

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

A. Background

Categorical Exclusion (CX) Number: DOI-BLM-OR-B050-2015-0031-CX
Subject Function Code: 281300 (971)
Preparer/Title: Pam Hart, Realty Specialist
Title of Proposed Action: Mary Oard Homestead (Oard) Road Use Agreement

Date: March 26, 2015
Serial Number: OROR-68371
Applicant: Cronin Logging, L.L.C.

On March 12, 2015, Joe Cronin Logging, L.L.C. submitted an application for a road use agreement on those portions of Oard Road located on Bureau of Land Management (BLM) administered lands and a 0.2 mile segment on an unnamed road in W.M., T. 21 S., R. 33 E., sec. 33, W $\frac{1}{2}$ SW $\frac{1}{4}$. Oard Road leaves U.S. Highway 20 between mileposts 155 and 156. The applicant proposes to use 7.2 miles of Oard Road and 0.2 miles of unnamed road to access timber on private land. Four miles of the road are on BLM administered lands and 3.2 miles are on private land. The road is native surface, single lane, ranging from 10 feet to 20 feet in width. The roads on BLM administered lands are maintained as needed.

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

The proposed action is for the BLM, Burns District Office to issue a road use agreement with terms and conditions (see attached Appendix B) to Joe Cronin Logging, L.L.C., to use and perform spot grading on existing roads crossing public land for commercial hauling of approximately 25,000 board feet of logs. It is anticipated that there would be 7 log truck loads hauled out, with about 30 logs per truck. The logs would be hauled from private land located in W.M., T. 21 S., R. 33 E., sec. 32, NE $\frac{1}{4}$, owned by 3J Land, L.L.C. The road use agreement would authorize use and maintenance of existing roads 20 feet wide by 4.0 miles long (9.7 acres). The action would be authorized under the authority of Title V of the Federal Land Policy and Management Act of 1976 (FLPMA) and the Code of Federal Regulations (CFR) 43 CFR 2800.

Only minor grading would be necessary in a few spots to prepare the roads for use by log trucks. There would be no widening of the road beyond the existing road surface. Equipment used in the logging and road maintenance operation would consist of a 518 Cat Skidder, a Prentice loader, a log truck, a pick-up truck, and hand chainsaws.

The agreement would terminate on September 30, 2015. All hauling would be accomplished during dry road conditions to avoid damage to the road. Standard terms and conditions typical for this kind of activity would be included in the road use agreement and to provide for maintenance (see attached Appendix B). Joe Cronin Logging, L.L.C. would be required to rehabilitate the roads, if necessary as determined by the BLM authorized officer.

The roads proposed for use are within the following allotments: State Field, No. 05504; Pine Creek, No. 05503; and Rock Creek, No. 05502. There are no withdrawals, claims, rights of third parties, or other title factors that would prohibit entering into the agreement.

The road use agreement would be on lands located in Harney County, Oregon within the following described public lands:

Legal Description (attach location map): See attached map.

Willamette Meridian,

T. 21 S., R. 33 E.

- sec. 28, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
- sec. 33, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
- sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
- sec. 35, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 22 S., R. 33 E.

- sec. 02, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
- sec. 14, E $\frac{1}{2}$ W $\frac{1}{2}$.

B. Conformance with Land Use Plan (LUP)

LUP Name and Date Approved/Amended:

Three Rivers Resource Management Plan and Record of Decision (RMP/ROD) approved August 5, 1992.

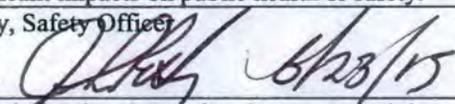
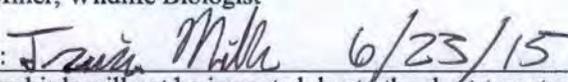
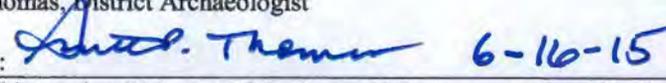
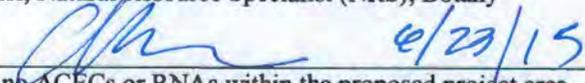
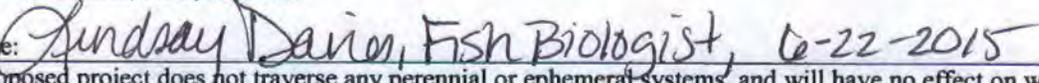
The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (*objectives, terms, and conditions*):

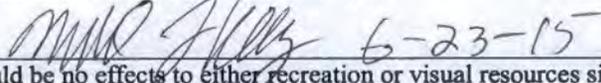
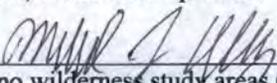
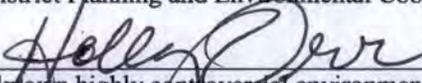
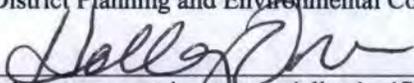
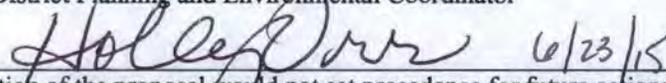
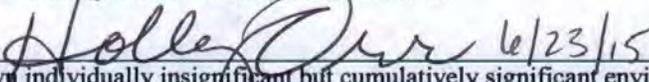
Three Rivers RMP/ROD, Page 2-183, Management Actions LR2.6 - "Applications for rights-of-way [ROW], permits, leases and other realty actions will be processed in a timely manner on a case-by-case basis, utilizing the NEPA process."

C. Compliance with the National Environmental Policy Act (of 1969) (NEPA)

Bureau of Land Management (BLM) CX Reference (516 DM 11.9): E. 19 - Issuance of short term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

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
<p>2.1 Have significant impacts on public health or safety.</p> <p>Specialist: John Petty, Safety Officer</p> <p>Signature and Date:  6/23/15</p> <p>Rationale: Sign road during logging and maintenance activity to warn the public of equipment in the roadway.</p>
<p>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.</p> <p><u>Migratory Birds</u></p> <p>Specialist: Travis Miller, Wildlife Biologist</p> <p>Signature and Date:  6/23/15</p> <p>Rationale: Migratory birds will not be impacted due to the short-term temporary nature (4 months road use) of the disturbance (spot grading of existing road) and non-measurable impact to the habitat.</p>
<p><u>Historic and Cultural Resources</u></p> <p>Specialist: Scott Thomas, District Archaeologist</p> <p>Signature and Date:  6-16-15</p> <p>Rationale: The road in section 33 is part of the Burns-Vale wagon road used in the late 1800s to transport people and goods. It has not been inventoried for cultural resources at this time and will be prior to the use of this road agreement. Other portions of the road to be used by the proponent are in root gathering areas that are in use between March 31 and June 1 every year. In addition, these areas have evidence of prehistoric and historic use as root camps as well. Road use in section 33 should be restricted to use only and no maintenance allowed. It is important that the user confine his use within the road corridor in sections 35 and 2 to avoid impacting these historic-prehistoric sites. If all of these restrictions are followed, the proposed project will not affect historic or cultural resources.</p>
<p><u>Areas of Critical Environmental Concern (ACEC)/Research Natural Areas (RNA)</u></p> <p>Specialist: Caryn Burri, Natural Resource Specialist (NRS), Botany</p> <p>Signature and Date:  6/23/15</p> <p>Rationale: There are no ACECs or RNAs within the proposed project area.</p>
<p><u>Water Resources/Flood Plains</u></p> <p>Specialist: Breanna O'Connor, NRS, Riparian</p> <p>Signature and Date:  6-22-2015</p> <p>Rationale: The proposed project does not traverse any perennial or ephemeral systems, and will have no effect on water resources and floodplains.</p>

<p><u>Soils, Biological Soil Crust (BSC), Prime Farmlands</u> Specialist: Caryn Burri, NRS, Botany</p>
<p>Signature and Date:  6/23/15</p>
<p>Rationale: All road improvements would occur within the current roadbed and would not exceed the ROW width; therefore, there would be no new disturbances to soils and/or BSCs within the proposed project area. There are no prime farmlands within the proposed project areas.</p>
<p><u>Recreation/Visual Resources</u> Specialist: Eric Haakenson, Outdoor Recreation Planner</p>
<p>Signature and Date:  6-23-15</p>
<p>Rationale: There would be no effects to either recreation or visual resources since the proposed road improvements would occur within the current roadbed and would not exceed the ROW width.</p>
<p><u>Wilderness/Wild and Scenic River (WSR) Resources</u> Specialist: Tom Wilcox, Wilderness Specialist</p>
<p>Signature and Date:  03/31/2015</p>
<p>Rationale: There are no wilderness study areas (WSA), WSRs, Wilderness, or lands with wilderness characteristics in the project area.</p>
<p>2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2) (E)).</p>
<p>Specialist: Holly Orr, District Planning and Environmental Coordinator</p>
<p>Signature and Date:  6/23/15</p>
<p>Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The road use agreement is short-term, temporary (4 months) spot rock grading disturbance on an existing disturbed road; no road work is authorized outside of the existing road surface; and terms and conditions have been required to protect resources.</p>
<p>2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p>
<p>Specialist: Holly Orr, District Planning and Environmental Coordinator</p>
<p>Signature and Date:  6/23/15</p>
<p>Rationale: There are no known uncertain or potentially significant environmental effects or unique or unknown environmental risks. The road use agreement is short-term, temporary (4 months) spot rock grading disturbance on an existing disturbed road; no road work is authorized outside of the existing road surface; and terms and conditions have been required to protect resources.</p>
<p>2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</p>
<p>Specialist: Holly Orr, District Planning and Environmental Coordinator</p>
<p>Signature and Date:  6/23/15</p>
<p>Rationale: Implementation of the proposal would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The road use agreement is short-term, temporary (4 months) spot rock grading disturbance on an existing disturbed road; no road work is authorized outside of the existing road surface; and terms and conditions have been required to protect resources.</p>
<p>2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</p>
<p>Specialist: Holly Orr, District Planning and Environmental Coordinator</p>
<p>Signature and Date:  6/23/15</p>
<p>Rationale: There are no known individually insignificant but cumulatively significant environmental effects. The road use agreement is short-term, temporary (4 months) spot rock grading disturbance on an existing disturbed road; no road work is authorized outside of the existing road surface; and terms and conditions have been required to protect resources.</p>

<p>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.</p>
<p>Specialist: Scott Thomas, District Archaeologist</p>
<p>Signature and Date: <i>Scott Thomas</i> 6-16-15</p>
<p>Rationale: National Register eligible sites occur within the road and in a short distance from it. See Historic and Cultural resources section (above) for restrictions that are required to avoid negative effects of this road use agreement.</p>
<p>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.</p>
<p><u>Endangered or Threatened Species - Fauna</u></p>
<p>Specialist: Travis Miller, Wildlife Biologist</p>
<p>Signature and Date: <i>Travis Miller</i> 6/23/15</p>
<p>Rationale: There are no Federally listed species or critical habitat present in the area of short term temporary disturbance to an existing road. There is no sage-grouse preliminary priority habitat (PPH) and there are no active leks within 3 miles of the project area. Roads used to access private land to reduce tree canopy cover in what was once a historical sagebrush steppe ecological type would improve habitat characteristics for sagebrush obligate species such as sage-grouse.</p>
<p><u>Endangered or Threatened Species - Aquatic</u></p>
<p>Specialist: Breanna O'Connor, NRS, Fish</p>
<p>Signature and Date: <i>Breanna O'Connor</i> Fish Biologist 6-22-2015</p>
<p>Rationale: There are no aquatic threatened and endangered (T&E) species or critical habitat within the proposed project area.</p>
<p><u>Endangered or Threatened Species - Flora</u></p>
<p>Specialist: Caryn Burri, Natural Resource Specialist, Botany</p>
<p>Signature and Date: <i>Caryn Burri</i> 6/23/15</p>
<p>Rationale: There are no documented Federal T&E plant species, BLM special status plant species nor designated critical habitat within the proposed project area.</p>
<p>2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p>
<p>Specialist: Holly Orr, District Planning and Environmental Coordinator</p>
<p>Signature and Date: <i>Holly Orr</i> 6/23/15</p>
<p>Rationale: No known laws or requirements for protection of the environment would be violated. The road use agreement is short-term, temporary (4 months) spot rock grading disturbance on an existing disturbed road; no road work is authorized outside of the existing road surface; and terms and conditions have been required to protect resources.</p>
<p>2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p>
<p>Specialist: Holly Orr, District Planning and Environmental Coordinator</p>
<p>Signature and Date: <i>Holly Orr</i> 6/23/15</p>
<p>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.</p>
<p>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).</p>
<p>Specialist: Scott Thomas, District Archaeologist</p>
<p>Signature and Date: <i>Scott Thomas</i> 6-16-15</p>
<p>Rationale: Root gathering and camping of tribal groups in root camps is a sacred activity for the tribes. Because they use the area until about June 1st every year, it would be useful to restrict the use of the road for hauling logs to after this time. If this restriction is in place, the road use will not affect sacred activities of the tribal visitors to the area.</p>

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: Lesley Richman, NRS, Weeds

Signature and Date: Lesley Richman 6/23/2015

Rationale: Noxious weeds are known to be present in or in close proximity to this area. Treatments are on-going. The weeds are not currently present in sufficient quantity to be considered an impact at this location.

D. Signatures

Additional review (As determined by the authorized officer):

Specialist: Stacy Fenton, Geographic Information Specialist

Signature: Stacy Fenton Date: 6/11/15

RMP conformance and CX review confirmation:

Specialist: Holly Orr, Planning and Environmental Coordinator

Signature: Holly Orr Date: 6/23/15

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 (CX), and does not require further NEPA analysis.

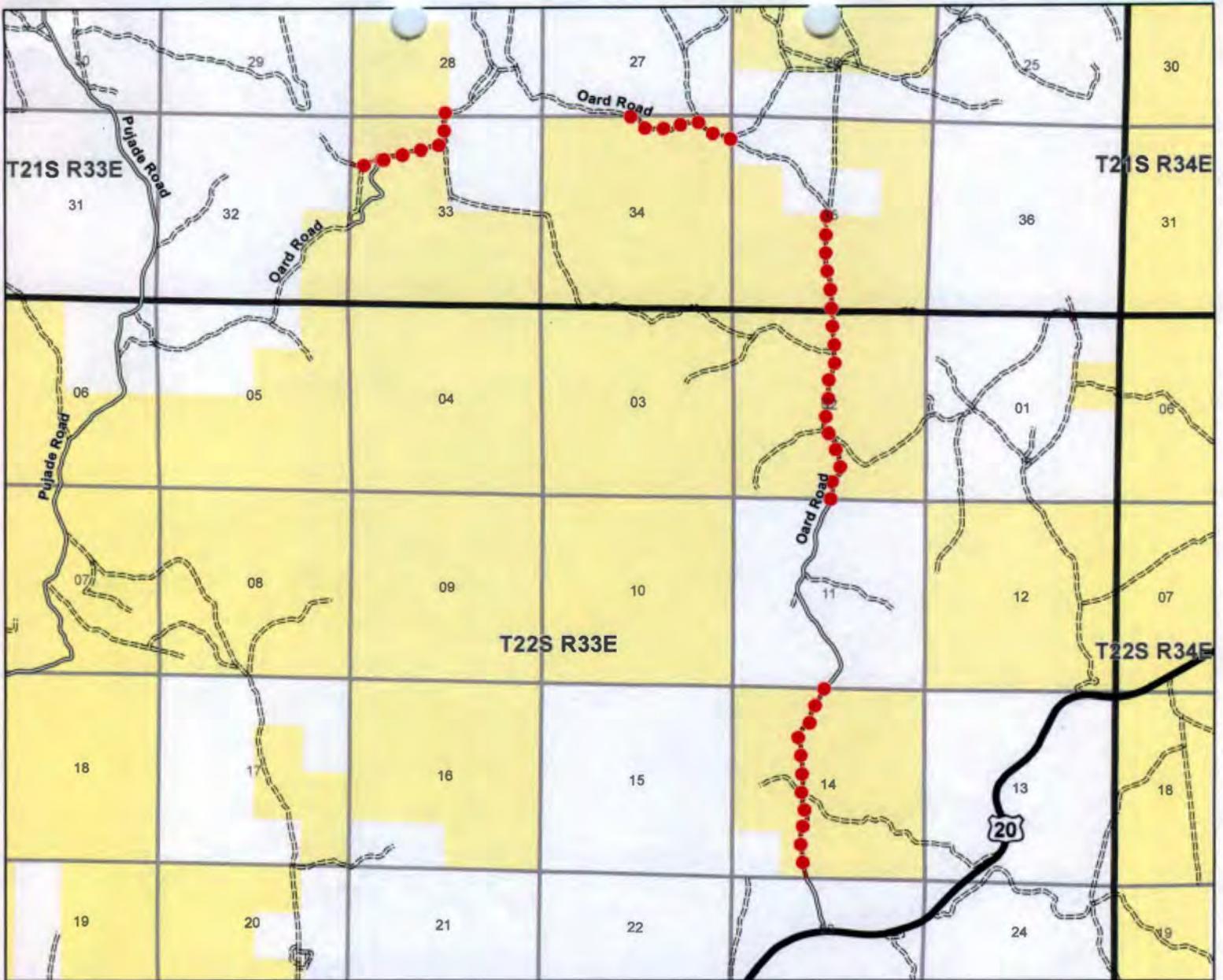
Authorized Officer: Richard Roy, Three Rivers Field Manager

Signature: Richard Roy Date: 6/23/15

E. Contact Person

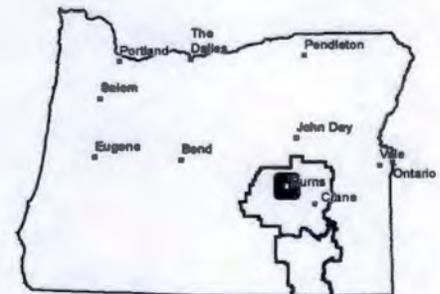
For additional information concerning this CX review, contact the Planning and Environmental Coordinator, BLM, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, (541) 541-4400.

Note: The signed conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this CX is subject to protest or appeal under 43 CFR 4 and the program-specific regulations.



DOI-BLM-OR-B050-2015-0031-CX
Appendix A - Map
Cronin Logging
Road Use Agreement, OR-68371
3/17/2015

- Cronin Road
- Bureau of Land Management
- Private/Unknown
- Highways
- Non-Paved Improved Road
- Primitive Surface



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 and may be updated without notification.
 W:\PAMS_PROJECTS\CRONIN_ROADUSE\Cronin_CXMap_20150317.mxd
 3/25/2015 phart-Burns GIS
 ***Ownership Boundaries are accurate within plus or minus 200 feet**

BURNS BLM ROUTING
INT. DATE

DM		
ASDM		
ADM.		
OPS.		
3RS.		
AND.	msk	7-2-15
FIRE		
PEC.		
PRO.		
OTHER	Jm	7/2/15



JUL 02 2015

In Reply Refer To:
2800 (ORB050)
OR-68371

CERTIFIED MAIL – 7011-1570-0001-7969-9841
RETURN RECEIPT REQUESTED

DECISION

Joe Cronin	:	
Joe Cronin Logging	:	Road Use Agreement OR-68371
37196 Highway 20 East	:	3J Land, LLC Property Log Haul
Burns, Oregon 97720	:	

Road Use Agreement Approved
Road Use Fees Determined

Dear Mr. Cronin:

Enclosed is your copy of a Road Use Agreement, serial number OR-68371, which authorizes the use of existing roads crossing public lands for hauling logs from the 3J Land, LLC property near Oard Flat. It was approved by the Bureau of Land Management (BLM) on June 23, 2015.

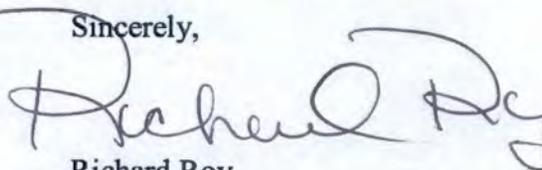
Road use fees for the agreement have been determined to be \$75.00. You have paid these fees in full. Enclosed is a receipt for the fees paid.

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed on the enclosed Form 1842-1. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the IBLA 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 you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If you have any questions, please contact Tara McLain, Realty Specialist, at (541) 573-4462.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Roy". The signature is written in a cursive style with a large, sweeping initial "R".

Richard Roy
Three Rivers Resource Area Field Manager

Enclosures

TMCLAIN:ak 06/23/2015:LANDS3RS