

WAOR 52540-06
2814 (ORW030)

September 30, 2014

CERTIFIED MAIL - Return Receipt No. _____

DECISION

Washington Department of Natural Resources :
Northeast Region of Washington DNR :
225 South Silke Road : Right-of-Way Grant WAOR 52540-06
Colville, WA 99114 :

License Agreement WAOR 52540-06 Issued

I have reviewed the documentation for this proposal (DOI-BLM-OR-135-2014-0012), and have determined that authorizing a right-of-way for this use would be categorically excluded from NEPA. Under authority of Public Land Administration Act of July 14, 1960 and a Cooperative Right-of-Way Agreement dated May 23, 1968 between the Bureau of Land Management and State of Washington, Department of Natural Resources, a License Agreement will be granted to Washington Department of Natural Resources' Huckleberry Ridge Timber Sale Purchaser, Vaagen Brothers Lumber, Inc. approving the authorization of improvement of and access across public land timber roads through the south Huckleberry Mountains at:

Willamette Meridian, Stevens County, Washington

- T. 29 N., R. 37 E., sec. 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
- T. 29 N., R. 37 E., sec. 12, NE $\frac{1}{4}$, NW $\frac{1}{4}$, and SE $\frac{1}{4}$.
- T. 29 N., R. 38 E., sec. 6, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Road improvement, maintenance, and access granted herein is 12 feet wide, 17,732 feet long and contains 4.9 acres.

This license agreement was approved by the Bureau of Land Management (BLM) on September 30, 2014.

The issuance of this agreement may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 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 proof 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 Board, 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 below. 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 Interior Board of Land Appeals 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.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions about this decision or the enclosed right-of-way grant, please contact Heidi Lee Honner, Realty Specialist at (509) 536-1216.

Sincerely,

/s/Mark Hatchel, Acting

Linda Clark
Field Manager
Border Field Office

Enclosures

Map
Form 1842-1

Categorical Exclusion Documentation

Department of the Interior
Bureau of Land Management, Spokane District
1103 North Fancher Road
Spokane Valley, WA 99212

A. Background

BLM Office: Border Field Office

Lease/Serial/Case File No.: WAOR 52540-06

NEPA Log Number: OR-135-2014- 0012-CX

Proposed Action Title: Authorization of road access, improvements, and maintenance access easement for Washington Department of Natural Resources and it's assigned timber sale purchaser/contractors in Stevens County, Washington.

Location of Proposed Action: Stevens County, Washington, Willamette Meridian at:

T. 29 N., R. 37 E., sec. 1, SE¹/₄SE¹/₄;

T. 29 N., R. 37 E., sec. 12, NE¹/₄, NW¹/₄, and SE¹/₄.

T. 29 N., R. 38 E., sec. 6, lot 1, SE¹/₄NE¹/₄, and S¹/₂SE¹/₄SW¹/₄.

Description of Proposed Action: A letter was received from Washington Department of Natural Resources (DNR) requesting road access, improvements, and maintenance for a future timber sale they are administering in the south Huckleberry Mountains, south and east of the Deer Trail Mine in Stevens County, Washington. The DNR is planning a timber sale called the Huckleberry Ridge Timber Sale to commence in the early summer of 2015.

To access state lands for the timber sale, DNR is requesting road access through 3 sections of public lands in the south Huckleberry Mountains where road improvement and logging activities have been on going on behalf of the BLM for its timber harvesting program. An Environmental Assessment for the Huckleberry Mountains Forest Management project was completed by the BLM in 2005. The BLM improved the road in sections 1 and 12 of the access request. In Section 6 of T. 29 N., R. 38 E., the road will need some minor improvements to include brushing along the existing road up to 12 feet in width and minor reshaping of the road to provide drainage if needed. The approximate road distance that may need improvement is between 495 to 3,039 feet long. The total distance requested for access through public lands is approximately 17,732 feet with a total width of 12 feet encompassing 4.9 acres of public land.

DNR and its timber sale purchaser/contractors are planning on using the road for accessing state lands for the ongoing management of forestland to include harvesting of timber, a prescribed burn, and re-planting. The road is generally in good shape, however in T. 29 N., R. 38 E., sec. 6, the DNR is requesting to make some improvements to increase the functionality and life span of the road while transporting equipment and hauling timber. The DNR anticipates harvesting 5.5 million board feet (MMBF) of timber and hauling will likely occur in June or July of 2015 or possibly sooner dependent on road conditions. All forest management work will be completed by October 30, 2017; the license agreement will expire at that time.

The DNR is making this request pursuant to an existing Cooperative Right-of-Way Agreement between the BLM and DNR. Article II of the Agreement states that whenever a licensee (i.e. timber sale purchaser/contractor) of either the DNR or BLM desires to use the road system of the other agency, the "licensee" will enter into a license agreement with the agency having jurisdiction of the road. In actual practice, the agency planning the sale requests the license agreement from the road owner upfront, to ensure that suitable access will be available to their timber sale purchaser. Later, when the unit is actually sold, the BLM and the DNR's purchaser complete the license agreement. The license agreement will include a number of provisions for use and restoration of the roadway, including weed control and will apply to the above described lands.

The proposed action is to authorize road access through the south Huckleberry Mountains for Washington DNR and it's timber sale purchaser/contractor for road access, improvement, use, and maintenance and issue license agreement pursuant to BLM-DNR Cooperative Right-of-Way Agreement of 1968; Public Law 86-649, Section 102 (43 U.S.C. 1363).

B. Land Use Plan Conformance

Land Use Plan Name: Spokane Resource Management Plan

Date Approved/Amended: Approved 1987/Amended 1992

Option 1 (conforms with LUP): The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Keep public lands open for exploration/development of mineral resources, rights-of-way, access, and other public purposes with consideration to mitigate designated resource concerns (BLM 1987, p. 12).

OR

(Option 2: not explicitly provided for in the LUP) 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*):

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 (12): Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply, as shown in the following table:

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION The proposed categorical exclusion action will:	YES	NO
(a) Have significant impacts on public health or safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
There are no impacts on public health or safety.		
(b) 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
This is an existing road; improvements will involve brushing and minor reshaping of the road to provide drainage if needed. There will be additional disturbance, however, there will be no significant impacts to natural or cultural resources.		
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	<input type="checkbox"/>	<input checked="" type="checkbox"/>
There are no highly controversial environmental effects identified or unresolved conflicts.		
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
There are no uncertain and potentially significant environmental effects or risks involved with road access, improvement, use, and maintenance of the road.		
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
This type of action is a typical right-of-way and therefore would not set a precedent for future action.		
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Road access, improvement, use, and maintenance does not have a relationship to other actions with individually insignificant or cumulatively significant environmental effects.		
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A literature review, consultation, and cultural inventory has determined that this right-of-way will not fall within areas that are eligible for listing on the National Register of Historic Places.		
(h) 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No federally listed species or critical habitat is present within the right-of-way area.		
(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
All applicable laws (NEPA, FLPMA, NHPA, ESA) are being followed in processing this right-of-way.		
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The implementation of this right-of-way will not effect low income or minority populations in anyway.		
(k) 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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
There are no areas of ceremonial use or sacred sites present along this right-of-way.		
(l) 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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The road to be accessed is an existing road that needs minor improvement. Standard right-of-way stipulations address the control of weeds or invasive species.		

F: Signature

/s/Mark Hatchel, Acting

September 30, 2014

(Authorizing Official Signature)

(Date)

Name: Linda Clark

Title: Field Manager, Border Field Office

G. Contact Person

For additional information concerning this CX review, contact Heidi Lee Honner, Realty Specialist, (509) 536-1216, HHonner@BLM.GOV.

Note: A separate decision document must be prepared for the action covered by the CX.