

**United States  
Department of the Interior  
Bureau of Land Management  
Eugene District Office**

**Categorical Exclusion Documentation**

Categorical Exclusion No. DOI-BLM-OR-E050-2009-00019-CX  
Lane County Low Pass R&PP Lease Renewal

**A. Background**

Lane County holds an R&PP lease (ORE 012264) on BLM land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 7, T. 16. S., R. 6 W. The lease authorizes the County's Waste Management Division to operate a solid waste transfer station on the site. The lease expires September 16, 2009. The County has indicated it has a need to continue operating the transfer site to serve County residents in the Low Pass area of western Lane County. Accordingly, they requested in writing, prior to expiration of the lease, that the lease be renewed. Note that the original R&PP lease expired September 16, 1998, and has been subject to a series of one-year extensions since then (until September 16, 1999; until September 16, 2000; until September 16, 2001; until September 16, 2002; until September 16, 2003; until September 16, 2004; until September 16, 2005; until September 16, 2006; until September 16, 2007; and until September 16 2008). Analysis of these one-year extensions were completed under categorical exclusions 98-44, 99-12, 01-01, 01-60, and 02-42, 03-42, 04-39, 05-32, 06-35, 07-27 and 08-25 respectively.

Instruction memorandums WO-94-65 and OR-94-65 declare that BLM policy is to terminate all landfill and waste transfer site operations on BLM land as soon as possible. Expiring R&PP leases for these kinds of operations may be renewed, but only under the following conditions:

1. Leases may only be renewed for one year at a time.
2. Cannot include lands other than those already authorized.
3. The lessee must be in full compliance with the terms and conditions of the lease, including compliance with state and federal rules, and
4. The lessee must be either:
  - a) actively pursuing closure of the site, or
  - b) in the process of obtaining a patent.

Because of the policy outlined above, the sale of the land containing the Low Pass Transfer Site was added to the Eugene District's Resource Management Plan through the Resource Management Plan Amendment with Environmental Assessment for Proposed Hancock Exchange document, completed in late 1998. In June, 2003, the Waste Management Division

and the Lane County Commissioners affirmed, through the Lane County budgeting process, their commitment to purchasing the transfer site from the BLM. The BLM is currently completing the internal review of a landfill transfer audit on the transfer site, as part of the land sale process. The cadastral survey work to determine the official acreage, boundary lines and corner positions, and legal description for the transfer site has been recently completed and approved. As an interim step in the continuing process of selling the land to the County, consideration of another R&PP lease renewal, for a one year period, is in order. The issue of whether the Low Pass Transfer Site will continue to function as a public waste collection facility was placed before the Lane County Board of Commissioners, and, as mentioned above, was affirmed by them through approval of a budget for 2003-2004 which allocates money for the purchase of the transfer site from the BLM. According to Waste Management Division personnel, this allocated money carries over into subsequent fiscal years, in pursuit of the intended purpose of purchasing the transfer site property from the BLM.

## **B. Land Use Plan Conformance**

This project is in conformance the 1995 Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl (Northwest Forest Plan {NSO-ROD} USDA Forest Service and USDI Bureau of Land Management, April 1994), and the 1995 Eugene District Resource Management Plan (1995 RMP) including the 2007 Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans within the Range of the Northern Spotted Owl.

## **C. Compliance with NEPA**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9(E)(9), "Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations". The terms of the existing Lane County R&PP lease allow for it to be renewed, and the request by the County for renewal of the lease was made in a timely manner. Proceeding with a one year renewal for lease ORE 012264 is consistent with the policies outlined in BLM instruction memorandums WO-94-65 and OR-94-65, since action steps are being taken through the BLM's public land sale process to transfer ownership of the Low Pass Transfer Site acreage to Lane County.

This categorical exclusion is appropriate in this situation because the proposed action is in accordance with 516 DM 11.9(E) (9) and there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Eugene District has reviewed the proposed action, and none of the extraordinary circumstances described in 516 DM2 apply.

### C. Categorical Exclusions Extraordinary Circumstances Documentation

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:		YES	NO
1.	Have significant impacts on public health or safety.		X
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); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
3.	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
4.	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5.	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6.	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
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.		X
8.	Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
9.	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
10.	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898).		X
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).		X
12.	Contribute to the introduction, continued existence, or spread of noxious weeds or non-native 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).		X

### D. Decision

I have reviewed this CE, plan conformance and NEPA compliance review and have determined the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project as described.

---

Authorized Official

---

Date

**E. Contact Person and Reviewers**

For additional information concerning this Categorical Exclusion review, contact Tracy Maahs, Eugene District Realty Specialist, (541) 683-6376.

**F. Administrative Remedies**

Notice of this decision will be posted on the District internet website. The action is subject to appeal to the Interior Board of Land Appeals under 43 CFR Part 4. The decision is effective upon signing by the authorized officer and shall remain in effect pending an appeal (43 CFR Part 2801.10).