

OR-60154, ROCK CREEK RANCH, INC.  
(GARY MILLER) LAND EXCHANGE



ENVIRONMENTAL ASSESSMENT  
OR-03-027-034

Bureau of Land Management  
Burns District Office  
Steens Mountain Cooperative Management and  
Protection Area  
28910 Hwy 20 West  
Hines, Oregon 97738

April 12, 2005

## TABLE OF CONTENTS

Chapter I. Introduction: Purpose of and Need for Action.....	1
A.    Introduction.....	1
B.    Background.....	1
C.    Description of the Proposed Action and Location.....	1
D.    Purpose of and Need for the Proposed Action.....	2
E.    Summary of Scoping.....	3
F.    Issues.....	3
G.    Conformance and Consistency with Land Use Plans .....	4
H.    Decisions.....	5
Chapter II. Alternatives Including the Proposed Action.....	6
A.    No Action Alternative.....	6
B.    Proposed Action Alternative.....	6
C.    Purchase Alternative Considered but not Further Analyzed.....	6
Chapter III. Affected Environment .....	6
A.    Federal Land .....	7
1.    Critical Elements.....	7
2.    Noncritical Elements.....	8
B.    Non-Federal Land .....	12
1.    Critical Elements.....	12
2.    Noncritical Elements.....	13
Chapter IV. Environmental Consequences .....	15
A.    No Action Alternative.....	15
1.    Critical Elements.....	15
2.    Noncritical Elements.....	15
B.    Proposed Action.....	16
1.    Critical Elements.....	16
2.    Noncritical Elements.....	17
Chapter V. Consultation and Coordination.....	20
Chapter VI. List of Preparers .....	20
Chapter VII: Exhibits and Appendices .....	21

# OR-60154, ROCK CREEK RANCH, INC. (GARY MILLER) LAND EXCHANGE

## ENVIRONMENTAL ASSESSMENT

OR-03-027-034

### CHAPTER I: INTRODUCTION: PURPOSE OF AND NEED FOR ACTION

#### A. Introduction

This Environmental Assessment (EA) has been prepared by the Burns District Office for the proposed Rock Creek Ranch, Inc. (Gary Miller) Land Exchange. The EA is a site-specific analysis of potential impacts (effects) that could result with the implementation of a proposed action or alternatives to the proposed action. The EA assists the Bureau of Land Management (BLM) in project planning, ensuring compliance with the National Environmental Policy Act (NEPA), and making a determination as to whether or not any “significant” impacts could result from the analyzed actions. “Significant” is defined in 40 Code of Federal Regulations 1508.27. An EA provides evidence for determining whether or not to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). A FONSI is a document that briefly presents the reasons why implementation of the proposed actions would not result in significant environmental impacts beyond those already addressed in the Andrews Management Unit/Steens Mountain Cooperative Management and Protection Area (CMPA) Resource Management Plans (RMP) and Records of Decision (ROD), dated July 15, 2005. If the decision maker determines that this project has significant impacts following the analysis in the EA, then an EIS would be prepared for the project. A Decision Record may be signed following analysis of the public's comment on the EA.

#### B. Background

In July of 2002, Gary Miller, President of Rock Creek Ranch, Inc., purchased non-Federal land located 1.50 miles north of Mann Lake from Wrench Ranch, LLC. This non-Federal property is surrounded by Federal land within the Steens Mountain CMPA. In August of 2002, Gary Miller submitted a written proposal for a land exchange with the BLM. In 2003, the BLM came to a consensus to proceed with a feasibility analysis for the proposed land exchange.

#### C. Description of the Proposed Action and Location

##### Non-Federal Land (Private - Mann Lake Parcel):

Gary Miller of the Rock Creek Ranch, Inc., purchased a 233.25-acre parcel in July 2002, for \$75,000.00. Gary Miller is now offering the BLM that parcel in exchange for Federal land adjacent to Rock Creek Ranch, Inc. In addition, Gary Miller has offered to pay 50 percent of appraisal fees, recording fees, and escrow closing costs associated with the exchange. The non-Federal land considered for exchange is described as follows:

T. 31 S., R. 35 E., W.M.	sec. 31, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .	154.08 acres
T. 32 S., R. 35 E., W.M.	sec. 6, lots 1 and 2.	<u>79.17 acres</u>
	Total Acres	233.25 acres

Federal Land (Public - Rock Creek Lane Road Parcels):

The BLM would acquire the fee simple estate in the non-Federal land in exchange for the fee simple estate of up to 1,411.17 acres of Federal land in Harney County, Oregon. The Federal land considered for exchange is described as follows:

T. 33 S., R. 30 E., W.M.	sec. 15, S $\frac{1}{2}$ ; sec. 22, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ; sec. 28, N $\frac{1}{2}$ S $\frac{1}{2}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .	1,040.00 acres
--------------------------	---	----------------

Additional Federal Land for Equalization

T. 32 S., R. 31 E., W.M.	sec. 25, lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .	133.71 acres
T. 32 S., R. 32 E., W.M.	sec. 30, lots 1 and 2, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ .	<u>237.46 acres</u>
	Total Acres	1,411.17 acres

The market values of the Federal land and non-Federal land would be determined through complete appraisals performed by a qualified fee appraiser considered to be most appropriate for this assignment. The selected fee appraiser would be chosen from the contract appraiser panel approved by the BLM. The Appraisal Services Directorate (ASD) shall provide management oversight for the entire appraisal process, including but not limited to, producing appraisal instructions and scope, as well as, contracting with the chosen real estate appraiser.

The complete self-contained appraisals shall comply with specifications and requirements set forth in the most current additions of the Uniform Standards of Professional Appraisal Practice, and Uniform Appraisal Standards for Federal land Acquisitions. The (draft) appraisals are subject to ASD review and approval.

The proponent has selected enough Federal land for equalization, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary concerned as the circumstances require not exceeding 25 per centum of the total value of the land or interests in land transferred out of Federal ownership.

D. Purpose of and Need for the Proposed Action

The Steens Mountain Cooperative Management and Protection Act (Steens Act) of 2000, P.L. 106-399, October 30, 2000 (114 Stat. 1655) authorized the acquisition of non-Federal land through voluntary exchange for inclusion in the CMPA. The acquisition of the subject non-Federal land is consistent with the intent of the Steens Act.



Section 206 of the Federal Land Policy and Management Act (FLPMA) provides authority to the Secretary of the Interior to dispose of public land or interests in land when a determination is made that the public interest would be well served. When considering the public interest full consideration is given to better Federal land management and the needs of State and local people, including needs for land for the economy, community expansion, fish and wildlife, and recreation. This proposal is consistent with the provisions of FLPMA as the public interest is well served by blocking Federal landownership patterns and acquiring wildlife habitat within mule deer winter range, pronghorn yearlong range, and bighorn sheep winter range on the east side of Steens Mountain, with the potential for casual recreational activities in connection with Mann Lake.

This property is located 1.50 miles north of Mann Lake, near a soon to be paved County road. Mann Lake comprises approximately 200.00 acres and is largely managed for fishing and camping. The parcel is surrounded by Federal land and would become part of the CMPA and be managed pursuant to the laws applicable to the CMPA.

Overall, the need for the exchange is to provide for more efficient public land management, recognize existing land use authorizations, promote multiple-use values, block up Federal land for wildlife habitat, provide casual recreation opportunities, protect the east side of the Steens Mountain viewshed from development, and settle a trespass case.

E. Summary of Scoping

1. Burns Paiute Tribal consultation was conducted in May 2004.
2. Concurrence processes with the State Historic Preservation Office were completed in December 2004.
3. The Notice of Exchange Proposal (NOEP) was sent to all adjacent landowners and published in the local newspaper in accordance with BLM Handbook, H-2200-1, Land Exchange Handbook guidance on May 11, 18, 25, and June 1, 2005.

F. Issues

1. Acquisition of the non-Federal parcel would block up Federal landownership within the CMPA.
2. The non-Federal parcel provides wildlife habitat within mule deer winter range, pronghorn yearlong range, and bighorn sheep winter range on the east side of Steens Mountain.

3. Acquisition of the non-Federal parcel would ensure public recreational opportunities. This property is located 1.50 miles north of Mann Lake, near to a soon to be paved County road. Mann Lake comprises approximately 200.00 acres and is largely managed for fishing and camping.
4. The non-Federal parcel would not be developed by the BLM; this would protect the east side of the Steens Mountain viewshed.
5. The non-Federal parcel would provide another water pipeline and trough to be used by the BLM in the management of the Mann Lake Allotment.
6. The subject BLM-managed Federal parcels are difficult and uneconomical to manage.
7. Disposing of the subject Federal parcel located in Section 28, T. 33 S., R. 30 E., W.M., would settle a trespass case.

G. Conformance and Consistency with Land Use Plans

Non-Federal Land

The non-Federal land is completely surrounded by Federal land within the CMPA. The non-Federal land is located in Zone 1B and is identified for acquisition due to higher resource values. The Steens Act authorizes the acquisition of non-Federal land and interests in land located within the boundaries of the CMPA by voluntary exchange. The land acquired would become part of the CMPA and managed by the BLM as such, ensuring no rural residential development of the property. No evidence of hazardous materials was found during the March 31, 2005, site inspection of the property. Rock Creek Ranch, Inc. has signed a statement declaring that, to the best of their knowledge, they are not aware of any release, storage or disposal of hazardous materials on the non-Federal land involved in the exchange.

Steens Mountain CMPA RMP and ROD, dated July 15, 2005 - Zone 1B (Acquisition)

Steens Act - Land inside of designated CMPA

Federal Land

The exchange proposal has been evaluated and is consistent with the provisions of Steens Mountain CMPA RMPs and RODs, dated July 15, 2005 and the Steens Act. Land classified as Zone 2 may be considered for conveyance in voluntary exchange for land with higher public and resource values. Disposing of the Federal land would settle a trespass case.

There was no evidence of hazardous materials identified on the Federal parcels during the site inspection. A preliminary analysis and initial assessment were completed in April of 2005. The preliminary analysis and initial assessment concluded that generally nontoxic ranch waste, haystacks, cattle supplement tanks, and metal debris are located on Section 28, T. 33 S., R. 30 E., W.M., of the Federal parcels. This is not expected to jeopardize public health or inhibit ranch operations in the future. The Rock Creek Ranch, Inc., is the responsible trespass party.

The Federal land is zoned by Harney County for Exclusive Farm Range Use (EFRU)-1. This designation is intended to preserve and maintain agricultural land. Upon conveyance, up to 1,411.17 acres of Federal land would be incorporated into the existing operation of Rock Creek Ranch, Inc., and managed for agricultural purposes, consistent with Harney County zoning ordinances.

Andrews Management Unit RMPs and RODs, dated July 15, 2005 - Zone 2 (Exchange)

Steens Act - Land outside of designated CMPA

Additional Federal Land for Equalization

Andrews Management Unit RMPs and RODs, dated July 15, 2005 - Zone 2 (Exchange)

Steens Act - Land outside of designated CMPA

#### H. Decisions

1. The acquisition of the fee simple estate of the non-Federal land comprises approximately 233.25 acres north of Mann Lake in Harney County, Oregon, would occur by warranty deed. The surface and mineral estates of the non-Federal land would be conveyed ensuring no split estate. The property is situated on the east side of Steens Mountain.
2. The disposal of the fee simple estate of the Federal lands comprised of up to approximately 1,411.17 acres in Catlow Valley, Harney County, Oregon, would occur by quit claim deed and patent. The property is situated adjacent to Rock Creek Ranch, Inc. The surface and mineral estates of the Federal land would be conveyed ensuring no split estate.

## CHAPTER II: ALTERNATIVES INCLUDING THE PROPOSED ACTION

### A. No Action Alternative

“No Action” means that no land exchange would occur and if this alternative is selected, the existing land status would remain. Without this land exchange project, BLM would not acquire 233.25 acres within the CMPA to promote multiple-use values, block up Federal land for wildlife habitat, provide casual recreation opportunities, and protect the east side of the Steens Mountain viewshed from development. All described Federal land would remain in Federal jurisdiction and managed by BLM within the limitations of budgetary constraints, in accordance with the provisions of the Andrews Management Unit RMP and a trespass case would remain unsettled.

### B. Proposed Action Alternative

The BLM would acquire the fee simple estate of approximately 233.25 acres within the CMPA in exchange for the fee simple estate of up to approximately 1,411.17 acres of Federal land in Catlow Valley, both surface and minerals. The land values would be equalized based on a market value appraisal with up to a 25 percent cash equalization payment if necessary. The BLM would block up Federal land for wildlife habitat, provide casual recreation opportunities, protect the east side of the Steens Mountain viewshed from development, and a trespass case would be settled.

### C. Purchase Alternative Considered but not Further Analyzed

Under this alternative, the BLM must have a “willing seller.” This alternative has already been attempted through the negotiation process and has failed. The failure of this alternative has led to the proposed land exchange.

## CHAPTER III: AFFECTED ENVIRONMENT

The following critical elements of the human environment have been analyzed in the Andrews Management Unit/Steens Mountain CMPA RMPs and RODs, dated July 15, 2005, and are not known to be present in the land exchange area or affected by enacting either alternative and, therefore, will not be analyzed further in this document: American Indian Traditional Practices, Areas of Critical Environment Concern (ACECs), Air Quality, Environmental Justice, Farmlands (prime or unique), Flood Plains, Hazardous Materials, Noxious Weeds, Paleontology, Water Quality (drinking/ground), Wild and Scenic Rivers, Wilderness, and Wilderness Study Areas (WSAs).

A. Federal Land

1. Critical Elements

Cultural Heritage: The additional Federal lands in Section 25, T. 32 S., R. 31 E., W.M., and Section 30, T. 32 S., R. 32 E., W.M., were inventoried and contain no paleontological remains or archaeological properties.

The parcel in Sections 15 and 22, T. 33 S., R. 30 E., W.M., was inventoried in the mid-1980's by the BLM. A report was not completed; however, the parcel was adequately inventoried. No historic properties were found in this parcel.

The parcel in Section 28, T. 33 S., R. 30 E., W.M., has been inventoried, and four prehistoric sites and one historic site are located in the parcel. The inventory was completed as part of the proposed North Catlow Land Exchange. All sites have been evaluated for National Register eligibility and determined Not Eligible. The Andrews Resource Area Field Manager has been delegated signing authority for determinations of effect and eligibility under the 1997 Programmatic Agreement and Protocol with the Oregon State Historic Preservation Office.

Migratory Birds: Migratory birds identified during surveys include sage sparrow, Brewer's sparrow, loggerhead shrike, Northern rough-legged hawk, and sage thrasher.

Special Status Species - Fauna: In March through June 2000 and 2001, the Federal land was surveyed for Threatened and Endangered (T&E), and other Special Status Species (SSS). Approximately 20 to 30 percent of the Federal land in Sections 15 and 22, T. 33 S., R. 30 E., W.M., was surveyed while 50+ percent of the Federal land in Section 28, T. 33 S., R. 30 E., W.M., was surveyed. No known T&E species have been documented in this area in the past and none were observed during the survey. Several other SSS were observed which include sage sparrow and loggerhead shrike.

The additional Federal land has been partially surveyed for T&E and SSS. If any T&E species are found during finalization of the surveys, the parcels would be dropped from consideration for inclusion in this land exchange.

Special Status Species - Flora: Two Special Status plant species were discovered to be growing on the parcels in the area of Rock Creek Ranch, Inc. The two species are Raven's lomatium (*Lomatium ravenii*) and four-winged milkvetch (*Astragalus tetraapterus*). Both species are in no danger of being listed as there are stable populations in other places.

## 2. Noncritical Elements

The additional Federal land for equalization is located in Pasture #4 of Lavoy Tables Allotment #6031. Currently, the allotment contains 41,739.00 acres of Federal land, 710.00 acres of non-Federal land, and 993.00 acres managed by Malheur National Wildlife Refuge. The Federal land is comprised mainly of native bunchgrasses and Wyoming big sagebrush. The proposed exchange would decrease Federal land within the allotment by 133.00 acres. The current active preference in the allotment is 2,373 AUMs. The proposed land exchange would decrease the preference by 22 AUMs and would reflect a change to the permit. There would be no change in the management of the allotment.

### Lands and Realty:

T. 33 S., R. 30 E., W.M.,      sec. 15, S½;  
sec. 22, N½, N½S½;  
\*sec. 28, N½S½, S½SE¼.      1,040.00 acres

Each of the following holders of valid existing rights has been notified in writing of the proposed land exchange with a copy of the NOEP. All valid existing rights would be included in the “subject to” section on the patent and/or quit claim deed.

- No active mining claims
- OR-62922, Harney Electric Cooperative (power line)
- ORE-018562, CenturyTel of Eastern Oregon (telephone)
- OR-47005, CenturyTel of Eastern Oregon (telephone)
- OR-59183, Harney County (road) [converted OR-4174, Rock Creek Access Road (44 L.D. 513), BLM, Lakeview District Office maintains case file]
- OR-60128, BLM Federal Road Right-of-Way Reservation

The Oregon Water Resource Department database shows water rights in the above identified sections. However, after verifying the legal descriptions and maps associated with these water rights, they do not cover the Federal land identified for disposal in this land exchange.

Additional Federal Land Considered for Equalization:

T. 32 S., R. 31 E., W.M.      sec. 25, lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .      133.71 acres

ORE-014073, reconveyed to the United States by exchange and would require a conveyance by Quit Claim Deed.

The BLM has reviewed the records and there are no active mining claims or valid existing rights on this parcel.

Oregon Water Resources Department database shows no water rights on this parcel.

T. 32 S., R. 32 E., W.M.      sec. 30, lots 1 and 2, W $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
E $\frac{1}{2}$ NW $\frac{1}{4}$ .      237.46 acres

ORE-014073, reconveyed to the United States by exchange and would require a conveyance by Quit Claim Deed.

The BLM has reviewed the records and there are no active mining claims or valid existing rights on this parcel.

The Oregon Water Resource Department database shows water rights in the above identified sections. However, after verifying the legal descriptions and maps associated with these water rights, they do not cover the Federal land identified for disposal in this land exchange.

Minerals: The two Federal land parcels are located at the north end of Catlow Valley adjacent to Rock Springs Ranch on Blitzen NW Topographic Quad Map (#164). The parcel located in Section 28, T. 33 S., R. 30 E., W.M., contains an access road to the Rock Creek Materials Source on the Federal land south of the parcel. This access road continues southward into Catlow Valley. Both parcels consist of sediments deposited in ancient Lake Catlow approximately 22,000 to 12,000 years ago. According to the Adel Geologic Map by Walker and Repenning, the rock type is gravel, sand, silt, and clay eroded from ash-flow tuffs and tuffaceous sedimentary rocks in the low hills to the north and south of the parcels.

The additional Federal land parcel is located at the north end of Catlow Valley northeast of Riecken's Corner on Walls Lake Topographic Quad Map (#149). The surface consists of sediments deposited in ancient Lake Catlow approximately 22,000 to 12,000 years ago. The rock type is gravel, sand, silt, and clay eroded from Steens Basalt, ash-flow tuffs, and tuffaceous sedimentary rocks in the low hills to the north of the parcel.

A field visit was conducted on March 31, 2005. All three Federal land parcels have moderate potential for geothermal resources, low potential for oil and gas resources, and low potential for locatable minerals resources.

Recreation/Off Highway Vehicles (OHV): Recreation use is dispersed on the Federal land and is probably associated with pronghorn antelope and chukar hunting. Section 28, T. 33 S., R. 30 E., W.M., includes a section of the Lakeview to Steens Back Country Byway (BCB), which would be protected by making the exchange subject to the County road right-of-way. There would be no change in the existing public use of the BCB. The OHV designation "limited to designated roads" for OHV and mechanized vehicle use would continue if the lands remain in Federal ownership.

Social and Economic Values: Currently, the Federally-managed land proposed for exchange is not in the County tax base, but the privately-owned parcel is in the County tax base. The appraised value of the Federally-managed land is between \$65.00 and \$165.00 per acre. Cattle grazing is the primary economic activity on the Federal land.

The social value of the Federal land consists primarily of activities centered around limited hunting and perhaps bird watching. The scenery in these parcels is likely of little social importance.

Soils: The soils in the Rock Creek Lane parcels (Sections 15, 22, and 28, T. 33 S., R. 30 E., W.M.) are in the Spangenberg Series and are characterized by textures ranging from silty clays to loams and sandy loams. These soils are very deep, well drained and have a low potential for water erosion and a high potential for wind erosion.



The soils in the Rock Creek Lane parcels (Section 25, T. 32 S., R. 31 E., W.M., and Section 30, T. 32 S., R. 32 E., W.M.) are in the Enko Series and are characterized by sandy loam textures. These soils are very deep, well drained and have a low potential for water erosion and a high potential for wind erosion.

Transportation/Roads: In Section 28, T. 32 S., R. 30 E., W.M., of the Federal land identified for exchange there are two road rights-of-way which ensure public access. Harney County Road, serial number OR-59183 and BLM Federal Road Right-of-Way Reservation, serial number OR-60128, provides public access to the larger Federal parcel. Continued public access will remain even if in private ownership.

Vegetation: The Rock Creek Lane parcels (Section 28, T. 33 S., R. 30 E., W.M.) vegetation is in mid-seral ecological condition. Greasewood and big sagebrush are the dominant shrub species on this site. The major understory components include cheatgrass, Douglas' sedge, creeping wildrye, Indian ricegrass, squirreltail, and needlegrass.

The Rock Creek Lane parcels (Sections 15 and 22, T. 33 S., R. 30 E., W.M.) vegetation is in mid-seral ecological condition. Big sagebrush is the dominant shrub species along with green rabbitbrush. The understory is dominated by cheatgrass, although there are some Indian ricegrass, needlegrass, Sandberg's bluegrass, basin wildrye, and creeping wildrye on the site. Forbs are present, but not abundant. The common forbs on the site are larkspur, draba, wouldow-herb, chickweed, and Raven's lomatium.

The Rock Creek Lane parcels (Section 25, T. 32 S., R. 31 E., W.M., and Section 30, T. 32 S., R. 32 E., W.M.) vegetation is divided into three major types with different ecological status. One type is dominated by western juniper and big sagebrush in the overstory and Thurber's needlegrass and Sandberg's bluegrass in the understory. This site is in late seral ecological condition and contains an abundance of grass and forb species.

Another major type is dominated by big sagebrush in the overstory and squirreltail in the understory. This site is in mid-seral ecological condition and does not contain as much vegetation diversity as the adjacent late seral community.

The third major vegetation type in this parcel is dominated by crested wheatgrass and big sagebrush. This site is rated as a good condition seeding, but it is not ecologically diverse because the number of native plant species is limited.

Visual Resources: The Federal land is designated as Visual Resource Management (VRM) Class IV. The VRM Class IV objective is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high.

These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements. If the land remains in Federal ownership it would remain as VRM Class IV.

The additional Federal land for equalization is designated as VRM Class II. The VRM Class II objective is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape. If the land remains in Federal ownership they would remain as VRM Class II.

The Federal land and additional Federal land are primarily flat to rolling with gray-green sagebrush. The additional Federal land also grades into steeper slopes with scattered, dark green junipers. It is anticipated that the Federal land and additional Federal land would continue to be used for livestock grazing.

Wildlife: Wildlife species identified during surveys of the offered public land include pronghorn antelope, black-tailed jackrabbit, horned larks, raven, badger, pocket gopher, kangaroo rats, Northern harrier, reptiles, and other small mammals.

## B. Non-Federal Land

### 1. Critical Elements

Cultural Heritage: The non-Federal land located in Section 31, T. 31 S., R. 35 E., W.M., and Section 6, T. 32 S., R. 35 E., W.M., has moderate potential to contain archaeological sites with National Register of Historic Places eligibility. Two historic “ruins” are noted on the USGS quad map of the area. If either are relatively intact and eligible for nomination to the National Register of Historic Places, the BLM would be obligated to maintain, stabilize or restore them.

Migratory Birds: The offered private land was not surveyed for migratory birds, but several species likely use the habitat on these lands.

Special Status Species - Fauna: Acquisition of the non-Federal land would block up Federal land that lies within bighorn sheep winter range on the east side of Steens Mountain. Blocking up Federal ownership enhances management capabilities.

Special Status Species - Flora: A Special Status plant species, Biddle’s lupine (*Lupinus biddlei*), has been observed and documented on the non-Federal parcel.

Wetlands and Riparian Zones: The wetland/riparian/water resources within these parcels are associated with outflow from Strode Springs (Federal land). Acquisition of this parcel would be beneficial to the public in consolidating ownership and management of this small wetland/riparian area. Acquisition would prevent potential competing uses of available water, such as development for private domestic purposes.

2. Noncritical Elements

Grazing Management: The non-Federal land is located in Pastures #1 and #2 of the Mann Lake Allotment #6026. The permittee is Hoyt F. Wilson of the Mann Lake Ranch. Currently, the allotment contains 38,038.00 acres of Federal land and 1,539.00 acres of non-Federal land. The non-Federal land is comprised mainly of crested wheatgrass and Wyoming big sagebrush. The proposed exchange would increase the Federal land within the allotment by 233.00 acres. The current active preference in the allotment is 3,670 AUMs; the land exchange would potentially make 58 AUMs available. This increase in AUMs would not change the permit as the AUMs would be kept in reserve, unless and until a separate analysis process adds AUMs to the Mann Lake permit.

A BLM water pipeline is located on the non-Federal land under a Cooperative Agreement for Range Improvements and would remain in operation under the current permit for the South Mann Lake Seeding. An additional water pipeline and trough has been developed by Gary Miller and Hoyt Wilson. This pipeline and trough would transfer to BLM with no known liens of interest for supplies or services. The water pipelines and trough would be used by the BLM in the management of public land within the Mann Lake Allotment.

Lands and Realty: The BLM has reviewed a Preliminary Title Report for the non-Federal land and would work with the proponent to ensure title meets the Department of Justice title standards. There are no known unacceptable encumbrances.

Minerals: The non-Federal land is on the Mann Lake Topographic Quad Map and lies 1.50 miles north of Mann Lake. Except for approximately 20.00 acres in the southeast corner, the parcel is above the maximum lake level of ancient Lake Alvord. Rock type is gravel, sand, silt, and clay eroded from Steens Basalt along the east side of Steens Mountain and deposited by small streams and slope wash. The parcel has moderate potential for geothermal resources, low potential for oil and gas resources, and low to moderate potential for locatable minerals. A field visit was conducted on March 31, 2005.

Recreation/OHV: The non-Federal land is approximately 1.50 miles north of Mann Lake, a popular fishing area. The parcel is used by big game and upland bird hunters, OHV and mechanized vehicle users, campers, and people venturing out from Mann Lake. The parcel would be managed in accordance with the Steens Act, the Steens CMPA RMP, and a BLM recreation management plan for the CMPA that would be initiated in the near future. Non-WSA Federal land adjacent to the parcel is currently designated as "limited to existing roads." The Proposed RMP OHV designation for the parcel would be "limited to designated roads." A CMPA Transportation Plan, which would identify the designated roads, is expected to be completed in 2005.

Social and Economic Values: The private parcel offered for exchange is in the County tax base and is valued at \$250.00 per acre. The primary economic value of the parcel lies in livestock grazing although recreational activities would bring in considerable economic benefit to the local economy.

Social values associated with the private parcel include those relating to hunting, hiking, and sightseeing. (The scenic setting is a predominate social value.) These activities are often connected with camping and fishing at nearby Mann Lake.

Soils: About half of the parcel is within the Lonely-Robson Soil Series and the other half is within the Enko Soil Series. The Lonely-Robson Series contains clay soils that are shallow to moderately deep and well drained. These soils have a low potential for erosion. The Enko Series contains more sandy textured soils that are very deep and well drained. These soils have a low potential for water erosion and a high potential for wind erosion.

Vegetation: The non-Federal land was seeded to crested wheatgrass in the 1970's following a wildland fire. Big sagebrush has recolonized the site and is currently the dominant shrub species on the site. Crested wheatgrass is still the dominant understory species in the seeded portion.

Visual Resources: Non-WSA Federal land located adjacent to the parcel is designated as VRM Class II. The VRM Class II objective is to retain the existing character of the landscape and would occur in Federal ownership. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape. The non-Federal land is flat to gently sloping grading into steeper slopes along the western edge, with gray-green sagebrush and green to tan grasses.

Wildlife: Although the offered private land was not surveyed for wildlife, it contains mule deer winter range and pronghorn antelope yearlong range on the east side of the Steens Mountain. Blocking up Federal ownership enhances management capabilities.

## CHAPTER IV: ENVIRONMENTAL CONSEQUENCES

This chapter provides an analysis of environmental effects and is organized by alternative.

### A. No Action Alternative

#### 1. Critical Elements

Cultural Heritage: Archaeological sites within the Federal exchange land are not eligible for nomination to the National Register of Historic Places. Under the No Action Alternative they would not be affected.

Migratory Birds: Migratory birds and their habitat would not be affected by this alternative.

Special Status Species - Fauna: SSS and their habitat would not be affected by this alternative.

Special Status Species - Flora: The populations of Special Status plant species and their habitat located on the Federal parcel would not be affected. The SSS on the non-Federal parcel could be potentially affected by future ground-disturbing activities.

Wetlands and Riparian Zones: There are no foreseeable effects with selection of this alternative. There is a riparian area on the land that the BLM would acquire that could be further developed and lead to a loss of developed water for grazing management and a loss of riparian vegetation.

#### 2. Noncritical Elements

Grazing Management: There would be no change in the management of the allotments under the No Action Alternative.

Lands and Realty: The BLM would proceed with trespass action which would require the removal of hay, cattle supplements tanks, and equipment used in connection with ranching operations by Rock Creek Ranch, Inc. (Gary Miller). The BLM would not be able to block up Federal land within the CMPA.

Minerals: There would be no effect on mineral resources.

Recreation/OHV: There would generally be no effects to Recreation from the No Action Alternative. Public use of the non-Federal parcel could be eliminated should any future owner decide to fence or restrict public access. The OHV designations would not be affected.

Social and Economic Values: Under selection of the No Action Alternative Federal parcels would remain out of the County tax base and would not contribute to County taxation income. The private parcel would remain in the tax base.

There could be effects on social recreational opportunities on the parcel slated for Federal ownership. A private property owner could restrict future public access. Sightseeing values could be affected if the property owner elected to modify the landscape.

Soils: The soils on the Federal parcel would not be affected. The soils on the non-Federal parcel could be potentially affected by future ground-disturbing activities.

Vegetation: The vegetation on the Federal parcel would not be affected. The vegetation on the non-Federal parcel could be potentially affected by future ground-disturbing activities.

Visual Resources: There would be no effects to Visual Resources. VRM class designations would not be affected.

Transportation/Roads: There are currently valid existing rights for roads which ensure public access to the other Federal lands. These rights would continue with both alternatives.

Wildlife: Wildlife and habitat would not be affected by this alternative.

B. Proposed Action

1. Critical Elements

Cultural Heritage: Archaeological sites within the Federal exchange land are not eligible for nomination to the National Register of Historic Places and would not be afforded statutory protection by the BLM. Under the Proposed Action Alternative, they would be lost from BLM management. However, their importance would not be greatly affected if the sites are transferred to a private owner.

Archaeological sites within non-Federal land could be affected by the Proposed Action. If found to be eligible for nomination to the National Register of Historic Places, statutory protection of such sites and mitigation of future actions' effects would be required.

No cumulative effects are anticipated through implementation of this alternative.

Migratory Birds: No effects are anticipated through implementation of this alternative.

Special Status Species - Fauna: No effects are anticipated through implementation of this alternative.

Special Status Species - Flora: There would be no effect to Special Status plant species existing on the non-Federal parcel near Mann Lake because management would not be expected to change; BLM would manage the land the same as the surrounding public land. Special Status plant species existing on the Federal parcels in Catlow Valley could be at risk if the landowner changes management to alter the existing habitat. Two Special Status plant species were discovered to be growing on the parcels in the area of Rock Creek Ranch, Inc. The two species are Raven's lomatium (*Lomatium ravenii*) and four-winged milkvetch (*Astragalus tetraapterus*). Both species are in no danger of being listed as Threatened or Endangered as there are stable populations in other places.

Wetlands and Riparian Zones: There are no foreseeable effects with selection of this alternative.

## 2. Noncritical Elements

Grazing Management: There would be no change in the management of the allotments under this alternative.

Lands and Realty: The BLM would acquire the fee simple estate of approximately 233.25 acres of non-Federal land in exchange for the fee simple estate of up to approximately 1,411.17 acres of Federal land, both surface and minerals. The land values would be equalized based on a market value appraisal. The BLM or Rock Creek Ranch, Inc. (Gary Miller) would apply a cash payment of up to 25 percent if necessary for equalization and a trespass case would be settled. The BLM would block up Federal land within the CMPA.

Minerals: There would be no effect on mineral resources because the exchanged Federal land and the non-Federal private land both have low to moderate mineral potential. The mineral estate would remain united with the surface estate for both the Federal land and the non-Federal land, eliminating a split-estate situation that can be difficult to manage for both the private landowner and BLM.

Recreation/OHV: Recreation use of the Federal parcels would generally not be affected if they are transferred to private ownership, because there has been limited public access to those parcels. Public use of the non-Federal parcel would continue, but under BLM's management.

Land transferred out of public ownership would no longer have an OHV designation. Land acquired by the BLM would be designated as “limited to designated roads” for OHV and mechanized vehicle use. Public use of both the non-Federal and Federal lands would not be affected because the Federal parcels are generally not accessible, while the non-Federal parcel has never been closed to the public.

Social and Economic Values: Under selection of the Proposed Action the parcels under Federal management would come under the County tax base and would likely remain as livestock grazing areas. The current private property would fall out of the tax base.

The current Federal parcels could be lost for public recreational activities, but these are at a negligible level currently. The property slated for Federal ownership would retain its scenic values and would remain open to recreational activities.

Soils: There would be no effect to the soils on the offered parcel near Mann Lake. There would be no effect on the soils in the Catlow Valley parcels unless the landowner changes the management that could cause an increase in compaction or erosion in some areas.

Vegetation: There would be no effect to existing vegetation on the Federal parcel near Mann Lake because management would not be expected to change. The vegetation on the selected parcels in Catlow Valley could be at risk if the landowner changes the management to alter the existing habitat by such activities as seeding or brush beating.

Visual Resources: Land transferred out of public ownership would no longer have a VRM class designation. Land acquired by the BLM would be designated as VRM Class II. Any proposed projects would be designated to meet VRM Class II objectives.

Transportation/Roads: There are currently valid existing rights-of-ways for roads which ensure public access to the other Federal lands. These rights would continue with both alternatives.

Wildlife: No effects are anticipated to wildlife or their habitat through implementation of this alternative. (Except the Fed parcels, once in private ownership could be converted to alfalfa for example which could have both positive and negative effects on wildlife.)



## Cumulative Effects

The BLM Burns District Land Tenure Actions (land exchanges, fee purchases, and land sales) in Harney County since 1980 (excluding State exchanges) has a total of 53, 199.00 acres acquired by BLM for public use and BLM has conveyed to private ownership 150,379.00 acres. The difference is 97,260.00 acres on the private ownership side.

Harney County Court has requested the BLM to try and negotiate for land exchange before fee purchase options to maintain land in the County tax base. This exchange will put more land into private ownership (up to 1,411.17 acres) in comparison to land which will become public land (233.25 acres).

There are no known further cumulative effects which would result from enactment of either alternative.

As the Council on Environmental Quality (CEQ), in guidance issued on June 24, 2005, points out, the “environmental analysis required under NEPA is forward-looking,” and review of past actions is required only “to the extent that this review informs agency decision-making regarding the proposed action.” Use of information on the effects on past action may be useful in two ways according to the CEQ guidance. One is for consideration of the proposed action’s cumulative effects, and secondly as a basis for identifying the proposed action’s direct and indirect effects.

The CEQ stated in this guidance that “[g]enerally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions.” This is because a description of the current state of the environment inherently includes the effects of past actions. The CEQ guidance specifies that the “CEQ regulations do not require the consideration of the individual effects of all past actions to determine the present effects of past actions.” Our information on the current environmental condition is more comprehensive and more accurate for establishing a useful starting point for a cumulative effects analysis, than attempting to establish such a starting point by adding up the described effects of individual past actions to some environmental baseline condition in the past that, unlike current conditions, can no longer be verified by direct examination.

The second area in which the CEQ guidance states that information on past actions may be useful is in “illuminating or predicting the direct and indirect effects of a proposed action.” The usefulness of such information is limited by the fact that it is anecdotal only, and extrapolation of data from such singular experiences is not generally accepted as a reliable predictor of effects.

However, “experience with and information of individual past actions” have been found useful in “illuminating or predicting the direct and indirect effects” of the proposed action in the following instances: the general accumulated experience of the resource professionals in the agency with similar actions.

Scoping for this project did not identify any need to exhaustively list individual past actions or analyze, compare, or describe the environmental effects of individual past actions in order to complete an analysis which would be useful for illuminating or predicting the effects of the proposed action.

## CHAPTER V: CONSULTATION AND COORDINATION

Burns Paiute Tribal consultation was conducted in May 2004.

Concurrence processes with the State Historic Preservation Office were completed in December 2004.

The NOEP was published on May 11, 18, 25, and June 1, 2005, in the Burns Times-Herald, local newspaper. This notice served as a scoping document informing the public of the proposed action. A copy of the NOEP mailing list is attached with scanned copies of letters received in response to the NOEP.

This EA will be released to the same mailing list which includes adjacent property owners, State and local government entities and groups.

## CHAPTER VI: LIST OF PREPARERS

Manny Berain, Range Technician  
Darren Brumback, District Fisheries Biologist  
Gary Foulkes, District Planning and Environmental Coordinator  
Terri Geisler, Geologist  
Eric Haakenson, Rangeland Management Specialist  
Rick Hall, Natural Resource Specialist  
Holly LaChapelle, Realty Specialist  
Mike McGee, Fisheries Biologist  
Matt Obradovich, Wildlife Specialist  
Lesley Richman, District Weed Coordinator  
Cam Swisher, Environmental Protection Specialist  
Scott Thomas, District Archaeologist  
Evelyn Treiman, Outdoor Recreation Planner  
Cindy Weston, Fisheries Biologist

## CHAPTER VII: EXHIBITS AND APPENDICES

Exhibit A, Non-Federal Land Map

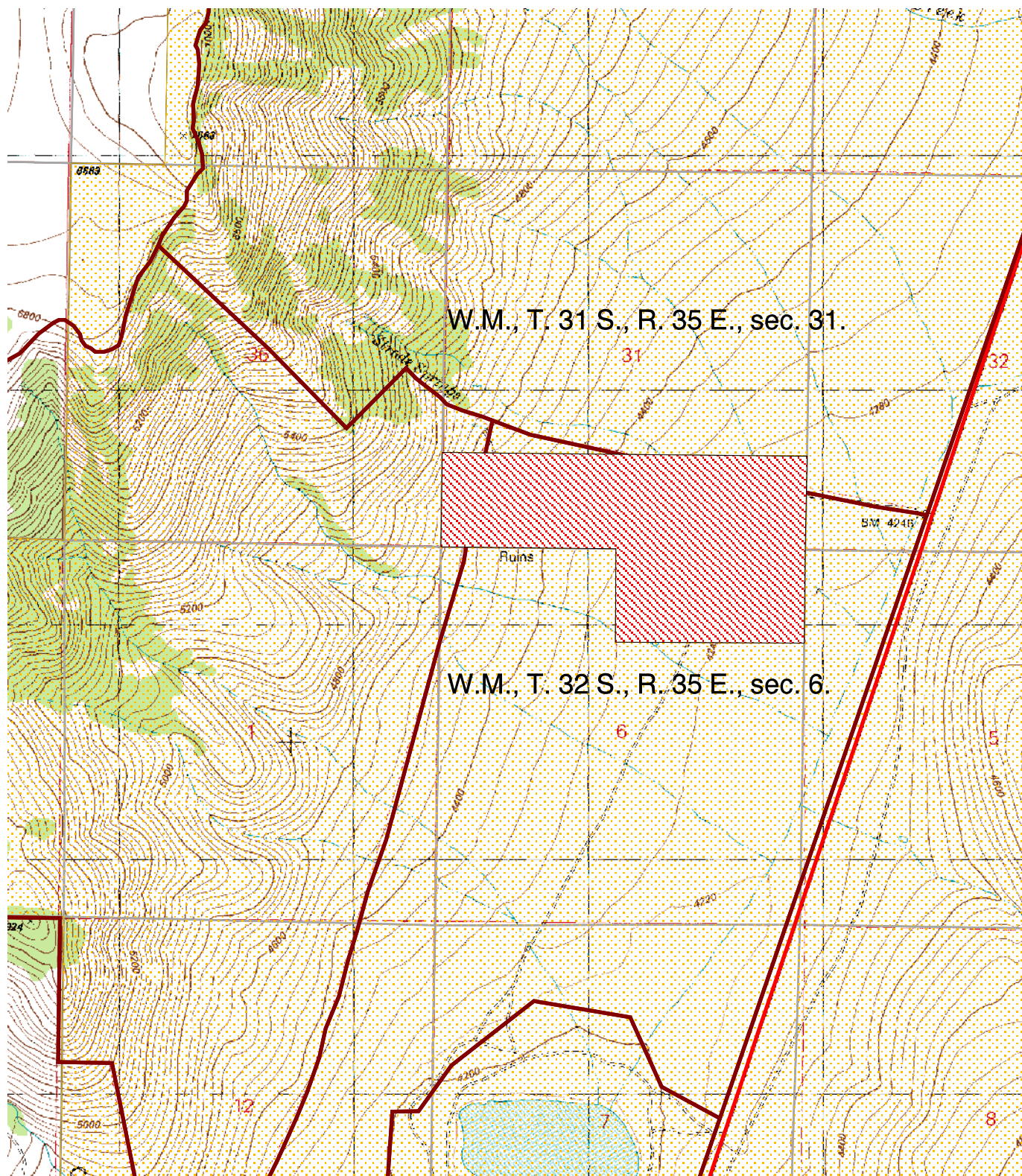
Exhibit B, Federal Land Map

Exhibit C, Additional Federal Land Map

Exhibit D, Rangeland Improvements (water pipeline and trough) Map

Appendix E, NOEP Mailing List (available upon request)

Appendix F, Public Comments on the NOEP and BLM Responses to Comments  
(Letter #1 – 3 pp; Letter #2 – 1 p)



0.5 0 0.5 1 Miles

Exhibit A, OR-60154  
Rock Creek Ranch, Inc.  
(Gary Miller) Land Exchange

Bureau of Land Management  
Burns District  
Holly LaChapelle  
May 29, 2003

No warranty made by the BLM  
for the use of the data for purposes  
not intended by the BLM.

Rock Creek Ranch, Inc.  
Gary Miller Land Exchange

OFFERED (Private)  
Allotments

Roads (major)

Ownership - hatched

BLM Lands

Private Lands



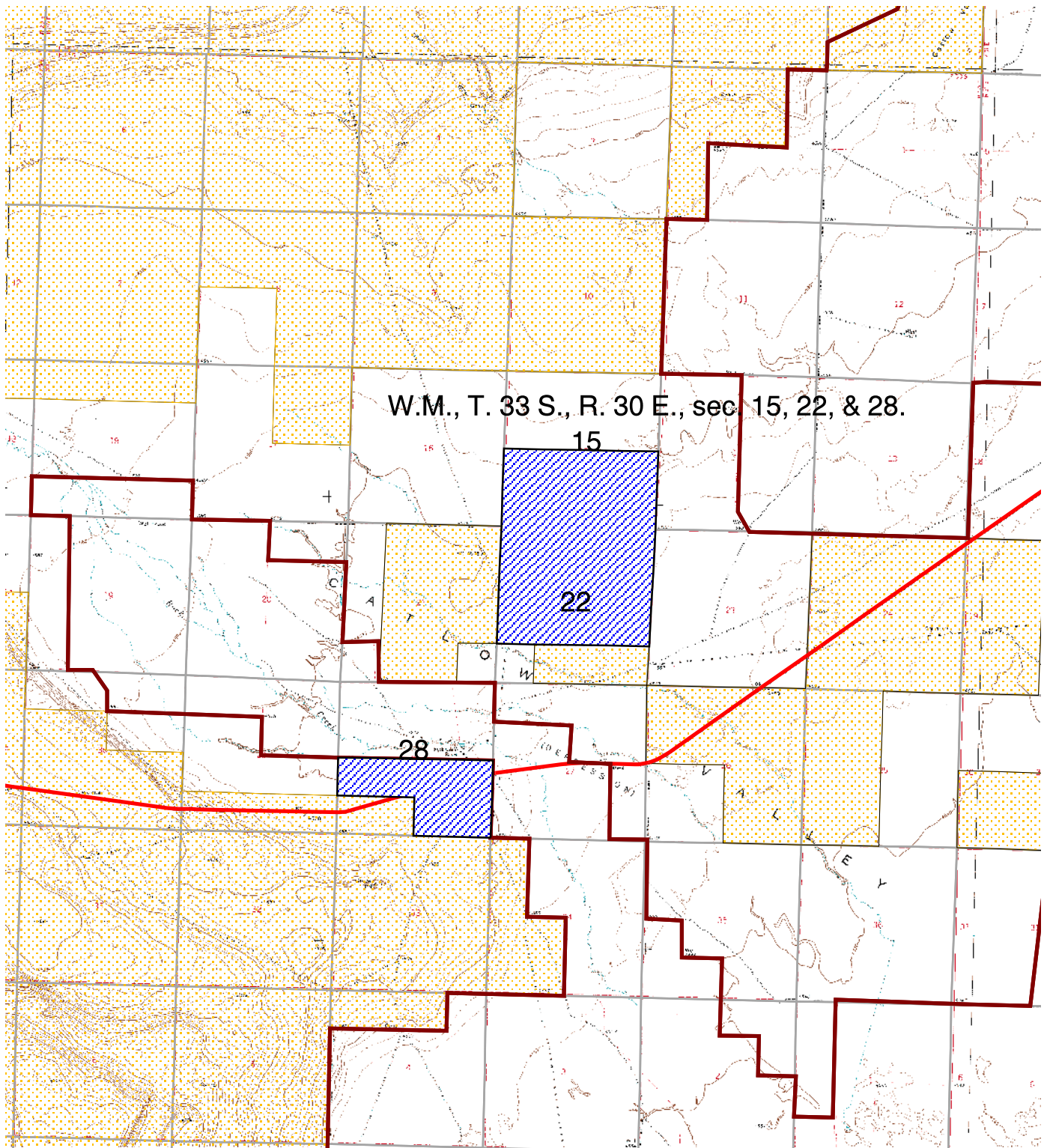


Exhibit B, OR-60154  
Rock Creek Ranch, Inc.  
(Gary Miller) Land Exchange

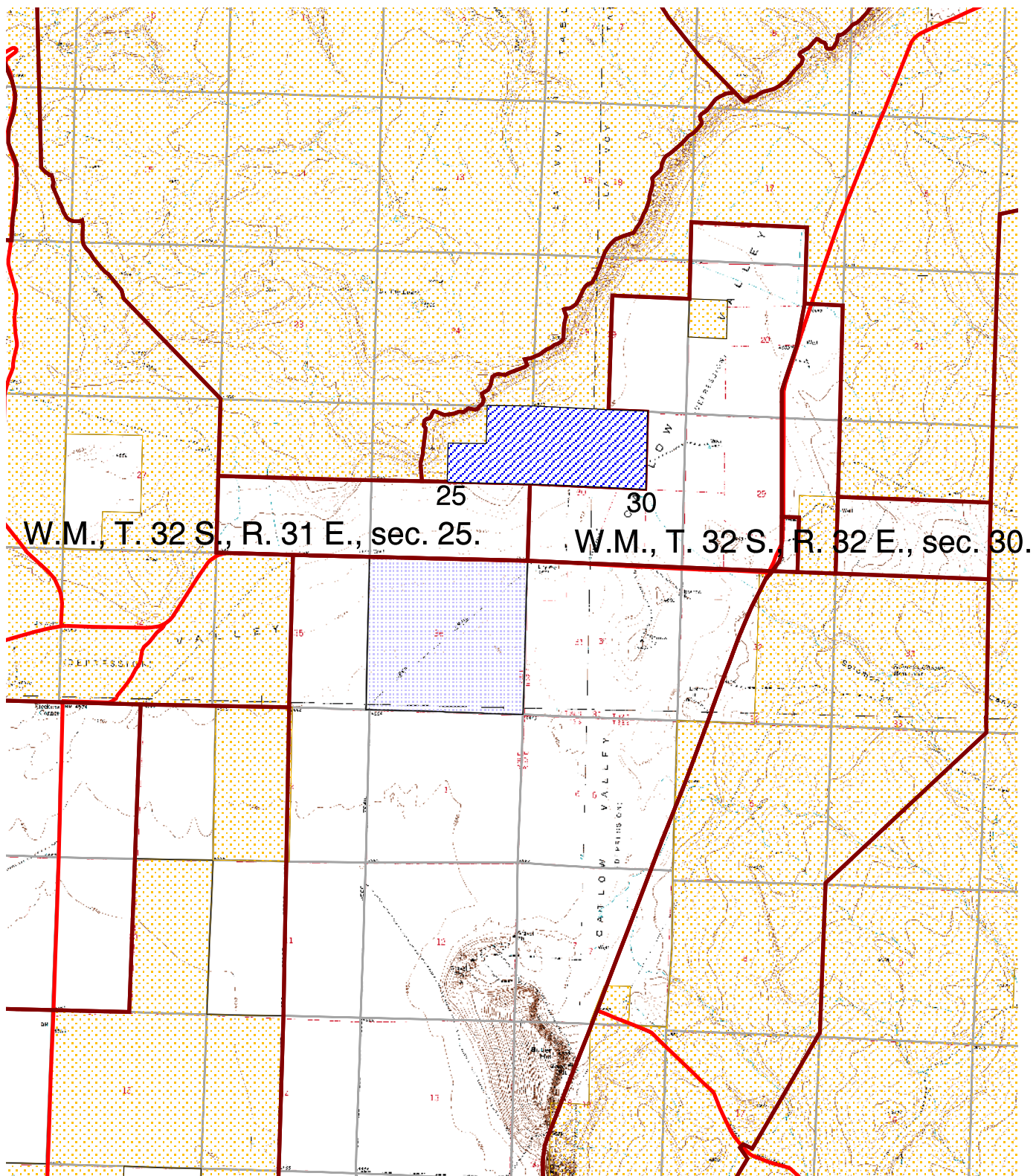
Bureau of Land Management  
Burns District  
Holly LaChapelle  
May 29, 2003

No warranty made by the BLM  
for the use of the data for purposes  
not intended by the BLM.

Rock Creek Ranch, Inc.  
Gary Miller Land Exchange  
SELECTED (Public)  
Allotments  
Roads (major)  
Ownership - hatched  
BLM Lands  
Private Lands







W.M., T. 32 S., R. 31 E., sec. 25.

W.M., T. 32 S., R. 32 E., sec. 30.

Exhibit C, OR-60154  
Rock Creek Ranch, Inc.  
(Gary Miller) Land Exchange

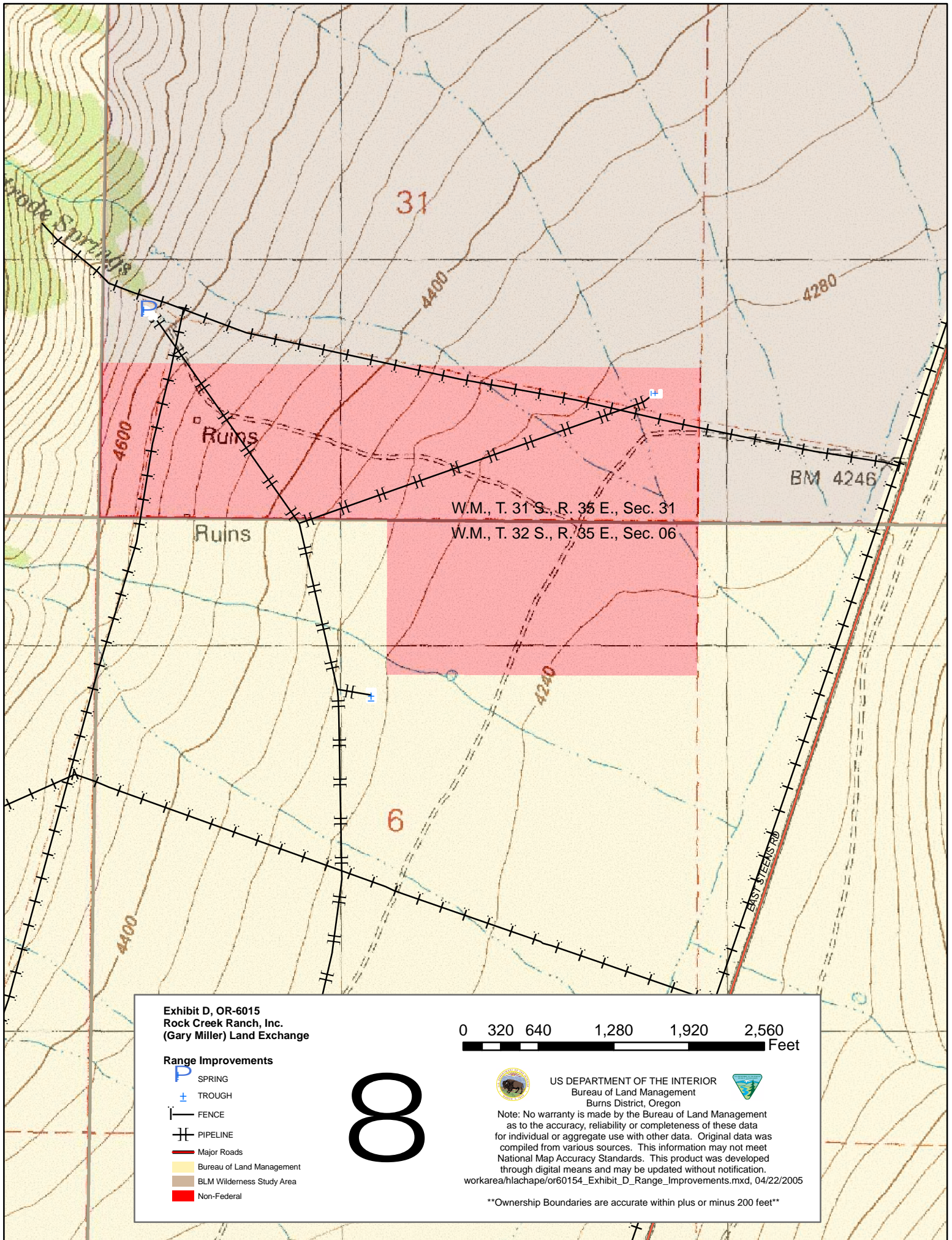
Bureau of Land Management  
Burns District  
Holly LaChapelle  
May 29, 2003

No warranty made by the BLM  
for the use of the data for purposes  
not intended by the BLM.

- Rock Creek Ranch, Inc.  
Gary Miller Land Exchange  
ADDITIONAL SELECTED (Public)  
Allotments  
Roads (major)  
Ownership - hatched  
BLM Lands  
Private Lands  
State Lands







APPENDIX E, NOEP MAILING LIST (AVAILABLE UPON REQUEST)



PUBLIC COMMENTS ON THE NOEP AND BLM RESPONSES TO COMMENTS

Letter #1: A Steens Mountain Advisory Council (SMAC) member requested a map and information concerning equalization, acres, and market value.

Response #1: The land exchange proposal was presented to the SMAC prior to the Bureau of Land Management (BLM) feasibility process in 2003 and the recommendation was to proceed with the exchange process. The non-Federal land is located in the Steens Mountain Cooperative Management and Protection Area (CMPA) but is not a Wilderness Inholding. The land exchange is authorized under the Steens Mountain Cooperative Management and Protection Act (Steens Act) of 2000, Public Law 106-399, October 30, 2000 (114 Stat. 1655), however, it is not one of the legislated land exchanges which were identified in the Steens Act and completed in 2002.

The market values of the Federal land and non-Federal land would be estimated through complete appraisals performed by a qualified fee appraiser considered to be most appropriate for this assignment. The selected fee appraiser would be chosen from the contract appraiser panel approved by the BLM. The Appraisal Services Directorate (ASD) shall provide management oversight for the entire appraisal process, including but not limited to, producing appraisal instructions and scope, as well as, contracting with the chosen real estate appraiser.

The complete self-contained appraisals shall comply with specifications and requirements set forth in the most current additions of the “Uniform Standards of Professional Appraisal Practice,” and “Uniform Appraisal Standards for Federal land Acquisitions.” The draft appraisal(s) are subject to ASD review and approval.

The proponent has selected enough Federal land for equalization, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary concerned as the circumstances require not exceeding 25 per centum of the total value of the land or interests in land transferred out of Federal ownership.

Letter #2: The Western Land Exchange Project has requested that the Environmental Assessment (EA) provide some discussion of the land-value trends in the area since 2000 ensuring that the land values from the legislated Steens Act land exchanges do not artificially inflate the value of Steens Inholdings.

Response #2: The following is a discussion on land value from the BLM Feasibility Analysis approved on April 14, 2005.

Non-Federal Land:

BLM Appraiser, Barbara Kehrberg, appraised the property at \$250.00 per acre on February 22, 2001.

Gary Miller of the Rock Creek Ranch, Inc., purchased the 233.25-acre parcel in July of 2002, for \$75,000.00 or \$321.54 per acre. The deed was recorded on July 12, 2002.

The BLM has acquired the Huett, Askins, Keller, and Miles parcels within the CMPA Wilderness at \$250.00 per acre between the years of 2002 to 2004.

It is expected that range of appraised value would be \$250.00 to \$350.00 per acre on the non-Federal land.

$$233.25 \times \$250.00 = \$58,312.50 \text{ to } 233.25 \times \$350.00 = \$81,637.50$$

Federal Land:

The 2003 Harney County Land Sales Appraisal of 24 BLM land parcels was completed in October 20, 2002, by Elwood Wirth. He looked at 52 comparative sales in the Harney County area. The appraised land was scattered parcels in outlying areas of the County that were unimproved, dry grazing land with variable native vegetation, zoned EFRU-1, 160-acre minimum outright segregations, and used mostly as assemblage for grazing purposes. The values ranged from \$65.00 per acre to \$165.00 per acre. The exchange parcels have similar characteristics and zoning as the land sale parcels and it is expected the land would appraise for similar values.

$$1,040 \times \$65.00 = \$67,600.00 \text{ to } 1,040 \times \$165.00 = \$171,600.00$$

Additional

$$133.71 \times \$65.00 = \$8,691.15 \text{ to } 133.71 \times \$165.00 = \$22,062.15$$

Additional

$$237.46 \times \$65.00 = \$15,434.90 \text{ to } 237.46 \times \$165.00 = \$39,180.90$$

The proponent has selected enough Federal land for equalization, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary of the Interior as the circumstances require not exceeding 25 per centum of the total value of the land or interests in land transferred out of Federal ownership.

The non-Federal land is located within the CMPA but is not a Wilderness Inholding.



Holly  
LaChapelle/BUFO/OR/BLM/D  
OI

07/06/2005 08:04 AM

To phardy@law.uoregon.edu

Karla Bird/BUFO/OR/BLM/DOI@BLM, Rhonda

cc Karges/BUFO/OR/BLM/DOI@BLM, Mark  
Sherbourne/BUFO/OR/BLM/DOI@BLM, Robert

bcc

Subject Fw: Rock Creek Ranch, Inc. (Gary Miller) Land Exchange



rock\_crk\_miller\_land\_exchg\_large\_wo.pdf or60154\_Exhibit\_A\_Non\_Federal.pdf or60154\_Exhibit\_B\_Federal.pdf



or60154\_Exhibit\_C\_Federal\_Additional.pdf or60154\_Exhibit\_D\_Range\_Improvement.pdf

**This land exchange proposal was presented to the SMAC prior to feasibility in 2002-2003 and got a recommendation to proceed. The non-Federal land is in the CMPA but not a Wilderness Inholding. This land exchange proposal was not part of the Steens Act.**

**The market values of the Federal land and non-Federal land will be estimated through complete appraisals performed by a qualified fee appraiser considered to be most appropriate for this assignment. The selected fee appraiser will be chosen from the contract appraiser panel approved by the BLM. The Appraisal Services Directorate (ASD) shall provide management oversight for the entire appraisal process, including but not limited to, producing appraisal instructions and scope; as well as, contracting with the chosen real estate appraiser.**

**The Complete/self-contained appraisals shall comply with specifications and requirements set forth in the most current additions of the "Uniform Standards of Professional Appraisal Practice," and "Uniform Appraisal Standards for Federal Land Acquisitions." The draft appraisal(s) are subject to ASD review and approval.**

**The proponent has selected enough Federal land for equalization, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary concerned as the circumstances require not to exceed 25 per centum of the total value of the land or interests in land transferred out of Federal ownership.**

**I hope this helps explain the process. At this time an appraisal has been requested and land values will equalized as to market value so the exact number of Federal acres needed to equalize the 233.25 acres of non-Federal land will not be known until that time. I am currently working on an environmental assessment on this land exchange proposal which will address this issue.**

**Please feel free to contact me any time you have questions.**

**Holly G. LaChapelle  
BLM, Burns District**

**Realty Specialist  
(541) 573-4501**

----- Forwarded by Holly LaChapelle/BUFO/OR/BLM/DOI on 07/06/2005 08:03 AM -----



Rhonda  
Karges/BUFO/OR/BLM/DOI  
06/28/2005 12:44 PM

To Holly LaChapelle/BUFO/OR/BLM/DOI@BLM  
cc  
Subject Fw: Rock Creek Ranch, Inc. (Gary Miller) Land Exchange

Holly,

Can you please respond to Pam's request. Thanks.

Rhonda Karges  
Management Support Specialist  
Andrews Field Office  
541/573-4433

----- Forwarded by Rhonda Karges/BUFO/OR/BLM/DOI on 06/28/05 12:43 PM -----



Pam Hardy  
<phardy@law.uoregon.edu>

To Rhonda\_Karges@or.blm.gov  
cc  
Subject Re: Rock Creek Ranch, Inc. (Gary Miller) Land Exchange

Hi Rhonda,

Thanks for the info on the land exchange.  
Could you send a map along?  
With just the descriptions it's hard to tell what's really going on.  
The 230+ acres must be pretty sweet in order to justify 1400 acres in  
the other direction. Is it an inholding? Was this part of what was  
considered in the Steens Act? Or is this new?

Many Thanks,  
- Pam

On May 26, 2005, at 8:44 AM, Rhonda\_Karges@or.blm.gov wrote:

>  
>  
>  
>  
> FYI -  
>  
>  
> Rhonda Karges

> Management Support Specialist  
 > Andrews Field Office  
 > 541/573-4433  
 > ----- Forwarded by Rhonda Karges/BUFO/OR/BLM/DOI on 05/26/05 08:43 AM  
 > -----  
 >  
 > Holly  
 > LaChapelle/BUFO/O  
 > R/BLM/DOI  
 > To  
 > Karges/BUFO/OR/BLM/DOI@BLM  
 > 05/10/05 12:47 PM  
 > cc  
 > Karla Bird/BUFO/OR/BLM/DOI@BLM,  
 > Robert  
 > Renschler/BUFO/OR/BLM/DOI@BLM,  
 > Mark  
 > Sherbourne/BUFO/OR/BLM/DOI@BLM,  
 > Carolyn  
 > Freeborn/BUFO/OR/BLM/DOI@BLM  
 > Subject  
 > Rock Creek Ranch, Inc. (Gary  
 > Miller) Land Exchange  
 >  
 >  
 >  
 >  
 >  
 >  
 >  
 >  
 >  
 > The Notice of Exchange Proposal (NOEP) will be published in Burns Times  
 > Herald for 4 consecutive weeks starting 5/11/05 - 45 day comment period  
 > will end 6/24/05. Please forward a .pdf copy of this document to the  
 > SMAC  
 > members as a FYI. The NOEP was signed on 5/5/05 by Joan Suther for  
 > Dana  
 > Shuford.  
 >  
 > (See attached file: or60154\_NOEP.doc)  
 >  
 > Thanks!  
 >  
 > Holly G. LaChapelle  
 > BLM, Burns District  
 > Realty Specialist  
 > (541) 573-4501<or60154\_NOEP.doc>



## Western Land Exchange Project

P.O. Box 95545 Seattle, WA 98145-2545  
(206) 325-3503 / fax (206) 325-3515  
web: [www.westlx.org](http://www.westlx.org)

RECEIVED

MAY 18 2005

BLM-BURNS DISTRICT

*[Handwritten signature]*  
*[Handwritten initials]*

Dana Shuford  
BLM Burns District Manager  
28910 Highway 20 West  
Hines, OR 97338

May 16, 2005

SUBJECT: OR-60154, proposed Rock Creek Ranch Land Exchange

Dear Mr. Shuford:

The Western Land Exchange Project is a non-profit, membership organization conducting research, outreach, and advocacy for reform in federal land exchange policy. We also scrutinize a broad range of projects that propose to sell, give away, or relinquish public control of federal lands. I am writing to briefly comment on the above mentioned proposal.

Our organization closely followed the Steens Mountain Cooperative Management and Protection Act of 2000, and particularly the land exchanges associated with that project.

We look forward to seeing for this project the environmental analysis that was circumvented for the land trades under the Steens Act. While consolidation of Steens inholdings into federal ownership is generally desirable, it is important to look at the other side of the equation by analyzing any ecological or other values that would be lost to the public with the trade of the federal land. There should also be a thorough discussion of the likelihood and possible impacts of development of the inholding.

During consideration of the Steens bill and in its aftermath, we have felt there was a strong possibility that the non-standard appraisals allowed under the Steens legislation in 2000 would artificially inflate the value of Steens inholdings. We note that the BLM anticipates a significant enough difference in value per acre between the federal and non-federal land involved in this trade that it intends to analyze exchanging four and a half times the amount of federal land.

This may reflect legitimate land values, but we are concerned that a trend may emerge (or has emerged) wherein Steens inholders with rapidly rising land values can essentially extort the public by holding out to receive higher and higher value for their coveted parcels, either through future land exchanges or federal purchases. It would be helpful for the public to be aware of any evidence of such a trend so that we can understand the relative urgency of acquiring the remaining Steens inholdings. Thus, we would like to request that the environmental assessment provide some discussion of the land-value trends in the area since 2000. Thank you for the opportunity to comment on this proposal.

Sincerely,

*[Handwritten signature: Janine Blaeloch]*  
Janine Blaeloch  
Director

100% post-consumer content