

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B020-2010-0026-CX
File Code (Project/Serial Number): OR-66244 and OR-66245
Preparer: Holly M. Orr, Realty Specialist
Title of Proposed Action: Steens Mountain Access Easements

Date: March 16, 2010

Applicant: Roaring Springs Ranch, Inc. an Oregon Corporation

Description of Proposed Action:

Section 121 of the Steens Mountain Cooperative Management and Protection Act of 2000 (Steens Act), 16 U.S.C. § 460nm-41, authorizes Cooperative Management Agreements (CMAs) to provide for cooperative conservation and management of Federal and non-Federal parcels. Section 2 of the Steens Act specifies that a CMA may plan and/or implement cooperative measures to meet "public and private land objectives" of the Steens Act. With the experience of several years of implementation of the Steens Act, the Bureau of Land Management (BLM), Burns District and Roaring Springs Ranch, Incorporated, an Oregon Corporation (RSR, INC.), recognize that it would serve the purposes of the Steens Act to adjust access easement ownerships and locations and cooperative road maintenance to provide for improved administrative and public access to the Steens Mountain Area.

The attached spreadsheet, easement documents, and maps show releasing 20.03 acres of exclusive (public) easements; obtaining 6.08 acres of exclusive (public) easements; obtaining 15.99 acres of non-exclusive (administrative) easements; and releasing and then obtaining 1.09 acres of exclusive (public) easement, in effect retaining 1.09 acres of exclusive (public) easement with Roaring Springs Ranch, Incorporated an Oregon Corporation (RSR, INC.). The new easements continue to maintain access in the Home Ranch area and in addition will provide both public and administrative access to Black Canyon, Dry Creek, Home Creek, Six Mile Dunes, Skull Creek Dunes, and Blitzen Road areas.

There are no plans for the use of the easement or that portion of the road reservation that will be released. RSR, INC. has requested through their attorney that the unneeded easement and portion of the road reservation be released simultaneously with the recording of the new easement documents to clear title. The easement and portion of the road reservation intent of ensuring public and administrative access will be maintained by the new road easements. Internal scoping by BLM Resource Specialists showed a determination that the BLM and the public will be better suited with the new road easement locations.

In a review of the rights to be released it has been determined that the release should be made without consideration to the government or the grantor since the new easements will be similar to the released subject road easements and portion of the subject road reservation. The reciprocal rights are explained under the attached cooperative management agreement (CMA), BLM-CMA-ORB-060-2010-002.

The existing roads in their present condition are suitable for current and foreseeable access needs. No new surface disturbance, maintenance, or reconstruction is proposed at this time. The maintenance of these roads is described in the CMA which states that road maintenance completed by cooperators will be planned and inspected by designated BLM staff to assure compliance with BLM road maintenance standards and guidelines. Road maintenance completed through a CMA must be documented and tracked for BLM reporting purposes.

The areas identified in Black Canyon and Dry Creek access trail, parking area, and signage easements will have National Environmental Policy Act analysis completed in the proposed Steens Mountain Comprehensive Recreation Plan Environmental Assessment (EA), DOI-BLM-OR-B060-2009-0058-EA which is expected to be out for public comments in 2011. No development on these trails and parking areas will be considered until a final decision has been made on the Steens Mountain Comprehensive Recreation Plan EA.

Legal Description: See Attached Easement Documents with Maps

Conformance with Land Use Plan, Date Approved:

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):

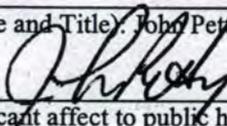
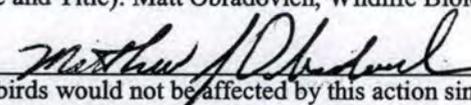
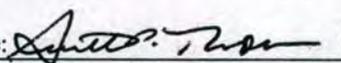
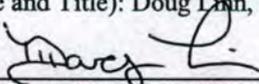
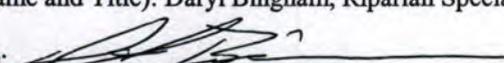
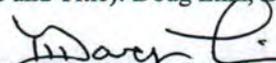
The Three Rivers Resource Management Plan (RMP), (BLM, August 1992), Page 2-188; LR 4: Acquire and maintain legal public and administrative access to public land consistent with other resource values. Therefore, the Proposed Action is in conformance with the Three Rivers RMP.

The Andrews Management Unit (AMU) RMP/ROD (BLM, August 2005), Page RMP-59 and the Steens Mountain Cooperative Management and Protection Area (CMPA) RMP/ROD (BLM, August 2005), Page RMP-58; Lands and Realty Goal: Provide land, interests in land, and authorizations for public and private uses while maintaining and improving resource values and public land administration; Lands and Realty Objective 3: Acquire legal public and administrative access to public land. Therefore, the Proposed Action is in conformance with the AMU RMP and the Steens Mountain CMPA RMP.

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

DOI Categorical Exclusion Reference (516 DM 2, Appendix 1): None

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 Manager
Signature and Date:	 4/15/10
Rationale: No significant affect to public health and 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):	Matt Obradovich, Wildlife Biologist
Signature and Date:	 4/15/2010
Rationale: Migratory birds would not be affected by this action since there are no new disturbances to public or private lands which would reduce migratory bird habitat or cause disturbances to nesting birds.	
<u>Historic and Cultural Resources</u>	
Specialist (Print Name and Title):	Scott Thomas, Archeologist
Signature and Date:	 4-15-10
Rationale: Historic and Cultural Resources would not be affected by this action.	
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>	
Specialist (Print Name and Title):	Doug Linn, Botanist
Signature and Date:	 4-15-10
Rationale: No RNAs or ACECs will be affected by this proposal.	
<u>Water Resources/Flood Plains</u>	
Specialist (Print Name and Title):	Daryl Bingham, Riparian Specialist
Signature and Date:	 29 March 2010
Rationale: Where there would be no new construction and any future maintenance would remain within existing guidelines water resources and floodplains would not be affected by the action.	
<u>Soils, Biological Soil Crust, Prime Farmlands</u>	
Specialist (Print Name and Title):	Doug Linn, Botanist
Signature and Date:	 4-15-10
Rationale: No significant impacts are foreseen for these resources as a result of this proposal.	

Recreation/ Visual Resources

Specialist (Print Name and Title): Michelle Franulovich, Supervisory Natural Resource Specialist

Signature and Date: *Michelle Franulovich* 4/15/10

Rationale: Recreation will be enhanced by creating access to a recreation area. The proposed easements will allow access for hunters, hikers and other types of recreationists. In addition, signage provided at the access point will better inform visitors to the area. Signage will be separately addressed in the Steens Mountain Comprehensive Recreation Plan.

Wilderness/Wild and Scenic River Resources

Specialist (Print Name and Title): Eric Haakenson, Wilderness Specialist

Signature and Date: *Eric Haakenson* 4/15/10

Rationale: The proposed project is not within any wilderness, WSR or WSA. However, the proposed easements would allow greater public access to the Steens Mountain Wilderness. No additional amount of visitors is expected.

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: *Rhonda Karges* 4/20/10

Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. Roads currently exist and any on-the-ground effects of a parking lot, developed trails, and signage will be separately addressed in the Steens Mountain Comprehensive Recreation Plan.

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: *Rhonda Karges* 4/20/10

Rationale: There are no known uncertain or potentially significant environmental effects or unique or unknown environmental risks associated with this action. Roads currently exist and any on-the-ground effects of a parking lot, developed trails, and signage will be separately addressed in the Steens Mountain Comprehensive Recreation Plan and will disclose all environmental effects.

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: *Rhonda Karges* 4/20/10

Rationale: This action would not set any known precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects. Roads currently exist and any on-the-ground effects of a parking lot, developed trails, and signage will be separately addressed in the Steens Mountain Comprehensive Recreation Plan and will disclose all environmental effects.

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: *Rhonda Karges* 4/20/10

Rationale: This action does not have a known direct relationship to other actions with individually insignificant but cumulative significant environmental effects. Roads currently exist and any on-the-ground effects of a parking lot, developed trails, and signage will be separately addressed in the Steens Mountain Comprehensive Recreation Plan and will disclose all environmental effects including 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, Archeologist

Signature and Date: *Scott Thomas* 4-15-10

Rationale: No eligible or listed National Register sites would be affected by this action.

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.

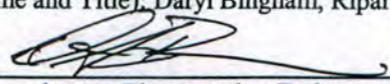
Endangered or Threatened Species-Fauna

Specialist (Print Name and Title): Matt Obradovich, Wildlife Biologist

Signature and Date: *Matt Obradovich* 4/15/2010

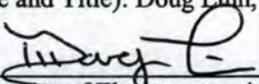
Rationale: There are no known federally Threatened, Endangered or proposed to be listed fauna species known in the areas of these easements. Therefore there would be no impacts.

Endangered or Threatened Species-Aquatic
Specialist (Print Name and Title): Daryl Bingham, Riparian Specialist

Signature and Date:  29 March 2010

Rationale: There are no known Threatened or Endangered aquatic species in the project area.

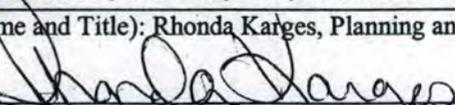
Endangered or Threatened Species-Flora
Specialist (Print Name and Title): Doug Linn, Botanist

Signature and Date:  4-15-10

Rationale: No T&E species of Flora or associated Critical Habitat are present.

2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

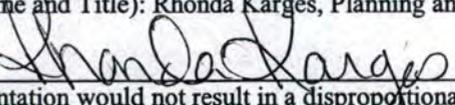
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator

Signature and Date:  4/20/10

Rationale: This action would not violate any known Federal, or state, local or tribal law or requirement imposed for the protection of the environment. Roads currently exist and any on-the-ground effects of a parking lot, developed trails, and signage will be separately addressed in the Steens Mountain Comprehensive Recreation Plan and will disclose all environmental effects.

2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

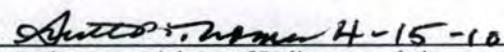
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator

Signature and Date:  4/20/10

Rationale: Implementation 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).

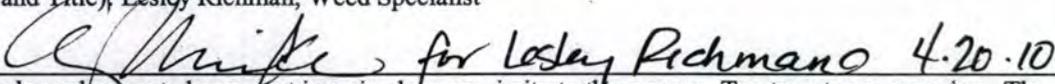
Specialist (Print Name and Title): Scott Thomas, Archeologist

Signature and Date:  4-15-10

Rationale: Access to and ceremonial use of Indian sacred sites would not be affected by this action.

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): Lelsey Richman, Weed Specialist

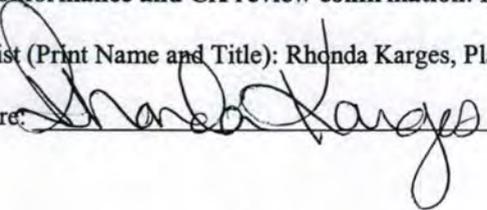
Signature and Date:  for Lelsey Richman 4-20-10

Rationale: Noxious weeds are known to be present in or in close proximity to these areas. 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: I have reviewed the CX and the CX conforms to the RMP.

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

Signature:  Date: 4/20/10

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): Joan Suther, Andrews/Steens Field Manager

Signature: Joan M. Suther

Date: April 20, 2010

Decision: It is my decision to implement the Proposed Action as described above.

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.

Joan M. Suther
Joan Suther, Andrews/Steens Field Manager

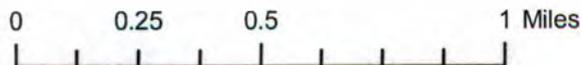
April 20, 2010
Date



Exhibit A, Map 1 of 5
OR-66244
Happy Valley Road Access Exclusive Easement

- Bureau of Land Management
- Private
- Easement
- Paved Road
- Non-Paved Improved Road
- Primitive or Unknown Road Surface
- Section Lines
- Quarter Quarter Sections

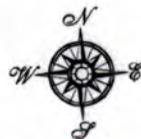
The exclusive easement is a strip of land 30 feet in width, lying 15 feet on each side of the centerline of a road.



Plat Prepared By: _____

Plat Approved By: _____

Date Approved: _____



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.
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 03/01/2010

Ownership Boundaries are accurate within plus or minus 200 feet

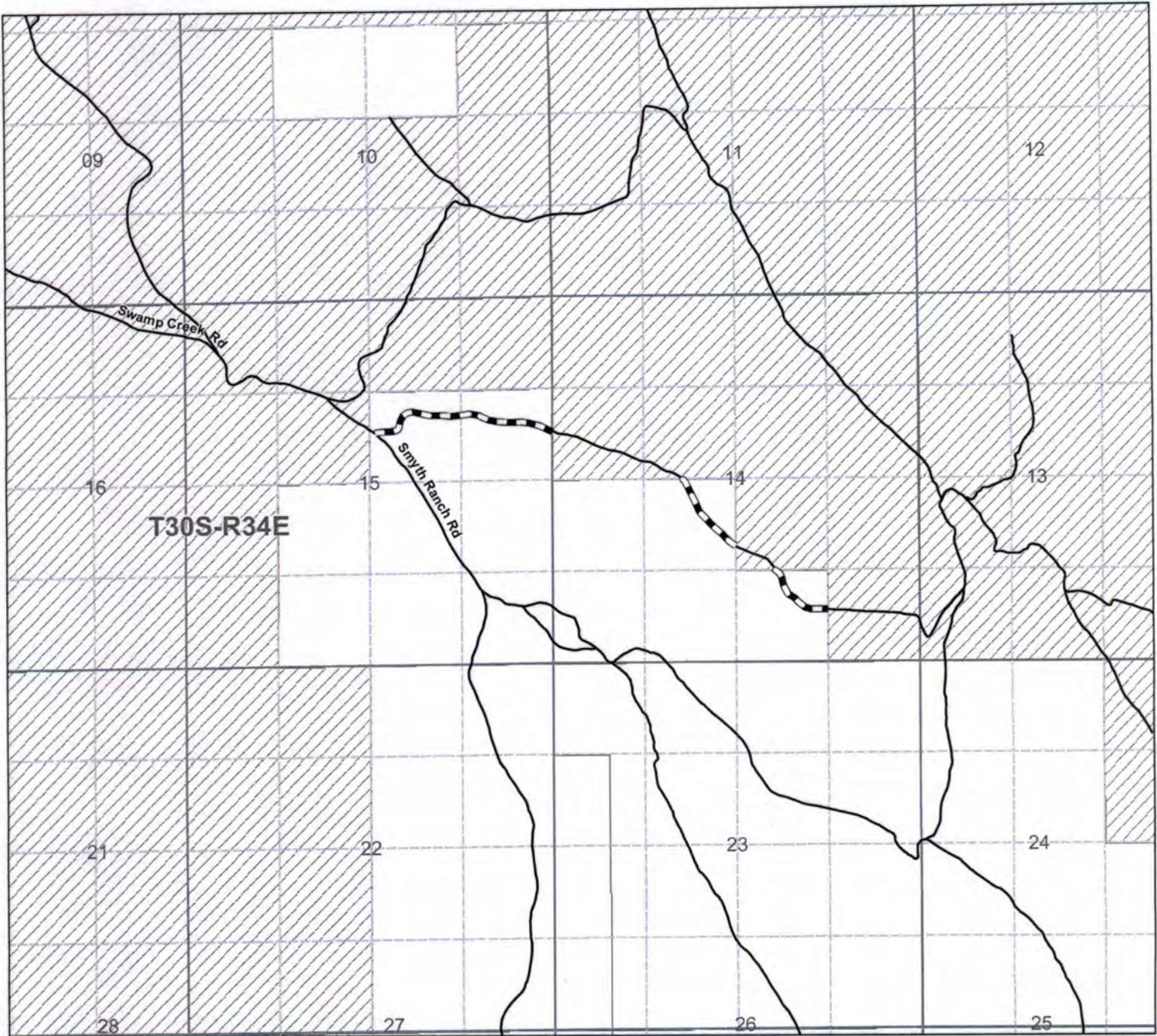
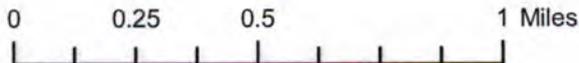


Exhibit A, Map 2 of 5
OR-66244
Home Ranch Road Access Exclusive Easement

- Bureau of Land Management
- Private
- Easement
- Paved Road
- Non-Paved Improved Road
- Primitive or Unknown Road Surface
- Section Lines
- Quarter Quarter Sections

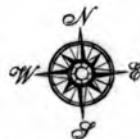
The exclusive easement is a strip of land 30 feet in width, lying 15 feet on each side of the centerline of a road.



Plat Prepared By: _____

Plat Approved By: _____

Date Approved: _____



US DEPARTMENT OF THE INTERIOR
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 03/01/2010

Ownership Boundaries are accurate within plus or minus 200 feet

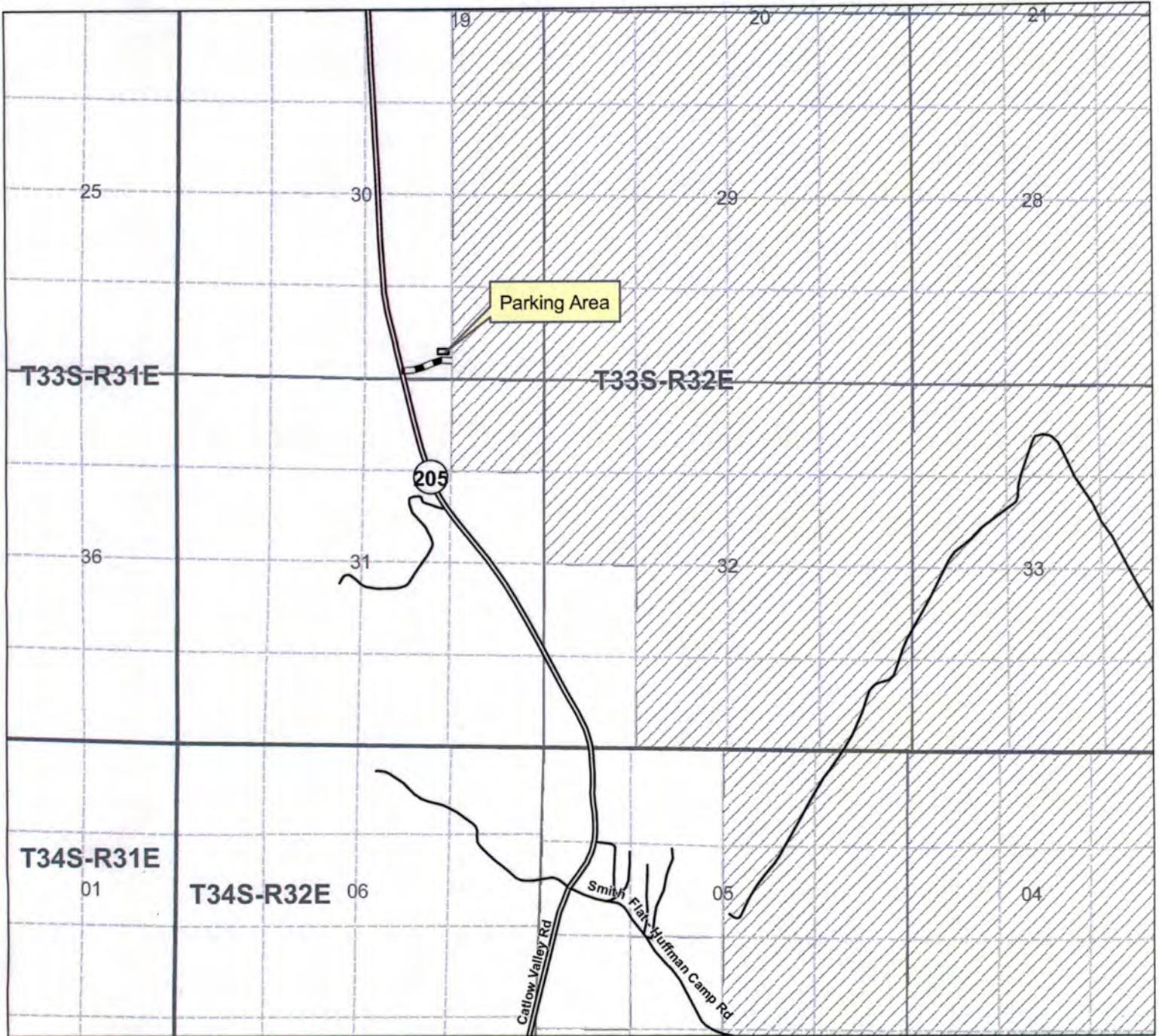
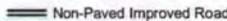
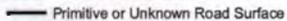
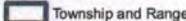
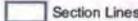
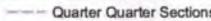
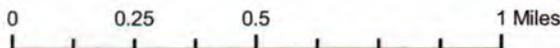


Exhibit A, Map 3 of 5
OR-66244
Black Canyon Trail and Parking
Access Exclusive Easement

-  Easement
-  Paved Road
-  Non-Paved Improved Road
-  Primitive or Unknown Road Surface
-  Township and Range
-  Section Lines
-  Quarter Quarter Sections
-  Bureau of Land Management
-  Private

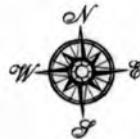
The exclusive easement is a strip of land 30 feet in width, lying 15 feet on each side of the centerline of a road.



Plat Prepared By: _____

Plat Approved By: _____

Date Approved: _____



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



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 03/01/2010

Ownership Boundaries are accurate within plus or minus 200 feet

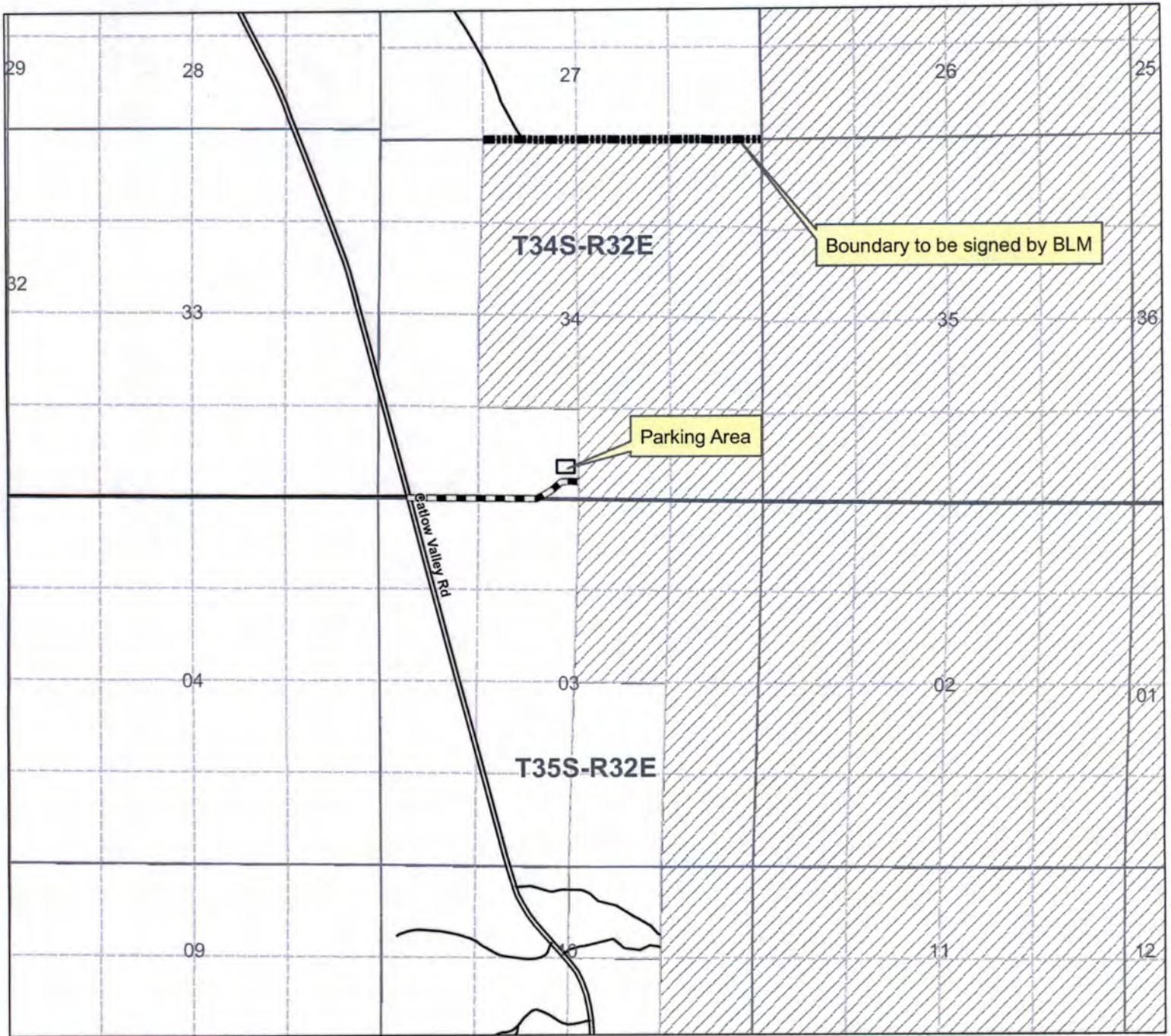
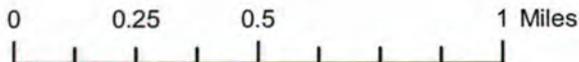


Exhibit A, Map 4 of 5
OR-66244
Dry Creek Trail and Parking
Access Exclusive Easement

- Easement
- Paved Road
- Non-Paved Improved Road
- Primitive or Unknown Road Surface
- Section Lines
- Quarter Quarter Sections
- BLM Wilderness
- Private

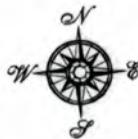
The exclusive easement is a strip of land 30 feet in width, lying 15 feet on each side of the centerline of a road.



Plat Prepared By: _____

Plat Approved By: _____

Date Approved: _____



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



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 03/01/2010

Ownership Boundaries are accurate within plus or minus 200 feet



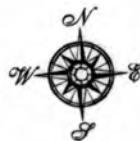
Exhibit A, Map 5 of 5
 OR-66244
 Home Creek Road Access Exclusive Easement

- Easements (2 Home Creek Road Routes)
- Paved Road
- Non-Paved Improved Road
- Primitive or Unknown Road Surface
- Township and Range
- Section Lines
- Quarter Quarter Sections
- BLM, Wilderness
- BLM
- Private

Plat Prepared By: _____

Plat Approved By: _____

Date Approved: _____



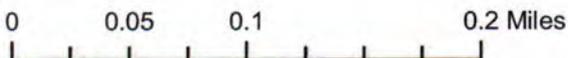
US DEPARTMENT OF THE INTERIOR
 Bureau of Land Management
 Burns District, Oregon



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 workarea/horror66244_home_creek_access_exclusive_easement.mxd
 03/01/2010

Ownership Boundaries are accurate within plus or minus 200 feet

The exclusive easement is a strip of land 30 feet in width, lying 15 feet on each side of the centerline of a road.



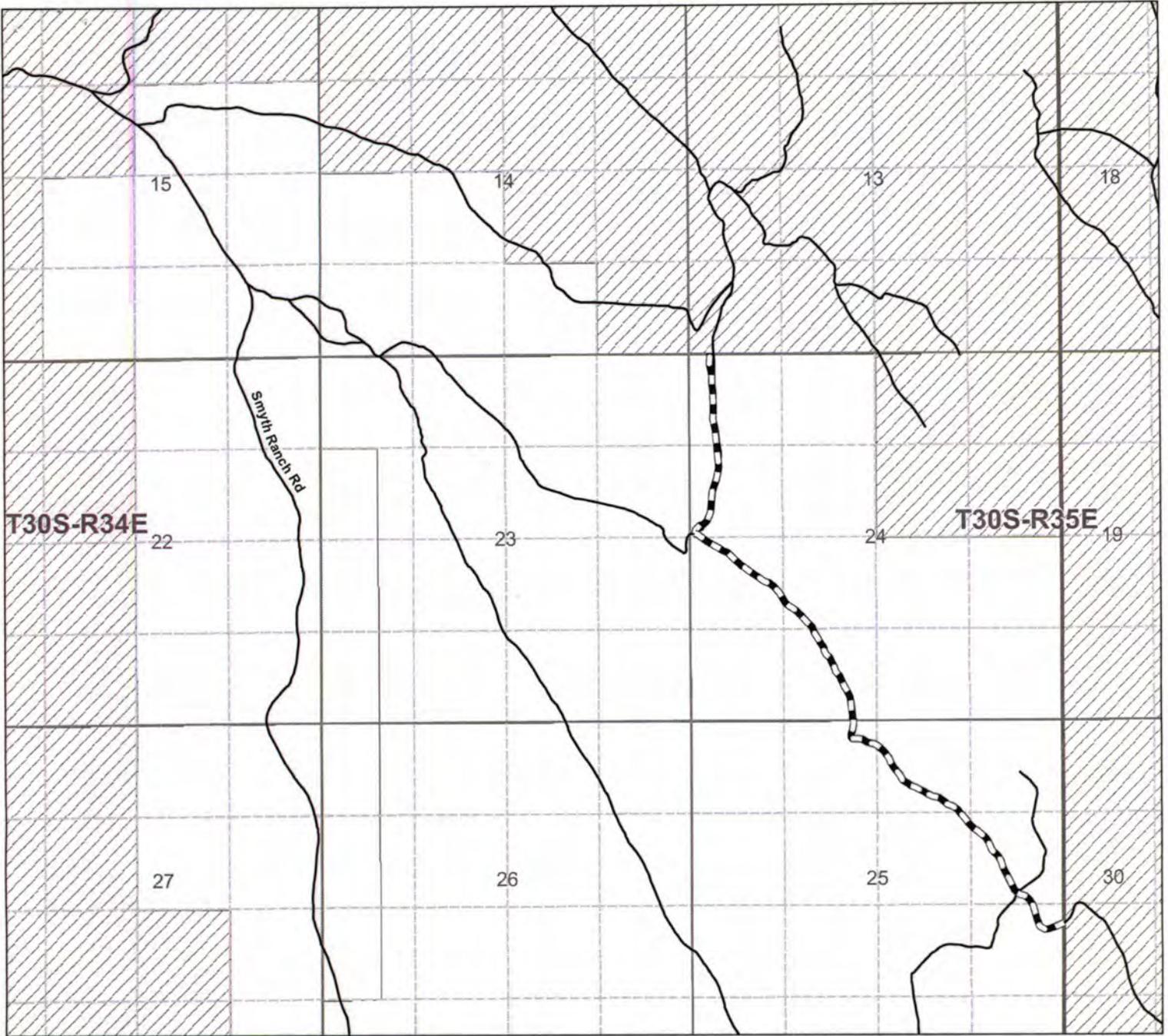


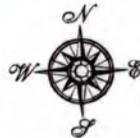
Exhibit A, Map 1 of 4
OR-66245
Home Ranch Road Access Non-Exclusive Easement

- Bureau of Land Management
- Private
- Easement
- Paved Road
- Non-Paved Improved Road
- Primitive or Unknown Road Surface
- Section Lines
- Quarter Quarter Sections

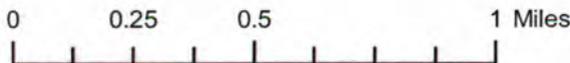
Plat Prepared By: _____

Plat Approved By: _____

Date Approved: _____



The nonexclusive easement is a strip of land 30 feet in width, lying 15 feet on each side of the centerline of a road.



US DEPARTMENT OF THE INTERIOR
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 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/horror66245_home_ranch_road_access_nonexclusive_easement.mxd, 03/01/2010

Ownership Boundaries are accurate within plus or minus 200 feet

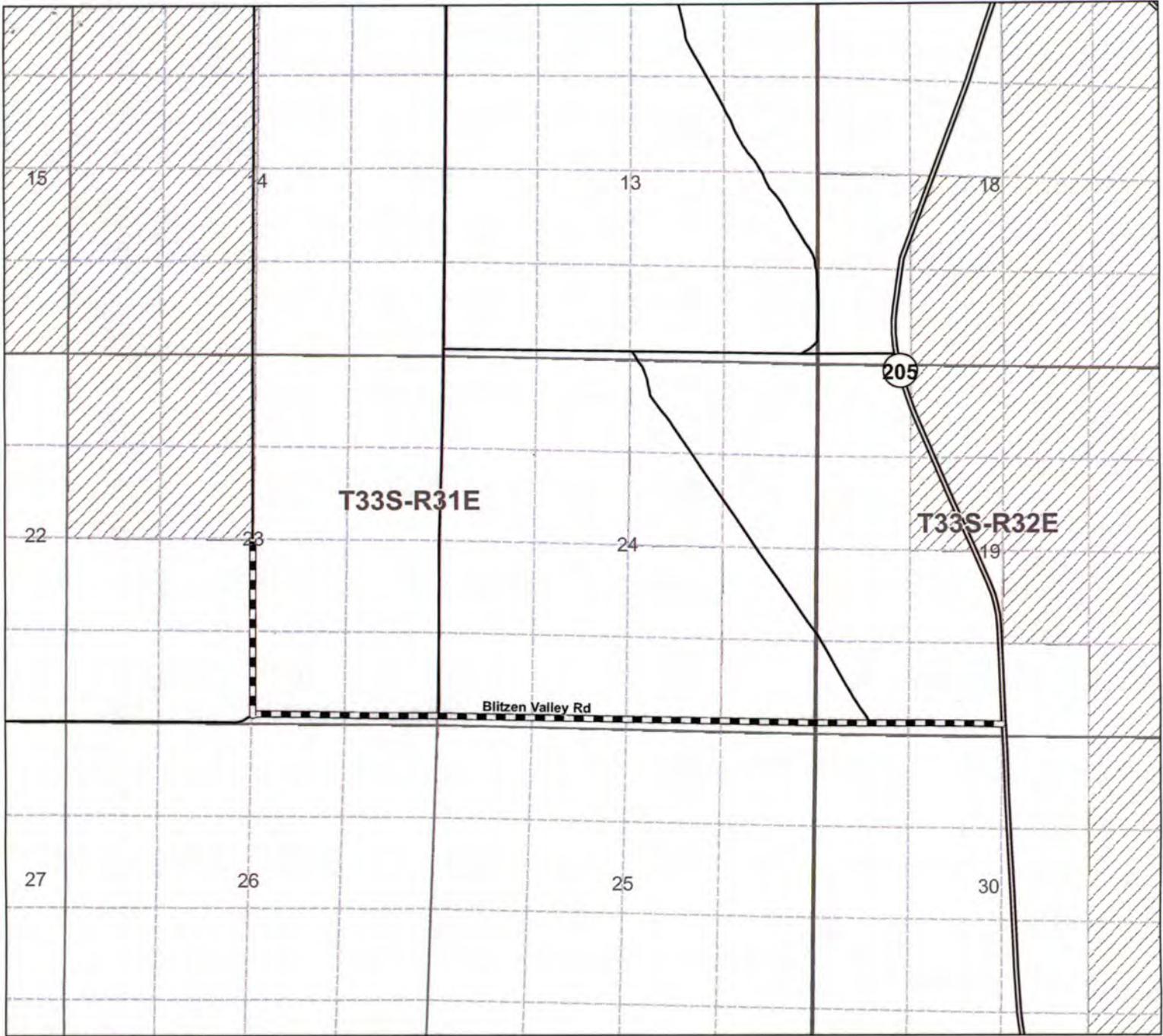


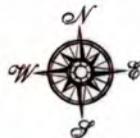
Exhibit A, Map 2 of 4
OR-66245
Blitzen Road Access Non-Exclusive Easement

-  Bureau of Land Management
-  Private
-  Easement
-  Paved Road
-  Non-Paved Improved Road
-  Primitive or Unknown Road Surface
-  Section Lines
-  Quarter Quarter Sections

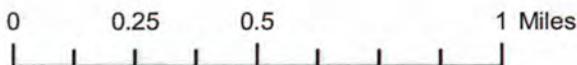
Plat Prepared By: _____

Plat Approved By: _____

Date Approved: ~ ~ _____



The nonexclusive easement is a strip of land 30 feet in width, lying 15 feet on each side of the centerline of a road.



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 Burns District, Oregon



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 workarea/horror/66245_blitzen_road_access_nonexclusive_easement.mxd, 03/01/2010

Ownership Boundaries are accurate within plus or minus 200 feet

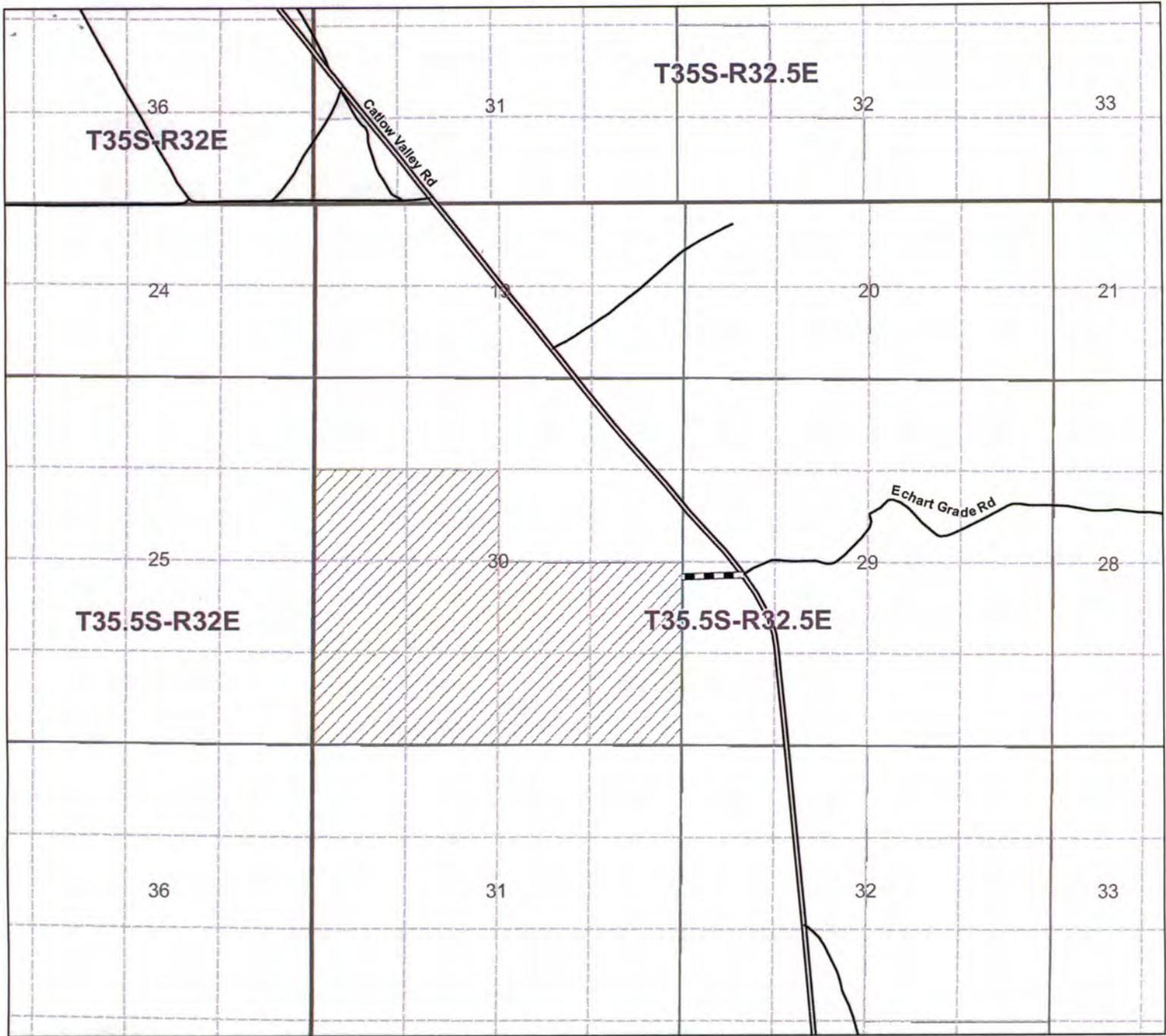


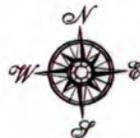
Exhibit A, Map 3 of 4
OR-66245
Six Mile Trail Access Non-Exclusive Easement

- Bureau of Land Management
- Private
- Easement
- Paved Road
- Non-Paved Improved Road
- Primitive or Unknown Road Surface
- Section Lines
- Quarter Quarter Sections

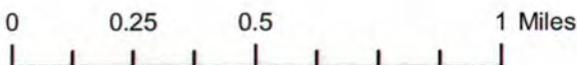
Plat Prepared By: _____

Plat Approved By: _____

Date Approved: _____



The nonexclusive easement is a strip of land 30 feet in width, lying 15 feet on each side of the centerline of a road.



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



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 workarea/horror/66245_six_mile_trail_access_nonexclusive_easement.mxd, 03/01/2010

Ownership Boundaries are accurate within plus or minus 200 feet



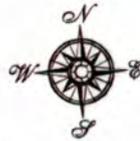
**Exhibit A, Map 4 of 4
OR-66245
Skull Creek Dune Trail Access Non-Exclusive Easement**

- Bureau of Land Management
- Private
- Easement
- Paved Road
- Non-Paved Improved Road
- Primitive or Unknown Road Surface
- Section Lines
- Quarter Quarter Sections

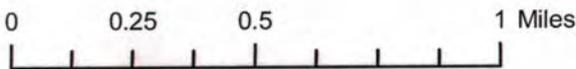
Plat Prepared By: _____

Plat Approved By: _____

Date Approved: _____



The nonexclusive easement is a strip of land 30 feet in width, lying 15 feet on each side of the centerline of a road.



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



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workarea/horror66245_skull_creek_dune_trail_access_nonexclusive_easement.mxd
03/01/2010

Ownership Boundaries are accurate within plus or minus 200 feet

