

**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.

/signature on file/
Richard Roy
Three Rivers Resource Area Field Manager

November 3, 2010
Date

**USDI, Bureau of Land Management
Burns District**

DECISION RECORD

**Environmental Assessment
DOI-BLM-OR-B050-2010-0027-EA**

BACKGROUND

The Sodhouse Lane Realignment Environment Assessment (EA) analyzed amending an existing Right-of-Way (ROW) (43 Code of Federal Regulations (CFR) 2800), OR-37537 issued to Harney County for a county road commonly known as Sodhouse Lane. The amended ROW would allow the County Road Department to straighten the 90-degree corner that currently exists to allow for safer driving conditions.

COMPLIANCE

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

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 Bureau of Land Management (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)
- CFR: Rights-of-Way (43 CFR 2800)
- Noxious Weed Management Program EA for the Burns District BLM (OR-020-98-05) (1998)

DECISION

Having considered the Proposed Action and No Action Alternative and associated impacts and based on analysis in DOI-BLM-OR-B050-2010-0027-EA, it is my decision to implement the Proposed Action which authorizes amending the current ROW OR-37537 to allow for the straightening of the 90-degree corner described in the EA and shown on the map included in the EA.

Additionally, a Finding of No Significant Impact (FONSI) found the Proposed Action and No Action Alternative analyzed in DOI-BLM-OR-B050-2010-0027-EA do not constitute a major Federal action that would adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement was unnecessary and will not be prepared.

The Proposed Action will amend the current ROW to allow Harney County Road Department (HCRD) to change the route of Sodhouse Lane, thereby straightening the 90-degree corner that currently exists.

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

Design Features of the Proposed Action

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 will 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, outslowing, 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 will 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.

COMMENTS RECEIVED

A copy of the original EA and unsigned FONSI were mailed to nine people on September 23, 2010. In addition, a notice was posted in the *Burns Times-Herald* newspaper on September 24, 2010. The Burns District BLM did not receive any written comments about the Sodhouse Lane EA.

RATIONALE

The selected alternative meets both the purpose and need for the action by responding to a request for an ROW grant.

In addition I have selected Alternative 2, Proposed Action, since the effects are minimal and short term (during construction time). The Proposed Action has the added benefit of improving the safety of residents and visitors traveling on Sodhouse Lane. Reducing threats to public health, safety, and property is a BLM goal.

APPEAL PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be filed with the Burns District Manager, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days following receipt of the final 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.

/signature on file/

Richard Roy
Three Rivers Resource Area Field Manager

November 3, 2010

Date