

OPTIONAL ENVIRONMENTAL ASSESSMENT FORM

ENVIRONMENTAL ASSESSMENT NUMBER: OR-030-04-015

BLM Office: Jordan Resource Area **Lease/Serial/Case File No.** ORTD- 030522

Proposed Action Title/Type: Amend existing Right-of-way for Hooker Creek Safety Improvement Project

Location of Proposed Action: Idaho-Oregon-Nevada Highway 456 (US 95) at MP 15.9, Malheur County, Oregon, T. 29 S., R. 46 E., section 14, W. M.

Applicant: Oregon Department of Transportation

Conformance With Applicable Land Use Plan: The proposed action is subject to the following land use plan.

Name of Plan: Southeastern Oregon Resource Management Plan (SEORMP)

Date Approved: September 2002

This plan has been reviewed to determine if the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5.

Remarks: N/A

Need for Proposed Action:

The purpose of the proposed Hooker Creek Safety Improvement Project is to improve highway safety by increasing sight distance where an existing approach road connection (Swisher Lane) enters onto Highway 456 (US 95), at approximately MP 15.9.

The existing slope line east of Oregon Department of Transportation (ODOT) ROW is the primary cause of the sight distance problem. To improve sight distance at this location, Oregon Department of Transportation (ODOT) has proposed to construct a 3:1 back slope approximately 50 feet east of the existing highway back slope. Excavation would occur on land managed by the Bureau of Land Management, Jordan Resource Area. This would entail excavating and reshaping a new back slope and stabilizing the slope with a Bureau of Land Management (BLM) approved seed mix to reestablish vegetation and prevent soil erosion.

ODOT is responsible for the construction, operation, and maintenance of the state highway system. The need to expand the existing Right-of-way at this location is based on ODOT's mandate to provide a safe, efficient transportation system that supports economic opportunity and livable communities.

General Setting:

Hooker Creek (Swisher Lane) Safety Improvement Project is located west of Idaho-Oregon-Nevada Highway 456 (US 95) at about MP 15.9, approximately 3.5 miles north of Jordan Valley, Oregon (Fig. 1). The site is located within a portion of the northeast quarter of Section 14, Township 29 South, Range 46 East, Willamette Meridian (Fig. 2). The Bureau of Land Management manages the area where the right-of-way (ROW) is needed. No cadastral markers or prominent local landmarks, other than Hooker Creek, are in the project vicinity.

Portions of the shoulder and back slope on ODOT ROW were improved in 1994 (slope reshaping) and have had fiber optic phone line installed in 1990-91 (on BLM).

Description of Proposed Action:

The proposed action would require that the BLM grant an additional 50 feet X 500 feet (0.57 acres) of ROW parallel to the existing ODOT ROW to accommodate construction and maintenance of a 3:1 back slope between stations 5509+00 and 5517+00 (Fig. 3).

Construction of the new back slope would occur in the northbound shoulder slope between Swisher Lane (MP 15.9) and Hooker Creek (MP 15.67) (Fig. 4). The area of impact would involve approximately 0.57 acres. ODOT ROW at this location is 50' from centerline. To remove sufficient material to improve sight distance along this section of US 95, a 3:1 slope is needed (Fig. 5). To construct the slope, excavation will extend onto BLM managed lands.

The Malheur County Road Department is willing to partner with ODOT to lay back the slope by providing a D8 bulldozer with operator. Additional equipment used to build the slope would likely include a grader, and 10-yard dump trucks. A water truck would be available as needed for dust abatement. It is expected that the project would take three to five days to complete.

Disposal of material excavated from the project area would likely occur along US 95 on ODOT ROW between MP 17 and 18. The existing shoulders along this highway section could benefit from the placement of excess fill material to fill in low spots and smooth out the shoulder recovery area. This area was reviewed for sensitive resources in 2003 and none were identified.

Soils disturbed during construction of the back slope will be planted with a BLM approved seeding mix after the project is completed.

Other Alternatives Considered:

No Action Alternative

Alternative 2 (Relocate Swisher Lane Access)

This alternative proposes to realign the existing access across BLM managed land. This realignment would require construction of an approximately 500 foot long access road with its beginning termini at the property fence gate and connecting to US 95 approximately 400 feet north of the existing highway access (Fig. 6). A moderate amount of earthwork would be required to establish the new access road, approach and mailbox pull out. A corrugated metal culvert would be installed to provide drainage under the approach. Some excavation may be needed to provide for a proper all-weather driveway and access road grade.

As with the proposed alternative, disposal of material excavated from the Project Area would likely occur along US 95 on ODOT ROW between MP 17 and 18.

Under this alternative, the existing access would be abandoned. Base rock may be pulled from the existing access road and used on the new alignment.

This alternative was considered but rejected by the BLM and the landowners that use Swisher Lane for access because of construction cost and the amount of impact a new access road would create.

Environmental Impacts:					
Critical Element	Affected		Critical Element	Affected	
	Yes	No		Yes	No
Air Quality		X	T & E Plants		X
ACECs		X	Tribal Concerns & Treaty Rights		X
Cultural Resources		X	Wastes, Hazardous/Solid		X
Environmental Justice		X	Water Quality, Drinking/Ground		X
Farmlands, Prime/Unique		X	Wetlands/Riparian Zones		X
Floodplains		X	Wild & Scenic Rivers		X
T & E Animals		X	Wilderness		X
T & E Fish		X			

Description of Impacts:

Access: No change in or impacts to access to public land would result from implementation of the proposed action.

Air Quality: Air quality standards will not be exceeded as a result of construction of a new back slope at the stated location. Long-term impacts to area wide air quality are not associated with this type of project or with vehicle operations in the area. Temporary increases in pollutant emissions (primarily particulate matter) can be anticipated during construction. Reducing track-out and dust abatement (watering) operations will mitigate anticipated emissions.

The study area is designated as 'attainment' for all state and national air quality standards. The project has been determined to be in conformity with the Air Quality State Implementation Plan (SIP). The study area is designated as 'rural' under definitions provided in the State and Federal Transportation Conformity Rule. Regional Transportation Plan (RTP) and Metropolitan Transportation Improvement Program (MTIP) criteria in the conformity rule are applicable.

An air quality study is not warranted for this project.

Cultural Resources: The BLM conducted a Class III inventory of the proposed project area on Dec. 9, 2003 using pedestrian transects spaced less than 20m apart. No sites or isolates were located during this survey. There was an abundance of chert and some basalt at the location, but no material exhibited evidence of human modification.

No cultural resources were found in the proposed project area, therefore impacts to cultural resources are not anticipated. Natalie Sudman (BLM Archaeologist) recommended the project be approved as planned.

A Cultural Resources Survey Report has been prepared and is located in the project file. A copy of the no-find report was submitted to State Historic Preservation Office (SHPO) as a courtesy but because this was a "no-find", SHPO review and comment is not required.

Geology/Geomorphology: The survey areas are located on the Owyhee uplands. The uplands are characterized by mildly rolling plains with occasional low hills or buttes and weakly incised drainages.

Exposed rocks in southeast Oregon are Tertiary basalts and rhyolites. Miocene-Pliocene fill deposits, Pleistocene glacial deposits and Holocene basalt flows overlie the Tertiary rocks.

Rocks in the Jordan Valley area include Quaternary alluvium, Miocene-Pliocene basalts.

The area lies within the northern borders of the Great Basin. Characteristic topography is small and very extensive basins separated by highlands and mountains.

The specific project area is located on a small gravelly hill at the edge of the

Hooker Creek Valley, which broadens into dry meadows to the southwest. The terrain rises to the east in Idaho, forming Purser Ridge.

Land Use: The site is located within the Jordan Resource Area. Public lands are to be available for utility corridors and local rights-of-way.

The area is managed by BLM (a federal agency) and the county assumes no jurisdiction. If the land was private, it would likely be zoned EFU (exclusive farm use).

Minerals: A search of the records revealed no active claims in the Project Area.

Range Resources: Most of the Project Area is located on what is unallotted federal range. Construction of the new back slope will impact about 1/2 acre of rangeland.

Cow Creek Grazing Allotment is located south of the Project Area (south of Swisher Lane). A minor portion of the requested ROW south of Swisher Lane (Fig. 3) may fall within the Cow Creek Allotment. Slope work on this area is not anticipated. This is not enough to warrant a change in the grazing permit.

Recreation: The project area is adjacent to a developed state highway. Some casual sightseeing may occur on the affected BLM land. Adverse impacts to recreational resources are not anticipated.

Socioeconomic: No socioeconomic impacts are associated with the proposed project. There will be no building displacement or division/disruption of established communities. Impacts on neighborhood character or stability are not anticipated as a result of this project. Impacts to minority, elderly, handicapped, low income, transit-dependent, or other specific interest group are not anticipated. Improved sight distance should benefit all highway users in the area of improvement.

Soils: Soils in the Project Area have not been classified. In general, soil in the Project Area is predominately a thin tan clay loam. Rounded gravels are present on the soil surface. The subsoil is a cream colored tuff, visible in the road cut. It begins approximately 6cm below the ground surface.

Surface soils and parent material will be removed from the back slope area and disposed of on ODOT ROW. Disturbed areas will be stabilized to prevent or reduce surface erosion.

Threatened and Endangered Species: The Oregon Natural Heritage database does not include any records of threatened or endangered plants or animals within one mile of the Project Area.

A BLM botanist evaluated the project area for threatened and endangered

plants during the summer of 2003. No listed species or suitable habitats were identified.

Required easement and construction of a new back slope will not affect threatened and endangered species.

Timber Resources: The Project Area is not located in a timbered area. Timber resources will not be impacted.

Vegetation: The Hooker Creek/Swisher Road right-of-way project is planned for construction in a typical Wyoming big sagebrush (*Artemisia tridentata* ssp. *wyomingensis*) habitat type with an understory of bluebunch wheatgrass (*Agropyron spicatum*) and Sandberg bluegrass (*Poa sandbergii*). Gray rubber rabbitbrush (*Chrysothamnus nauseosus*) is also found on the site. Annual exotic grasses on site are cheatgrass (*Bromus tectorum*) and smooth brome (*Bromus mollis*). The forb component includes stoneseed (*Lithospermum ruderales*), Hood's phlox (*Phlox hoodii*), lupine (*Lupinus* sp.), and showy penstemon (*Penstemon speciosus*).

No special status plant species occur within the project area. No unusual soils or conditions favoring establishment of special status plants are found at or near the project area.

No noxious weeds are found on the project site.

Native vegetation in the area of slope pull back will be destroyed during the construction activities. This would be partially replaced by reseeding disturbed areas with a BLM approved seed mix.

Visual Resources: Proposed improvements along this section of US 95 should not have a measurable impact on visual resources.

This project is primarily a safety improvement project. No major fill/removal activities or construction of bridges and/or large retaining walls are anticipated. Impacts to natural areas, rest areas, viewpoints or scenic vistas are not anticipated. There are no national or state wild and scenic rivers, waterways or study rivers, designated state or federal scenic highways within ¼ mile of the Project Area.

Weeds: The project is expected to have no more than a negligible effect on the spread or control of noxious weeds. Removal of the native vegetation could expose the site to the threat of weed invasion, however, after construction is completed, the back slope would be seeded to retard weed invasion onto disturbed areas.

Wildlife: The area is mule deer and antelope range. A variety of other birds and mammals could also be expected in the area. Noise and general construction commotions may temporarily displace animals from the project

area, but no long-term impacts are anticipated. There would be a negligible (approximately 1/2 acre) loss of habitat.

The project area is within a quarter mile of Hooker Creek. This intermittent stream provides marginal habitat for nongame fish during high moisture years. The proposed project does not include any work in or immediately adjacent to the creek. Fish habitat would not be impacted by the proposed slope pull back.

A pollution and erosion control plan will be developed and implemented to reduce/eliminate the potential of silt or other contaminants entering any fish habitat, waterways or wetlands.

Other Land Uses, Rights, and Facilities: Oregon-Idaho Utilities has installed a buried fiber optic phone line in the existing ROW in 1990-91. They will be required to locate and possibly relocate or bury the line deeper if the excavation of the new back slope has the potential for damaging the line.

No other facilities occur within the Project Area.

Cumulative Impacts:

Cumulative effects resulting from granting an additional 50 feet X 500 feet (0.57 acres) of ROW and construction of a new back slope are not anticipated.

Impacts of No Action Alternative:

Under this alternative, the new back slope would not be constructed and poor sight distance at the intersection of Swisher Lane and US 95 would continue to pose a safety concern. Under the No Action alternative, the impacts described above would not occur.

Description of Mitigation Measures and Residual Impacts:

The following measures should be applied to minimize and mitigate unavoidable impacts:

- Dust control during construction will be provided as needed.
- Any fill material brought in must be weed-free. Equipment will be cleaned prior to entry onto BLM managed lands to prevent the tracking of weed seeds onto or off of the Project Area.
- A Pollution Control Plan will be developed to prevent or manage pollutant releases during construction activities.
- Equipment will be maintained to prevent leaks and spills.

- All disturbed areas and the proposed new slope will be seeded with a BLM-approved mixture in order to stabilize slopes and reduce the potential for weed establishment. Seeding may be applied by direct drilling.
- Shape the new back slope to a 3:1 slope to reduce erosion potential.

Residual effects would be as follows:

- Improved safety on US 95 by improving sight distance.
- Minor, short-term, localized effect on air quality.
- Loss of about 1/2 acre of vegetation, replaced in part by seeding areas disturbed by construction.
- Negligible loss of wildlife habitat.
- Potential for localized temporary soil erosion would increase.
- Negligible loss of livestock forage, replaced in part by seeding areas disturbed by construction.
- Minimal to negligible visual impact to the local landscape is anticipated.
- Relocation of buried utilities located in ODOT ROW would be required.

Persons/Agencies Consulted:

BLM Personnel:

Susie Manezes – Realty Specialist

Natalie Sudman _ Archaeologist

Jean Findley – Botany

Vern Pritchard – Engineer (BLM)

Bill Lutjens – Range

Jon Sadowski – Wildlife

Brandon Knapton – Wildlife

Jon Westfall – Geologist

Lynne Silva – Weeds

Tom Christensen – Visual/Recreation

Interested Publics for the East Cow Creek Allotments:

Letters were sent to interested publics, Burns Paiute Tribe and Fort McDermitt Paiute and Shoshone Tribe advising them of the project and inviting comment.

A “No-Find” Cultural Resources Survey Report was prepared and submitted to the Oregon State Historic Preservation Office.

Prepared By: Richard E. Jerofke, Region Environmental Coordinator, Oregon Department of Transportation