

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAKEVIEW DISTRICT
EA COVERSHEET

RESOURCE AREA: Klamath Falls

FY& EA #: OR-014-04-02

ACTION/TITLE: Bonanza View Dairy-DeJong Direct Land Sale- OR58506

LOCATION: Klamath Falls Resource Area

FOR FURTHER INFORMATION CONTACT:

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Klamath Falls Resource Area, BLM
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Klamath Falls, OR 97603
541-883-6916

FREEDOM OF INFORMATION ACT AND RESPONDENT'S PERSONAL PRIVACY INTERESTS: The Bureau of Land Management is soliciting comments on this Environmental Assessment. Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

**Environmental Assessment
for
Bonanza View Dairy
DeJong
Direct Land Sale
OR 59606
(OR-014-04-02)**

I. Introduction

Purpose and Need

The Klamath Falls Resource Area, Lakeview District, Bureau of Land Management (BLM) has negotiated with Bonanza View Dairy (Elso and Arie DeJong), for several years and had requested an exclusive easement thru Mr. Elso DeJong's property to access 1200 acres of BLM administered lands. During the negotiations and surveys, it was discovered Mr. DeJong had trespassed on two small parcels of adjoining BLM lands. Lot 1 has a solid waste treatment pond and lot 4 has an agriculture trespass on it. It was agreed we would sell Mr. DeJong those two lots and use of an irrigation ditch as a negotiated trade for the Easement that was proposed. The easement (OR 10118) was granted from Elso and Dita DeJong, on September 14, 1972, to BLM. BLM paid \$115.00 and other considerations for this easement. The trespass area now has had an accurate land survey completed on April 23, 2002. The parcels surveyed are a total of 8.78 acres. Lot 1 is 3.78 acres in size and Lot 4 is 5 acres in size.

The affected public lands are described as following:

T. 39 S., R. 11 E., Sec. 21, lots 1 & 4. Willamette Meridian, Klamath County, Oregon.
See Map A.

This request is also being considered to meet Congressional instructions to compensate Klamath County for the loss of local tax revenues associated with acquisition of the Wood River Ranch.

The purpose of this environmental assessment is to identify, analyze, and reduce, where possible, any potential impacts associated with sale of these public lands, if approved.

Conformance with Applicable Land Use Plan

Sale of these 8.78 acres of public land conforms to the Klamath Falls Resource Area Record of Decision and the RMP amendment of October 1998. The subject land would have been identified as Zone 1, retain land in Resource Management Plan (RMP), (approved June 2, 1995 I-7 of Appendix I). The 1998 Amendment changed encroachments and survey hiatus discoveries to Zone 3, therefore making it available for disposal by sale or exchange. The amendment states; "The Plan Amendment would also amend the RMP to place lands resulting from survey hiatuses and unintentional encroachments on public land, which are discovered in the future, into Land Tenure Zone 3. Any future disposal actions would be required to meet the RMP criteria. Lands affected by this amendment may be retained if the consultations, clearances, reports, or Environmental Assessment show any resource values worthy of permanent Federal retention."

Public Involvement

A legal notice was published in the Klamath Falls *Herald and News* newspaper on January 26, 2004, notifying the public of the possible land sale and soliciting their participation. Also, notification was mailed to individuals (listed) who have expressed interest in the sale of public land and other local government offices. Adjacent land owners of surrounding lands were notified. No comments were received in response to either the public notice or the letters to individuals.

II. Proposed Action and Alternatives

There are three alternatives: Alternative A - Proposed Action: Disposal of Public Lands by direct sale, Alternative B Lease of Public lands, and Alternative C - No Action. No other alternatives are proposed because the original request is specific to those public lands between BLM and Mr. DeJongs private property.

Alternative A - Proposed Action: Disposal of Public Lands by Sale

The proposed action is to sell 8.78 acres of BLM-administered public land by direct sale to the Bonanza View Dairy, Arie DeJong, for the appraised fair market value of the property. The sale would include the surface and mineral estates, except oil and gas and geothermal resources which would be reserved to the United States.

Alternative B: Lease the Public Land

Under this alternative, the subject 8.78 acres of public land would be retained in public ownership. Mr. DeJong would be issued a land use lease pursuant to 43 CFR 2920. The public land would be leased at fair market value, as determined by appraisal.

Alternative C: No Action

Under this alternative, the subject 8.78 acres of public land would be retained in public ownership. Mr. DeJong would have to restore the land to its original condition.

III. Affected Environment

The 8.78 acres of BLM-administered lands are located approximately ¼ miles from the #1097 Road, Harpold-Bonanza cut-off road. The property consists of two isolated parcels totaling 8.78 acres that is adjacent to Mr. DeJongs' property. The property Lot 1, has Mr. DeJongs animal solid waste pond on it, and Lot 4 has an agriculture trespass located on it. .

Soils

Portions of Calimus soil within this area, and most particularly within sale area has 2-5 percent slope. Calimus loam is well drained soil on terraces and alluvial fans near the edge of warmer basins. Nearly all areas of this soil were leveled for irrigation, but some areas now make up part

of the suburban area south of Klamath Falls. Permeability is moderate. Roots commonly penetrate to a depth of 60 inches. Runoff is slow and the hazard of erosion is slight. This soil is good for crops and sprinkler irrigation.

Vegetation

No plant survey was conducted.

Special Status Species

No botanical surveys were conducted or are needed due to the fundamental alteration of habitat.

Noxious Weeds

See above

Wildlife

Refer to the Final Klamath Falls Resource Area Resource Management Plan and Environmental Impact Statement, September 1994, for a discussion of wildlife species likely to occur on these public lands. No Threatened or endangered species are suspected in the area. The area does contain big game habitat, primarily used by deer.

Grazing

The lands described in the proposed action lie within the Harpold Ridge allotment (#0851) which is leased to Mike Connelly for grazing purposes. This allotment is 1,043 acres in size and has a season-of-use of 4/21 to 6/30 for 107 AUMs (46 head of cattle). The forage on the allotment is a mix of seeded and native grasses primarily found in the old "chained" portions on the top and west face of Harpold Ridge. The proposed sale lands are not in the chained area and provide no significant grazing values for livestock.

Cultural Resource

The project area falls within the ethnographic territory of the Modoc. The subsistence patterns of the Modoc revolved around the hunting of upland game, gathering roots such as epos or Ipos (*Perideridia* sp.) and camas (*Camassia quamash*), and fishing in Lost River for suckers (*Deltistes luxatus*) and rainbow trout (*Oncorhynchus mykiss* sp.). Their permanent village sites tended to be in the lowlands around Lost River. Sites in the uplands tended to be temporary task-related sites associated with hunting and gathering activities.

Historically, fur trappers from the Hudson's Bay Company were the first Euroamericans to arrive in the Klamath Basin in the mid 1820s. In 1864, The Modoc, along with the Klamath, and Yahooskin Band of Snake Indians, ceded their territories to the United States. Euroamericans began homesteading the region in the 1860s - 70s. The town of Bonanza, located near the project area, opened a post office in 1875. By 1878, a saw mill had been built in Bonanza. Early settlement focused on cattle ranching, farming, and logging (Follansbee and Pollock 1978).

Follansbee, Julia A. and Nancy L. Pollock

1978 *Prehistory and History of the Jackson-Klamath Planning Unit: A Cultural Resources Overview*. Manuscript on file at the Klamath Falls Resource Area, Bureau of Land Management.

IV. Environmental Impacts

In addition to the following, see Exhibit A Tables 1 & 2 for summaries of other resource element impacts.

Because of the recent public lands survey, we now know that the public lands have been used for agricultural purposes since about 1955 when M.V. Sewald, (DeJong's predecessor) obtained a right-of-way for an irrigation ditch that divided the public lands into a "grazed upland" and "agricultural lowland". A road and barbed wire fence were subsequently constructed down hill and parallel to the ditch, further isolating the lowland parcel of public land and giving the impression the public lands were privately owned.

Impacts from the sale or lease of the public lands would be the same because there would be no change in the use of the public lands. The manure settling pond and alfalfa farming would continue under both alternatives A and B.

Environmental Justice

No disproportionately high or adverse human health or environmental effects to low income or minority populations are expected to result from the proposed sale of the 8.78 acres of public land

Alternative A - Proposed Action

Positive or negative impacts could occur with any disposal of public land because the BLM would no longer have authority to control management of the lands and resources after the title passes into private ownership. Land and resource management on disposed lands would be at the discretion of the new owner, subject to reserved Federal interests, State laws, regulations, local zoning, and land use ordinances. For analysis purposes, it is reasonable to assume that the public lands would be used as it has in the past.

Grazing

The loss of the lands described in the proposed action would have no impact on the grazing capacity of the Harpold Ridge allotment; thus, no reduction in the grazing lease is necessary or proposed. The new owner of the lands (DeJong) may continue to graze the lands, but the nature of the two parcels (a highly disturbed settling pond and alfalfa field) are not conducive to extensive livestock grazing, with the possible exception of grazing use of the alfalfa stubble in the fall. In summary, there is no impact to livestock grazing positively or negatively by either the Proposed Action or the No Action alternative.

Minerals

Leaseable (oil, gas and geothermal) mineral resources would not be affected by the sale because the United States would retain ownership of them. Even after the sale the United States could issue leases to these resources but the leases may contain no surface occupancy stipulations or conditions to require the lessee to complete cooperative agreement(s) with land owner(s) prior to activity on split estate leases. There is no known potential for precious or base metal resources on the lands affected by the sale. There is moderate potential for the occurrence of

diatomite, but a very low likelihood that any development would occur. The potential for the occurrence of aggregate or quarry rock is considered to be low and because of the apparent poor quality of the material, the likelihood for development is practically non-existent.

Vegetation

There is little natural vegetation located on the parcels to be purchased. No vegetation is located at the solid waste site, parcel 1, and mostly planted alfalfa is located on the parcel 4.

Wildlife

The present use of the 8.78 acres is expected to continue. There should be no impact, positive or negative, to wildlife.

Cultural Resources

A cultural resources inventory was conducted in July, 2003. No historic or prehistoric resources were identified within the area proposed for sale. However, a historic refuse scatter dating to the 1930s – 1940s was identified and recorded immediately adjacent to the subject property. This historic resource will continue to be managed by the BLM. Thus, impacts to cultural resources are not anticipated from the sale of the public lands.

Alternative B:

Under this alternative, the subject 8.78 acres of public land would be retained in public ownership. Mr. DeJong would be issued a land use lease pursuant to 43 CFR 2920. The public land would be leased at fair market value, as determined by appraisal. The lands described would remain the same, but Mr. DeJong would be paying a rental fee for the land he is using.

Alternative C: No Action

Under this alternative the public lands would remain in public ownership and the above impacts would not occur. BLM would require reclamation of the parcels, by Mr. DeJong, and Bonanza View Dairy.

V. Consultation and Coordination

<u>Preparers</u>	<u>Resource Responsibility</u>
Don Hoffheins	-Planner
Linda Younger	-Realty/Writer
Dana Eckard/Bill Lindsey	-Range
Scott Senter	-Recreation
Gayle Sitter	-Wildlife
Lou Whiteaker	-Botany
Tim Canaday	-Cultural Resources
Mike Cutler	-Soils
Rebecca Lange	-District Geologist
Tom Cottingham	-Hazmat and Safety

Agencies/Groups Contacted

Oregon Department of Fish and Wildlife
Oregon State Historic Preservation Officer
Oregon Natural Resources Council
The Klamath Tribes
Oregon Government Offices
U.S. fish and Wildlife Service
Klamath County

Individuals Contacted

Bonanza View Dairy	Eric Bondshu	Dr. Albert Wedam
Dave Buchanan	Susan Duchume	Earl W. Wiersma
Tom Harris	W.G. Jump	Jan Wright
John & Edna Lilly	Joanne Mack, Ph.D.	Karl Schwartz
Margaret McKinsey	Dan Applebaker	Carl R. Stepp
Frederick W. Booth III	Regina Chichizola	Ray West
James B. Grimes	Dino Herrera	Bruce Wirth
William D. Kennedy	Dick Leever	Carl Zimmermann
Dr. David London	Ken Mastenj	
Susan Parsons	Darrel Bagley	
Anston L. Bruner	Richard Dixon	
Cliff Guymon	Jerry Jones	
Tom Loustalet	Mary Jo Matthews	
Carl Rajnus	Donald M. Roeder	
Robert & Marilyn Stewart	Maribeth G. Zwick	
Jeanne Roster	Cody Smith	

Table 1. Summary of Potential Impacts to Critical Elements of the Human Environment (For Alternative A- Proposed Action only)

Critical Element	Environmental Impact	Remarks
Air Quality	None	No change in use is anticipated, therefore no air quality impacts are expected.
Areas of Critical Environmental Concern (ACEC)	None	The lands proposed for sale are not within an existing or proposed ACEC
Prime or Unique Farmlands	None	Parcel Lot 1 has a solid waste pond located on it. Parcel Lot 4 is under cultivation at present time.
Flood Plains	None	Soils in portions of the trespass area are derived from riverline/lake deposits, suggesting that it may be on the 500 year floodplain. Not the active Lost River floodplain however.
Native American Religious Concerns	None Known	A cultural survey of the property has been completed & no cultural resources found. The Klamath Tribes were sent a letter giving them notice of potential sale. No comments were received from the Tribes.
Threatened or Endangered Species, Special Status Species	None Known	Plant surveys have been conducted on the property proposed for sale and on adjacent and nearby public lands for other activities. No Threatened or Endangered Species or Special Status Species have been found or expected on the property proposed for sale.
Hazardous or Solid Wastes	None Known	(see Initial Assessment Report in the land sale case file).
Water Quality	None	There are no surface waters on the subject property. The ponds are lined.
Wetland/Riparian Zones	None	The property proposed for sale is not within a wetland or riparian area.
Wild and Scenic River	None	Property is outside the Klamath River corridor, the only designated river segment within the Klamath Falls Resource Area.
Cultural Resources	None anticipated	A cultural resource survey was conducted and no prehistoric or historic sites were found.
Wilderness Areas	None	No wilderness areas are on or adjacent to this property.

Table 2. Summary of Elements of Other Resources

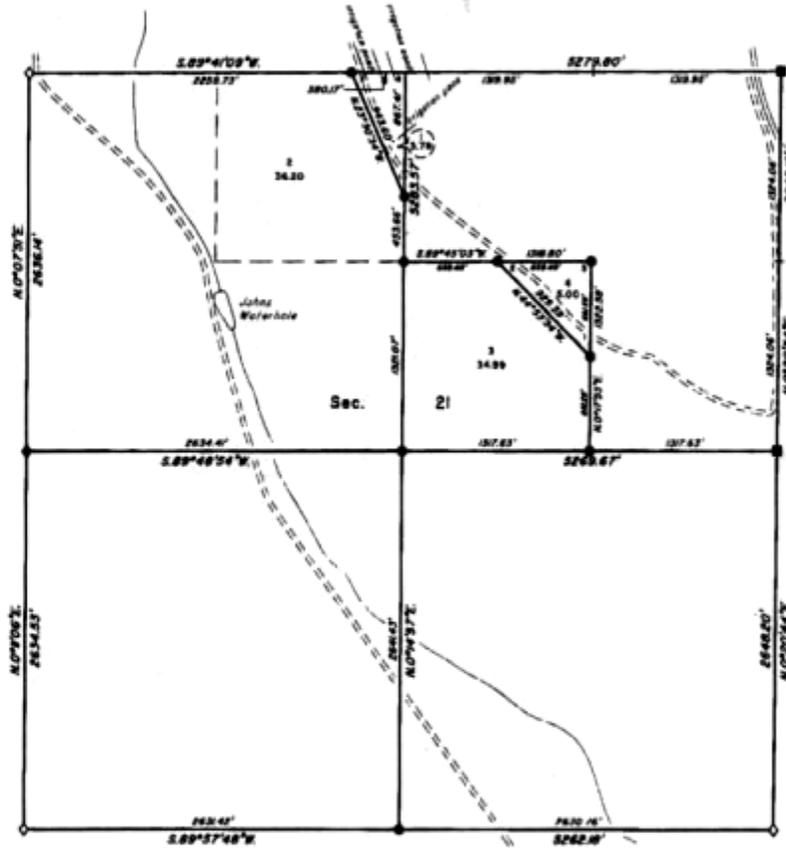
Resource	Environmental Impact	Remarks
Wild Horse and Burro Management	None	The property proposed for sale is not within a Wild Horse and Burro Management Area.
Mineral Resources	None	There is little potential for Oil, Gas and Geothermal resources. Those Mineral resources will be reserved to the United States. All other mineral resources will be sold. Reference Mineral Report in the sale file.
Water Resources	None	No municipal watersheds are involved in the sale.
Rangeland Resources	None	The property proposed for sale is within the #0851 allotment. Approx. 8.78 acres by the sale. However, there would be no short- or long-term loss of livestock forage. Area is not within the chained area of allotment.
Visual Resources	None	No Class I or Class II VRM issues. The property proposed for sale is inventoried as VRM Class III.
Recreation Resources	None	Minimal recreation potential exists on these 8.87 acres of land proposed for sale as the land is already being utilized.

TOWNSHIP 39 SOUTH, RANGE II EAST, OF THE WILLAMETTE MERIDIAN, OREGON
 DEPENDENT RESURVEY, SUBDIVISION OF SECTION 21 AND SURVEY

Sec. 17

Sec. 16

Sec. 15



A history of surveys is contained in the field notes.

This plot represents a dependent resurvey of a portion of the subdivisional lines, T. 39 S., R. II E., Willamette Meridian, Oregon, designed to restore the corners in their true original locations according to the best available evidence, the subdivision of section 21, and the metes-and-bounds survey of lots 1 and 4 in section 21.

Except as shown hereon, the listings and areas are as shown on the plat approved January 6, 1866.

The survey was executed by Weiyen Yee, U.S. Forest Service Land Surveyor, beginning October 17, 2001, and completed April 23, 2002, pursuant to Special Instructions dated September 10, 2001, under Group Number 1998, Oregon.

LEGEND

- Original corner previously monumented
- ◊ Original corner monumented this survey
- Corner previously reestablished; monumented this survey
- Corner established or reestablished this survey

UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT

Portland, Oregon November 19, 2002

This plot is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Mary J. M. Havel

Chief Cadastral Surveyor of Oregon

DeJong Solid Waste Trespass
Ag. Trespass

17

T. 39 S., R. 11 E.

DeJong Solid Waste Trespass

20

21

Ag. Trespass

22

7-E

Finding of No Significant Impact:

I have reviewed this environmental assessment (OR-014-04-02), including the explanation and resolution of any significant impacts, and have determined that the proposed action will not have any significant impact on the human environment and that an EIS is not required. In my review, I also determined that the proposed project is in conformance with the approved land use plan.

Mitigation Measures/Remarks: None



Jon Baby, Manager
Klamath Falls Resource Area

2/26/04
Date