

**ENVIRONMENTAL ASSESSMENT  
FOR  
AMOTH ROAD  
RIGHT-OF-WAY OR 58526**

**EA Number:** OR-030-03-016

**Lease/Serial/Case File Numbers:** OR 58526

**BLM Office:** Vale District, Malheur Resource Area

**Proposed Actions Title/Type:** Road Right-of-Way

**Location of Proposed Actions:** Willamette Meridian, Oregon  
T. 22 S., R. 39 E.,  
sec. 14, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
sec. 23, N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>.

**Applicant:** Alan and Diane Amoth

**Preparation Date:** Draft 06-25-2003, Final

**1. PURPOSE OF AND NEED FOR THE PROPOSED ACTION**

Alan and Diane Amoth have submitted a right-of-way application (OR 58526) to authorize the construction, operation, maintenance and termination of a road leading to their private land in sec. 23, T. 22 S., R. 39 E., south of Monument Peak, Oregon. This proposed road is located within the following described public land (see map):

Willamette Meridian, Oregon  
T. 22 S., R. 39 E.,  
sec. 14, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
sec. 23, N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>.

The Amoths wish to obtain legal access to their private land in order to construct a dwelling on the site. Their tract is surrounded by public land, and is bordered on the east by the Camp Creek Wilderness Study Area.

**2. CONFORMANCE WITH LAND USE PLANS**

The Southeastern Oregon Resource Management Plan (SEORMP), approved September 2002, includes the subject public lands. The proposed action conforms with this land use plan as required by the regulations found at 43 CFR 1610.5-3 (a). The SEORMP and Record of Decision includes the following management action, "Meet public needs for use authorizations such as rights-of-way, leases, and permits consistent with other resource objectives." (p. 109)

The proposed action conforms with Goal 12 of the Oregon Statewide Planning Goals

(December 1974) which is listed as follows:

The goal aims to provide “a safe, convenient and economic transportation system.”

The proposed action does not conflict with the Malheur County Comprehensive Plan (June 1985) or the Malheur County Strategic Plan (December 1996).

### **3. RELATIONSHIP TO STATUTES, LAWS AND REGULATIONS**

The authority for the issuance of rights-of-way is Title V of the Federal Land Policy and Management Act of 1976 (90 STAT. 2776; 43 U.S.C. 1761). The regulations found at 43 CFR 2800, and BLM Manual 2800 provide direction and guidance for the issuance and management of rights-of-way.

### **4. PROPOSED ACTION AND ALTERNATIVES**

#### **4.1 PROPOSED ACTION-PREFERRED ALTERNATIVE**

Alan and Diane Amoth have submitted a right-of-way application (OR 58526) to authorize the construction, operation, maintenance and termination of a road leading to their private land in sec. 23, T. 22 S., R. 39 E., south of Monument Peak in Oregon. The proposed action is to issue a right-of-way to the Amoths to enable them to access this land.

The proposed road would connect to an existing two-track road (see maps). A portion of this existing road would need to be improved by blading to remain passable. The right-of-way would be 1,700 feet in length, 15 feet in width and would contain 0.59 acres, more or less. The road would be constructed by removing the vegetation and blading to smooth the surface. The objective would be to provide a seasonal access route which would require minimal future maintenance.

#### **4.2 NO ACTION ALTERNATIVE**

Under this alternative the right-of-way application would be denied, and the Amoths would not be authorized to construct and use an access road. BLM planning and policy directs that public needs for access be met when consistent with other resource objectives.

#### **4.3 OTHER ALTERNATIVES**

Other alternatives would include the originally proposed route and an alternative route

proposed by BLM (see map). The Amoths initially proposed a more east-west route. When this proposed route was checked in the field by BLM and Oregon Department of Fish and Wildlife personnel, several resource and construction conflicts were discovered. These included a mature bitterbrush community and a highly unusual plant sighting (*Fritillaria sp.*) on the adjacent private land where the road would enter. The route would also have to traverse 10-15 feet of vertical rimrock.

Due to the perceived problems with the proposed route, an alternative route coming from the north was inventoried on the same day (see map). None of the resource or construction problems referred to above were found to be associated with this alternative route. When it was proposed to the applicant that this route be used instead, Mr. Amoth proposed that this route be shortened to cross one-third less public land to lead to the northwest corner of his property. He felt that the wash crossing and the remainder of the road could be built on his private land. This route has become the Proposed Action.

Because these other routes were explored and rejected, other alternatives will not be considered further.

## **5. AFFECTED ENVIRONMENT**

A general description of the area may be found in the Southeast Oregon Resource Management Plan.

The site of the proposed road right-of-way location is along Camp Creek, which occupies 2,500 to 3,000-foot deep canyon within one-half mile to the east. A portion of Camp Creek located approximately one-fourth mile east of the proposed route forms the western boundary of the Camp Creek WSA. Further south, that boundary is formed by the eastern edge of the Amoths' property.

### **Cultural Resources:**

#### Prehistoric

The Native people of the Northern Great Basin practiced their ancestral lifeways into the 19th century and were heirs to an extremely ancient cultural tradition. Their technology was effective and efficient, utilizing many multifunctional, light-weight and expendable tools. Gathering activities are attested to by digging sticks, carrying baskets, and milling stones, and hunting is represented by the atlatl and dart, bow and arrow, stone projectile points, stone knives and scrapers.

## Historic

Cultural resources associated with the historic use of this area are tied to landforms as transportation corridors: wagon roads, historic homesteads, early irrigation project features, early mining activity areas, and remains of stage and telegraph stations. Exploration into this area by white Europeans began in the early 1830's.

During the 1880's, small communities were established near reliable water sources, and during the 1890's, production of both cattle and sheep prospered. A rapid increase in population occurred in the northern part of Malheur County between 1930 and 1950 as a result of the development of the Vale and Owyhee Irrigation projects. The Warm Springs Irrigation District was formed from many smaller irrigation districts in the Malheur River drainage.

**Paleontological Resources:** The exploration for fossil localities has been limited, and confined to Pliocene, Miocene or Pleistocene age soils. Sediments associated with old lake beds may contain plant, fish or other marine animal remains since they have been located in similar old lake sediments south of Vale.

**Native American Concerns:** There are no known Native American concerns in this area. There are no known plant gathering or tool stone quarries in this area.

**Land Uses:** The allotment containing the subject public land (10302) is grazed by livestock. Uses other than dispersed recreation have been limited in the past due to the remote location and unimproved roads providing access.

There are no mining claims located on the proposed road right-of-way.

**Recreation:** The project site is located within an area which receives limited dispersed recreational use through activities such as hunting.

**Soils:** Soils in the area consist of silty and loamy clays.

**Vegetation:** The natural vegetative community in the Camp Creek area is dominated by sagebrush; other plant species occurring on the site include grasses and forbs. No special status plant species are known in the area.

The vegetation on the proposed right-of-way consists of native species and weeds. These include the following:

Native Species	
Bitterbrush	<i>(Purshia tridentata)</i>
Bluebunch wheatgrass	<i>(Pseudorogneria spicatum)</i>
Wyoming big sage	<i>(Artemesia tridentata spp. wyomingensis)</i>
Basin wildrye	<i>(Elymus cinereus)</i>

Invader Species (Weeds)	
Cheatgrass	<i>(Bromus tectorum)</i>

**Visual Resources:** The project area is within a VRM Class IV area. Overall, though the visual quality of the subject land is moderately low, the adjacent WSA is VRM Class I. Striking views of canyons, buttes and mesas to the east can be had from the proposed road location.

**Water Resources:** There are no perennial water courses on the subject property. Nearby Camp Creek changes from intermittent to perennial about one-half mile to the east.

**Wetlands/Riparian Zones:** There are no wetlands or riparian zones on the subject property.

**Wildlife:** The area provides habitat for wildlife typical of Great Basin areas. These include elk (winter), mule deer, coyote, sage grouse, and a variety of birds, reptiles and insects. The area is located within a potential bighorn sheep reintroduction area.

**Fisheries:** There are no perennial watercourses on the subject land.

**6. ENVIRONMENTAL IMPACTS**

**6.1 IMPACTS OF THE PROPOSED ACTION**

Impacts to resources considered critical are summarized in the table below. Discussion concerning those resources affected may be found in the appropriate section following the table.

Critical Element	Affected		Critical Element	Affected	
	Yes	No		Yes	No
Air Quality		X	Native American Religious Concerns		X
ACECs		X	T & E Species		X
Cultural Resources		X	Wastes, Hazardous/Solid		X
Environmental Justice		X	Water Quality (Surface & Groundwater)		X
Farmlands, Prime/Unique		X	Wetlands/Riparian Zones		X
Invasive, Nonnative Species		X	Wilderness		X

**Cultural Resources:** A survey of the originally proposed route and the alternate route was conducted on May 28, 2003, by the Field Office archaeologist. There would be no adverse effects resulting from the implementation of the proposed action on cultural resources if the Standard Stipulations (attached) are adhered to.

**Paleontological Resources:** No fossil flora or faunal resources were located during a field survey conducted on May 28, 2003. There would be no adverse effects to paleontological resources if the Standard Stipulations (attached) are adhered to.

**Native American Concerns:** There would be no adverse effects on native American concerns as a result of the implementation of this action.

**Land Uses:** Implementation of the proposed action would not conflict with the authorized uses occurring on this tract.

Issuance of this right-of-way would enable the private landowners to access their property.

**Recreation:** Implementation of the proposed action would not conflict with the

dispersed recreational activities occurring in the area. The improvement of a portion of the existing road may increase access for big game and bird hunting.

**Soils:** Implementation of the proposed construction activities would result in soil disturbance at the locations of the portion of the road to be improved.

**Vegetation:** The vegetation on the road would be removed. Fresh ground disturbance may facilitate the spread of noxious weeds or nonnative species.

**Visual Resources:** Implementation of the proposed action would be in keeping with VRM Class IV requirements.

**Water Resources:** Implementation of the proposed action would not affect water quality in Camp Creek.

**Wildlife:** The issuance of the proposed right-of-way may lead to the seasonal occupation of the adjacent private land. This may have incremental adverse effects on wildlife in the area. The road and seasonal disturbance is within the typical nesting area of sage grouse from two leks. BLM policy is to minimize disturbance that may increase the need to list a special status species in the ESA in the future.

## **6.2 IMPACTS OF THE NO ACTION ALTERNATIVE**

The choice of this alternative would result in the applicants being denied legal vehicular access to their property. This denial would result in the applicants' inability to develop and enjoy this property.

No additional vegetation or soil disturbance on the subject public land would occur as a result the choice of this alternative.

## **7. MITIGATION MEASURES AND RESIDUAL IMPACTS**

The loss of vegetation resulting from the implementation of the proposed action is not considered to be significant. Soil disturbance would be minimized through adherence to the terms and conditions of the right-of-way, including the attached special stipulations. In general, adverse environmental impacts would not be significant.

**8. PERSONS/AGENCIES CONSULTED**

**8.1 PERSONS CONSULTED**

<u>Name</u>	<u>Position</u>
Bob Alward	Outdoor Recreation Planner
Al Bammann	Wildlife Biologist
Jean Findley	Botanist
Jon Freeman	Realty Specialist/Team Leader
Richard Martinez	Civil Engineering Technician
Diane Pritchard	Archaeologist
Steve Christensen	Range Management Specialist
Lynne Silva	Weed Specialist
Shaney Rockefeller	Hydrologist
Cynthia Tait	Fisheries Biologist

**8.2 AGENCIES CONSULTED**

Brian Wolfer  
Oregon Department of Fish and Wildlife  
3814 Clark Boulevard  
Ontario, OR 97914

**9. RECOMMENDATION**

It is recommended that Right-of-Way OR 58526 be issued to Alan and Diane Amoth to authorize the construction, operation, maintenance and termination of a road on public land near Monument Peak as described in the Proposed Action section above. This right-of-way would be granted pursuant to Title V of the Federal Land Policy and Management Act of 1976 (FLPMA) , as amended, and would be subject to the Act, applicable regulations contained in 43 CFR 2800 and the special stipulations attached to and made part of the grant. It is further recommended that this right-of-way be issued for 20 years, subject to renewal, and subject to valid existing rights.

The proposed action is in conformance with the Southeastern Oregon Resource Management Plan and is consistent with state and local land use plans.

Issuance of this right-of-way will not conflict with any foreseeable development plans on the subject lands if recommended stipulations are adhered to.

The United States owns the surface and mineral estates of the subject lands.

The subject lands have no known unique values, and there are no pending land use applications other than this.

The issuance of the grants would be consistent with Title V of FLPMA and with the regulations found at 43 CFR 2800.

Preparer: \_\_\_\_\_

Date: \_\_\_\_\_

**FINDING OF NO SIGNIFICANT IMPACT**

I have reviewed Environmental Assessment OR-030-03-016 including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures described below will not have any significant impacts on the human environment and that an EIS is not required. I have determined that the proposed project is in conformance with the approved land use plan.

Authorized Official: \_\_\_\_\_ Date: \_\_\_\_\_  
Field Manager, Malheur Resource Area

**DECISION RECORD**

It is my decision to implement the project as described in EA OR-030-03-016 with the mitigation measures identified below.

Mitigation measures/Remarks:

Authorized Official: \_\_\_\_\_ Date: \_\_\_\_\_

Field Manager  
Malheur Resource Area