

**UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District Office
Three Rivers Resource Area
Finding of No Significant Impact**

**Sodhouse Lane Realignment
Environmental Assessment
DOI-BLM-OR-B050-2010-0027-EA**

INTRODUCTION

Three Rivers Resource Area, Burns District, has prepared an Environmental Assessment (EA) to analyze the realignment of Sodhouse Lane. Harney County Road Department (HCRD) has submitted an application to amend their current right-of-way and realign a 90 degree corner on a section of Sodhouse Lane.

SUMMARY OF THE PROPOSED ACTION

HCRD would change the location of a portion of Sodhouse Lane as shown on Exhibit A. The section of the road to be changed is .72-mile in length and would straighten out the 90 degree corner that currently exists creating a safer environment for travelers on Sodhouse Lane.

FINDING OF NO SIGNIFICANT IMPACT

Consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and intensity of impacts, is described below:

Context

The Proposed Action would occur in Three Rivers Resource Area, Big Bird Allotment #5302 and would have local impacts on affected interests, lands, and resources similar to and within the scope of those described and considered in the Three Rivers Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS). There would be no substantial broad societal or regional impacts not previously considered in the PRMP/FEIS. The actions described represent anticipated program adjustments complying with the Three Rivers RMP/Record of Decision (ROD), and implementing lands and realty and safety management programs within the scope and context of this document.

Intensity

The CEQ's ten considerations for evaluating intensity (severity of effect):

1. *Impacts that may be both beneficial and adverse.* The EA considered potential beneficial and adverse effects. Project Design Features were incorporated to reduce impacts. None of the effects are beyond the range of effects analyzed in the Three Rivers PRMP/FEIS, to which the EA is tiered. There may be some affects to resources such as air quality by fugitive dust from road construction activities, displacement of wildlife/migratory birds, potential for weed establishment/spread, and changes to visual resources. However, fugitive dust would be eliminated once operations cease; transient wildlife/migratory birds that live in, or travel through the area would return to the portion of the old road once rehabilitated; potential weed establishment would be reduced by seeding the old road providing competition and following project design elements such as vehicle washing; and visual effects would be restored with rehabilitation efforts by eliminating one linear feature on the landscape.
2. *Degree to which the Proposed Action affects public health and safety.* The Proposed Action would increase public health and safety by creating a safer road for Harney County residents and travels.
3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* A burial site exists adjacent to Sodhouse Lane; however, it would be avoided. No other unique characteristics exist within the Project Area.
4. *The degree to which effects on the quality of the human environment are likely to be highly controversial.* Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the Proposed Action or preference among the alternatives. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action or No Action Alternative.
5. *Degree to which possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The analysis has not shown there would be any unique or unknown risks to the human environment nor were any identified in the Three Rivers PRMP/FEIS to which this proposal is tiered.
6. *Degree to which the action may establish a precedent for future actions with significant impacts or represents a decision in principle about a future consideration.* This project neither establishes a precedent nor represents a decision in principle about future actions.
7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the Three Rivers PRMP/FEIS which encompasses the Project Area.

8. *Degree to which the action may adversely affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places.* There are no features within the Project Area listed or eligible for listing in the National Register of Historic Places.
9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat.* There are no known threatened or endangered species or their habitat affected by the Proposed Action or No Action Alternative.
10. *Whether an action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.* The Proposed Action and No Action Alternative do not threaten to violate any law. The Proposed Action is in compliance with the Three Rivers RMP/ROD, which provides direction for the protection of the environment on public lands.

On the basis of the information contained in the EA and all other information available to me, it is my determination that: 1) The implementation of the Proposed Action or No Action Alternative will not have significant environmental impacts beyond those already addressed in the Three Rivers PRMP/FEIS (*September 1992*); 2) The Proposed Action and No Action Alternative are in conformance with the Three Rivers RMP/ROD; 3) There would be no adverse societal or regional impacts and no adverse impacts to affected interests; and 4) The environmental effects, together with the proposed Terms and Conditions, against the tests of significance found at 40 CFR 1508.27 do not constitute a major Federal action having a significant effect on the human environment. Therefore, an EIS is not necessary and will not be prepared.

Richard Roy
Three Rivers Resource Area Field Manager

Date



**United States Department of the Interior
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September 22, 2010



**Sodhouse Lane Realignment
DOI-BLM-OR-B050-2010-0027-EA**

OR 37537

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**SODHOUSE LANE REALIGNMENT
DOI-BLM-OR-B050-2010-0027-EA**

CHAPTER I: INTRODUCTION: PURPOSE AND NEED FOR ACTION

A. Introduction

In 1984 the Bureau of Land Management (BLM) granted a Right-of-Way (ROW) to the Harney County Road Department (HCRD) for a county road commonly called Sodhouse Lane. At the time Malheur Lake had risen to the point of flooding the existing road, the HCRD created the current road by constructing a 90 degree corner to alleviate the problems created by the rising waters of the lake providing access for local ranchers and others to access their properties. The HCRD would like to straighten the corner discussed above to create a safer driving environment for residents and users of Sodhouse Lane.

B. Purpose and Need for Action

The purpose for the action is to allow an opportunity for HCRD to amend their existing ROW by rerouting a segment of Sodhouse Lane to eliminate a safety hazard.

The need for the action is established by the BLM's responsibility under the Federal Land Policy and Management Act to respond to a request for an ROW grant. In addition, the Three Rivers Resource Management Plan (RMP, dated September 1992) directs BLM to meet public needs for use authorizations such as ROWs.

C. Decision Framework

The Three Rivers Resource Area Field Manager is the responsible official who will decide which alternative analyzed in this document best meets the purpose and need for action based on the interdisciplinary analysis presented in this Environmental Assessment (EA).

D. Decision Factors

Decision factors are additional questions or statements used by the decision maker to choose between alternatives that best meet project goals and resource objectives. These factors generally do not include satisfying legal mandates, including requirements under the National Environmental Policy Act, which must occur under all alternatives. Rather, decision factors assess, for example, the comparative cost, applicability, or adaptability of the alternatives considered. The following decision factors will be relied upon by the Authorized Officer in selecting a course of action from the range of alternatives fully analyzed that best achieves the goals and objectives of the project:

Would the alternative:

- Improve the safety for the residents and visitors who may be driving on Sodhouse Lane?

E. Decision to be Made

BLM will decide whether or not to grant, grant with stipulations or deny the request to amend the existing ROW by changing the location of a section of Sodhouse Lane for HCRD.

F. Conformance with Land Use Plans, Laws, Regulations, and Policy

The Proposed Action and alternatives are in conformance with the Three Rivers RMP/Record of Decision (ROD), dated September 1992, even though they are not specifically provided for, because they are clearly consistent with the RMP decision(s) as stated above under the Purpose and Need.

In addition, Lands and Realty objective 2, Page 2-182 of the Three Rivers RMP/ROD, dated September 1992, states that we will meet public needs for use authorizations such as ROWs, leases, and permits.

The Proposed Action has been designed to conform to the following documents, which direct and provide the framework and official guidance for management of BLM lands within the Burns District:

- National Environmental Policy Act (42 U.S.C. 4321-4347)1970
- Federal Land Policy and Management Act (43 U.S.C. 1701, 1976)
- Code of Federal Regulations (CFR): Rights-of-Way (43 CFR 2800)
- Noxious Weed Management Program Environmental Assessment for the Burns District BLM (OR-020-98-05) (1998)

Scoping

BLM conducted internal scoping both with a meeting on April 30, 2010, and with informal discussions with various specialists within the BLM concerning the project.

Identification of Issues

See table for issues that were analyzed and discussed in the document.

Issues Considered but not Analyzed Further

- Interference with livestock grazing was brought up as a possible issue; however, construction would occur outside the season of use for grazing as noted in the terms and conditions below under the Proposed Action.

- Archaeology was brought up as a possible issue due to the location of a known burial site in the area. This issue was resolved by changing the location of the realignment.

CHAPTER II: ALTERNATIVES INCLUDING THE PROPOSED ACTION

A. Alternative A - No Action Alternative

The current ROW would remain in affect with no route change.

B. Alternative B - Proposed Action

BLM would amend the current ROW to allow HCRD to change the route of Sodhouse Lane, thereby straightening the 90-degree corner that currently exists.

HCRD would realign a section of road on Sodhouse Lane across BLM land. The new road would be .72-mile in length with a 24-foot finished surface and overall 100-foot ROW. The finished surface would have a minimum 3 percent crown and a maximum 6 percent grade. Culverts would be placed in wet weather drainages as necessary. See attached map (Exhibit A) for exact realignment location.

Equipment used for road construction would consist of crawler tractors, scrapers, loaders, backhoes, graders, trucks and rollers with 5 to 10 people working at any given time. During even years construction would not begin until after June 15. Construction would take approximately 30 to 60 days to complete. HCRD would use the current road as a staging area for the realignment.

The current road would be vacated and the ROW relinquished from the cattleguard at the base of the hill to where the new road and old road would meet, see attached map (Exhibit A).

Terms and Conditions:

- g. The Holder shall construct, operate, use, and maintain the roads within this ROW in conformance with the Project Description and Plan of Development (POD) contained in the ROW application submitted March 8, 2010, unless otherwise modified by the terms and conditions contained herein. Any relocation, additional construction, or use that is not in accordance with the application, POD or this grant shall not be initiated without the prior written approval of the Authorized Officer.
- h. All road construction, upgrading, maintenance, and use would be confined to a maximum authorized width of 100 feet. Should road design not be adequate to contain traffic within the specified limits, additional measures including but not limited to surfacing, crowning, ditching, insloping, outsloping, and culverts may be required, as deemed necessary by the Authorized Officer.

- i. Should offsite erosion develop due to inadequate road design, the Holder shall install erosion control structures as are suitable for the specific soil conditions being encountered and which are in accordance with sound resource management practices.
- j. All earth-moving equipment used in connection with this ROW shall be thoroughly washed down and cleaned of all mud, dirt, and vegetative debris at a location acceptable to the Authorized Officer. Cleaning of equipment shall be accomplished immediately prior to initial mobilization and anytime the equipment is removed and returned to the road area.
- k. The Holder shall be responsible for weed prevention and control within the limits of the ROW when new surface-disturbing activities on the ROW are proposed. Prior to undertaking any weed prevention or control measures the Holder shall consult with the BLM Authorized Officer regarding acceptable weed control methods, monitoring, reporting, and education of personnel on weed identification. Application of chemicals for control of noxious weeds or any other purpose shall be in accordance with applicable Federal and State law and shall be approved by BLM prior to application.
- l. During conditions of elevated fire danger, construction or major maintenance operations shall be limited or suspended or additional fire control measures may be required by the Authorized Officer. The Holder shall be liable for suppression costs and rehabilitation of lands damaged by fire resulting from his use of the ROW.
- m. The Holder shall minimize disturbance to existing fences, pipelines, and other improvements on public land. The Holder is required to promptly repair improvements to at least their former state. Functional use of these improvements would be maintained at all times.
- n. In order to limit conflicts with permitted livestock use on public lands, no construction is permitted on odd numbered years between April 8 and June 14.
- o. The portion of the road to be vacated would be obliterated by removing the old roadbed material and reusing the material in construction of the new roadbed or disposed of at a location approved by the Authorized Officer. Upon removal of the material the remaining disturbed area shall be ripped and scarified. Holder shall restrict travel on old roadbed when construction is complete using barricades, boulders or other materials to prevent use by mechanized vehicles.

- p. The Holder shall seed all disturbed areas, including the vacated road section, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season. The old roadbed would be fenced for a minimum of two growing seasons or until seeded grasses have become established following abandonment and seeding.
- q. The Holder shall consult with the Authorized Officer prior to installing cattleguards or other facilities associated with this ROW. All cattleguards shall be constructed and installed in accordance with BLM specifications and standards.

CHAPTER III: AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

An Interdisciplinary Team (IDT) has reviewed and identified issues and resources affected by the alternatives. The following table summarizes the results of that review. Affected resources are in bold.

Resources/Issues	Status	If Not Affected, why? If Affected, Reference Applicable EA Chapter
Air Quality (Clean Air Act)	Not Affected	There would be no affects to air quality by implementing the proposed road reroute. The project will create dust that will remain in the vicinity of the Project Area and settle once construction activities stop for the day.
American Indian Traditional Practices	Not Affected	No known Traditional Practices occur in this area.
Areas of Critical Environmental Concern (ACECs)	Not Affected	No ACECs or Research Natural Areas are present.
Cultural Resources	Not Affected	There is a burial site in the area; however, it is not affected as the road reroute avoids the site.
Environmental Justice (Executive Order 12898)	Not Affected	The Proposed Action is not expected to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations as such populations do not exist in the Project Area.
Flood Plains (Executive Order 13112)	Not Affected	There would be no effects to flood plains as the proposed road would be moved even further away from them.
Forestry/Woodlands	Not Present	
Grazing Management	Not Affected	The terms and conditions provide for no disruption to livestock grazing management by avoiding the grazing season in the affected pasture. Loss of forage for livestock would be mitigated through seeding of the abandoned ROW.
Hazardous or Solid Waste	Not Affected	No Change from current ROW conditions.
Migratory Birds (Executive Order 13186)	Affected	See Chapter III
Noxious Weeds (Executive Order 13112)	Affected	See Chapter III

Resources/Issues		Status	If Not Affected, why? If Affected, Reference Applicable EA Chapter
Paleontological Resources		Not Present	
Soils/Biological Crusts		Not Affected	Soils and Biological Soil Crusts (BSCs) recovering within the vacated area would offset any loss or disturbance of soils and BSCs within the realignment area.
Vegetation		Not Affected	Vegetative communities recovering within the vacated area would offset any loss of vegetation within the realignment area.
Recreation/Visual Resources		Affected	See Chapter III
Wildlife/ Threatened or Endangered (T/E) Species or Habitat	Fish	Not Present	There are no T/E species or Critical Habitat present near the site of the proposed reroute.
	Wildlife	Not Present	There are no T/E species or Critical Habitat present.
	Plants	Not Present	There are no T/E species or Critical Habitat present.
BLM Special Status Species (SSS) and Habitat	Fish	Not Affected	There are no SSS or their habitat affected by the proposed reroute.
	Wildlife	Not Affected	The location of the proposed reroute is in habitat that would not support populations of BLM SSS. Individuals may occur in the area, but would be considered transient and not dependent on the habitat at the site of the proposed reroute.
	Plants	Not Present	No SSS of flora or associated habitat are present.
Water Quality (Surface and Ground)		Not Affected	There would be no affects to water quality by implementing the proposed road reroute as the closest surface water (Malheur Lake) is approximately 1-mile away. It is unlikely that runoff from the proposed road would reach the lake.
Wetlands/Riparian Zones (Executive Order 11990)		Not Affected	There are no expected affects to wetlands/riparian zones as a result of the proposed road reroute due to proximity to the project.
Wild and Scenic Rivers		Not Present	There are no Wild and Scenic Rivers.
Wilderness/Wilderness Study Areas (WSAs)/Wilderness Characteristics		Not Present	There are no Wilderness or WSAs present at this location.
Wildlife		Affected	See Chapter III
Lands and Realty		Not Affected	HCRD holds a valid ROW.
Wild Horses		Not Present	

A. Migratory Birds

Will road construction disturb the nesting season of migratory birds?

Affected Environment

Several species of migratory birds may occur in the area. The habitat available in the reroute area is isolated sagebrush-grasslands and crested wheatgrass seeded grasslands.

Species likely present include horned larks (*Eremophila alpestris*), western kingbird (*Tyrannus verticalis*), meadowlarks (*Sturnella neglecta*), Brewer's sparrow (*Spizella breweri*), and long-billed curlew (*Numenius americanus*). These species typically nest on the ground or in shrubs.

Environmental Consequences

Alternative A – No Action

No construction or other changes would occur, and migratory birds and their habitat would not be affected.

Alternative B – Proposed Action

Ground and low nesting migratory birds would be affected if construction occurs between March 15 and June 30 when birds are nesting. Construction of the reroute could result in the loss of some nests. The area directly impacted by the reroute construction is approximately 7.0 linear acres. Vacating and seeding the old road during the nesting season would not affect most nesting birds, with the possible exception of bare ground nesters, such as killdeer (*Charadrius vociferous*). Since the road is currently in use, the incidence of nesting birds is low and few, if any, birds would be affected along the approximately 5.2 acres of road to be vacated.

The effects of this project with past, present, and Reasonably Foreseeable Future Actions (RFFAs) would not lead to cumulative affects to migratory birds. Other actions in the area, such as past wildfires, livestock grazing, prescribed burns, and seedings have impacted wildlife in the area through habitat loss and degradation. These past actions and events have resulted in the existing migratory bird species adapted to habitat in the Project Area. The proposed reroute would result in the net loss of less than 1 percent of BLM-managed habitat within 1-mile of the Project Area, and have undetectable effects on species present.

B. Noxious Weeds

Will road construction increase the noxious weeds within the ROW area?

Affected Environment

There are two noxious weeds species which have been documented in the vicinity of the proposed Project Area totaling approximately .2143-acre. These species include 0.0028-acre of perennial pepperweed (*Lepidium latifolium*) and 0.2115-acre of Scotch thistle (*Onopordum acanthium*). The Scotch thistle occurs along the current road system, while the perennial pepperweed occurs to the west of the proposed road site.

The Project Area is bordered on the north and west by the Malheur National Wildlife Refuge which has infestations of these noxious weed species, as well as Canada thistle (*Cirsium arvense*) providing a seed source for future infestations. The disturbance created by constructing a new road could provide suitable niches for new noxious weed infestations to spread into the Project Area.

Alternative A – No Action

The existing road segment would continue to be an area where weeds can be introduced and vehicles using the road would continue to be weed vectors. The current road system is monitored and treated on an annual basis using the best available methods.

Alternative B – Proposed Action

The realignment of Sodhouse Lane would create approximately .72-mile of new disturbance with an overall 100-foot ROW, approximately 9 acres, for new and existing noxious weeds to spread and establish. The use of the existing road as a staging area would also create the potential for new noxious weed introductions due to the possibility of contaminated equipment accessing the site; however, the risk of introduction and spread should decline over time as the old road revegetates. Reseeding the abandoned road segments would provide competition to noxious and invasive weed propagules that may enter the site helping to reduce the potential for new infestations. The new road segment would be monitored and treated annually as part of the road system. Introduction and spread would be minimized by following the project design features.

C. Wildlife

Will road construction harm wildlife or their habitat within the Project Area?

Affected Environment

Several species of wildlife may occur in the area. Habitat in the reroute is sagebrush-grasslands and crested wheatgrass seeded grasslands. An 11,000-acre wildfire burned through the area in 1996. Most of the larger species, such as coyote (*Canis latrans*) and mule deer (*Odocoileus hemionus*), probably pass through the area foraging. Several smaller species that live in burrows such as ground squirrels, chipmunks, and mice remain in the area year-round. Other wildlife present include snakes and lizards.

Alternative A – No Action

No construction or other changes would occur, and wildlife species and their habitat would not be affected.

Alternative B – Proposed Action

Construction actions would not directly impact the larger, more mobile species, such as coyotes, but would result in temporary displacement from the immediate area. Smaller, fossorial species, such as ground squirrels would be impacted if they seek refuge underground in the path of the proposed new route. The area directly impacted by the reroute construction is approximately 7.0 linear acres. Vacating and seeding the old road would not affect wildlife, with the possible exception of animals that have burrowed into the existing road. The area directly impacted during the seeding is approximately 5.2 acres of road, resulting in a net loss of approximately 1.8 acres for the project. Although some animals and habitat would be directly impacted, the adjacent habitat would support animals displaced from the construction and seeding areas.

The effects of this project with past, present, and RFFAs would not lead to cumulative affects to wildlife. Other actions in the area, such as past wildfires, livestock grazing, prescribed burns, and seedings have impacted wildlife in the area through habitat loss and degradation. These past actions and events have resulted in the existing community of wildlife species adapted to habitat in the Project Area. The proposed reroute would result in the net loss of less than 1 percent of BLM-managed habitat within 1-mile of the Project Area, and have undetectable effects on species present.

D. Visual Resources/Recreation

Will the realignment of Sodhouse Lane change the visual resource class of the area?

Will the realignment of Sodhouse Lane have an effect on the recreational activities in the area?

Affected Environment

Goose and big game hunting of mule deer and antelope are the primary recreation uses in the area. The area where the realignment would take place is in Visual Resource Management Class III. Management objectives for this class require partial retention of the existing character of the landscape. Management activities which may attract attention are allowed but should not dominate the view of the casual observer or can be mitigated so they do not dominate the view of the casual observer. The area is close to the Malheur National Wildlife Refuge Headquarters and there are fences, power poles, and roadways visible.

Alternative A – No Action

No construction or other changes would occur so recreation and visual resources would remain unchanged.

Alternative B – Proposed Action

The proposed new section of road which is .72-mile in length and the existing road that would be removed are within sight of each other and less than one-quarter mile apart. Construction of the new section of road and removal of the existing roadway would take 30 to 60 days to complete. During this time period there would be heavy equipment operations but after the project was complete and the disturbed ground reseeded, visual effects would essentially be the same as before. If construction takes place during hunting season, this would affect hunting in the area during construction activities. The proposed reroute would add .02-mile cumulatively to the visible features already present within the Project Area.

CHAPTER IV: CONSULTATION AND COORDINATION

An IDT reviewed the Proposed Action. Their findings are included in Elements of the Human Environment Checklist included in Chapter III.

A. List of Preparers

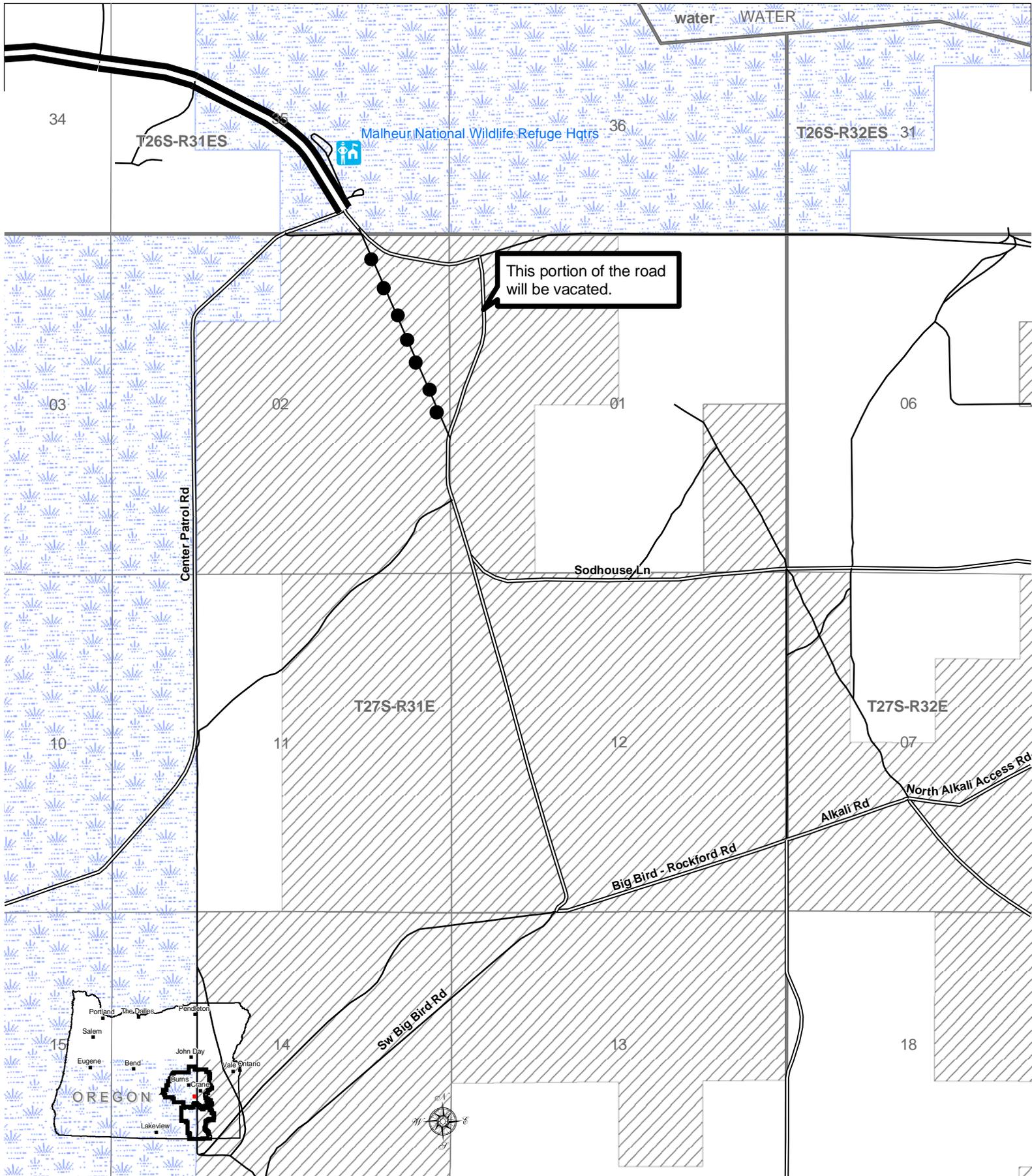
John Bethea, Outdoor Recreation Planner
Jason Brewer, Wildlife Specialist
Lisa Grant, Natural Resource Specialist
Rhonda Karges, Planning and Environmental Coordinator
Doug Linn, Botanist
Tara McLain, Realty Specialist
Caryn Meinicke, Weed Specialist
Dan Ridenour, District Fuels Specialist
William Street, Rangeland Management Specialist
Scott Thomas, District Archaeologist

B. Persons, Groups and Agencies Consulted

Burns Paiute Tribe
Malheur National Wildlife Refuge

C. Public Notification

Notice of the Proposed Action was posted on the BLM Burns District Web site at <http://www.blm.gov/or/districts/burns/index.php>.



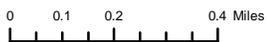
This portion of the road will be vacated.



Sodhouse Lane Realignment Project DRAFT MAP

- Proposed Realignment
- ▬ Paved Road
- ▬ Non-Paved Improved Road
- ▬ Primitive or Unknown Road Surface

- Land Status**
- ▨ Bureau of Land Management
 - ▭ Private
 - ▨ U. S. Fish and Wildlife



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/tlmcain/OR37537.mxd, 04/28/2010

Ownership Boundaries are accurate within plus or minus 200 feet