

**ENVIRONMENTAL ASSESSMENT
FOR
SHEPARDSON RINEHART RANCH ROAD REROUTE
RIGHT-OF-WAY OR 59507**

EA Number: OR-030-04-003

Lease/Serial/Case File Numbers: OR 59507

BLM Office: Vale District, Malheur Resource Area

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

Location of Proposed Action: Willamette Meridian, Oregon
T. 27 S., R. 41 E.,
sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 24, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Applicant: Stanley O. Shepardson

Preparation Date: Draft - December 30, 2003, Final – August 2, 2004

1. PURPOSE OF AND NEED FOR THE PROPOSED ACTION

Stanley O. Shepardson has submitted a right-of-way application (OR 59507) to authorize the construction, operation, maintenance and termination of a road serving to reroute the County road leading past the Rinehart Ranch headquarters. This proposed road reroute would be located within the following described public land (see maps):

Willamette Meridian, Oregon
T. 27 S., R. 41 E.,
sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 24, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Mr. Shepardson has obtained a permit from Malheur County to reroute this road to the north to avoid the ranch headquarters and Rinehart Creek. He has installed a pipe gate on the current road near the western boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 24, T. 27 S., R. 41 E. He hopes that the traveling public will choose the rerouted road rather than to open the gate to reach the ranch headquarters. Apparently, the rough and poorly maintained two-track jeep trail leading north from the Rinehart Ranch is used by very few members of the public.

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

Stanley O. Shepardson has submitted a right-of-way application (OR 59507) to authorize the construction, operation, maintenance and termination of a road serving to reroute the County road leading past the Rinehart Ranch headquarters. The proposed action is to issue a right-of-way to Mr. Shepardson to authorize this activity. Normally, the County would be the entity responsible for reroute one of their roads, but they consider this an action taken to benefit a single landowner. For this reason, they have issued a permit to Mr. Shepardson to “perform the above described operations”.

The construction disturbance would be minimal for the portion of the road located on relatively flat terrain, consisting only of driving a vehicle several times over the proposed route. However, the portion of the road located on the slope at the north end may need to be improved by blading. The right-of-way for the portion of the road located on public land would be approximately 1,935 feet in length, 15 feet in width and would contain 0.67 acres, more or less. It is expected that the road would receive very little use by the public.

The proposed action is to issue a right-of-way for the portions of the road located on public land pursuant to Title V of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended. This is the preferred alternative.

4.2 NO ACTION ALTERNATIVE

Under this alternative the right-of-way application would be denied, and Mr. Shepardson would not be authorized to construct and use the rerouted road.

4.3 OTHER ALTERNATIVES

Other alternatives would include issuing a right-of-way to authorize construction along other routes which would avoid the ranch headquarters and parallel Rinehart Creek, probably to the west of the creek.

The proposed route appears to be the most technically feasible of the possible routes which could be plotted. For this reason, 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 north of the Rinehart Ranch headquarters, an unoccupied house and attendant outbuildings near a spring and pond on Rinehart Creek. The Rinehart Ranch itself is located on the north rim of the Owyhee River canyon at the point where the canyon opens into Hole-in-the-Ground to the east. An attempt has been made to preserve the dramatic views and scenery of this setting by designating the public land to the northeast, east, south and west of the Rinehart Ranch as part of the Lower Owyhee Canyon Wilderness Study Area (3-110). The southern portion of the ranch is located with the Owyhee Wild and Scenic River corridor (see map of Parcel A).

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.

There is some evidence that a battle was fought between U.S. Army and militia forces and a group of Piute Indians at the south end of Rinehart Ranch. The probable battleground is located some three-fourths of a mile southeast of the location of the proposed road.

During the 1880's, small communities were established near reliable water sources, and during the 1890's, production of both cattle and sheep prospered. The establishment of Rinehart Ranch at its current location is typical of the type of development of that time.

A survey of the originally proposed route and the alternate route was conducted on June 2, 2004, by the Field Office archaeologist. No significant resources were discovered at that time.

Paleontological Resources: The exploration for fossil localities has been limited, and confined to Pliocene, Miocene or Pleistocene age soils. The geology of the area around the ranch is composed primarily of basaltic and rhyolitic deposits, so the probability of the presence of fossil remains is low.

No fossil flora or faunal resources were located during field surveys conducted on June 2 and July 1, 2004.

Native American Concerns: There are no known Native American concerns in this area, except for the possible exception of the site of the battle. There are no known plant gathering or tool stone quarries in this area.

Land Uses: The Quartz Mountain Allotment (10406) containing the subject public land is grazed by livestock. Uses other than dispersed recreation have been limited in the past due to the remote location and relatively 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 and recreational horseback riding. The new route would tie in with a WSA boundary road which is very primitive in nature, and not suitable for 4-wheel drive vehicles. Some ATV

traffic occurs on the existing WSA boundary road.

Soils: Soils in the area consist primarily of shallow sandy loams.

Vegetation: The natural vegetative community in the Rinehart Ranch 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; none were discovered by Bill Olson during the June 2, 2004 inventory.

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 spicata)</i>
Wyoming big sage	<i>(Artemesia tridentata ssp. wyomingensis)</i>
Basin wildrye	<i>(Elymus cinereus)</i>

Invader Species (Weeds)	
Cheatgrass	<i>(Bromus tectorum)</i>
Tumble mustard	<i>(Sisymbrium altissimum)</i>

Visual Resources: The site of the proposed right-of-way area is located within a VRM Class IV area. Striking views of the Owyhee River Canyon and the Hole-in-the-Ground to the east can be had from the proposed road location.

Water Resources: Rinehart Creek, an intermittent stream at the subject location, would be crossed by the proposed road.

Wetlands/Riparian Zones: There is a riparian zone associated with Rinehart Creek.

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.

Fisheries: Rinehart Creek is an intermittent stream at this location, but springs near the ranch headquarters render it perennial downstream from that point. The stream provides habitat for native redband trout.

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	Ground Water Quality		X
ACECs		X	Surface Water Quality		X
Cultural Resources		X	Wetlands/Riparian Zones		X
Farmlands, Prime/Unique		X	Wild and Scenic Rivers		X
Floodplains		X	Wilderness		X
Native American Religious Concerns		X	Invasive, Nonnative Species Wilderness		X
T & E Species		X	Environmental Justice		X
Wastes, Hazardous/Solid		X	Adverse Energy Impact		X

Cultural Resources: There would be no adverse effects resulting from the implementation of the proposed action on cultural resources if the Special Stipulations (attached) are adhered to.

Paleontological Resources: There would be no adverse effects to paleontological resources if the Special 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 encourage the public to avoid the ranch headquarters, which may reduce instances of vandalism.

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. Some holes may be left if rocks are turned out of the ground by blading.

Vegetation: Some vegetation on the proposed road section would be removed, certainly that on any portions requiring mechanical grading. Fresh ground disturbance may facilitate the spread of noxious weeds or nonnative species.

Use of the proposed route would result the cessation of public travel in the riparian zone of Rhinehart Creek; the proposed route would tie into the existing road on the north upstream of where the springs change the stream from intermittent to perennial.

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

Water Resources: Implementation of the proposed action would temporarily affect water quality in Rinehart Creek.

Wildlife: The issuance of the proposed right-of-way would have minimal effects on wildlife in the area.

6.2 IMPACTS OF THE NO ACTION ALTERNATIVE

The choice of this alternative may result in one of two scenarios. Under the first, the road would remain in its present location, directing the public to the vicinity of the ranch headquarters. This is unlikely due to the fact that the landowners have received permission from Malheur County to modify the location of the road.

Under the second scenario, an alternate route would be constructed entirely within the boundaries of the private parcel. Due to the topography and character of Rinehart

Creek, considerably more environmental degradation would occur if the road was confined to the private land.

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
Brandon Knapton	Wildlife Biologist
Jean Findley	Botanist
Jon Freeman	Realty Specialist/Team Leader
Diane Pritchard	Archaeologist
Steve Christensen	Range Management Specialist
Lynne Silva	Weed Specialist
Shaney Rockefeller	Hydrologist
Cynthia Tait	Fisheries Biologist
Bill Olsen	Biological Technician

8.2 AGENCIES CONSULTED

Malheur County Road and Bridge Department

9. RECOMMENDATION

It is recommended that Right-of-Way OR 59507 be issued to Stanley O. Shepardson to authorize the construction, operation, maintenance and termination of a road on public land north of the Rinehart Ranch headquarters 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 the 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: _____ s/Jon Freeman, Realty Specialist _____ Date: August 2, 2004 _____

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed Environmental Assessment OR-030-04-003 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: _____
s/Tom Dabbs August 2, 2004
Field Manager
Malheur Field Office

DECISION RECORD

It is my decision to implement the project as described in EA OR-030-04-003 with the mitigation measures identified below.

Mitigation measures/Remarks:

Authorized Official: _____ Date: _____
Field Manager
Malheur Field Office