

DECISION RECORD

EA Log No. <u>OR-010-2000-02</u>	Lease or Serial No. <u>OR 55548</u>
Project Name <u>The Nature Conservancy</u>	Type <u>Land Donation</u>
Applicant <u>The Nature Conservancy</u>	Project <u>Environmental</u>
Address <u>821 SE 14th Avenue</u> <u>Portland, Oregon 97214</u>	Location <u>See Assessment</u>
BLM Office <u>Lakeview Resource Area</u>	County <u>Lake</u>
	Phone No. <u>(503) 947-2177</u>

DECISION RECORD

Decision: The following is the decision of the Bureau:

Proceed to implement The Nature Conservancy's land donation offer.

Rationale:

The proposed donation will provide for the consolidation of public land ownership, compliment the Warner Wetlands Area of Critical Environmental Concern (ACEC), the Sinks Lake Proposed Research Natural Area/ACEC, the Guano Creek Wilderness Study Area and serve important public objectives.

Although, the donation parcels are not specifically identified for acquisition under the existing land use plans, the donation action is consistent with the Lakeview Resource Area's, Warner Lakes Management Framework Plan, as amended and authorized under Section 205 of the Federal Land Policy and Management Act of October 21, 1976.

No public or outside agency objections to the proposed sale were identified through the environmental assessment 30 day review process.

Environmental Considerations: I have considered the environmental consequences of this decision as documented in the accompanying environmental assessment or categorical exclusion, referenced above. Except as noted in the Rationale, all environmental considerations have been adequately addressed in the accompanying document.

STIPULATIONS

This donation action is not subject to any stipulations/terms or conditions, other than those typical to the routine transfer of real estate.

Scott R. Horne
Manager, Lakeview Resource Area

5/24/00
Date

**FINDING OF NO SIGNIFICANT IMPACT
THE NATURE CONSERVANCY LAND DONATION
EA #OR-010-2000-02**

The Bureau of Land Management (BLM), Lakeview District's, Lakeview Resource Area, has analyzed The Nature Conservancy's proposed offer to donate 816.26 acres of land to the BLM. Although, the donation parcels are not specifically identified for acquisition under the existing land use plans, the donation action is consistent with the goals and objectives of the Lakeview Resource Area's, Warner Lakes Management Framework Plan, as amended and authorized under Section 205 of the Federal Land Policy and Management Act of October 21, 1976.

The properties involved do contain lands which exhibit flood plain/wetland characteristics, however there are no, wild and scenic rivers, known hazardous waste areas, areas of religious concern, prime or unique farmlands associated with the proposed donation. The donation lands may qualify for potential wilderness or other special designation as determined through the Lakeview Resource Area's, Resource Management Plan.. No adverse or beneficial significant impact(s) are anticipated to livestock grazing, wild horses, wildlife, low income/minority populations, noxious weed sites, scenic values, recreation, air quality, water quality, fisheries, geology, lands and minerals. Any threatened or endangered plants and animals, their habitats or significant cultural or paleontological resources associated with the donation will come under Federal management upon title transfer and therefore, would benefit by the proposed action.

On the basis of the analysis contained in the attached Environmental Assessment (EA) and all other available information, it is my determination that the proposed donation action does not constitute a major federal action that adversely impacts the quality of the human environment. Therefore, a Environmental Impact Statement (EIS) is unnecessary and will not be prepared in this case.

Scott R. Florence
Scott R. Florence, Manager
Lakeview Resource Area

4/3/00
Date

**NEPA COMPLIANCE
THE NATURE CONSERVANCY LAND DONATION
EA NO. OR-010-2000-02**

Section 1.0 - Purpose and Need For Action

- 1.1** The Lakeview Resource Area proposes to accept and process the donation of two parcels of land from The Nature Conservancy of Oregon. The first parcel (Masada Tract) consists of 291.02 acres and is located adjacent to Flagstaff Lake in Warner Valley while the second parcel (Billy Burr Tract) contains 525.24 acres and borders the south boundary of the Hart Mountain, National Antelope Wildlife Refuge.

Although, the donation parcels are not specifically identified for acquisition under the existing land use plans, the donation action is consistent with the Lakeview Resource Area's, Warner Lakes Management Framework Plan, as amended and is authorized under Section 205 of Public Law 94-579. Consummation of this donation action would serve important public objectives.

The proposed donation is not in conflict with any known patents, state or local city/county planning or zoning.

Section 2.0 - Alternatives Including The Proposed Action

- 2.1** This section describes the alternatives (potential actions) considered and summarizes the environmental consequences of those alternatives. The development of these alternatives was an interdisciplinary effort to provide a selection of management options that would (with the exception of No Action) implement current land use planning.

2.2 Alternatives Considered In Detail

Alternative 1 - Implement the Donation (Proposed Action)

The proposed action is to accept title, as a donation, to two parcels of land containing 816.26 acres in Lake County, Oregon. The subject land is legally described as follows:

(MASADA TRACT)

T.34S., R.24E., W.M., Oregon
Sec. 36: Lots 1 & 2, W1/2NE1/4,
NW1/4.

(291.02 acres)

(BILLY BURR TRACT)

T.38S., R.26E., W.M., Oregon
Sec. 1: SE1/4SE1/4.

T.38S., R.27E., W.M., Oregon
Sec. 6: Lot 7, SE1/4SW1/4, S1/2SE1/4;
7: NE1/4, E1/2NW1/4, N1/2SE1/4.

(525.24 acres)

See attached location maps and photograph(s) for more specific detail.

The Masada Tract would be managed in accordance with the Warner Wetlands ACEC plan which emphasizes management for wildlife values. The Billy Burr Tract will be managed for wildlife values in accordance with the Hart Mountain Refuge plan and for wilderness values under the Wilderness Interim Management Plan (IMP).

Alternative 2 - No Action

Under the no action alternative, the subject properties would not be acquired and the land would remain in private ownership and managed as in the past.

2.3 Alternatives Considered but Eliminated from Further Study

The alternative of property acquisition by means other than donation was considered, but eliminated from detailed study as it was determined that donation is consistent with current planning and is the proponent's preferred method of disposal. Also, for the BLM, donation would be without the costs associated with acquisition by fee title or exchange. Environmentally, acquisition by any means would present little to no environmental impact.

2.4 Summary of Impacts

2.4.1 Alternative 1 (Proposed Action) - Generally there would be minimal potential environmental impact associated with acquisition of the subject property. Upon title transfer, site specific impact may result depending upon what future use the property is devoted.

2.4.2 Alternative 2 (No Action) - Choice of this alternative would eliminate any potential environmental impacts associated with the proposed acquisition, however, it would be inconsistent with the intent of current land use planning.

Section 3.0 - Affected Environment

3.1 This section presents a brief description of the existing environment to serve as a baseline from which the impacts associated with the alternatives can be assessed.

3.1.1 - Proposed Donation Property (Masada Tract)

The Masada property is located approximately 11 air miles north-northeast of Plush, Oregon and within an area designated by the Lakeview Resource Area as the Warner Wetlands ACEC. The property is currently zoned rangeland by the Lake County and is presently being used for recreation and livestock grazing purposes. During wet years, the property's numerous potholes fill with water and are utilized by migratory waterfowl for resting and nesting habitat.

Topography of the subject property is undulating dune rangeland type terrain with medium depth sandy soils supporting primarily a greasewood/sagebrush vegetative type with an understory of native grasses. The parcel is accessible from an existing graveled county road and is bound by other public lands on the north, west and east sides. Other private lands in the area are generally managed for agricultural (native grass hay production) and livestock related purposes.

(Billy Burr Tract)

The Billy Burr property is located approximately 17 air miles east-northeast of Adel, Oregon and borders the Guano Creek Wilderness Study Area (WSA), the Sinks Lake Proposed Research Natural Area/ACEC and the south boundary of the Hart Mountain, National Antelope Refuge. The property is currently zoned rangeland by Lake County and is presently being used for recreation and livestock grazing purposes.

Topography of the subject property is rolling rangeland type terrain with numerous rock outcroppings and shallow stony loam soils supporting primarily a low sagebrush vegetative community with an under story of native grasses. The parcel is accessible by improved and unimproved dirt roads and trails across the adjoining public lands which completely surround the property. Other private lands in the area are generally used for livestock related purposes.

Section 4.0 - Environmental Consequences

- 4.1** This section provides the scientific and analytic basis for the comparison of alternatives and describes the probable consequences of each alternative on selected environmental resources.

Neither alternative would impact sensitive or cultural plants, noxious weed sites, wild and scenic rivers, scenic values, recreation, cultural or paleontological resources, air quality, water quality, prime or unique farmlands, livestock grazing, wild horses, geology, minerals, or low income/minority populations.

4.2 Alternative #1 - Implement Land Donation (Proposed Action)

The benefits to be derived from acquisition of the above properties would: (1) provide for the consolidation of public land ownership, (2) would compliment the management objectives of the Sinks Lake Proposed Research Natural Area/Area of Critical Environmental Concern (ACEC) and the Guano Creek Wilderness Study Area (Billy Burr Tract), and the Warner Wetlands ACEC (Masada Tract), and (3) it would serve an important public objectives.

The properties proposed for acquisition do contain lands which exhibit wetland/riparian characteristics. The Masada tract is conducive to flooding during wet cycle years. No prime or unique farmlands occur within either of the subject areas.

Cultural, botanical and ST&E resource field inventories are not considered necessary for the proposed donation action. The Billy Burr Tract does contain a cased well and other old homestead or line shack related structures which could have historical significance.

The mineral estates of the subject donation lands will pass to the United States upon title transfer. Currently, a minerals potential report is being prepared for the subject donation parcels and will be completed prior acceptance of title.

The donation properties lie within established livestock grazing allotments #523 and 600. Increases in allocation numbers involving these allotments may occur upon title transfer if such increases are considered appropriate.

Field inventory of the Masada Tract did not reveal any indication of the presence of hazardous materials nor that hazardous materials have ever been used or stored on the subject parcel. See the hazardous materials survey report contained in the project file for more detail. A field inspection of the Billy Burr tract was performed 3/9/2000 and at that time there was no indication of the presence of hazardous materials. A full documented inspection shall be performed prior to title transfer. Title transfer shall be subject to favorable inspection results.

The subject properties have undergone an office review for the presence of noxious weeds and are not considered to contain infestations significant enough to prevent acquisition .

No significant socio-economic impacts are anticipated to result at the local, regional or national levels from the proposed action. Locally, acquisition of the subject land is not opposed by the Lake County Commissioners.

The proposed action is consistent with current land use planning and therefore, would not represent a negative cumulative impact.

Other critical resource elements, such as air/water quality, wild and scenic rivers, fisheries, traditional uses, paleontology, forestry, recreation, soils, wildlife, minority/low income populations, visual resources and wildhorses, have been considered and were not found to be potentially impacted by the proposed action.

Generally, there would be little to no environmental impact associated with the proposed donation action. Upon title transfer, the properties would be managed in accordance with the existing management plans for the surrounding public land area.

4.3 Alternative #2 - No Action

Under the no action alternative, the subject parcels would not be acquired by the United States and would remain in private ownership. Choice of this alternative would eliminate any possible environmental impacts or benefits associated with the proposed action however, it would be inconsistent with existing land use planning and would not provide any public benefit.

4.4 Irreversible, Irretrievable or Unavoidable Impacts

The would be no irreversible, irretrievable or unavoidable impacts associated with the proposed action. This acquisition would represent a loss to the county tax base however, the Lake County Commissioners are not opposed to the acquisition because present public land acreage within Lake County are below the public/private land ratio benchmark established by Congress in the 1992 Appropriations Act.

Section 5.0 - Consultation and Public Input

5.1 Public/Inter-Agency Involvement

The public and other Federal and state agencies will be provided with a 30-day review period of this environmental assessment. All comments received will be considered prior to making the final decision and signing the decision record.

5.2 List of Recipients

Those individuals, organizations, and agencies with a known interest in the Lakeview Resource Area's lands/realty program in general, have been notified of the availability of and/or provided a copy of this Environmental Assessment and attached Finding of No Significant Impact (FONSI). This mailing list will be maintained as part of the lands/realty files.

Section 6.0 - Participating Interdisciplinary Staff

Dan Stewardson	Team Leader & Realty Specialist
Ken Kestner	Supervisory NRS
Lucile Housley	Botanical Resources
Bill Cannon	Cultural Resources
Bob Hopper	Rangeland Resources
Todd Forbes	Wildlife Resources
Vern Stofleth	" "
Dennis Simontacchi	Minerals Resources
Ken Tillman	Surface Protection
Dan Hollenkamp	Recreation/Wilderness
Trish Lindaman	Wild & Scenic Rivers
Alan Munhall	Fisheries
Matt Web	Fuels Management
Paul Whitman	Environmental Planning