

2800 (OR-027)
OR-65158

Dear Interested Party:

The Burns District of the Bureau of Land Management (BLM) released the Cooperative Management and Protection Area (CMPA) Inholder Road Right-of-Way Access Environmental Assessment (EA) and unsigned Finding of No Significant Impact (FONSI) on July 15, 2008 for public review and comment. The EA analyzes the effects of granting road rights-of-way to private property within the CMPA and Wilderness Study Area off the East Steens County Road.

Copies of the EA, Map Exhibit A, and the unsigned Finding of No Significant Impact (FONSI) are available upon request from the Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738 or from the Burns District Web site at <http://www.blm.gov/or/districts/burns/plans/burns.php>. Notice of EA Availability is being published in the Burns Times-Herald on July 16, 2008. Interested persons are encouraged to review the documents and submit comments on the EA and unsigned FONSI to Holly Orr, Realty Specialist at the above address. Comments are due August 14, 2008.

After reviewing comments, the Bureau of Land Management will select the course of action from the alternatives and issue a Decision Record describing the road ROWs authorized to the private parcels. People commenting on the EA will automatically receive a copy of the Decision Record.

Comments, including names and street addresses, will be available for public review, however, respondents may request confidentially. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives, or officials of organizations or businesses, will be available for public inspection in their entirety.

Thank you for your interest in the management of the CMPA and the WSA.

Sincerely,

/signature on file/

Karla Bird
Andrews Resource Area Field Manager

**United States Department of the Interior, Bureau of Land Management
Steens Mountain Cooperative Management and Protection Area (CMPA)
Burns District**

**FINDING OF NO SIGNIFICANT IMPACT
CMPA Inholder Road Right-of-Way Access Environmental Assessment
OR-08-027-021
Serial Number OR-65158**

INTRODUCTION:

On December 20, 2007, a private landowner submitted an Application for Transportation and Utility Systems and Facilities on Federal Lands, SF-299, and a Right-of-Way (ROW) for three existing access routes to his private property. On February 8, 2008, he submitted a Plan of Development (POD) and a category 4 cost recovery payment to process his ROW application.

All three access routes are located within the Steens Mountain CMPA. A map of the access routes is attached as Exhibit A: Road 1 is 472.01 feet long/.34-acre; Road 2 is 2,993.007 feet long/1,394 acres; Road 3 is 4,676.19 feet long/3.22 acres; total width of each road ROW is 30 feet, 15 feet from centerline of the road; and total acres are 5.724 or 9,239.447 feet in length. Approximately one-eighth mile (660 feet) of existing Road 3 is managed as a way within Lower Stonehouse Wilderness Study Area (WSA). Ways are generally not maintained other than by passage of vehicles, with certain exceptions, one of which is associated with providing access to private inholdings.

The proposed action in the Environmental Assessment (EA) is the applicant's proposal submitted with his application and POD. The applicant is requesting the Bureau of Land Management (BLM) to authorize the ROW grant providing legal and physical access to his private property. The applicant requested use of roads on a year-round basis; the ability to upgrade the roads by applying 6 to 12 inches of pit run rock; and to maintain the roads by blading and plowing. To provide access to the private inholding on Road 3, the current Lower Stonehouse WSA way (one-eighth mile or 660 feet) would need to be extended 1,100 feet to the private property boundary a total of one-third mile or 1,760 feet. The ROW grant would include standard stipulations for roads as discussed in the EA.

SUMMARY OF THE ALTERNATIVE:

The Alternative analyses authorization of a ROW grant to provide legal and physical access as requested by the applicant; however, the BLM would provide additional stipulations concerning the upgrading and/or maintaining of the existing roads to provide reasonable access to the privately owned lands within the boundaries of the CMPA and Lower Stonehouse WSA that conforms to the Best Management Practices (BMP) in the CMPA Resource Management Plan/Record of Decision (RMP/ROD). To provide access to the private inholding on Road 3, the current Lower Stonehouse WSA way (one-eighth mile or 660 feet) would need to be extended 1,100 feet to the private property boundary a total of one-third mile or 1,760 feet.

The ROW grant would include standard stipulations for roads as discussed in the EA plus four additional stipulations that conform to the BMP in the CMPA RMP/ROD.

FINDING OF NO SIGNIFICANT IMPACT:

Implementation of the alternative would satisfy resource management goals and objectives outlined in the 2005 Steens Mountain CMPA ROD/RMP. In addition it conforms to the goals and objectives outlined in the Steens Mountain Cooperative Management and Protection Act of 2000 as well as other laws and regulations.

Based on the analysis of potential environmental impacts contained in the EA and all other information including consideration of applicant's POD, I have determined the proposed action and the alternatives analyzed do not constitute a major Federal action that would significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement is not necessary and will not be prepared.

Rationale:

This determination is based on the following:

The following critical elements of the human environment are not known to be present in the project area or affected by enacting any of the alternatives: Areas of Critical Environmental Concern, Air Quality, American Indian Traditional Practices, Cultural Heritage, Environmental Justice, Farmlands, Flood Plains, Hazardous Materials or Solid Wastes, Migratory Birds, Noxious Weeds, Paleontological Resources, Special Status Species – Fauna and Flora, Water Quality, Wetlands/Riparian Zones, Wild and Scenic Rivers, and Wilderness.

All potentially affected resources were analyzed in the attached EA specific to the alternative. The following critical and noncritical elements were analyzed: WSAs, Soils/Biological Soil Crusts/Vegetation, Lands/Realty, Transportation/Roads in CMPA, and Visual Resources/Recreation. Effects to these resources are considered nonsignificant (based on the definition of significance in 40 CFR 1508.27) for the following reasons:

Wilderness Study Area:

Only a short (one-third mile) segment of Road 3 would extend into the Lower Stonehouse WSA, of which 660 feet already exists as a way. Stipulations have been developed for the ROW to prevent unnecessary or undue land and resource degradation. Wilderness values would be protected and the WSA's suitability for designation as wilderness would be preserved.

Soils, Biological Soil Crusts, and Vegetation:

Soil surface character with respect to infiltration and runoff would not change measurably for Road 1. Maintenance of Road 2 and the existing section of Road/Way 3 outside WSA would have minimal brushing, hardening of soil surface (by grading or addition of rock material) or grading to maintain adequate drainage. Movement of water within and from Road 2 is unlikely to change much from current conditions, and excessive soil erosion is unlikely to occur. For hardened sections of this road, recovery or development of vegetation would not occur.

For the new 1,100-foot section of Road/Way 3 within WSA, no hardening with new material or mechanical maintenance would occur over 0.8-acre, and compaction from passage of vehicles would be visible as two-tracks with vegetation growing between tracks. Since the natural surface topography would remain more or less intact, and vegetation would continue to intercept precipitation, water flow patterns would not change much, and natural drainage of the road corridor would remain as it was before road establishment.

To the extent BLM and the permittee address drainage problem areas that may develop, excessive soil erosion is unlikely to occur along any of the ROW roads, or contribute cumulatively to soil loss in the ROW areas.

Lands and Realty:

The BLM would issue the ROW grant providing legal access to the applicant, with a low level of maintenance for Road 2 and Road/Way 3. The public would continue to be able to access the roads under casual use as weather and conditions allow. There would be limited upgrading and maintenance allowed on Road 2 and Road 3 in the CMPA as identified in Appendix M of the CMPA RMP/ROD 2005.

Transportation/Roads in Cooperative Management and Protection Area:

The BLM would issue the ROW grant providing legal access to the applicant. Road 1 would be changed from Level 2 maintenance to Level 3 maintenance from the county road approximately 472.01 feet. This would have little affect on the character of the area since Road 1 is such a short distance to private land, and is the ingress to a private resident. Benefits to the public would be minimal; however, the private landowner would benefit with a well-maintained road to their private resident.

Roads 2 and 3, outside the WSA, would be maintained to Level 2 maintenance from the county road. Restrictions would be placed on how these roads would be maintained to meet the minimum maintenance necessary for the landowner to reach private property. Roads 2 and 3 would possibly receive more use by the public as they discover some maintenance to these roads. A better road would allow access during wet periods such as winter and spring which currently are discouraged due to natural surface. Both the public and landowner would benefit from minimal road improvements up to where the WSA boundary begins. The portion of Road 3 within Lower Stonehouse WSA would be managed as a way and would not be improved except as already described for this alternative in the WSA section.

Visual Resources and Recreation:

The existing character of the landscape would be preserved and Class I and III Visual Resource Management objectives would be met. All of the roads currently exist except for the short (1,100 feet) extension needed at the end of Road 3. No changes to the types of recreational uses are expected to occur. Visitor encounters with the roads are expected to be very limited in duration (minutes) as they pass by either foot, horseback or vehicle.

Karla Bird
Andrews Resource Area Field Manager

Date

Cooperative Management and
Protection Area Inholder Road
Right-of-Way Access
Environmental Assessment

OR-08-027-021
Serial Number OR-65158

Bureau of Land Management
Burns District Office
28910 Hwy 20 West
Hines, Oregon 97738

July 15, 2008
Preparer: Holly Orr, Realty Specialist

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RIGHT-OF-WAY ACCESS ENVIRONMENTAL ASSESSMENT
OR-08-027-021
Serial Number OR-65158

CHAPTER I. PURPOSE AND NEED FOR ACTION

A. Introduction

On December 20, 2007, a private landowner submitted an Application for Transportation and Utility Systems and Facilities on Federal Lands, SF-299, Right-of-Way (ROW) for three existing access routes to his private property. On February 8, 2008, he submitted a Plan of Development (POD) and a cost recovery payment to process his ROW application.

All three access routes are located within the Steens Mountain Cooperative Management and Protection Area (CMPA). A map of the access routes is attached as Exhibit A: Road 1 is 472.01 feet long/.34 acre; Road 2 is 2,993.007 feet long/1,394 acres; Road 3 is 4,676.19 feet long/3.22 acres; total width of each road ROW is 30 feet, 15 feet from centerline of the road; and total acres are 5.724 acres or 9,239.447 feet in length. Approximately one-eighth mile (660 feet) of existing Road 3 is managed as a way within Lower Stonehouse Wilderness Study Area (WSA). Ways are generally not maintained other than by passage of vehicles, with certain exceptions, one of which is associated with providing access to private inholdings.

B. Purpose and Need for Action

The Bureau of Land Management (BLM) is analyzing whether or not and under what terms and conditions to issue a ROW to a private landowner for access to private inholdings within the CMPA including Lower Stonehouse WSA. The applicant is requesting an ROW in order to secure legal access through public lands to access private lands. The applicant has also requested the ability to maintain or improve roads to ensure year-round access.

1. Goals and Objectives

The goal is to provide lands, interests in lands, and authorizations for public and private uses while maintaining and improving resource values and public land administration. The objective is to meet public, private, and Federal agency needs for realty-related land use authorizations.

Steens Mountain Cooperative Management and Protection Area Resource Management Plan/Record of Decision (CMPA RMP/ROD), August 2005, pages 58-61, states ROWs are recognized as valid uses of public lands and are authorized pursuant to Sections 302 and 501 of Federal Land Policy and Management Act (FLPMA) (1976). Designation of avoidance areas (CMPA and WSA) will provide early notice to potential applicants planning ROW projects. Only facilities and uses consistent with specially designated avoidance areas are permitted. Applications for ROW in the CMPA will be processed timely on a case-by-case basis in accordance with National Environmental Policy Act (NEPA) (1969) and other applicable laws.

All three routes are located in the CMPA which was designated on October 30, 2000 by Public Law 106-399, the "Steens Act." The Steens Act, Section 112. Roads and Travel Access, e. Access to Non-Federally Owned Lands, 1. Reasonable Access states, "The Secretary shall provide reasonable access to non-Federally owned lands or interests in land within the boundaries of the Cooperative Management and Protection Area and the Wilderness Area to provide the owner of the land or interest the reasonable use thereof."

Under BLM Handbook 8550-1 – Interim Management Policy and Guidelines for Lands under Wilderness Review (IMP) (July 1995) Chapter III, Section A (3) (c), new ROWs may be approved for temporary or permanent uses that do not satisfy the nonimpairment criteria only under the following conditions, "In cases of access to non-Federal lands where the BLM has determined that application of the nonimpairment standard would unreasonably interfere with the enjoyment of the landowner's rights. In each case, the site-specific conditions involved. The BLM is required by law to provide such access as is adequate to secure to the landowner the reasonable use and enjoyment of non-Federally owned land which is completely surrounded or isolated by public lands administered under FLPMA. In determining adequate access, the BLM has discretion to evaluate such things as proposed construction methods and location, to consider reasonable alternatives (trails, alternative roads, including aerial access, and degree of development), and to establish such reasonable terms and conditions as are necessary to protect the public interest. Reasonable use and enjoyment need not necessarily require the highest degree of access, but rather could be some lesser degree of reasonable access."

2. Decision Framework

The Andrews Resource Area Field Manager is the responsible official who will decide which alternative analyzed in this document best meets the purpose and need for action based on the interdisciplinary analysis presented in the Environmental Assessment (EA). Any decision will specify the upgrade and maintenance specifications of existing roads (terms and conditions) intended to mitigate any regulatory or environmental effects.

3. Decision Factors

Decision factors are additional questions or statements used by the decision maker to choose between alternatives that best meet project goals and resource objectives. These factors generally do not include satisfying legal mandates, which must occur under all alternatives. Rather, decision factors assess, for example, the comparative cost, applicability, or adaptability of the alternatives considered. The following Decision Factors will be relied upon by the authorized officer in selecting a course of action from the range of alternatives fully analyzed that best achieves the goals and objectives of the project:

- a. Would the alternative balance the applicant's right to access his private property with the BLM's responsibility to manage the CMPA and WSA?
- b. Would the alternative have unreasonable management cost to the public in achieving the purpose and need?
- c. Does the alternative have unreasonable costs to the private landowner in achieving the purpose and need?

4. Conformance with Land Use Plans, Laws, Regulations, and Policy

The alternative has been designed to conform to the following documents, which direct and provide the legal framework and official guidance for management of BLM lands within the Burns District:

- a. Steens Mountain CMPA RMP/ROD (August 2005)
- b. Public Law 106-399, The Steens Mountain Cooperative Management and Protection Act of 2000 (October 2000), the "Steens Act"
- c. Steens Mountain Travel Management Plan (TMP) (November 28, 2007)
- d. Local Integrated Noxious Weed Control Plan (2004)
- e. IMP (1995)
- f. NEPA (42 U.S.C. 4321-4347)1970
- g. FLPMA (43 U.S.C. 1701, 1976)
- h. Code of Federal Regulations, Part 2800, ROW under FLPMA

5. Issues Considered but not Analyzed Further

An intensive inventory evaluating the presence of wilderness characteristics on BLM-administered lands in the project area. The final decision found that project area did not have wilderness characteristics present (Wilderness Review Intensive Inventory in Oregon and Washington, March 1980). In May of 2008 current conditions were reviewed and documented and no changes were identified that would modify the findings of the 1980 inventory, therefore, wilderness characteristics have been determined not to be present and this issue will not be analyzed further in this EA.

CHAPTER II. ALTERNATIVES, INCLUDING THE APPLICANT'S PROPOSED ACTION

A. No Action Alternative

The BLM would reject the ROW application in whole. The applicant would not be authorized legal access to his private land but would continue to have casual use access, the same as the general public. The applicant would not be allowed to upgrade or maintain the existing roads.

B. Applicant's Proposed Action

The BLM would authorize the ROW grant providing legal and physical access as requested by the applicant in their application and POD. The applicant would be allowed use of roads on a year-round basis; would have the ability to upgrade the roads by applying 6 to 12 inches of pit run rock; and to maintain the roads by blading and plowing. To provide access to the private inholding on Road 3, the current Lower Stonehouse WSA way (one-eighth mile or 660 feet) would need to be extended 1,100 feet to the private property boundary a total of one-third mile or 1,760 feet. The ROW grant would include the following stipulations (terms and conditions):

- a. The holder shall construct, operate, use, and maintain the roads within this ROW in conformance with the Project Description and POD contained in the ROW application submitted February 8, 2008, unless otherwise modified by the terms and conditions contained herein. Any relocation, additional construction, or use that is not in accordance with the application, POD or this grant shall not be initiated without the prior written approval of the authorized officer.
- b. All road upgrading, maintenance, and use would be confined to a maximum authorized width of 30 feet. Should road design not be adequate to contain traffic within the specified limits, additional measures including but not limited to surfacing, crowning, ditching, insloping, outsloping, and culverts may be required, as deemed necessary by the authorized officer.
- c. Should offsite erosion develop due to inadequate road design, the holder shall install erosion control structures as are suitable for the specific soil conditions being encountered and which are in accordance with sound resource management practices.
- d. All earth-moving equipment used in connection with this ROW shall be thoroughly washed down and cleaned of all mud, dirt, and vegetative debris at a location acceptable to the authorized officer. Cleaning of equipment shall be accomplished immediately prior to initial mobilization and anytime the equipment is removed and returned to the road area.

- e. The holder shall be responsible for weed prevention and control within the limits of the ROW when new surface-disturbing activities on the ROW are proposed. Prior to undertaking any weed prevention or control measures the holder shall consult with the BLM authorized officer regarding acceptable weed control methods, monitoring, reporting, and education of personnel on weed identification. Application of chemicals for control of noxious weeds or any other purpose shall be in accordance with applicable Federal and State law and shall be approved by BLM prior to application.
- f. No use of the road shall be permitted during spring breakup or other periods when the soil is too wet to adequately support traffic authorized by this grant. If such traffic creates ruts in excess of 3 inches deep, the soil shall be deemed too wet to adequately support the traffic.
- g. During conditions of extreme fire danger, construction or maintenance operations shall be limited or suspended or additional fire control measures may be required by the authorized officer. The holder shall be liable for suppression costs and rehabilitation of lands damaged by fire resulting from his use of the ROW.
- h. The holder shall minimize disturbance to existing fences, pipelines, and other improvements on public land. The holder is required to promptly repair improvements to at least their former state. Functional use of these improvements would be maintained at all times.
- i. Public access along this road would not be restricted by the holder without specific written approval being granted by the authorized officer.
- j. The holder is aware that the BLM-administered lands in the vicinity of the ROW area are available for public use and extensively managed for livestock grazing and other public land activities. The BLM, grazing permittee, and public activities may include range project construction and maintenance, vegetation manipulation, recreational activities, livestock herding, handling, and watering that may create noise, dust, and odors. These activities may be considered objectionable to residents living on adjacent private lands. The existing road was originally developed and is maintained to a minimal standard necessary to support these activities and may not be suitable for year-round residential access by low clearance passenger vehicles. Any higher standard necessary for year-round residential access is the responsibility of the holder and not that of the BLM, its permittees, or the general public who may use the road. The holder should also be aware that BLM may grant other ROWs across BLM lands and may also enter into agreements for exchange or sale of BLM-administered lands.

C. Alternative

The BLM would authorize the ROW grant providing legal and physical access as requested by the applicant; however, the BLM would provide additional stipulations concerning the upgrading and/or maintaining of the existing roads to provide reasonable access to the privately owned lands within the boundaries of the CMPA and Lower Stonehouse WSA that conforms to the best management practices in the CMPA RMP/ROD. To provide access to the private inholding on Road 3, the current Lower Stonehouse WSA way (one-eighth mile or 660 feet) would need to be extended 1,100 feet to the private property boundary a total of one-third mile or 1,760 feet. These stipulations would include b. – j. identified above in the applicant's proposed action (becoming f. – n. in the authorization grant) and the following additional terms and conditions a. – e.:

- a. Road 1 in the CMPA would be changed from a Level 2 and maintained to a Level 3 maintenance level. This level is assigned to roads opened seasonally or year-round and uses may include commercial, recreation, private property access, and administrative purposes. Typically, these roads are natural or have an aggregate surface but may include bituminous surface road. These roads have a defined cross section with drainage structures such as rolling dips, culverts or ditches and may normally be negotiated by passenger cars. Grading would be conducted to provide a reasonable level of riding comfort at prudent speeds for road conditions. Brushing would be conducted as needed.
- b. Road 2 in the CMPA and Road 3 that portion in the CMPA would be maintained to a Level 2 maintenance level. This level is assigned to roads opened seasonally or year-round and uses may include commercial, recreation, private property access, and administration purposes. Typically, these roads are passable by high clearance vehicles and maintained as needed. Seasonal closure or other restrictions may be needed to meet resource objectives or because of snow levels or other wet weather conditions. Grading would be conducted as necessary to correct drainage problems. However, no drainage concerns or grading has been identified in the past or currently for this road. Brushing would be conducted as needed. However, this road goes through an existing seeding with relatively little brush, so brushing needs would be expected to be low.
- c. The portion of Road 3 within Lower Stonehouse WSA would be managed in accordance with the guidance for ways in the Steens Mountain CMPA Transportation Plan (CMPA RMP/ROD, Appendix M). The Transportation Plan states, ways may be maintained to private inholdings; however, this maintenance should be the minimum necessary to provide for reasonable access. The existing way does not extend into the private inholding. Under this alternative the way would be extended approximately 1,100 feet into the private inholding from where it ends. The route identified avoids wet areas of concern.

- d. Under this alternative, no construction or mechanical maintenance or improvements to the portion of the way within the WSA would be authorized unless needed to provide for resource protection or safe use. To provide safe access, the extension of the way has several places where large rocks may need to be moved with large equipment followed by filling any holes with natural soil material. This would be the only improvement allowed with equipment. No other safety or resource protection concerns have been identified, so the route would likely be maintained by vehicle use in the future unless new concerns are identified. Some brushing or tree limbing may also be in the future. This work would mainly be done with hand tools (including chain saws) and the need for this work is expected to be very minimal if any, given that there are very few trees or brush along the proposed route.
- e. The holder shall construct, operate, use and maintain the roads within this ROW in conformance with the CMPA RMP/ROD, 2005, Appendix M, Transportation Plan, Best Management Practices, provided and made a part of the ROW grant. No maintenance or improvement of Roads 2 or 3 by the holder shall occur without permission from the authorized officer.

CHAPTER III. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

A. Identification of Affected Elements of the Human Environment

The Interdisciplinary Team reviewed the elements of the human environment, as required by law, regulation, Executive Order and policy, to determine if they would be affected by the applicant's proposed action or the alternative. The following table summarizes the results of that review. **Affected elements are in bold.**

Critical Elements of the Human Environment	Status	Project contributes to cumulative effects?	If Not Affected, why? If Affected, Reference Applicable EA Section, Resource Specialist, and Title
Areas of Critical Environmental Concern (ACECs)	Not Present	No	The roads are not located in an ACEC. Steve Dowlan, Natural Resource Specialist (NRS)
Air Quality (Clean Air Act)	Not Affected	No	Dust produced from upgrading, blading, plowing, or vehicle use would be short term and not measurable. Dan Ridenour, Supervisory Fuels Management Specialist
American Indian Traditional Practices	Not Present	No	A clearance was conducted in March 2008. No concerns were disclosed. Scott Thomas, Archaeologist
Cultural Heritage	Not Present	No	A clearance was conducted in March 2008. No concerns were disclosed. Scott Thomas, Archaeologist

Critical Elements of the Human Environment		Status	Project contributes to cumulative effects?	If Not Affected, why? If Affected, Reference Applicable EA Section, Resource Specialist, and Title
Environmental Justice (Executive Order 12898)		Not Affected	No	The ROW is not expected to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. Rhonda Karges, Planning and Environmental Coordinator
Farmlands (prime or unique)		Not Present	No	The roads are not located in prime or unique farmlands. William Andersen, District Range Lead
Flood Plains (Executive Order 13112)		Not Present	No	The ROW does not involve occupancy and modification of flood plains and would not increase the risk of flood loss. Steve Dowlan, NRS
Hazardous Materials or Solid Waste		Not Present	No	The Realty Specialist found no evidence of hazardous materials or solid waste during a field visit on June 5, 2008. Holly Orr, Realty Specialist
Migratory Birds (Executive Order 13186)		Not Affected	No	May be some minor disturbance during upgrading of roads but disturbance would be minimal with vehicle use to access private properties. Matt Obradovich, Wildlife Specialist
Noxious Weeds (Executive Order 13112)		Not Affected	No	Mitigated with weed stipulations that will become part of the authorized grant to the holder. Chapter 2(B)(C) Lesley Richman, Weeds Coordinator
Paleontological Resources		Not Present	No	A clearance was conducted in March 2008. No concerns were disclosed. Scott Thomas, Archaeologist
Special Status Species (SSS)- Fauna, Wildlife/ Threatened or Endangered (T/E) Species or Habitat	Fish	Not Present	No	No fish-bearing streams would be crossed, nor would any be affected by the proposed new way or authorization of the upgrading and use of existing roads. Steve Dowlan, NRS
	Wildlife	Not Affected	No	Although greater sage-grouse are known to inhabit areas near these roads, upgrading of roads and use should have no effect on the use of this area by sage-grouse. Pygmy rabbits are not known to occupy this area. No other SSS wildlife species are known to inhabit this area. Matt Obradovich, Wildlife Biologist
SSS-Flora, Plants/T&E Species or Habitat		Not Present	No	There are no SSS or T&E Plant Species known to occur at or near the proposed ROW roads or ways. Steve Dowlan, NRS
Water Quality (Drinking and Ground)		Not Present	No	No drinking water sources are near the proposed ROW roads or ways, nor are the roads or ways capable of affecting ground water. Steve Dowlan, NRS

Critical Elements of the Human Environment	Status	Project contributes to cumulative effects?	If Not Affected, why? If Affected, Reference Applicable EA Section, Resource Specialist, and Title
Wetlands/Riparian Zones (Executive Order 11990)	Not Affected	No	The proposed routes do not cross riparian areas, or influence upland surface runoff such that any riparian area would be affected. Steve Dowlan, NRS
Wild and Scenic Rivers (WSRs)	Not Present	No	There are no WSRs located in this area. Laura Dowlan, Wilderness Specialist
Wilderness/WSA	Present	Yes	There is no wilderness in the area but a part of Road 3 is in Lower Stonehouse WSA. Chapter 3 (B) (1) Laura Dowlan, Wilderness Specialist
Noncritical elements of the Human Environment present	Status (Affected/ Not Affected)	Project contributes to cumulative effects?	If Not Affected, why? If Affected, Reference Applicable EA Section, Resource Specialist, and Title
Soils, Biological Soil Crusts, (BSCs) and Vegetation	Affected	No	Chapter 3 (C) (1) Steve Dowlan, NRS
Fire Management	Not Affected	No	Mitigated with fire closure regulation stipulations that will become part of the authorized grant to the holder. Chapter 2(B)(C) Jeff Rose, Fire Ecologist
Fisheries	Not Present	No	No fish-bearing streams would be crossed, nor would any be affected by the proposed new ROW roads or ways. Steve Dowlan, NRS
Forestry/Woodlands	Not Present	No	There is no forest or woodlands in this area. Jon Reponen, Forester
Grazing Management	Not Affected	No	No affect to livestock grazing or vegetation since the roads already exist. Eric Haakenson, Rangeland Management Specialist
Lands and Realty	Affected	Yes	Chapter 3 (C) (2) Holly Orr, Realty Specialist
Minerals	Not Affected	No	No mining claims or minerals issues. Terri Geisler, Geologist
Operations (Range Lead)	Not Affected	No	BLM personnel would not be required to maintain ROWs. William Andersen, District Range Lead
Reclamation	Not Present	No	There will be no reclamation on this project. Todd Curtis, District Engineer
Recreation/Off Highway Vehicles	Affected	Yes	Chapter 3 (C) (4) Laura Dowlan, Wilderness Specialist
Social and Economic Values	Not Affected	No	There would be no measurable effects to Social and Economic Values associated with implementation of any of the alternatives. Rhonda Karges, Planning and Environmental Coordinator

Noncritical elements of the Human Environment present	Status (Affected/ Not Affected)	Project contributes to cumulative effects?	If Not Affected, why? If Affected, Reference Applicable EA Section, Resource Specialist, and Title
Transportation/Roads in CMPA	Affected	Yes	Chapter 3 (C) (3) Fred McDonald, Supervisory NRS
Visual Resource Management (VRM)	Affected	No	Chapter 3 (C) (4) Laura Dowlan, Wilderness Specialist
Wild Horses and Burros	Not Present	No	The roads are not in a Herd Management Area or Herd Area. Gary McFadden, Wild Horse and Burro Specialist
Wildlife	Not Affected	No	May be some minor disturbance to wildlife species during upgrading of roads. Disturbance from use of the road to access private land should be minimal to wildlife. Matt Obradovich, Wildlife Specialist

B. Critical Elements

1. Wilderness Study Areas

Affected Environment

The private inholding accessed by the proposed Road 3 is completely surrounded by Lower Stonehouse WSA. Lower Stonehouse WSA is approximately 7,449 acres and is located on the east face of Steens Mountain. The existing way is approximately one-eighth mile (660 feet) in length and stops approximately 1,110 feet from the private inholding.

Wilderness characteristics within WSAs include naturalness, outstanding opportunities for solitude or primitive and unconfined recreation, and presence of special features. The following definitions are from BLM Manual Handbook H-8550-1 – Interim Management Policy for Lands under Wilderness Review.

Naturalness - refers to an area which "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." *Solitude* - is defined as "the state of being alone or remote from habitations; isolation. A lonely, unfrequented, or secluded place." *Primitive and Unconfined Recreation* - is defined as nonmotorized and undeveloped types of outdoor recreation activities. *Supplemental Values* - are listed in the Wilderness Act as "ecological, geological, or other features of scientific, educational, scenic, or historical value."

Wilderness characteristics within Lower Stone House WSA are summarized below from Volume I of Oregon BLM Wilderness Study Report (October 1991).

Lower Stonehouse WSA is in a relatively natural condition. The eastern escarpment and the high plateau on the western side of the WSA provide an area with a high degree of naturalness. This east-facing escarpment is highly scenic and combines a variety of landforms, color, and vegetation. Habitat for a variety of big game, upland game birds, and other wildlife species occurs in the WSA.

Opportunities for solitude in Lower Stonehouse WSA are outstanding, especially in the drainages of the east-facing escarpment and a few places on the ridgetop where shallow drainages and small hills provide some screening. Lower Stonehouse WSA also has outstanding opportunities for primitive recreation, but they are somewhat limited by size and topography of the WSA. Hunting, day hiking, backpacking, camping, and sightseeing opportunities are available. Day hiking, backpacking, and camping are limited. Game species in the WSA include mule deer, antelope, elk, and chukars. The east rim of Steens Mountain provides spectacular views of the surrounding area including Alvord Basin and Sheepshead Mountains. The most attractive feature within the WSA is the impressive east-facing escarpment.

Special features such as scenic quality and botanical and wildlife values add to Lower Stonehouse WSA's wilderness values. The east-facing escarpment is highly scenic and combines a variety of landforms, colors, and vegetation. *Lupinus biddlei* was originally listed in the inventory report as a candidate for Federal listing as threatened or endangered, but it no longer has any special status. Greater sage-grouse are found at the upper elevations. Crucial mule deer winter range is found on the lower east-side slopes.

Environmental Consequences

No Action Alternative

No changes associated to wilderness values would be expected if current use levels and patterns continue.

Applicant's Proposed Action

Under this alternative, an existing one-eighth mile way within Lower Stonehouse WSA would be extended to one-third mile in length and the route could be graded with equipment and surfaced with gravel and the proposed location of the way extension would avoid any wet areas. Motorized vehicle use would be allowed on the road. This would create a developed road that may become a boundary should the WSA be designated as wilderness. If identified as a boundary, size of the WSA would not likely be reduced by more than the width of the ROW given the location and length of the road (see Map Exhibit A).

The improvement of Road 3 could potentially attract more motorized vehicle use by the public. Some visitors seeking a wilderness experience may feel the additional use would negatively impact their solitude and primitive and unconfined recreation experience if any encounters actually occurred. However, the portion of the WSA adjacent to the way is directly exposed to and within 1 ½ miles of the sites and sounds of vehicle traffic along East Steens County Road, so effects of this increased use would be expected to be minimal. In addition drainages identified by the 1991 Oregon BLM Wilderness Study Report as having the greatest potential for outstanding solitude, would not be affected. Effects to special features are addressed in their respective sections of this chapter.

The road would be observable as an unnatural feature both from within the WSA and outside as a graveled road. However, visitor encounters would still be expected to be brief lasting minutes as visitor pass by. The only reasonably foreseeable future action that might potentially affect wilderness values in this WSA is the completion of paving East Steens Road, the county road that accesses all three proposed ROWs. When finished, visitor use of the county road may rise, which could potentially increase public use of roads leading up toward the east face of Steens Mountain. There are no other known reasonably foreseeable actions that would contribute to effects to wilderness values in the WSA.

Given the short length of the ROW through the WSA that would be converted from a way into a road and that it would only cross a narrow strip (see Map Exhibit A) of the WSA that falls between the private inholding and other BLM lands, implementation of the proposed action is not expected to impair suitability of Lower Stonehouse WSA for preservation as wilderness.

Alternative

Same as the proposed action, however, the route would remain naturally surfaced and after the initial disturbance associated with extending the route, would be expected to have the appearance of the way. However, as an ROW, the route may still be identified as boundary should the area be designated as wilderness, but again the effects to the size of the WSA would likely be limited to the width of the ROW. Motorized vehicle use would be allowed on the route. Given that the route would remain naturally surfaced it would be expected to better blend into the surrounding area and would not be as observable as an unnatural feature until a direct encounter occurred. Such an encounter would be expected to last only minutes as visitors pass. Even with paving of East Steens Road, effects to solitude and recreation would likely be less than the applicant's proposed action if the way through the WSA is not improved to the extent it becomes more suitable for passenger cars. There are no other known reasonably foreseeable actions that would contribute to effects to wilderness values in the WSA.

C. Noncritical Elements

1. Soils, Biological Soil Crusts, and Vegetation

Affected Environment

All three access routes are in the Spangenburg-Enko-Catlow general soil series. Soil textures range from loamy sand to silty clay-loam. Potential for water erosion is low, and potential for wind erosion ranges from low to high for this soil series, as described by Natural Resource Conservation Service. Average precipitation in the ROW area ranges from 10 to 14 inches, although extremes, such as major storm events or drought years can deviate from median ranges in this area.

Access Route 1 is already well-hardened, with little or no vegetation growing on the surface. Adjacent vegetation is a Wyoming big sagebrush community, although proximity to the county road has resulted in a largely, annual grass understory. Access Routes 2 and 3 are in fire-recovery seedings composed of Wyoming big sagebrush and crested wheatgrass. Approximately 4,700 feet of Access Route 3 is clearly visible as a result of occasional vehicle passage. The remaining 1,000 feet to private land is not visible. Since use of Access Routes 2 and 3 is infrequent, vegetation is growing between and sometimes within wheel tracks, and some degree of soil decompaction occurs (usually during freeze-thaw cycles).

BSCs are highly specialized organisms that occupy nutrient-poor zones between vegetation clumps in many types of upland arid land vegetation communities, and function as living mulch by retaining soil moisture, discouraging annual weed growth, reducing wind and water erosion, fixing atmospheric nitrogen, and contributing organic material to soil fertility. The BSCs include such organisms as mosses, lichens, green algae, microfungi, and cyanobacteria. Presence and general health of BSCs is reflected in a site's soil surface stability and biological productivity, which in turn is a reflection of BSC contribution to ecological processes that support these elements. In plant communities such as the ROW area, cover by vascular plants and rocks limits interspaces where BSCs can develop. Consequently, BSCs provide only a minor (less than 2 percent cover) contribution to soil surface stability. Biological soil crusts have been eliminated in the visible tracks on all three existing routes due to soil compaction.

Environmental Consequences

No Action Alternative

Since Access Route 3 would not be extended as proposed by the ROW applicant, and existing routes would not be upgraded or maintained on a regular basis and frequency and type of use would not change, no new soil compaction would occur. Vegetation trend and soil surface stability condition would continue on the current trajectory under infrequent use, with some vegetation regrowth and decompaction occurring when roads are not in use.

Applicant's Proposed Action

Since the permittee would have the option of upgrading existing access routes and the extension of Access Route 3 by applying 6 to 12 inches of pit run rock and maintaining ROW roads by blading and plowing, road surfaces would remain compacted when not in use, and generally unavailable for vegetative establishment and regrowth or recovery of biological soil crusts. Soil surface stability on and at the margins of roads would rely on road design features and proper maintenance to avoid excessive soil erosion.

It is likely the applicant would apply new surface material only where necessary, so it is unlikely the full length and width of the ROW would be fully hardened. However, assuming the applicant did construct or maintain the full permitted ROW access route:

- For Road 1, .34-acre is already hardened and vegetation has been removed or reduced in cover. Therefore, soil surface character with respect to infiltration and runoff would not change measurably.
- For Road 2, up to 1.394 acres would be hardened and vegetation removed or reduced.
- For Road 3, up to 3.2 acres of soil surface could be hardened and vegetation removed on the existing access route. Approximately 1,100 feet of new access route construction would eliminate or reduce vegetation and compact soils over an additional 0.8-acre.

To the extent BLM and the permittee address drainage problem areas that may develop, excessive soil erosion is unlikely to occur along any of the ROW access routes, or contribute cumulatively to soil loss in the ROW areas.

Alternative

Effects to soils, biological soil crusts, and vegetation would be the same as the applicant's proposed action only for Access Route 1 (472.01 feet, or .34-acre). Maintenance of Access Route 2 and the existing section of Access Route 3 outside WSA would be less than the applicant's proposed action with minimal brushing, hardening of soil surface (by grading or addition of rock material) or grading to maintain adequate drainage. Movement of water within and from Road 2 is unlikely to change much from current conditions, and excessive soil erosion is unlikely to occur. For hardened sections of this road, recovery or development of vegetation would not occur.

For the new 1,100-foot section of Access Route 3 within WSA, no hardening with new material or mechanical maintenance would occur over 0.8-acre, and compaction from passage of vehicles would be visible as two-tracks with vegetation growing between tracks. Since the natural surface topography would remain more or less intact, and vegetation would continue to intercept precipitation, water flow patterns would not change much, and natural drainage of the road corridor would remain as it was before route establishment.

To the extent BLM and the permittee address drainage problem areas that may develop, excessive soil erosion is unlikely to occur along any of the ROW roads, or contribute cumulatively to soil loss in the ROW areas.

2. Lands and Realty

Affected Environment

There are no valid rights that currently exist on these roads. There are no other conflicting ROWs in the area. The applicant and the general public can access these roads under casual use as weather and conditions allow. There are no other access roads available.

Environmental Consequences

No Action Alternative

The applicant would have his application rejected and would be denied legal access to his private land. The public and the applicant would be able to access the roads under casual use as weather and conditions allow. The roads would not be upgraded or maintained.

Applicant's Proposed Action

The BLM would issue the ROW grant providing legal access as requested by the applicant. The public would be able to access the roads under casual use as weather and conditions allow. There would be increased access to the area.

Alternative

The BLM would issue the ROW grant providing legal access to the applicant, but a lower level of maintenance would be authorized for Road 2 and Road/Way 3 as described under the alternative. The public would be able to access the roads under casual use as weather and conditions allow. The ROW would be modified from the applicant's proposed action on that portion of Road 3 within the WSA, which is a way. There would be limited upgrading and maintenance allowed on Road 2 and Road 3 in the CMPA as identified in Appendix M of the CMPA RMP/ROD 2005.

3. Transportation/Roads in Cooperative Management and Protection Area

Affected Environment

Roads 1, 2, and 3 originate off East Steens County Road, and are open roads to the public as well as the private landowner. Within the Steens Mountain TMP, Roads 1, 2, and 3 are listed as Base Roads (Common Use Roads, CMPA Travel Management Plan Decision Map). They are also identified within the TMP as nonpaved improved roads with maintenance class Level 2. This level is assigned to roads opened seasonally or year-round and uses may include commercial, recreation, private property access, and administration purposes. Typically, these roads are passable by high clearance vehicles and maintained, as needed. Seasonal closure or other restrictions may be needed to meet resource objectives or because of snow levels or other wet weather conditions. Grading is conducted as necessary to correct drainage problems. Brushing is conducted as needed.

The current condition of Road 1 is a natural surface which leads to a private resident, thus the reason for the ROW request. Road 1 is such a short distance to private land there is probably little public use. Road 1 has a solid natural base and may have had some blading by the landowner over the past several years since it is the entrance to a private resident.

Roads 2 and 3 are also natural surface roads of the two-track variety which have vegetation growing between the two tracks. These roads also lead to private lands thus the reason for the ROW request. The BLM has not identified any past maintenance activities or future maintenance needs for either Road 2 or 3 to meet resource management or protection objectives; however, both roads are Maintenance Level 2 as described in the TMP. Roads 2 and 3 are primarily used by the general public for recreation opportunities and also by the grazing permittee for managing livestock.

Environmental Consequences

No Action Alternative

There would be no change to the current situation. The applicant would not be authorized legal access to his private land but would continue to have casual use access as weather and conditions allow - the same as the general public. Roads 1, 2, and 3 would still be maintained at Maintenance Level 2.

Applicant's Proposed Action

The BLM would authorize the ROW grant providing legal and physical access as requested by the applicant in their application and POD. The applicant would be allowed to use roads on a year-round basis; would have the ability to upgrade the roads by applying 6 to 12 inches of pit run rock; and to maintain the roads by blading and plowing.

This would change the entire character of Roads 1, 2, and 3 by upgrading to a higher standard road and a higher level of maintenance. Since Road 1 is such a short distance to private land and not used by the public as much as Roads 2 and 3, level of change would not be noticeable to the public; however, the landowner would benefit with better access to their private resident. Roads 2 and 3 would possibly receive more use by the public as they discover upgraded well-maintained roads. A better road would allow access during wet periods such as winter and spring which currently are discouraged due to the natural surface. This would benefit both the public and private landowner.

Alternative

The BLM would issue the ROW grant providing legal access to the applicant. Road 1 would be changed from Level 2 maintenance to Level 3 maintenance from the county road approximately 472.01 feet. This would have little affect on the character of the area since Road 1 is such a short distance to private land, and is the ingress to a private resident. Benefits to the public would be minimal; however, the private landowner would benefit with a well-maintained road to their private resident.

Roads 2 and 3 would be maintained to Level 2 maintenance from the county road.

Restrictions would be placed on how these roads would be maintained to meet the minimum maintenance necessary for the landowner to reach private property. Roads 2 and 3 would possibly receive more use by the public as they discover some maintenance to these roads. A better road would allow access during wet periods such as winter and spring which currently are discouraged due to natural surface. Both the public and landowner would benefit from minimal road improvements up to where the WSA boundary begins. The portion of Road 3 within Lower Stonehouse WSA would be managed as a way and would not be improved except as already described for this alternative in the WSA section.

4. Visual Resources and Recreation

Affected Environment

All three of the proposed roads fall within a VRM Class III category with the exception of the portion of Road 3 which is a way within Lower Stonehouse WSA that falls within a Class I category. Class I management objectives provide for preservation of the existing character of the landscape. This class provides for natural ecological changes but does not preclude very limited management activity. Class III objectives provide for partial retention of the existing character of the landscape. Level of change to the characteristic landscape can be moderate. Management activities may attract attention but should not dominate the view of the casual observer.

Recreational use including motorized vehicles of the existing routes is relatively low and most of this use likely occurs during the fall hunting season.

Environmental Consequences

No Action Alternative

No other changes to the landscape character would be expected under this alternative.

Applicant's Proposed Action

Very little change to the land/water component of the landscape character would occur given major excavation would not be expected on any of the roads. The grading and rocking of the roads would increase the contrast between the roads and the surrounding vegetation making linear features of the roads more observable from East Steens Road. Roads are not located near any known areas of prolonged visitor use, so the roads would likely only be observable for a short period of time (minutes) as visitors pass by or along the roads either on foot, horseback or vehicle, or from along East Steens Road as they drive by. The existing character of the landscape would still be retained in the general area as a whole and Class III objectives would be met.

Similar effects would be expected for the portion of Road 3 that falls within a Class I category. However, given the short length of the road and its distance from East Steens County Road, the existing landscape character would be preserved on lands in the general area that fall within a Class I category. There are no other known reasonably foreseeable actions that would contribute effects to Visual Resources on BLM lands.

No changes to the types of recreation opportunities (i.e., hunting, hiking, etc.) available in the project area would be expected to occur under this alternative. The improvement of the roads would slightly increase the level of developments that are observable; however, the major features associated with the recreation setting/landscape character of the area as described for visual resources above are expected to be retained. In addition to the effects addressed under WSAs, this alternative would enhance the experience of some visitors that desire improved access. The improved access may also increase recreational use of routes by motorized vehicles, but overall use would be expected to remain relatively low given roads do not access any known features that would likely attract high visitor use. Those visitors seeking a more primitive experience may prefer the road stay unimproved as proposed under the no action alternative and the alternative. Recreational use may also increase due to paving of East Steens Road, which is currently partially a gravel road. There are no other known reasonably foreseeable actions that would contribute effects to Recreation Resources on BLM lands.

Alternative

Same as applicant's proposed action for Road 1. For Roads 2 and 3, effects would be the same as the no action alternative if little or no maintenance or improvements of the roads would occur. To the extent that grading and/or graveling of the roads occur, effects would likely be the same as the applicant's proposed action. However, currently no resource protection or safety concerns have been identified for either Roads 2 or 3 as proposed under this alternative. The extension Road 3 into the WSA would slightly increase linear features, but they are not likely to be observable except upon direct encounter and would be expected to be in view for only a few minutes as visitors pass. There are no other known reasonably foreseeable actions that would contribute effects to Visual Resources on BLM lands in the project area.

No changes to the types of recreation use would be expected to occur under this alternative. Given the short length of Road 1 and that it accesses a private residence; no changes to recreation use levels or the recreation setting are expected. Given the short length of the extension of Road 3 and that it would remain a naturally surfaced route not generally suitable for passenger car; no changes to recreation use levels or the recreation setting are expected. To the extent any improvement occurs for the purposes of resource protection or safety, effects would be similar to those of the applicant's proposed action. Those visitors seeking a more primitive experience may prefer this alternative. Recreational use may still increase due to the paving of East Steens Road. There are no other known reasonably foreseeable actions that would contribute effects to recreation on BLM lands in the project area.

D. Discussion on Cumulative Effects

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 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 about past direct and indirect effects 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 basis for predicting the effects of the proposed action and its alternatives is based on the general accumulated experience of the resource professionals in the agency with similar actions.

CHAPTER IV. CONSULATION AND COORDINATION

A. List of Preparers

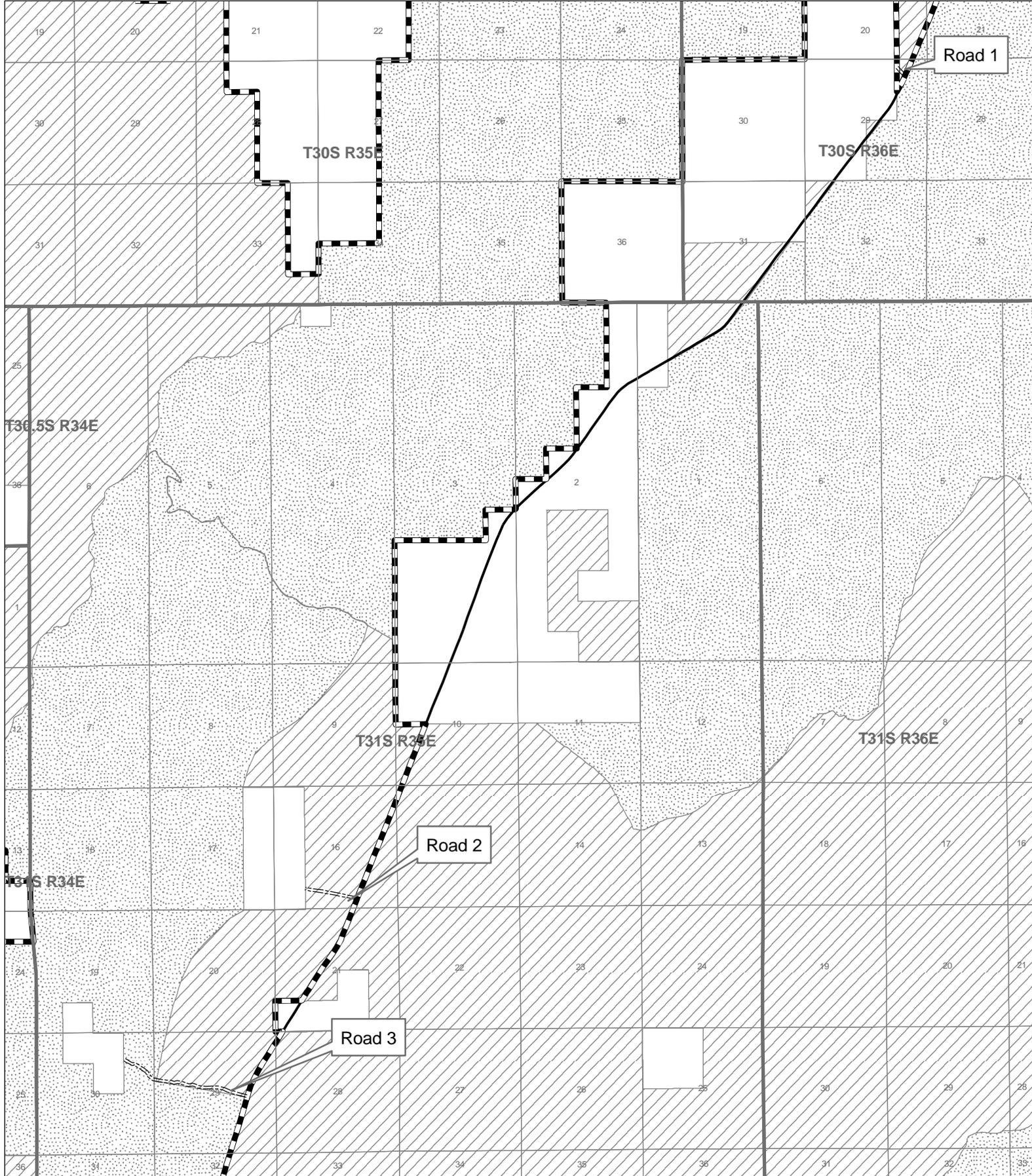
See Table of Critical and Noncritical Elements Chapter 3(A)

B. Persons, Groups, or Agencies Consulted

None.

Appendix

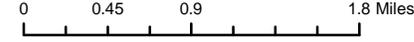
A. Map of ROW Roads (Exhibit A)



OR-65158, Exhibit A

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- OR-65128 Atkinson Road ROW
- Steens Mountain Cooperative Management and Protection Area
- Major Roads
- Land Status**
- Bureau of Land Management
- BLM Wilderness Study Area
- Private



US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon



Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification. workarea/horr/or65158_atkinson_rd_row.mxd, 06/30/2008

Ownership Boundaries are accurate within plus or minus 200 feet