

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BURNS DISTRICT OFFICE

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B050-2011-0015-CX **Date:** January 7, 2011

Serial Number: OR-66557 amendment

Preparer: Tara McLain, Realty Specialist

Applicant: [REDACTED]

Title of Proposed Action: BAR Trucking Temporary Road Use Agreement

Description of Proposed Action and Project Design Elements (if applicable):

The proposed action is to enter into a road use agreement which would amend the existing road use agreement between Bureau of Land Management and [REDACTED] BAR Trucking to use existing roads for hauling approximately 5,000 tons of chipped brush material from land owned by Ponderosa Ranch in the Mountain drainage, northern Harney County, Oregon. In the amendment Bar Trucking would add the use of the southern fork of Mountain Creek/County Line Road. Roughly 35% of the total tonnage, or 1,750 tons, would be hauled on this fork of the road. The amended portion of the road is located in T. 19 S., R. 32 E., Sec. 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$. In addition the applicant proposes to use an existing skid trail. The trail would only be plowed for snow in winter when necessary. No other maintenance or road work would be allowed on the skid trail. The skid trail is located in T. 19 S., R. 32 E., Sec. 4, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$.

The Mountain Creek Road is spot surfaced with pit run and native rock at a ford on the creek and at other areas where it crosses wet meadows and other soft areas. The road received major maintenance in 2002 and 2003 by BLM. At that time two cattleguards and a new gate were installed on the road along with numerous other improvements. Some hauling would be done under frozen conditions during the winter of 2011. Snow plowing would be allowed with the following stipulations:

- a. Roads would be plowed full width with no berms left on the travelway.
- b. Snow berms adjacent to the travelway which prevent the flow of water from drainage dips, ditches, waterbars and culverts would be removed at these key locations.
- c. Snow plowing would not disturb or remove the road surface.

In addition some of the hauling would be done in the spring. When the road is so wet that it would cause damage to the road, hauling would be stopped until conditions reach a point that would cause no damage. Maintenance would also be required post haul to correct any damage resulting from the haul. Posting of "Trucks Turning" would be required on U.S. Highway 395 where it intersects the Mountain Creek Road. In addition to these special requirements standard conditions typical for this kind of activity would be included in the agreement. The agreement would terminate on June 15, 2011.

The road is within the Silvies grazing allotment, No. 4143. The road crosses under a powerline operated by Oregon Trail Electric under right-of-way ORE-0277 and connects to U.S. Highway 395, under TD-032064 and FR 2840 under OR-9187. Signs warning of turning trucks would be required on Highway 395. Otherwise these recorded rights or authorizations would not affect or be affected by the proposed agreement.

Legal Description (See attached map, Exhibit A):

T. 19 S., R. 32 E., Sec. 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

B. Conformance with Land Use Plan (LUP) (name): Three Rivers Resource Management Plan and Record of Decision
Date Approved/Amended: September 1992

The proposed action is in conformance with the applicable LUP even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (*objectives, terms, and conditions*): Three Rivers RMP

Management Action LR2.6 provides that applications for rights-of-way, permits and leases outside exclusion and avoidance areas will be considered on a case by case basis. This area is not designated an exclusion or avoidance area by the Plan.

BLM Categorical Exclusion Reference (516 DM, Chapter 11): E (16)

Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

Screening for Exceptions: The following extraordinary circumstances (516 DM 2, Appendix 2) may apply to individual actions within the categorical exceptions. The indicated specialist recommends the proposed action does *not*:

CATEGORICAL EXCLUSION EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION
2.1 Have significant impacts on public health or safety.
Specialist (Print Name and Title): John Petty, Safety Officer Signature and Date: <i>John Petty 11/18/11</i>
Rationale: No significant impact on public health or safety.
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
<u>Migratory Birds</u> Specialist (Print Name and Title): Jason Brewer, Wildlife Biologist Signature and Date: <i>Jason Brewer 1/18/11</i>
Rationale: Disturbances would be limited to existing roads, a short skid trail, and immediately adjacent habitat. Potential habitat loss may occur during brush clearing or other actions necessary to maintain the road. However, only a minor amount of habitat would be affected over the length of the road, and extensive habitat is available in the surrounding area for migratory birds flushed due to disturbance associated with the hauling and other described actions.
<u>Historic and Cultural Resources</u> Specialist (Print Name and Title): Scott Thomas, District Archaeologist Signature and Date: <i>Scott Thomas 1-18-11</i>
Rationale: There are five archaeological sites either adjacent to or bisected by the road proposed for use by Mr. Nelson. If the attached stipulations are successfully followed, the sites will not be affected by this project.
<u>Areas of Critical Environmental Concern/Research Natural Areas</u> Specialist (Print Name and Title): Caryn Meinicke, Natural Resource Specialist, Botany Signature and Date: <i>Caryn Meinicke 1-18-11</i>
Rationale: There are no Areas of Critical Environmental Concern/Research Natural Areas within the proposed action area.
<u>Water Resources/Flood Plains</u> Specialist (Print Name and Title): Lisa Grant/Lindsay Davies, Fish Biologist Signature and Date: <i>Lindsay Davies 1/18/2010</i>
Rationale: Stipulations in the Road Use Agreement mitigate riparian/flood plain concerns at stream crossings.
<u>Soils, Biological Soil Crust, Prime Farmlands</u> Specialist (Print Name and Title): Caryn Meinicke, Natural Resource Specialist, Botany Signature and Date: <i>Caryn Meinicke 1-18-11</i>
Rationale: Disturbance will be contained within the current road bed boundaries, therefore adjacent soils and Biological Soil Crusts will not be affected. There are no prime farmlands within the proposed action area.
<u>Recreation</u>

Specialist(Print Name and Title): Mike Kelly, Outdoor Recreation Planner Signature and Date: <i>Mike Kelly</i> 11-18-2011
Rationale: No impacts to recreation are anticipated for this action. Work will be performed during the winter and spring months when recreation is very low.
<u>Visual Resources</u> Specialist (Print Name and Title): Mike Kelly, Outdoor Recreation Planner Signature and Date: <i>Mike Kelly</i> 1-18-2011
Rationale: The visual values will remain essentially the same on these existing roads. The first 1/2 mile of this Right-of-Way project is in Visual Resource Management (VRM) classification 2 which states "largely retain the existing character of the landscape". The area where the roads are to be widened is in VRM 3 classification which states "Partially retain the character of the landscape." While there may be temporary visual impact during the road work this will be temporary in nature. The character of the landscape in both VRM classes will not be affected by this action.
<u>Wilderness/Wild and Scenic River Resources</u> Specialist (Print Name and Title): Eric Hankenson, Wilderness Specialist Signature and Date: <i>Eric Hankenson</i> 1/18/11
Rationale: There are no wilderness, WSA, WSR or Lands with Wilderness Characteristics present.
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 1/18/11
Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The road exists and implementation of the proposal would merely provide permitted access.
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 1/18/11
Rationale: There are no known uncertain or potentially significant environmental effects or unique or unknown environmental risks. The road exists and implementation of the proposal would merely permitted legal access.
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 1/18/11
Rationale: Implementation of the proposal would not set a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The road exists and implementation of the proposal would merely provide permitted access. In addition, BLM routinely issues ROWs for road use.
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 1/18/11
Rationale: There are no known individually insignificant but cumulatively significant environment effects. The road exists and implementation of the proposal would merely provide permitted access. Continued use of the existing road is not expected to add any cumulative effects.
2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.
Specialist (Print Name and Title): Scott Thomas, District Archaeologist Signature and Date: <i>Scott Thomas</i> 1-18-11
Rationale: None of the five archaeological sites found adjacent or bisected by the road have been evaluated for eligibility for nomination to the National Register. If the attached stipulations are successfully followed, any of the sites that may be eligible for listing will not be affected by the road use.
2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
<u>Endangered or Threatened Species-Fauna</u> Specialist (Print Name and Title): Jason Brewer, Wildlife Biologist Signature and Date: <i>Jason Brewer</i> 1/18/11
Rationale: There are no Endangered or Threatened species or designated Critical Habitat for Endangered or Threatened species present in the area. Greater sage-grouse is a Candidate for listing, but the nearest lek is over ten miles from the project area and the habitat between the lek and the project site is comprised of unsuitable (forested) sage-grouse habitat.
<u>Endangered or Threatened Species-Aquatic</u> Specialist (Print Name and Title): Lindsay Davies/Lisa Grant, Fish Biologist

Signature and Date: <u>James 1/18/2011</u>
Rationale: There are no aquatic T & E species or Critical Habitat present.
Endangered or Threatened Species-Flora
Specialist (Print Name and Title): Caryn Meiricke, Natural Resource Specialist, Botany
Signature and Date: <u>[Signature] 1-18-11</u>
Rationale: There are no Endangered or Threatened Species or Special Status Species-Flora or critical habitat within the proposed action area.
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator
Signature and Date: <u>[Signature] 1/18/11</u>
Rationale: No known laws or requirements for protection of the environment would be violated. The road exists and implementation of the proposal would merely provide permitted access.
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator
Signature and Date: <u>[Signature] 1/18/11</u>
Rationale: Implementation of the proposal would not result in a disproportionately adverse effect on minority or economically disadvantaged populations as such populations do not occur in or near the project area.
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
Specialist (Print Name and Title): Scott Thomas, District Archaeologist
Signature and Date: <u>[Signature] 1-18-11</u>
Rationale: No known sacred areas are known to occur in the project area.
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).
Specialist (Print Name and Title): Lesley Richman, District Weed Coordinator
Signature and Date: <u>[Signature] 1/18/2011</u>
Rationale: Noxious weeds are known to be present in and in close proximity to this area. Treatments are on-going. The weeds are not present in sufficient quantity to be considered a significant impact at this time.

Additional review (As determined by the Authorized Officer): None

RMP conformance and CX review confirmation:

Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator

Signature and Date: [Signature] 1/18/11

Management Determination: Based upon review of this proposal, I have determined the Proposed Action is in conformance with the LUP, qualifies as a categorical exclusion and does not require further NEPA analysis.

Authorized Officer (Print Name and Title): Richard Roy, Three Rivers Resource Area Field Manager

Signature and Date: [Signature] 1/18/11

Decision: It is my decision (or Proposed Decision if grazing related) to implement the Proposed Action with Project Design Elements (if applicable) as described above.

Choice 1 (nongrazing-related decision):

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be mailed to the Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days of receipt of the decision. The appellant has the burden of showing the decision appealed is in error.

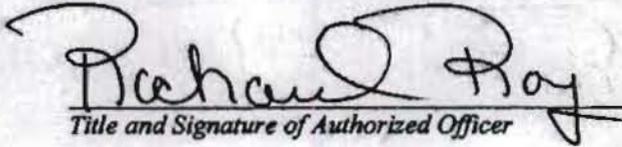
A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

Request for Stay

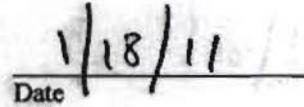
Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

- The relative harm to the parties if the stay is granted or denied.
- The likelihood of the appellant's success on the merits.
- The likelihood of immediate and irreparable harm if the stay is not granted.
- Whether or not the public interest favors granting the stay.

As noted above, the motion for stay must be filed in the office of the authorized officer.



Title and Signature of Authorized Officer



Date

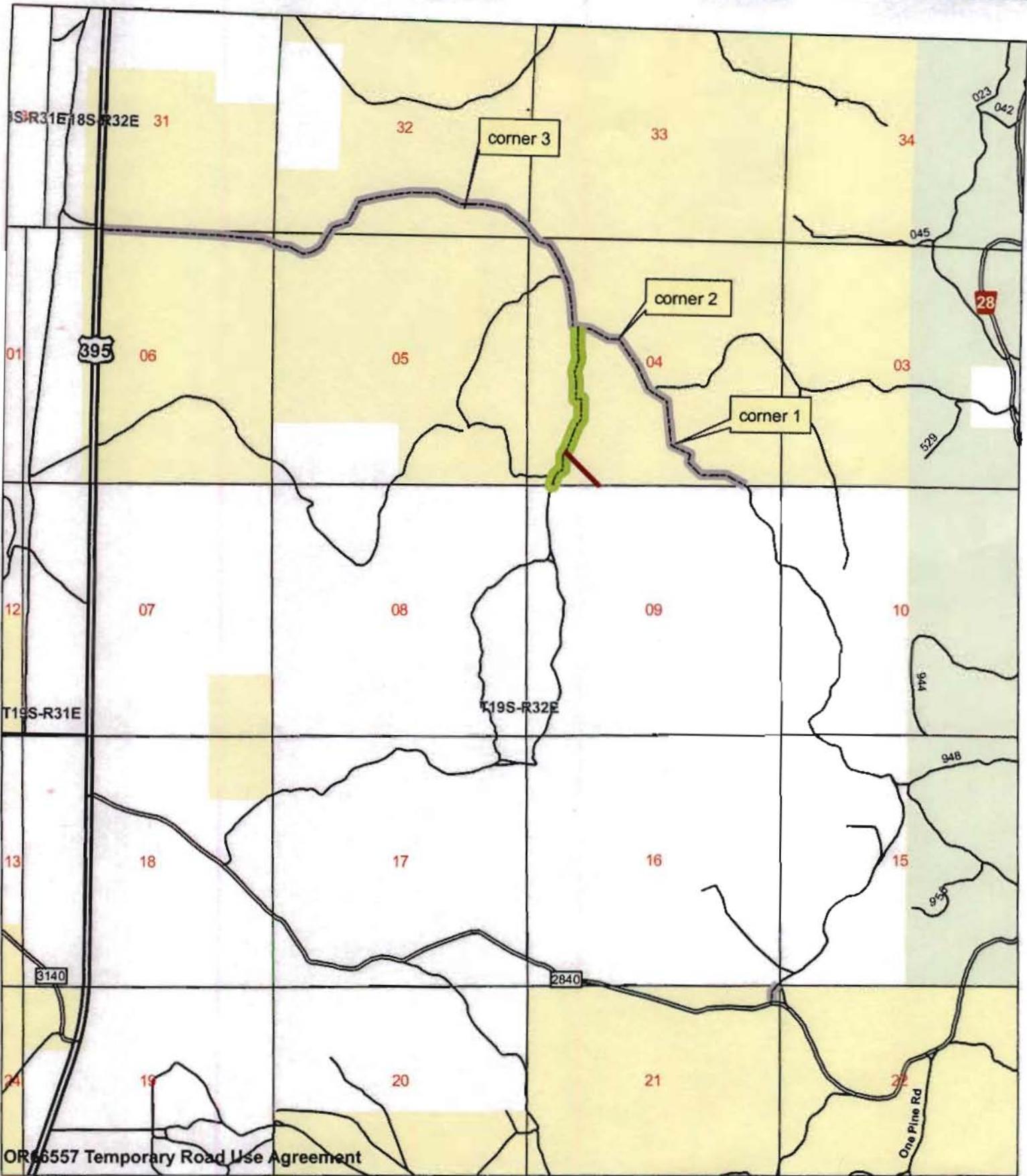
1. The first part of the document is a list of items that are to be reviewed. These items are listed in the following order:

- The first item is the "Statement of Work" (SOW).
- The second item is the "Request for Proposal" (RFP).
- The third item is the "Proposal" (P).
- The fourth item is the "Contract" (C).

2. The second part of the document is a list of items that are to be reviewed. These items are listed in the following order:

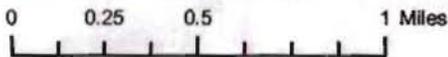
11/18/17

John Doe
1234 Main Street
City, State, Zip



OR66557 Temporary Road Use Agreement

- Skid Trail
- amended portion of the road
- OR66557 Temp. Road Use Permit
- Paved Road
- Non-Paved Improved Road
- Primitive or Unknown Road Surface
- BLM
- U.S. Forest Service
- Private/Unknown



US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification. workarea@blmclain/or66557.mxd, 12/21/2010

***Ownership boundaries are accurate within plus or minus 200 feet**