations to include a notifications process. ODOT and the BLM can work cooperatively to identify an advance notification process for potential and planned use of the site for mining.

G. This site is not currently a designated recreation site and has no approved trail system. However ODOT is willing and has discussed with the BLM working cooperatively to designate trail systems that work with the long term development plan for the mining site.

H. Currently, there is no designated recreation use of the CEC powerline access road. Although the powerline corridor is within the boundaries of the proposed appropriation, ODOT has no intentions of impacting the powerlines and does not intend to alter the administrative access to the powerlines. If the powerlines or existing access road becomes a conflict in the distant future, ODOT will work with the BLM and CEC as necessary to mitigate any conflict.

VI. Visuals

A. According to the UDRMP, the Visual Resource Management Class is 4, which is defined as having the least value as a visual resource (UDRMP Record of Decision Page 99). It is unclear what the concern is, or what may be required to address it.

B. The UDRMP ROD (page 99) discusses these classes and provides guidance. It states that management activities may dominate the view. It goes on to read, that attempts will be made to minimize the effect. ODOT is requesting a 200 acre quarry appropriation. Surface mining is a landscape changing action, but ODOT has repeatedly stated that

concurrent reclamation including revegetation will be a part of the long term source development. As this site is developed the landscape will change. Vegetation will be removed and at times numerous acres will be impacted at the same time, but reclamation will occur and vegetation reestablished as practical. ODOT will mine the site systematically, leaving vegetation wherever removal is not needed, and reclaiming portions of the site that are no longer needed as mining progresses.

C. This comment is also inconsistent with the UDRMP. Night time lighting is not specifically addressed on material sites in the UDRMP. Night time work is likely in this site, and lights will be required. The glare and impacts of the lights can be mitigated from specific viewpoints if necessary.

D. This site has a Class 4 Visual designation. It does not seem that based on this UDRMP designation, the visual impacts of the proposed operation would need to be specifically addressed.

IV. Resource Information.

A. and B: ODOT is in agreement.

C. These comments all pertain to grazing issues. In reviewing the UDRMP I could find no guidance on this subject. ODOT does not view cattle grazing as inconsistent with mining operations. Cattle are allowed to graze many of our sites at various times of year. If this appropriation and subsequent surface disturbance would reduce or impact the existing grazing allotment it is our understanding that this would be an issue that the BLM and the allotment holder would be required to work out. The cattle guard on Barr Road could be expanded if necessary to accommodate truck traffic. Fences can also be relocated as part of the mining activity if necessary. The only concern ODOT would have related to grazing at this site is related to blasting operations. It would be necessary to notify the allotment holder of blasting schedules to allow time to temporarily relocate animals.

Comments D and E: ODOT is in agreement.

Molly, I look forward to meeting with you and your staff next week on the 12th to discuss your comments and concerns and to go over my response to these issues. It is my hope that after our meeting we will have resolution and agreement on many of these concerns. ODOT is very interested in moving forward with our application to FHWA for this appropriation and your agreement on what is proposed is critical to the success of this effort.

If you have any questions or need additional information in advance of our meeting, please feel free to contact me at (541) 388-6052.

Sincerely,



for

Amy Pfeiffer
Geology Team Leader

C: Ron Wortman