

DECISION RECORD

Environmental Assessment (EA) Number: OR-056-01-004

Title: Crook County Road Department Realignment of Alfalfa Road

Serial Number: OR-46940

Bureau of Land Management (BLM) Office: Prineville

Resource Area: Deschutes

Decision:

It is my decision to authorize the Crook County Road Department Realignment of Alfalfa Road as described in the proposed action of EA Number OR-056-01-004, dated May 25, 2001.

Proposed Action:

Location: Approximately 9 miles south of Powell Butte at the following location:

Willamette Meridian, Oregon,

T. 16 S., R. 14 E.,
Sec. 28, SW¹/₄NW¹/₄.
Containing 1.29 acres.

Crook County Road Department (CCRD) is applying for an amendment to right-of-way (ROW) grant OR 46940 to straighten a segment of Alfalfa Road which is located .75 mile north of Shumway Lake on Alfalfa County Road. After completion the new aligned road will be approximately 2,187 feet long by 60 feet wide containing 3.01 acres. That portion of the realigned segment on public land is approximately 937 feet long by 60 feet wide, containing 1.29 acres. The road bed itself will be 32 feet wide (16 feet on each side of the centerline) with 4 foot shoulders on each side of the road. This is consistent with the proposed use and with all CCRD roads under the existing grant. The ROW will be used year round, primarily for local residents and farm traffic. The road will be constructed and maintained to county standards.

Equipment used for road construction will include bulldozers, road graders, loaders, rollers, and trucks that will carry rock and asphalt. Repairs and maintenance will occur on a predetermined schedule of CCRD projects.

CCRD will relinquish any portion of the existing road on public lands that is outside of the proposed realignment area and those portions will be rehabilitated. The road surface will be lifted and removed for use on other county projects, the soil layer will be ripped to break up compaction, and native grasses will be planted. CCRD has staked and flagged the proposed road ROW for inspection.

Straightening the road will improve driving safety by removing opposing curves, which will increase line-of-sight for drivers and widen oncoming traffic clearance distances.

Rationale for Decision:

The proposed action is subject to and in conformance with the following land use plan:

Brothers/La Pine Resource Management Plan(RMP), dated July 1989, on page 29 under Rights-of-Way and Utility and Transportation Corridors, the following guidance regarding rights-of-way is provided:

Public lands will continue to be available for rights-of-way, including multiple use and single use utility/transportation corridors following existing routes, communication sites, and roads.

The Brothers/LaPine Resource Management Plan (RMP) page 33, stipulates that:

Each right-of-way granted will consider the protection of public safety, will do no unnecessary damage to the environment, and shall be limited to the area necessary for operation and maintenance

43 Code of Federal Regulations (CFR) 2800.0-2, page 234, states:

It is the objective of the Secretary of the Interior to grant rights-of-way and temporary use permits, covered by the regulations in this part, to any qualified individual, business entity, or governmental entity and to regulate, control and direct the use of said rights-of-way on public land so as to: (d) Coordinate, to the fullest extent possible, all actions taken pursuant to this part with State and local governments, interested individuals and appropriate quasi-public entities.

The primary purpose for this project is to realign an existing corner that is a safety issue for current traffic due to poor visibility and icy conditions during winter months. A secondary purpose for this project is to provide access for Central Electric Co-op's placement of a new transmission line. The total segment of road to be realigned will be approximately 2,187 feet long by 60 feet wide (30 feet on each side of the centerline), containing 3.01 acres, more or less. However, that portion of the realigned segment on public land is approximately 937 feet long by 60 feet wide, containing 1.29 acres.

Uses in this general area are increasing, including more uses on or adjacent to public lands. The population is increasing in the communities of Alfalfa and Powell Butte. If road use increases, the increase will occur regardless of the road improvements. CCRD is not upgrading this segment of Alfalfa

Road, just moving it over and removing the curves to meet the demands of increasing populations and continued public safety.

One comment was received from the Burns Paiute Tribe concerning surveys for cultural plants and resources within the project boundaries.

In the case of the Alfalfa Road realignment project, the BLM botanist elected to waive field inventory based on two factors. First, special status plants are not known from the general project area based on past surveys and other field work. Second, all disturbance associated with the proposed realignment will occur on land already disturbed through previous road construction or agricultural activities. It was therefore determined that special status plants will be highly unlikely to be impacted by the proposed realignment and that a field survey will not be required.

The BLM completed its Section 106 responsibilities under the 1997 National Programmatic Agreement and the 1998 Oregon Protocol. No impact will occur to the cultural resource as a result of these actions.

Mitigation Measures and Residual Impacts:

Fences will be installed on both sides of the road and within the ROW to protect OHV recreational users, cattle, and wildlife.

Any facility damaged as a result of construction, maintenance, or use of this ROW will be repaired or replaced.

All disturbed areas will be seeded using an agreed upon method and mixture suitable for the location. Seeding will be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the first growing season.

Those stipulations previously attached to OR 46940 will remain in force.

Alternatives Considered

No other alternatives were developed. The request is site specific and no other locations will suit CCRD needs or address the public safety concerns.

No Action:

In a No Action Alternative, BLM would deny the CCRD request to realign this segment of Alfalfa Road and it would continue to be a safety issue for current traffic due to poor visibility and icy conditions during winter months.

Compliance and Monitoring:

The right-of-way grant will contain terms and conditions requiring compliance with environmental quality standards applicable to Federal or State law. Such terms and conditions are intended to provide efficient management of the lands subject to the right-of-way and to protect the interest of individuals living in the area as well as the public interest in the Federal lands.

Right-of-way grants will be monitored to ensure that development is consistent with the terms and conditions of the grant. A prework conference will be conducted with Crook County Road Department personnel and an authorized officer from BLM to discuss the stipulations of the grant and plans for construction. Monitoring will be performed during and after construction by BLM personnel.

Terms / Conditions / Stipulations:

- a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4) (d) or as directed by the authorized officer.
- c. The right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The map set forth in Exhibit A, and design set forth in Exhibit B, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. Topsoil material removed in conjunction with clearing and stripping of the new road segment shall be stockpiled within the right-of-way.
- h. The old road segments remaining after realignment shall be scarified and covered with topsoil and brush removed during construction. The holder shall recontour these old road segments and other disturbed areas by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer.
- i. The holder shall seed the old remaining road segments and other disturbed areas

outside the roadway, using an agreed upon method and seed mixture suitable for the location.

- j. The holder shall dispose of all juniper root wads either by piling and burning or by removing to a suitable disposal site. Burning shall be done during weather and moisture conditions conducive to fire safety and to minimize the possibility of wild fire.
- k. The construction sites shall be maintained in a sanitary condition at all times; waste materials at the site shall be disposed of at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, trash, garbage, refuse, oil drums, petroleum products and equipment.
- l. The holder shall not initiate any construction or other surface-disturbing activities on the R/W without the prior written approval of the authorized officer. Such approval shall be a written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.
- m. Any human remains, cultural and/or paleontological resource (historic or prehistoric or vertebrate fossil site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported by telephone to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder. In some cases it may be necessary to suspend authorized operations in the area of the discovery for as much as 30 days.

/s/ Marci Todd
for Robert B. Towne
Deschutes Field Manager

7/24/01
Date

Attachments:

- Exhibit A: Maps (2)
- Exhibit B: Road Design & Legal Description
- Public Comments and Responses
- Form 1842-1